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Oct 13 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County

Honorable Perry H. Gravely, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOSE MARTIN GUZMAN-PLIEGO,

APPELLANT

APPELLATE CASE NO. 2023-000263

RECORD ON APPEAL

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ATTORNEYS FOR RESPONDENT

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(There were no exhibits introduced.)

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P R O C E E D I N G S

THE CLERK: This is docket number 2022-GS-39-475 --
Start over?

THE COURT: No. That's fine.

THE CLERK: The State vs. Jose --

THE COURT: Oh, yes, for the interpreter. Yes.

THE CLERK: Would you like for me to start over?

THE INTERPRETER: Yes.

THE CLERK: This is docket number 2022-GS-39-475, the
State vs. Jose Martin Guzman Pliego, indictment for felony
DUI resulting in great bodily injury.

THE COURT: Pat, can you swear the interpreter?

THE CLERK: First?

THE COURT: Yes. That's fine.

THE CLERK: Okay. I need to swear you in first.
Sorry.

(WHEREUPON, the interpreter was sworn in.)

THE COURT: Your name for the record?

THE INTERPRETER: Paula Batory.

THE COURT: Do you need her to spell it?

THE COURT REPORTER: No, sir --

THE INTERPRETER: B-A-T-O-R-Y.

THE CLERK: This is docket number 2022-GS-39-473, the
State vs. Jose Martin Guzman Pliego, indictment for felony
DUI resulting in death.

1 Docket number 2022-GS-39-472, indictment for felony
2 DUI resulting in death.

3 Docket number 2022-GS-39-475, indictment for felony
4 DUI resulting in great bodily injury.

5 Please raise your right hand.

6 WHEREUPON,

7 JOSE MARTIN GUZMAN PLIEGO,
8 after first having been duly sworn, testified as follows:

9 THE CLERK: Thank you.

10 THE COURT: All right. Are you Jose Pliego?

11 THE INTERPRETER: Yes.

12 THE COURT: How old are you?

13 THE INTERPRETER: 31.

14 THE COURT: And how far did you go in school?

15 THE INTERPRETER: In junior high.

16 THE COURT: All right. Are you under the influence
17 of any alcohol, drugs, or medication?

18 THE INTERPRETER: No.

19 THE COURT: Do you have any health or mental issues
20 which would keep you from understanding what's going on?

21 THE INTERPRETER: No.

22 THE COURT: All right. Your case has gone to the
23 Grand Jury. You have certain Constitutional rights which
24 you are waiving by pleading guilty. They are as follows,
25 you have a right to a jury trial. You have a right to

1 make the State prove its case against you beyond a
2 reasonable doubt. And you're presumed innocent up to that
3 point. You have a right to confront all witnesses. You
4 have a right to examine all evidence. You have a right to
5 remain silent. And that means if you went to court and
6 you decided not to testify, then that cannot be used
7 against you.

8 Do you understand each of these rights?

9 THE INTERPRETER: Yes.

10 THE COURT: Do you realize you waive these rights by
11 pleading guilty?

12 THE INTERPRETER: Yes.

13 THE COURT: All right. You, also, have a right to
14 appeal your plea and your sentence. But you'd have to do
15 so in writing within 10 days.

16 Do you understand that?

17 THE INTERPRETER: Yes.

18 THE COURT: Have you had sufficient time to talk to
19 Mr. James about your case? Has he answered all your
20 questions?

21 THE INTERPRETER: Yes.

22 THE COURT: And done all the investigation which you
23 felt was appropriate?

24 THE INTERPRETER: Yes.

25 THE COURT: Are you completely satisfied with his

1 representation of you?

2 THE INTERPRETER: Yes.

3 THE COURT: All right. We have four charges here.
4 We have under 472, DUI resulting in death, which carries
5 one to 25 years. And that's a \$25,100 fine.

6 We, also, have under 473, the same charge.

7 And then we have two DUI felony driving under the
8 influence with great bodily injury, which carries up to
9 15 years and \$10,000 on each of the charges.

10 Do you understand each of these charges?

11 THE INTERPRETER: Yes.

12 THE COURT: And how do you wish to plead?

13 THE INTERPRETER: Guilty.

14 THE COURT: All right. To all four charges?

15 THE INTERPRETER: Yes.

16 THE COURT: All right. And you realize that you're
17 facing the maximum amount on each of these charges?

18 THE INTERPRETER: Yes.

19 THE COURT: Has anybody promised you anything to
20 plead guilty?

21 THE INTERPRETER: No.

22 THE COURT: Has anybody threatened you to plead
23 guilty?

24 THE INTERPRETER: No.

25 THE COURT: Are you pleading guilty freely and

1 voluntarily?

2 THE INTERPRETER: Yes.

3 THE COURT: All right. I'm going to have the
4 Solicitor read the facts of your case, so listen up.

5 MR. JOHNSON: Thank you, Your Honor.

6 On November 4th, 2021, in Pickens County, Gladys
7 Holbrook [sic] was driving her car southbound on Highway
8 123 with four passengers. This included two of her
9 great-grandchildren and two grandchildren. The passengers
10 were Cameron Michael Durham, age six; Kynsee Durham, age
11 four; and their parents, Barry Durham and Katherine
12 Rhodes.

13 The Defendant was driving home after drinking in
14 downtown Greenville. Multiple other motorists saw the
15 Defendant driving recklessly and reported it to 911.

16 At 6:51 p.m., the Defendant rear-ended the victim's
17 car, forced it over the guardrail where it, ultimately,
18 came to rest on its hood pinning and killing Gladys
19 Holbrooks and her six-year-old great-grandson, Cameron
20 Michael Durham.

