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**May 08 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Lexington County

Honorable Walton J. McLeod, IV, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

MARTEL DEKARLOS GADDIS,

APPELLANT.

APPELLATE CASE NO. 2022-000553

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SUPPLEMENTAL RECORD ON APPEAL

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3

4 State of South Carolina, ) Transcript of Record  
 )  
5 vs. ) 2022-GS-32-00815  
 ) 2022-GS-32-00817  
6 Martel Dekarlos Gaddis, )  
 )  
7 Defendant.)

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Ex Parte Hearing Excerpt

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April 18, 2022

11

Lexington, South Carolina

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13 B E F O R E:

14 The Honorable Walton J. McLeod, IV, Judge

15

16 A P P E A R A N C E S:

17 Kelly Oppenheimer, Assistant Solicitor  
18 Kyle E. Smith, Assistant Solicitor

19

On behalf of the State of South Carolina

20

Elizabeth C. Fullwood, Esquire

21

On behalf of the Defendant

22

23

Reported by: Stacy S. Johnson,  
24 Circuit Court Reporter

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E X H I B I T S

\*\*NO EXHIBITS WERE INTRODUCED IN EXCERPT\*\*

1           (Whereupon, the following proceedings were held  
2 ex parte on April 18, 2022, beginning at 1:42 PM.)

3           THE COURT: All right. It's just us in the  
4 courtroom.

5           Mr. Gaddis, you'd like to have your attorney --  
6 well, actually tell me what you'd like. You'd like to  
7 have your attorney replaced or --

8           THE DEFENDANT: Yes, I would like to have a private  
9 attorney.

10          THE CLERK: Your Honor, do you want him under oath?

11          THE COURT: Sure. Thank you. I'd appreciate it.  
12 Please stand up and raise your right hand.

13          (Whereupon, Martel Dekarlos Gaddis was duly sworn  
14 by the Clerk of Court.)

15          THE COURT: Okay. Go ahead, Mr. Gaddis.

16          THE DEFENDANT: Yeah, I was trying to hire a -- a  
17 different attorney because Ms. Fullwood says she doesn't  
18 think going to trial will be winnable is what she used  
19 and we didn't have a lot of time to go over a proper  
20 defense. Like I got notified last week with a letter  
21 in the mail that's dated the 13th, today's the 18th.  
22 There was minimal time -- minimal time for me to  
23 actually go through everything that I seen on, you know,  
24 paperwork.

25          I just recently got more paperwork from her the

1 other day. I met with her. I was a little bit late  
2 that day and I -- you know, I'm not driving, I was a  
3 little late that day, so she had another appointment  
4 that day, so we really couldn't go into full depth all  
5 the way with it. I was supposed to come back the next  
6 day, which I didn't have transportation also.

7 THE COURT: Uh-huh.

8 THE DEFENDANT: And, like I say, we just really  
9 didn't have time to go over any certain details of what  
10 we can -- you know, to pick through their statements and  
11 whatnot like that. And I want to go to trial because,  
12 I mean -- I know you don't want to hear about the case  
13 now and we're just speaking --

14 THE COURT: No, this is just us in here --

15 THE DEFENDANT: Right.

16 THE COURT: -- and while I don't want to get into  
17 the merits of defenses per se, this is really pertaining  
18 to you and your attorney.

19 THE DEFENDANT: Right, and --

20 THE COURT: So -- but it sounds to me you just --  
21 you want more time to hire another attorney. Is that  
22 what you --

23 THE DEFENDANT: Yes. I spoke with an attorney  
24 earlier today. I just got to take the money to retain  
25 him, you know, or whatnot. Like I told Ms. Fullwood,

1 I -- I appreciate everything she did for me, you know  
2 what I'm saying, she did nothing wrong, she's a great  
3 person, you know, but I just feel like if I hire a  
4 private attorney rather to go to trial with -- it would  
5 be a better fit for me.

6 You know, I -- it's really kind of sudden. You  
7 know, I went to court -- it is an old case. It's a very  
8 old case, you know, and I just really got notified for  
9 trial before -- since last week I had like five days,  
10 you know, so it's kind of like --

11 THE COURT: Uh-huh.

12 THE DEFENDANT: -- I'm kind of getting forced to  
13 push straight to trial, you know what I'm saying? We  
14 haven't really talked or went in depth on anything about  
15 our case, you know what I'm saying?

