

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	TWELFTH JUDICIAL CIRCUIT
COUNTY OF FLORENCE	)	2004-GS-21-1084
	)	
State of South Carolina,	)	
	)	
-vs-	)	
	)	<b>SENTENCING ORDER</b>
Terriel Leshawn Mack,	)	
	)	
Defendant,	)	
	)	

Defendant appeared before this Court on or about February 19-20, 2019, for a sentencing hearing pursuant to *Aiken v. Byars*. Florence County venue was waived for this case by the Defendant and the hearing occurred in Marion, South Carolina. Appearing on behalf of the State of South Carolina was retired Solicitor of the Twelfth Judicial Circuit Dudley Saleeby, Jr. and current Deputy Solicitor for the Twelfth Judicial Circuit, John Charles Jepertinger. Defendant was present with his attorneys Marshall Solomon Weaver, Sr. and Brie Rust Russell. Pursuant to *Aiken v. Byars*, the Court considered the following factors: (1) the chronological age of the offender and the hallmark features of youth, (2) the circumstances of the homicide offense, (3) the incompetencies associated with youth, (4) the possibility of rehabilitation, (5) and the family and home environment that surrounded the offender.

In regards to the age of the offender, Defendant was 17 years old at the time of the murder, and was 18 years old when he was convicted. The court considered that at the time of the murder, the Defendant was within one year of being able to serve in the military to possibly fight and die for this country and had a driver's license. The Defendant was within one year of an age whereby he would have immense responsibilities and be considered an adult by law.

In regards to the circumstances of the homicide offense, the Court considered the fact that Defendant was the actual shooter. Also the Court considered that the Defendant intentionally shot the victim in the head at "point blank range", and then stood over the victim shooting him three more times in the back while the victim was on the ground. Several years later, the Defendant wrote a letter whereby he essentially brags about the offense and shows no remorse for this crime. Furthermore, the murder was for the purpose of killing a witness to another crime so as to benefit an associate of the Defendant. The murder was premeditated, and was essentially a cold-blooded assassination. The Court considered the ruthlessness and violent nature of the crime, along with Defendant's lack of remorse for the murder. The record tends to reflect that the Defendant was actually proud of the killing.

Additionally, the Court examined the Defendant's alleged mental deficiencies and the incompetencies associated with youth. In this regard, the investigating officer testified that the Defendant displayed no problems communicating with law enforcement. Also, the investigating officer testified that the Defendant clearly understood all questions, easily communicated with law enforcement, and was alert. Furthermore, the Defendant was represented by a competent attorney at trial, Scott Poston Floyd, who is now the Chief Public Defender for the Twelfth Judicial Circuit. Mr. Floyd never once suggested that the Defendant had any mental deficiencies or any incompetencies. Furthermore, the Defendant's statements during this sentencing hearing reflect that he is very intelligent, communicates well, and shows no signs of any mental deficiencies.

In regards to the possibility of rehabilitation, The Court considered that the Defendant has committed numerous offenses since the murder, while in the custody of the Department of Corrections, which are listed as follows:

- Out of Place
- Out of Place
- Use or Possession of a Narcotic
- Sexual Misconduct
- Damage or Destruction of Property
- Out of Place
- Sexual Misconduct
- Sexual Assault
- Threatening to Inflict Harm
- Striking an Employee
- Threatening to Inflict Harm
- Refusing or Failing to Obey Orders
- Evading a Security Device
- Striking an Employee
- Throwing a Substance or Object on a Government Employee
- Possession of Contraband
- Exhibitionism and Public Masturbation
- Exhibitionism and Public Masturbation
- Soliciting an Employee
- Refusing or Failing to Obey Orders
- Use or Possession of Marijuana
- Threatening to Inflict Harm
- Possession of a Weapon
- Possession of a Weapon
- Exhibitionism and Public Masturbation
- Exhibitionism and Public Masturbation
- Striking an Employee
- Striking an Employee
- Disorderly Conduct
- Unauthorized Inmate Organization/Participation in a Security Threat Group/or Security Threat Group Activity
- Exhibitionism and Public Masturbation

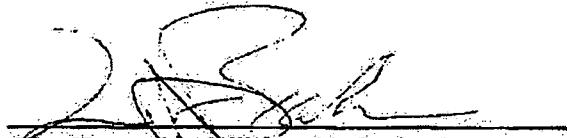
To this Court, many of these offenses are serious and violent in nature. Additionally, the Defendant was investigated for the homicides that occurred during the riots at Lee Correctional Institution in 2018. The multitude of infractions committed while in the custody of the Department of Corrections indicates to this Court that the Defendant's ability Defendant's ability to be rehabilitated is unlikely. In fact, this Court is concerned for the safety of the public should the Defendant ever be released from the Department of at any age.

While examining the Defendant's family and home environment, the Court acknowledges that the Defendant grew up in a bad home environment, whereby he witnessed several traumatic events in his childhood, and was affected by these events as well as many other things in his life. However, the court recognizes that many successful people grew up in chaotic and violent environments, and were able to adhere to the law and become productive members of society. Additionally, the State highlighted the childhoods of Elie Wiesel, Oprah Winfrey, and Tyler Perry, and how they all were able to overcome traumatic experiences in their childhoods and home life and become good, law-abiding citizens in the community.

While the Defendant presented some mitigating evidence including his immaturity at the time of the murder, some mental health diagnoses, and growing up in a difficult environment, this Court believes these limited mitigating factors are substantially outweighed by the areas mentioned above pursuant to *Aiken v. Byars*. This Court is extremely concerned by the cold-blooded nature of the killing, and the fact that the Defendant has shown little to no signs of rehabilitation. Furthermore, the Defendant and has shown no remorse for his crime until this hearing, whereby he potentially has something to gain. The Court carefully and deliberately considered all the factors as outlined in *Aiken v. Byars*, and after doing so, based on the above and the entire record of the sentencing hearing, this Court sentences the Defendant to life in the custody of the Department of Corrections.

*Signature Page to Follow*

IT IS SO ORDERED.



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The Honorable William H. Seals, Jr.  
Circuit Court Judge  
Twelfth Judicial Circuit

Florence, SC

March 20, 2019