21 Barry Durham suffered numerous injuries, including
22 substantial pelvic fractures. And he was life flighted
23 from the scene. His four-year-old daughter, Kynsee, broke
24 both of her -- both of her legs and suffered a spinal
25 injury causing her to suffer partial paralysis. And this

1 was in the presence of her mother, Kathryn Rhodes.

2 The speed limit in this area of the collision is
3 65 miles per hour. Information from the vehicles
4 computers revealed that the victims were driving just
5 50 miles per hour. This Defendant, on the other hand, was
6 driving a hundred miles an hour and accelerated right
7 before impact, never hitting the brakes.

8 Trooper Lagonestro [phonetic] with highway patrol,
9 who's here today, met with the Defendant who smelled of
10 alcohol, had red eyes, and admitted to drinking.

11 A search warrant was obtained for Mr. Guzman's blood
12 sample. And the sample was taken at 10:29 p.m. His blood
13 alcohol content was a .174. Assuming for a .015
14 dissipation rate, this puts Mr. Guzman's blood alcohol
15 level at a --

16 THE COURT: Slow down.

17 ~~THE INTERPRETER: Thank you.~~

18 MR. JOHNSON: Your Honor, with a .015 dissipation
19 rate, this puts Mr. Guzman's blood alcohol content at the
20 time of the crash at approximately .226.

21 And to clarify for the record, Your Honor, the
22 procedure here. Mr. James filed a motion to suppress the
23 blood evidence for a defective chain of custody. Your
24 Honor ruled that this was a motion best heard by the trial
25 judge. The State spoke with all officers and individuals

1 involved and were prepared to cure any issues with chain.
 2 This was a long discussion with Defense. And that's why
 3 we're here today.

4 And, Your Honor, the State would ask to be heard at
 5 the time of sentencing, as well as the victims -- three
 6 victims would like to speak.

7 THE COURT: All right. Mr. Pliego, you heard the
 8 facts as to how the accident happened and the -- and the
 9 basis of the charge.

10 Do you agree with that?

11 THE INTERPRETER: Yes.

12 THE COURT: And do you still wish to plead guilty?

13 THE INTERPRETER: Yes.

14 THE COURT: All right. And let me also -- I did not
 15 discuss with you that the two DUI resulting in death
 16 charges are designated as violent and serious. And
 17 violent means you would have to serve a greater percentage
 18 of any active time. It would affect your parole
 19 eligibility.

20 And the serious would be considered a strike against
 21 you. And if you receive -- and if you have three strikes
 22 against you, then you would be subject to a sentence of
 23 life without parole.

24 Do you understand -- do you understand all of this?

25 THE INTERPRETER: Yes.

1 THE COURT: And do you still wish to plead guilty to
2 these four charges?

3 THE INTERPRETER: Yes.

4 THE COURT: All right. I will accept your plea. I
5 find it's been knowingly, intelligently, and voluntarily
6 made with the advice of competent legal counsel. And that
7 there's a substantial factual basis for the plea.

8 All right. What does he have for credit of jail
9 time?

10 MR. JOHNSON: Your Honor, he has 455 days credit as
11 of today.

12 THE COURT: All right. Prior record?

13 MR. JOHNSON: Your Honor, from May 2016, he has a DUI
14 here in Pickens County. He was given a fine, which was
15 never paid. And then July of 2016, he had another DUI --

16 THE COURT: Slow down.

17 MR. JOHNSON: Oh, sorry.

18 THE INTERPRETER: It was a DUI in '16?

19 MR. JOHNSON: A DUI in 2016, May of 2016. And later
20 that same year, he picked up a DUI in Greenville. Again,
21 he was sentenced to a fine, which he never paid.

22 THE INTERPRETER: That he never paid?

23 MR. JOHNSON: He was sentenced to a fine on the
24 second DUI and was given a sentence -- or he was fined.
25 And he never paid the fine. And a driving under

1 suspension.

2 And, Your Honor, he does have an ICE hold.

3 THE COURT: Recommendations?

4 MR. JOHNSON: Your Honor, the State is requesting
5 consecutive sentences in this case. I've never asked for
6 it, but I thought a case like this demands it. Mr. Guzman
7 took two lives and tragically altered many others.
8 Specifically, the surviving victims, Barry and Kynsee, are
9 going to have difficulty walking for the rest of their
10 lives.

11 And, Your Honor, asking for a sentence like that
12 that's that severe, I think it's important to recognize
13 that this DUI is not a typical DUI where tragedy happens
14 to strike. The difference is the intentionality that we
15 see here. This man decided to drive while being almost
16 three times the legal limit, accelerating over 100 miles
17 an hour on a highway during rush hour.

18 Your Honor, this Defendant has been given a second
19 chance and a third chance --

20 THE COURT: Slow down.

21 MR. JOHNSON: He doesn't deserve a fourth. I believe
22 this Defendant deserves the maximum sentences and for them
23 to run concurrent -- consecutively.

24 THE COURT: All right. And what -- Mr. James, just
25 to let you know, my plan is that I want to hear from the

1 victims, hear everything from the State. And then I'll
2 hear everything you want to tell me.