16 THE COURT: Okay.

17 Well, Ms. Fullwood, any input as far as -- this is  
18 a five-year-old case, correct?

19 MS. FULLWOOD: It is, Your Honor. It is.

20 And I will say that this past week is certainly  
21 not the first time Mr. Gaddis and I have gotten together  
22 to talk about the case. It was on or about to be on the  
23 docket in -- I think it was March, and so in February  
24 -- late February, early March, we -- we talked about  
25 the case, and even prior to that. I mean, the first

1 time I ever talked to him about the case was at the  
2 county jail in 2017 before he bailed out.

3 THE COURT: Right.

4 MS. FULLWOOD: Now one thing he does point out,  
5 and I do think it could be problematic, is he's correct  
6 that he didn't get notice from the solicitor's office  
7 until last week about the trial.

8 Now they did not send --

9 THE COURT: Well, he had a lawyer who a letter was  
10 sent to, right?

11 MS. FULLWOOD: That's correct, that's correct, but  
12 they did not send him a trial notice until then.

13 Now Ms. Williams and I have been making every  
14 effort we could to contact him. We -- he does not have  
15 voicemail on his phone. We would leave messages at what  
16 we believed to be his father's residence, a voicemail  
17 or answering machine or whatever he has there --

18 THE COURT: Right.

19 MS. FULLWOOD: -- and in the past that had worked  
20 to get our -- bring us to his attention. It didn't this  
21 time.

22 I offered to meet with him Tuesday and he did come  
23 to that meeting, but he was like two hours late, and I  
24 did have another meeting. We scheduled for -- well, he  
25 came Wednesday, then for Thursday and Friday -- I think

1 it was Tuesday he couldn't come, Wednesday he came and  
2 then Thursday and Friday he just wouldn't come.

3 And I have made myself available. Other than just  
4 sitting in my office twenty-four hours a day just on  
5 the off chance somebody comes to talk to me about a case,  
6 I don't know what more I could do about that.

7 I will say this. I do think there probably is some  
8 breakdown in the attorney/client relationship here. A  
9 lot of it is that while he's certainly a very polite man  
10 and, you know, doesn't try to use intimidation tactics  
11 or anything like that, he definitely does not like to  
12 hear my objective opinion about what's going on in his  
13 case.

14 THE COURT: Well, let me ask you this. Have you  
15 reviewed -- obviously you've reviewed this file fully.

16 MS. FULLWOOD: Yes, sir.

17 THE COURT: You're familiar with the case?

18 MS. FULLWOOD: Yes, sir.

19 THE COURT: And you have quite a bit of experience  
20 of trying cases over the last two to -- well --

21 MS. FULLWOOD: Four decades.

22 THE COURT: Very well, four decades. And you're  
23 telling your client what you think the file shows. Is  
24 that fair and accurate?

25 MS. FULLWOOD: Yes. Yes, sir.

1           THE COURT: All right. And I -- you mentioned  
2 wanting to retain somebody else, but you haven't retained  
3 them?

4           THE DEFENDANT: Right, I haven't given no money.  
5 Yes, sir.

6           THE COURT: Well, my -- I'm sorry.

7           THE DEFENDANT: She said she still will help me out,  
8 and I thank her for that, you know what I'm saying, but  
9 I just -- I don't know. It's just -- she says it's not  
10 winnable. It's like you're going into trial with doubt,  
11 you know what I mean? I need some -- I'd feel more  
12 comfortable if somebody would, you know what I'm saying?

13          THE COURT: Well, listen. I mean, I -- I remember  
14 very well as a lawyer what it's like when you have frank  
15 conversations with clients and -- and part of a lawyer's  
16 job is to not sugarcoat anything and to apprise you of  
17 what you think of the facts and circumstances and what  
18 -- I don't know anything about the evidence in this case  
19 to be clear, I don't know anything about it, but I do  
20 know as a lawyer you've got to tell your client what you  
21 anticipate the evidence is.

22          So it sounds to me that Ms. Fullwood's done that,  
23 but it gives you cause for concern, which I don't blame  
24 any defendant for feeling a cause of concern, but my --  
25 the dilemma I'm in is it is a five-year-old case and it

1 was noticed for trial. To be clear, I don't know if  
2 they -- they tried to contact you several times, but we  
3 have been endeavoring in Lexington county to provide a  
4 lot of trial notice to put people and their -- their  
5 lawyers particularly on notice that their cases could be  
6 coming up for trial.