3 MR. JAMES: Thank you, Your Honor.

4 MS. KATHRYN RHODES: Okay. My name's Kathryn
5 Ray [phonetic] Rhodes.

6 THE COURT: Hold on just a minute.

7 Go ahead. Sorry. Go ahead.

8 MS. KATHRYN GREGORY: My name's Kathryn Ray Rhodes.

9 On November 4th, 2021, the Defendant chose to get
10 behind the wheel of his vehicle and drive a hundred miles
11 an hour --

12 THE COURT: Okay. Since we do have an interpreter,
13 I'm going to have to slow you down, too. Sorry about
14 that.

15 MS. KATHRYN RHODES: Down Highway 123, even after
16 being charged with DUI not only one, but two times before
17 this. And as a result of his poor judgment, our entire
18 family has suffered since losing two of the most precious
19 and innocent people we've ever known. But as parents --

20 THE COURT: Hold on.

21 MR. JOHNSON: And, Your Honor, she does have a
22 transcript of all --

23 THE COURT: Okay. I'm sorry.

24 MS. KATHRYN RHODES: Barry and myself have been
25 robbed of watching our first born son -- our first born

1 and only son grow up or reach any of the milestones that
2 go along with it. The absolute hardest thing has been
3 having to witness our four-year-old daughter grieve losing
4 her big brother after being inseparable for her entire
5 life.

6 We hear I miss my brother and Granny 10 to 20 times a
7 day and probably more. Our pain is forever. And we ask
8 that the max sentence is allowed because he already had
9 chances before this.

10 MR. JOHNSON: And there's two other victims, Your
11 Honor.

12 THE COURT: Thank you.

13 I'm sorry for your loss.

14 VICTIM ADVOCATE CASSIDY THOMAS: Your Honor, victim
15 advocate, Cassidy Thomas.

16 I'm going to read a statement from Donna Leamey.

17 On November 4th, 2021, Mr. Guzman tragically altered
18 our lives. He removed a six-year-old boy from his loving
19 parents arms. They'll never get to watch him grow up.
20 They'll never get to hug him or tuck him in again.
21 They'll never see him laugh or smile again on this earth.

22 He was a joy to this family, always telling stories
23 and cracking people up. He was his baby sister's best
24 friend. Now, she'll be deprived of growing up with him by
25 her side.

1 He ripped a mother, grandmother, and
2 great-grandmother from her family. Our -- our granny was
3 the cornerstone of our family. Everyone turned to her for
4 advice, laughs, help, and most of all, her unconditional
5 love. We haven't been the same since losing her. At
6 Thanksgiving and Christmas, her favorite holidays, we now
7 struggle to find joy.

8 Every time we hear something she'd find
9 interesting --

10 THE INTERPRETER: Excuse me. I'm just a little bit
11 behind you.

12 VICTIM ADVOCATE CASSIDY THOMAS: Find interesting or
13 find funny, we think of her. Sometimes, we even reach for
14 our cell phone to call her. But she's not there anymore.

15 Not a day goes by that we don't miss them. We have
16 nightmares and intrusive thoughts about what their last
17 minutes were like. Their loss has been so traumatic for
18 our family. We will never be the same.

19 We ask that the Judge honors the request of a
20 maximum -- maximum sentence.

21 Thank you, Donna.

22 MS. TAMMY DURHAM: My name is Tammy Durham.

23 Michael and myself, parents and grandparents, and son
24 of the victims. We request that this man receive the
25 maximum sentence. That the State of South Carolina allows

1 for the third offense of DUI that this time resulted in
2 two counts of death and two counts of great bodily injury.
3 We do not request this out of vengeance, but out of
4 justice for our six-year-old grandson, for our
5 four-year-old grandmother -- granddaughter -- I'm sorry --
6 our son and our mother and grandmother.

7 By God's grace, I have forgiven this man. And I pray
8 for him. But there's consequences for all bad choices.
9 Our hearts have two empty places and multiple recurring
10 wounds every day as we watch our granddaughter limp and
11 oftentimes fall when playing because of injuries sustained
12 in the wreck.

13 We hear her repeatedly speaking the words, I miss my
14 brother. And I want this one because it's pink and blue.
15 Pink for me and blue for my brother. No one can
16 understand what our daughter-in-law faces every day and
17 see the hurt and emptiness because their little man has
18 been taken from them.

19 My son as well limps and suffers with physical pain,
20 also. Our family circle is broken --

21 THE INTERPRETER: Excuse me--

22 MS. TAMMY DURHAM: -- not by an accident, but by
23 selfish --

24 THE COURT: Hold on. I'm sorry.

25 THE INTERPRETER: Excuse me.

1 THE COURT: And I'm sorry. We have to make sure
2 the...

3 All right. You may proceed.

4 MS. TAMMY DURHAM: Our family circle is broken not by
5 an accident, but by a selfish negligent act. Our
6 holidays, family gatherings, and many days are very hard
7 and full of hurt as we think of our little man's smiling
8 face, his hick country accent, and his big squishy hugs
9 and kisses, and granny's funny ways, her loving heart, and
10 helping hands.

11 We feel like this man has laughed and kicked the
12 State of South Carolina justice system because twice he
13 slid through it with no consequences and no remorse as he
14 continued to do the same thing a third time, drinking and
15 driving. We ask that he be kept off the road and in jail
16 so the remainor of our family and other families, as well
17 as himself, can be safe for as long as the law and the
18 justice will allow.

19 THE COURT: Thank you all for being here.

20 I know it's been very difficult. And I know it makes
21 it more difficult when you're having to read that with an
22 interpreter.