7 So your motion is that you'd like to relieve your  
8 attorney and hire another attorney, which, in essence,  
9 is a continuance because you're not gonna hire an  
10 attorney today or, frankly, tomorrow.

11 So, you know, as far as your motion to have your  
12 lawyer relieved, I deny that motion. I don't think I  
13 can do that based off what I've heard today, okay?

14 THE DEFENDANT: Okay.

15 THE COURT: Anything else on that for the record?

16 THE DEFENDANT: I just feel like that we need more  
17 time. Like she did -- I mean --

18 THE COURT: Well, I don't want to --

19 THE DEFENDANT: -- to go over the case as a lawyer.  
20 I came down Thursday and that Friday I had car troubles  
21 and, you know, they don't work on the weekends, so that  
22 -- that was my fault I didn't show up Friday.

23 THE COURT: And, listen, I can understand wanting  
24 more time in anything. I mean, that's a common request  
25 whether the case is criminal or civil. Oftentimes the

1 parties or the attorneys or both would like to have  
2 more time to prepare for trial, but we've sort of  
3 reached the point where a 2017 case it's time for it  
4 to go and the resolution will be what it will be.

5 Now I don't know -- it was charged originally as  
6 attempted murder, but it has since been reindicted as  
7 assault and battery first degree; is that correct?

8 MS. FULLWOOD: That's right, Your Honor.

9 THE COURT: Okay. And that alone took this from  
10 being a most serious offense and a strike to a nonviolent  
11 offense that's parolable with far less exposure.

12 Is that accurate?

13 MS. FULLWOOD: That's right. And a -- and a  
14 possession of a weapon during commission of a violent  
15 crime --

16 THE COURT: Is removed.

17 MS. FULLWOOD: -- is removed, too.

18 THE COURT: Okay. I don't want to ask him any  
19 questions. Why don't you confer with him and see if  
20 there's anything else as far as this specific motion.

21 (Discussion between the defendant and  
22 Ms. Fullwood.)

23 MS. FULLWOOD: Your Honor, he says he has nothing  
24 further on that.

25 THE COURT: All right. We can take a --

1 All right. So as far as the purpose of this  
2 ex parte hearing, anything else for now?

3 MS. FULLWOOD: No, sir.

4 THE COURT: Okay. This portion of this trial will  
5 be sealed, all right?

6 MS. FULLWOOD: Yes, sir.

7 THE COURT: All right. We've got a few minutes.  
8 We can just stand at ease or be at recess and we should  
9 start at 2:00. We'll have a Jackson v. Denno hearing  
10 and a Neil v. Biggers and hopefully we can get through  
11 and just get through opening statements and call it a  
12 day.

13 MS. FULLWOOD: Yes, sir. Thank you.

14 THE COURT: Thank you.

15 (Whereupon, the ex parte hearing was concluded at  
16 1:54 PM.)

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C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true and accurate transcript of record of an ex parte excerpt of the proceedings had in the trial of the captioned case in Circuit Court on April 18, 2022.

This transcript may contain quoted material. Such material is reproduced as read by the speaker.

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

December 12, 2022

1s/ Stacy S. Johnson  
STACY S. JOHNSON  
CIRCUIT COURT REPORTER

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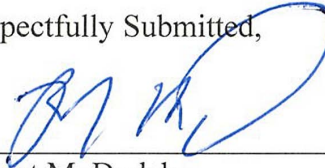
**May 08 2024**

**CERTIFICATE OF COUNSEL FOR APPELLANT**

**SC Court of Appeals**

Counsel for appellant certifies that this Supplemental 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,



---

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ATTORNEY FOR APPELLANT

This 8th day of May, 2024.

**RECEIVED**

**May 08 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Lexington County

Honorable Walton J. McLeod, IV, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

MARTEL DEKARLOS GADDIS,

APPELLANT.

APPELLATE CASE NO. 2022-000553

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CERTIFICATE OF SERVICE  
\_\_\_\_\_

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Supplemental Record on Appeal in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), and upon Martel Dekarlos Gaddis, #387755, Trenton Correctional Institution 84 Greenhouse Road Trenton, SC 29847, this 8th day of May, 2024.



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