23 So thank you for your patience.

24 And I'm sorry for your loss.

25 Anything else from the State?

1 MR. JOHNSON: Nothing further from the State, Your
2 Honor.

3 THE COURT: All right. Mr. James, I'll be glad to
4 hear from you.

5 MR. JAMES: May it please the Court, Your Honor.
6 Ryan James on behalf of Mr. Guzman.

7 Obviously, I stand in a very difficult pair of shoes
8 to not only fit in, but wear --

9 THE COURT: You're going to have to slow down, too.

10 MR. JAMES: My apologies.

11 First and foremost, I am a man of faith. And I'm
12 compelled to extend my deepest of condolences to the
13 family. This is never easy for either side, or either
14 party, or the State.

15 With that said, Your Honor, I realize how futile any
16 attempts by myself to attempt to reconcile would be. In
17 the same breath, Your Honor, I am sworn to a duty by the
18 State of South Carolina to zealously represent my client's
19 interests. And I do so feverishly and with the upmost
20 zeal in an attempt to persuade the bench that Mr. Guzman
21 is not a devil. He's not an evil person. He was simply a
22 man of poor choice.

23 Your Honor, there are two primary factors that I will
24 raise for the purpose of mitigation. And Mr. Guzman has
25 maintained this position throughout that at the moments

1 just before impact, there was a third vehicle in front of
2 Ms. Holbrooks vehicle. Both parties attempted to change
3 lanes to go around this individual. And there simply
4 wasn't enough time for Mr. Guzman to correct as he did not
5 expect Ms. Holbrooks to change lanes at the time that she
6 did.

7 With that said, Your Honor, in no way, shape, or form
8 is this an attempt or an intent by me to deflect from
9 responsibility or accountability. It's simply to advise
10 the Court that there is, in his eyes, a mitigating
11 circumstance from a scientific perspective. In other
12 words, that this was not 100 percent his own doing.
13 Putting the alcohol aside from a scientific perspective
14 that this collision was the result of simultaneous
15 unexpected movement by both vehicles.

16 As I've had an opportunity to go through discovery,
17 ~~photographs, we hired Matt Sims, with whom I'm sure this~~
18 Court's very familiar, who was, also, previously a MAIT
19 representative, as well as Jody Black, who were
20 Mr. Guzman's investigators.

21 And once we realized scientifically where we were
22 with this case, it did seem to lend credibility to the
23 idea that Mr. Guzman observed some unexpected movement
24 from Ms. Holbrooks car at the point of impact. And,
25 again, that is not an attempt to deflect. It's simply

1 helping the Court understand the signs of this unfortunate
2 incident.

3 Your Honor, there was no malice on the part of
4 Mr. Guzman. There was no premeditation on the part of
5 Mr. Guzman. I previously heard the word intent thrown out
6 there. There was no intent by Mr. Guzman to cause this
7 tragic event to occur.

8 Sure, by his own admission, he did attend that
9 restaurant where his girlfriend worked. He did consume a
10 beverage or two, clearly, by the blood alcohol, which I'll
11 reference here in a moment. But, again, he has by his own
12 admission day after day expressed upmost gratitude -- I'm
13 sorry, upmost remorse in this situation. And it has
14 created a scenario where I must bring these things to the
15 Court's attention in order to fully serve my client.

16 Number two, Your Honor, and as was previously alluded
17 to by Mr. Johnson, in June of 2022 after quite lengthy
18 discussions with Mr. Sims as well as Mr. Black, we filed a
19 motion to suppress the blood evidence in this matter.

20 As I watched the video, there was another trooper
21 involved, Trooper Robertson. Trooper Robertson at one
22 point asks Sergeant Lagonestro -- if I'm pronouncing it
23 incorrectly, please don't hesitate -- if we should
24 inventory the vehicle. At which point, Sergeant
25 Lagonestro responds, No, we can't do any of those things

1 yet, which -- and I'll get back to the blood here -- gave
2 me the impression that, perhaps, Trooper Robertson hadn't
3 quite experienced a situation like this before.

4 Why do I say that? At 10:29, Your Honor, on the date
5 in question, there is video evidence of Mr. Guzman's blood
6 being taken by a certified nurse at a Prisma Health
7 facility. Said blood then being turned over to Mr. --
8 Trooper Robertson for transport.

9 The issue we have, Your Honor, is that while Trooper
10 Lagonestro signs off at the -- or -- sorry, Trooper
11 Robertson signs off at the hospital, we have no
12 documentation whatsoever of where that blood was until
13 5:54 in the morning when it turns up at SLED. The
14 transfer of the blood, if you will, between Troopers
15 Lagonestro and Robertson is not documented. We don't have
16 it anywhere in discovery.

17 ~~Furthermore, there is no signed documentation at SLED~~
18 to show that this blood was taken into property and
19 evidence by an agent at SLED. In fact, what we received,
20 instead, was a printed computer document with Trooper
21 Lagonestro's computer printed name on it and not a
22 signature. In other words, it was typed.

23 THE COURT: Isn't all that moot now with a guilty
24 plea?

25 MR. JAMES: Understood, Your Honor. I'm just --

1 again, I'm trying to mitigate the circumstances. I
2 understand.

3 With that said, Your Honor, we would ask for a
4 concurrent sentence. I think the word to focus on is
5 mercy. Understanding, as I mentioned, no malice,
6 premeditation, or intent. And we would ask this Court to
7 split the bit on the maximums falling between that 10 and
8 12 and half year concurrent with the other pleas that --
9 that my client has pled guilty to today.

10 And with that said, Your Honor, I would conclude
11 my -- my remarks.

12 THE COURT: Mr. Guzman, I'd like to hear from you.

13 THE INTERPRETER: I'm very sorry for what happened.
14 I -- I never intentionally wanted to hurt anyone. I
15 understand that what happened is my responsibility. But
16 I -- I -- it was -- I never wanted to hurt anyone. And
17 I'm very, very sorry for the families loss.

18 It's not -- it's not only a loss for their family,
19 but it's, also, a loss for my family. Because I have
20 children and I have a father. And I'm not going to be
21 able to be with them.

22 THE COURT: Thank you.

23 All right. Anything else, Mr. James?

24 MR. JAMES: No, Your Honor -- oh, just that other
25 than -- pardon me. Other than the previous DUIs,

1 Mr. Guzman has no other record that I'm aware of.

2 THE COURT: This is a very tragic matter. I know
3 that it's something very difficult and impossible for
4 families to overcome. One thing, though, is that I'm very
5 glad that we were able to resolve this by way of a plea so
6 that y'all did not have to go through a trial. And I am
7 taking that into some consideration.

8 So on the DUI resulting in death, these are going to
9 be consecutive. And I'm going to give him 18 years on
10 each of those to be consecutive. So that will be a total
11 of 36 years. On the DUI felonies, those will be 10 years
12 each concurrent.

13 MR. JAMES: So if I understand, Your Honor, 36 total?

14 THE COURT: Yeah, 36 total.

15 Good luck to you, Mr. Guzman.

16 Good luck to the family.

17 *****END OF TRANSCRIPT OF RECORD*****

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CERTIFICATE OF REPORTER

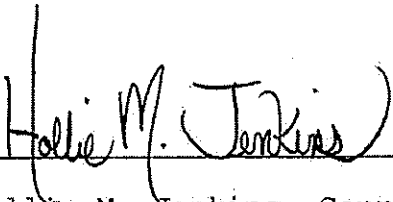
STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the captioned case, relative to appeal, in the Court of General Sessions for Pickens County, South Carolina, on the 2nd day of February, 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

June 12, 2023



Hollie M. Jenkins, Court Reporter

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
) FOR THE THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF PICKENS)

2023 FEB - 7 AM 11:25

State of South Carolina,) Warrant Nos.: 20212350692512, 92513, 92514,
Plaintiff,) 92515, 92516

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

MOTION TO RECONSIDER
SENTENCE

v.)

Jose Martin Guzman,)
Defendant.)

TO: Assistant Solicitor Seth Johnson, Esq.

YOU WILL PLEASE TAKE NOTICE that as soon as counsel may be heard before the Honorable Judge, the Defendant will move, through his Attorney Ryan James, to request the Court reconsider the sentence imposed on Thursday February 2, 2023.

The Defendant pled guilty to two counts of Felony DUI with Death times two and Felony DUI with bodily injury times two and was sentenced to 18 years for each death. It was further ordered that these sentences run consecutively, despite defense's argument for concurrent.

During mitigation argument, Counsel for Defendant informed the Court that it previously refused to hear a Motion on behalf of Defendant to suppress blood evidence due to what Defendant believed to be a break in the custody. Because that Motion was not heard, Defendant was encouraged to plead to the aforementioned. Had the Motion been heard and the blood deemed inadmissible, Defense would have considered negotiating a plea to reckless vehicular homicide SECTION 56-5-2910, carries a maximum of ten years. Furthermore, Defense believes the thirty-six year sentence to be unduly harsh considering the only criminal convictions on Defendant's record are two prior DUI's, and no violent or serious offenses whatsoever.

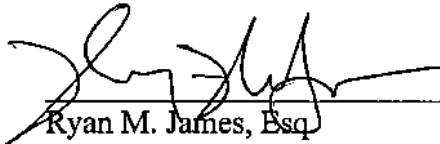
This Defendant, Jose Guzman, is incarcerated at the Pickens County Detention Center until such time as the Department of Corrections places him in their custody. This notice is a

formal request for the Assistant Solicitor to have the above-named Defendant transported to the necessary Court House at the appropriate time when a hearing can be scheduled with all parties involved.

CERTIFICATE OF SERVICE

I HEREBY certify that a true copy of the foregoing has been furnished by hand or by U.S. mail to Seth Johnson, Esq. at the Office of the Solicitor for the 13th Judicial Circuit, 214 E. Main St. #B220, Pickens, SC 29671

Respectfully Submitted,



Ryan M. James, Esq.
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2023 FEB -7 AM 11:26
CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA

COUNTY OF PICKENS

2023 FEB 21 PM 12: 56

THE STATE OF SOUTH CAROLINA
CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

vs.

JOSE MARTIN GUZMAN,
Defendant.

IN THE COURT OF GENERAL SESSIONS
FOR THE THIRTEENTH JUDICIAL
CIRCUIT

WARRANT NO. 20212350692512, 92513,
92514, 92515, 92516.


**ORDER DENYING MOTION TO
RECONSIDER SENTENCE**

This matter comes before the Court on the Defendant's Motion To Reconsider Sentence. On February 2, 2023, Defendant pleaded guilty to two counts of Felony Driving Under The Influence With Death and two counts of Felony Driving Under The Influence With Great Bodily Injury. Defendant was thereafter sentenced to 18 years on each count of Felony DUI with Death to be served consecutively and 10 years on each count of Felony DUI with Great Bodily Injury to be served concurrently for a total sentence of 36 years.

Defendant now moves for reconsideration on the basis that, one, the sentence was unduly harsh as it ignored Defendant's request for concurrent sentences; and two, that the Court failed to consider an alleged break in custody of the blood evidence which Defendant previously moved to suppress on June 21, 2022.

The Judge has reviewed the matter and finds that no hearing is necessary to consider Defendant's Motion. Further, the Court finds that the Defendant has not submitted sufficient basis for a reconsideration of the sentence imposed by the Court and therefore, the Motion to Reconsider is respectfully denied. .

It is so Ordered.



Perry H. Gravely
Thirteenth Judicial Circuit

February 16, 2023
Pickens, South Carolina

WITNESSES

Michael Laginestra

11/4/2021

ARREST WARRANT NUMBER
20212350692512

ACTION OF GRAND JURY

TRUE BILL
Date: MAR 08 2022
08 FEB 2022

Foreperson of Grand Jury

VERDICT



Foreperson of Petit Jury

Date:

DOCKET NO. 2022-GS-39-SRJ

0472

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

MAR 08 2022 TERM 2022

THE STATE

vs.

JOSE MARTIN GUZMAN PLIEGO

Indictment for

0395

FELONY DUI (RESULTING IN DEATH)

VIOLATION § 56-05-2945(A)(2)

RECEIVED

Feb 23 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
FELONY DUI (RESULTING IN DEATH)

At a Court of General Sessions, convened on

MAR 08 2022

the Grand Jurors of Pickens

County present upon their oath:

That JOSE MARTIN GUZMAN PLIEGO did in Pickens County, on or about the 4th day of November, 2021, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of both, and did an act forbidden by law and/or neglected a duty imposed by law, to wit: the defendant struck the victim's vehicle from behind, causing the vehicle to run off the roadway and overturn, which acts and/or neglect proximately caused the death of CAMERON DURHAM. This is in violation of §56-5-2945 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Shirley Osborn 77891
SOLICITOR BAR #103202

RECEIVED

Feb 23 2023

SC Court of Appeals

0473

DOCKET NO. 2022-GS-39-SRJ

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

MAR 08 2022 TERM 2022

THE STATE

vs.

JOSE MARTIN GUZMAN PLIEGO

Indictment for

0395

FELONY DUI (RESULTING IN DEATH)

VIOLATION § 56-05-2945(A)(2)

WITNESSES

M. Laginestra

South Carolina Highway Patrol

11/4/2021

ARREST WARRANT NUMBER

20212350892513

ACTION OF GRAND JURY

TRUE BILL, MARK
Dated 8 FEB 2023

Foreperson of Grand Jury

VERDICT



Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
FELONY DUI (RESULTING IN DEATH)

At a Court of General Sessions, convened on
County present upon their oath:

MAR 08 2022

the Grand Jurors of Pickens

That JOSE MARTIN GUZMAN PLIEGO did in Pickens County, on or about the 4th day of November, 2021, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of both, and did an act forbidden by law and/or neglected a duty imposed by law, to wit: the defendant struck the victim's vehicle from behind, causing the vehicle to run off the roadway and overturn, which acts and/or neglect proximately caused the death of GLADYS HOLBROOKS. This is in violation of §56-5-2945 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Shirley J. Odum 77891
SOLICITOR BAR # 403202

RECEIVED
Feb 23 2023
SC Court of Appeals

DOCKET NO. 2022-GS-39-0474
SRJ
The State of South Carolina
County of Pickens

COURT OF GENERAL SESSIONS
MAR 08 2022 TERM 2022

THE STATE
vs.
JOSE MARTIN GUZMAN PLIEGO

Indictment for
0406
FELONY DUI (RESULTING IN GREAT BODILY INJURY)
VIOLATION § 56-05-2945(A)(1)

WITNESSES

M. Laginestra
South Carolina Highway Patrol

11/4/2021

ARREST WARRANT NUMBER
20212350692514

ACTION OF GRAND JURY

MARK
08 FEB 2022
TRUE BILL
Date
Foreperson of Grand Jury

VERDICT



Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
FELONY DUI (RESULTING IN GREAT BODILY INJURY)

At a Court of General Sessions, convened on **MAR 08 2022** the Grand Jurors of Pickens
County present upon their oath:

That JOSE MARTIN GUZMAN PLIEGO did in Pickens County, on or about the 4th day of November, 2021, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of both, and did an act forbidden by law and/or neglected a duty imposed by law, to wit: the defendant struck the victim's vehicle from behind causing the vehicle to run off the roadway and overturn, which acts and/or neglect proximately caused great bodily injury to KYNSEE DURHAM. This is in violation of §56-5-2945 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Shirley J. Coker 77891
SOLICITOR BAR #103202

RECEIVED
Feb 23 2023
SC Court of Appeals

DOCKET NO. 2022-GS-39-
SRJ **0475**
The State of South Carolina
County of Pickens

COURT OF GENERAL SESSIONS

MAR 08 2022 TERM 2022

THE STATE

vs.

JOSE MARTIN GUZMAN PLIEGO

Indictment for

0406

FELONY DUI (RESULTING IN GREAT BODILY
INJURY)

VIOLATION § 56-05-2945(A)(1)

WITNESSES

Michael Laghezza

South Carolina Highway Patrol

11/4/2021

ARREST WARRANT NUMBER

20212350692516

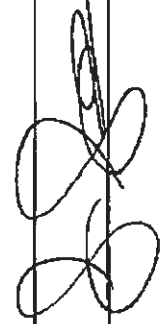
ACTION OF GRAND JURY

MARK
08 FEB 2022

TRUZE BOLA

Date: Foreperson of Grand Jury

VERDICT



Foreperson of Petit Jury

Date:

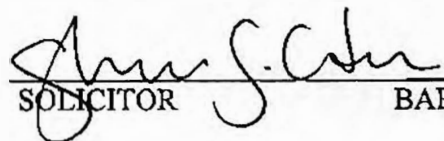
STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
FELONY DUI (RESULTING IN GREAT BODILY INJURY)

At a Court of General Sessions, convened on **MAR 08 2022** the Grand Jurors of Pickens
County present upon their oath:

That JOSE MARTIN GUZMAN PLIEGO did in Pickens County, on or about the 4th day of November, 2021,
drive a motor vehicle while under the influence of alcohol, drugs, or a combination of both, and did an act
forbidden by law and/or neglected a duty imposed by law, to wit: the defendant struck the victim's vehicle from
behind, causing the vehicle to run off the roadway and overturn, which acts and/or neglect proximately caused
great bodily injury to BARRY DURHAM. This is in violation of §56-5-2945 of the South Carolina Code of
Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

 77891
SOLICITOR BAR # 103202-

RECEIVED

STATE OF SOUTH CAROLINA

Feb 23 2023 IN THE COURT OF GENERAL SESSIONS

COUNTY OF Pickens

SC Court of Appeals

STATE

VS.

INDICTMENT/CASE#: 2022 - GS - 39 - 00472

Jose Martin Guzman Pliego

AW#: 20212350692512

AKA:
Race: HISPANIC Sex: M Age: 31
DOB: 91 SS#:
Address: Red Rose Ln
City, State, Zip: Seneca, SC 29672
DL#: SID#:

Date of Offense: 11/4/2021
S.C. Code § 56-05-2945(A)(2)
CDR Code #: 0395

1-25 years + \$10,100-25,100
SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Dui / Dui Resulting In Death

in violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. MGP (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:
Johnson, Seth 103202 SC Bar #
Defendant
JAMES, RYAN 101763 SC Bar #
Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Correction, County Detention Center,

for a determinate term of 18 days/months/years/Time Served Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

The sentence shall run
CONCURRENT or CONSECUTIVE to sentence on: 2/2/23

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by
SCDOC. 455 (days/months)

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or
§ 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jose Martin Guzman Pliego INDICTMENT/CASE#: 2022 - GS - 39 - 00472

SPECIAL CONDITIONS:

- PTUP** after _____ months/years
- And Other Terms Listed Below:**
- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

- RESTITUTION:** Deferred Def. Waives Hearing Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5 %)				\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100			\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100			\$ 100.00
§56-5-2995 (DUI Assessment)	\$12			\$ 12.00
§56-1-286 (DUI Breath Test)	\$25			\$ 25.00
§14-1-212 (Law Enforce. Funding)	\$25			\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150			\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41			\$ _____
§50-21-114(BUI Breath Test Fee)	\$50			\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea			\$ _____
3% to County (if paid in installments)	TBD			\$ 2.86
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500			\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD			\$ _____
TOTAL			\$	269.86

Clerk of Court/ Deputy Clerk: _____
Court Reporter: _____

Harold P. Wells
Hollie Jenkins

Presiding Judge: _____
Judge Code: _____
Sentence Date: _____

Tim Whaley
27550
2/2/2023

RECEIVED

Feb 23 2023

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

COUNTY OF Piensa

SG Court of Appeals

STATE

VS.

INDICTMENT/CASE#: 2022 - GS - S9 - 00473

Jose Marti n Guman Pliego

AW#: 20212350692513

AKA:

Date of Offense: 11/4/2021

Race: HISPANIC Sex: M Age: 31

S.C. Code § 56-05-2945(A)(2)

DOB: 91 SS#: _____

CDR Code #: 0395

Address: Red Rose Ln

City, State, Zip: Seneca, SC 29672

DL#: _____ SID#: _____

1-25 years + \$10,100 - \$25,100
SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Dui / Dui Resulting In Death

in violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandat ory GPS \$17 -25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. JUGP (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

[Signature]
Johnson, Seth

103202
SC Bar #

[Signature]
Defendant

[Signature]
JAMES, RYAN
Attorney for Defendant

101763
SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Correction, County Detention Center,

for a determinate term of 18 days/months/years/Time Served Youthful Offender Act not to exceed ___ years
and/or to pay a fine of \$ _____; provided that upon the service of ___ days/months/years/Time Served and or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on: 2/2/23

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 455 (days) months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jose Martin Guzman Pliego INDICTMENT/CASE#: 2022 - GS - S9 - 00473

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION: **Deferred** **Def. Waives Hearing** **Ordered**

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5 %)				\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100			\$ <u>100.00</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100			\$ <u>100.00</u>
§56-5-2995 (DUI Assessment)	\$12			\$ <u>12.00</u>
§56-1-286 (DUI Breath Test)	\$25			\$ <u>25.00</u>
§14-1-212 (Law Enforce. Funding)	\$25			\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150			\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41			\$ _____
§50-21-114(BUI Breath Test Fee)	\$50			\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea			\$ _____
3% to County (if paid in installments)	TBD			\$ <u>7.86</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500			\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD			\$ _____
TOTAL				\$ <u>269.86</u>

Clerk of Court/ Deputy Clerk:
Court Reporter:

Sherrill P. Wells
Hollie Jenkins

Presiding Judge:
Judge Code:
Sentence Date:

Kim W. Smith
27551
2/21/2023

RECEIVED

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Pickens

Feb 23 2023

STATE

SC Court of Appeals

VS.

INDICTMENT/CASE#: 2022 - GS - 39 - 00474

Jose Martin Guzman Pliego

A/W#: 20212350692514

AKA:

Date of Offense: 11/4/2021

Race: HISPANIC Sex: M Age: 31

S.C. Code § 56-05-2945(A)(1)

DOB: 91 SS#: _____

CDR Code #: 0406

Address: Red Rose Ln

City, State, Zip: Seneca, SC 29672

DL#: _____ SID#: _____

30 days - 15 years + \$5k-10k
SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: DUI/FELONY DRIVING UNDER THE INFLUENCE, GREAT BODILY INJURY

in violation of § 56-05-2945(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0406

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. LMGP (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

[Signature]
Johnson, Seth

103202
SC Bar #

[Signature]
Defendant

[Signature]
JAMES, RYAN
Attorney for Defendant

101763
SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Correction, County Detention Center,

for a determinate term of 10 days/months/years/Time Served Youthful Offender Act not to exceed ___ years and/or to pay a fine of \$ _____; provided that upon the service of ___ days/months/years/Time Served and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on: 2/2/23

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 455 (days/months)

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jose Martin Guzman Pliego INDICTMENT/CASE#: 2022 - GS - 39 - 00474

SPECIAL CONDITIONS:

- PTUP after _____ months/years
- And Other Terms Listed Below:**
- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

- RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5 %)				\$ _____
§14-1-211(A)(1) (Conv. Surcharge)		\$100		\$ <u>100.00</u>
§14-1-211(A)(2) (DUI Surcharge)		\$100		\$ <u>100.00</u>
§56-5-2995 (DUI Assessment)		\$12		\$ <u>12.00</u>
§56-1-286 (DUI Breath Test)		\$25		\$ <u>25.00</u>
§14-1-212 (Law Enforce. Funding)		\$25		\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)		\$150		\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41		\$ _____
§50-21-114(BUI Breath Test Fee)		\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea		\$ _____
3% to County (if paid in installments)		TBD		\$ <u>7.80</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.		\$500		\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD		\$ _____
TOTAL				\$ <u>269.80</u>

Clerk of Court/ Deputy Clerk:
Court Reporter:

Harold P. Welch
Hollie Jenkins

Presiding Judge:
Judge Code:
Sentence Date:

Danny A. Hardy
27575
2/24/2023

RECEIVED

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Pickens

Feb 23 2023

STATE

SC Court of Appeals

VS.

INDICTMENT/CASE#: 2022 - GS - 39 - 00475

Jose Martin Guzman Pliego

AW#: 20212350692515

AKA:

Date of Offense: 11/4/2021

Race: HISPANIC Sex: M Age: 31

S.C. Code § 56-05-2945(A)(1)

DOB: 91 SS#:

CDR Code #: 0406

Address: Red Rose Ln

City, State, Zip: Seneca, SC 29672

DL#: SID#:

30 days - 15 work + \$ 5-10k
SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: DUI/FELONY DRIVING UNDER THE INFLUENCE, GREAT BODILY INJURY

in violation of § 56-05-2945(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0406

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. JMGP (def.'s Initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

[Signature] 103202
Johnson, Seth SC Bar #

[Signature]
Defendant

[Signature] 101763
JAMES RYAN SC Bar#
Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Correction, County Detention Center,

for a determinate term of 10 days/months/years Time Served Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on: 2/2/23

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 455 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jose Martin Guzman Pliego INDICTMENT/CASE#: 2022 - GS - 39 - 00475

SPECIAL CONDITIONS:

- PTUP** after _____ months/years
And Other Terms Listed Below:
- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION: **Deferred** **Def. Waives Hearing** **Ordered**

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5 %)				\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100			\$ <u>100.00</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100			\$ <u>100.00</u>
§56-5-2995 (DUI Assessment)	\$12			\$ <u>12.00</u>
§56-1-286 (DUI Breath Test)	\$25			\$ <u>25.00</u>
§14-1-212 (Law Enforce. Funding)	\$25			\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150			\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin-Fraud Check Court Costs)	\$41			\$ _____
§50-21-114(BUI Breath Test Fee)	\$50			\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea			\$ _____
3% to County (if paid in installments)	TBD			\$ <u>17.86</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500			\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD			\$ _____
TOTAL				\$ <u>269.86</u>

Clerk of Court/ Deputy Clerk:
Court Reporter:

Hannah P. Walker
Hollie Jenkins

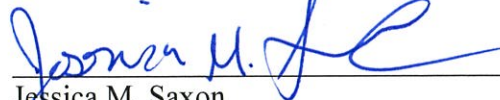
Presiding Judge:
Judge Code:
Sentence Date:

Tracy W. Wootley
2795
2/2/2023

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED
Oct 13 2023
SC Court of Appeals

This 13th day of October, 2023.

RECEIVED

Oct 13 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Pickens County

Honorable Perry H. Gravely, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

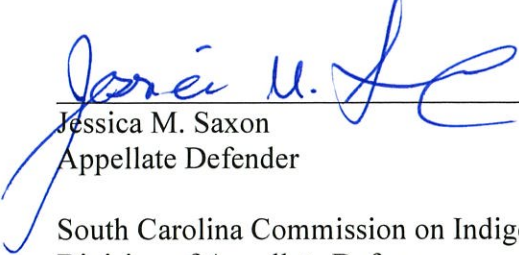
JOSE MARTIN GUZMAN-PLIEGO,

APPELLANT

APPELLATE CASE NO. 2023-000263

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Jose Martin Guzman-Pliego, #390149, at Tyger River Correctional Institution, 200 Prison Road, Upper Yard, Enoree, SC 29335-9308, this 13th day of October, 2023.



Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT