

ORIGINAL

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions
Alexander S. Macaulay, Circuit Court Judge

Indictment Nos. 2005-GS-47-15, 2005-GS-47-23, 2005-GS-47-24

The State of South Carolina.....Respondent,

v.

Mario Ramos Hinojos, as Defendant, and
Richard G. Thompson d/b/a All-Out Bail Bonding, as Surety,
Accredited Property & Casualty Ins., as Surety,
Of Whom Richard G. Thompson d/b/a All-Out Bail Bonding
As Surety and Accredited Property & Casualty Ins., as Surety are.....Appellants..

SUPPLEMENTAL RECORD ON APPEAL

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1 ***** START OF REQUESTED TRANSCRIPT *****

2 MS. EVANS: THIS IS THE STATE OF SOUTH CAROLINA
3 VERSUS MARIO RAMOS HINOJOS. WE ARE HERE FOR SENTENCING.
4 ON NOVEMBER 20TH, 2007 MR. --

5 THE COURT: WHERE IS MR. HINOJOS?

6 MR. RICHEY: HE ABSCONDED A WHILE AGO.

7 MS. EVANS: I'LL GO THROUGH IT BRIEFLY, WHAT WE DID.
8 ON NOVEMBER 20TH, 2007 HE PLED GUILTY, AT WHICH TIME WE
9 INFORMED HIM ON THE RECORD THAT HE WAS TO BE SENTENCED
10 AFTER THE CONCLUSION OF ALL THE TRIALS THE WEEK OF
11 DECEMBER 10TH, 2007.

12 AS MS. PORTER STATED EARLIER, ON DECEMBER 3RD, 2007
13 SPECIAL AGENT CRESWELL, MYSELF AND MS. PORTER MET WITH
14 MR. HINOJOS FOR TRIAL PREP, AT WHICH TIME HE WAS SERVED
15 WITH A SUBPOENA. HE HAD ALSO RECEIVED NOTICE THAT HE HAD
16 TO BE HERE FOR HIS SENTENCING THE WEEK OF DECEMBER 10TH,
17 2007. AND IT WAS ALSO EXPLAINED TO HIM AT THAT MEETING
18 ABOUT HIS REQUIREMENTS TO BE HERE NOT ONLY FOR HIS
19 SENTENCING BUT AS A POTENTIAL WITNESS IN A CASE THAT WAS
20 GOING TO CALLED FOR TRIAL.

21 DECEMBER 10TH HE DID NOT SHOW UP AS REQUIRED
22 PURSUANT TO THE NOTICE. SPECIAL AGENT CRESWELL CALLED
23 MR. HINOJOS ON HIS PHONE, LEFT A MESSAGE. MR. HINOJOS
24 NEVER RETURNED THAT CALL.

25 DECEMBER 12TH A SECOND ATTEMPT TO CONTACT

1 MR. HINOJOS WAS MADE, AGAIN WITHOUT SUCCESS.

2 ON DECEMBER 13TH WE NOTIFIED ALL THE BONDING
3 COMPANIES AS WELL AS HIS ATTORNEY, MR. RODNEY RICHEY. ON
4 THAT SAME DAY A BENCH WARRANT WAS ISSUED SINCE HE FAILED
5 TO APPEAR IN COURT. THAT WAS FILED WITH THE CLERK'S
6 OFFICE DECEMBER 13TH. IT WAS SENT OUT TO EVERYBODY.

7 IN THE INTERIM PRIOR TO THIS HEARING WE SENT SPECIAL
8 AGENT BRAD GOFFREY (PHONETIC) AND SPECIAL AGENT AARON
9 RAWL TO DELIVER TO HIS LAST KNOWN ADDRESS A NOTICE OF THE
10 FACT THAT HIS SENTENCING WAS GOING TO BE GOING ON TODAY.

11 THAT LAST KNOWN ADDRESS THAT WAS FILED WITH THE
12 CLERK'S OFFICE, THAT APARTMENT APPEARED -- I MEAN THAT
13 HOUSE APPEARED EMPTY AND NOBODY WAS THERE. SO I BELIEVE
14 THE STATE HAS SERVED PROPER NOTICE ON MR. HINOJOS OF THE
15 FACT THAT HE WAS GOING TO BE SENTENCED AFTER HE PLED ON
16 NOVEMBER 20TH, 2007.

17 WE HAVE MADE REPEATED ATTEMPTS TO TRY TO FIND
18 MR. HINOJOS WITHOUT SUCCESS. AT THIS TIME WE WOULD LIKE
19 FOR HIM TO GO AHEAD AND BE SENTENCED, THAT SENTENCE BE
20 FILED UNDER SEAL, AND THAT WHEN MR. HINOJOS -- IF HE IS
21 EVER FOUND, THAT WE CAN BRING HIM BACK BEFORE THE COURT
22 AND THAT SENTENCE CAN BE UNSEALED.

23 AND I WILL GO THROUGH THE FACTS WHENEVER THE COURT
24 SO DESIRES.

25 MR. RICHEY: AND JUDGE, AT THIS TIME I WOULD ASK

1 THAT THE SENTENCE BE DELAYED UNTIL HE'S APPREHENDED, AND
2 THAT WOULD BE MY REQUEST TO THE COURT.

3 THE COURT: ALL RIGHT. AS I UNDERSTAND IT, HE DID
4 PLEAD NOVEMBER THE 20TH, 2007?

5 MS. EVANS: YES, YOUR HONOR.

6 THE COURT: AND THE COURT ACCEPTED HIS PLEA?

7 MS. EVANS: THE COURT ACCEPTED HIS PLEA, FOUND A
8 SUBSTANTIAL FACTUAL BASIS FOR THE PLEA, AND TOLD HIM THAT
9 WE WERE DEFERRING HIS SENTENCING BECAUSE OF HIS
10 COOPERATION UNTIL AFTER ALL THE TRIALS THE WEEK OF
11 DECEMBER 10TH.

12 THE COURT: AND THEN THOSE TRIALS WERE HAD?

13 MS. EVANS: THE TRIAL THAT HE WAS NOT INVOLVED IN
14 WAS HAD, IT WAS MR. STEARNS' TRIAL THAT WAS HAD. THERE
15 WAS A SECOND TRIAL THAT WAS SCHEDULED FOR FELIX ROJOS
16 VALAMINOS (PHONETIC) AND ANOTHER INDIVIDUAL BY THE NAME
17 OF PALAMINOS VALAMINOS (PHONETIC).

18 UPON GETTING THE DISCOVERY THAT MR. HINOJOS WAS NOT
19 HERE, WE STARTED TO TALK TO MR. ROJOS VALAMINOS. HE
20 ENTERED A PLEA OF GUILTY TO HIS CHARGE AND RECEIVED A
21 SENTENCE OF I BELIEVE 20 YEARS. AND BASED UPON
22 CONDUCTING A POLYGRAPH WHERE MR. VALAMINOS PALAMINOS
23 PASSED THE POLYGRAPH OF NOT HAVING KNOWLEDGE ABOUT THE
24 METH, THE METH WAS FOUND ON THE OTHER PERSON, WE DROPPED
25 THOSE CHARGES AND HE WAS RELEASED FROM CUSTODY.

1 BUT WE HAD TO ENTER INTO THOSE DEALS BECAUSE OF THE
2 FACT THAT MR. HINOJOS WAS NOT AVAILABLE TO US AND
3 COULDN'T STRAIGHTEN OUT OR BE A WITNESS AT THE TRIAL.
4 HE'S THE ONE THAT MADE THE UNDERCOVER BUY AT THE
5 GUADALAJARA RESTAURANT HERE IN GREENVILLE COUNTY.

6 I APOLOGIZE. MR. ROJOS VALAMINOS'S SENTENCE WAS 15
7 YEARS.

8 **THE COURT:** ALL RIGHT. ON YOUR MOTION TO CONTINUE
9 OR DEFER SENTENCING, WHAT DO YOU HAVE AS A BASIS FOR
10 THAT?

11 **MR. RICHEY:** THE BASIS IS MY CLIENT OBVIOUSLY IS NOT
12 HERE. AND I WILL BE FORTHRIGHT WITH THE COURT. I MEAN,
13 WE DISCUSSED ALL THESE ISSUES, AND I'M KIND OF SURPRISED
14 THAT HE'S NOT HERE, HE TOOK THIS ROUTE. BUT I WOULD ASK
15 THE COURT TO GIVE ME AND HIM AN OPPORTUNITY TO PRESENT
16 MORE ADEQUATE LITIGATION WITH HIM BEING HERE. AS FAR AS
17 A LEGAL BASIS, I'M VERY SHORT WITH A LEGAL BASIS TO DO
18 IT.

19 **THE COURT:** WELL, APPARENTLY HE HAS EXERCISED HIS
20 RIGHT TO WAIVE PRESENCE FOR THIS PROCEEDING, BUT I DON'T
21 KNOW IF I CAN REWARD HIM FOR THAT. I'M GOING TO HAVE TO
22 DENY YOUR MOTION AND CONTINUE WITH THE SENTENCING.

23 **MR. RICHEY:** YES, YOUR HONOR.

24 **THE COURT:** NOW, LET ME BE SURE, IF WE CAN. THE
25 MAXIMUM SENTENCE ON TRAFFICKING METHAMPHETAMINE, 28 TO A

1 HUNDRED GRAMS, IS 25 YEARS AND 50,000?

2 MS. EVANS: YES, SIR.

3 THE COURT: AND POSSESSION OF A FIREARM, FIVE YEARS?

4 MS. EVANS: FIVE YEARS, YES, SIR.

5 THE COURT: TRAFFICKING IN METHAMPHETAMINE BY
6 CONSPIRACY?

7 MS. EVANS: SEVEN TO 25.

8 THE COURT: ALL RIGHT. IF I SHOULD SENTENCE HIM
9 CONSECUTIVELY, HE COULD BE SENTENCED TO A MINIMUM OF 28
10 YEARS -- NO, EXCUSE ME --

11 MS. EVANS: 29 FOR THE TRAFFICKING MARIJUANA TEN TO
12 A HUNDRED POUNDS.

13 THE COURT: WHICH ONE IS THAT?

14 MS. EVANS: I THINK YOU ARE MISSING TWO. ONE IS A
15 TRAFFICKING COCAINE 28 TO A HUNDRED GRAMS, WHICH IS
16 ANOTHER SEVEN TO 25.

17 THE COURT: OH, I SEE THE TRAFFICKING MARIJUANA.

18 MS. EVANS: RIGHT. HE HAS TEN TO A HUNDRED POUNDS
19 WHICH CARRIES ONE TO TEN YEARS. MY CALCULATIONS IS
20 MINIMUM HE'S FACING 29 YEARS, MAXIMUM HE'S FACING 90
21 YEARS.

22 THE COURT: LET'S DO IT AGAIN. ALL RIGHT. I MUST
23 BE MISSING IT. HOW MANY HAVE WE GOT?

24 MS. EVANS: WE HAVE INDICTMENT 2005-GS-15, COUNT 1,
25 WHICH IS THE TRAFFICKING METHAMPHETAMINES.

1 THE COURT: COUNT 1 AND 2 ARE TRAFFICKING METH?

2 MS. EVANS: CORRECT.

3 THE COURT: AND COUNT 3 IS POSSESSION OF A FIREARM?

4 MS. EVANS: CORRECT. AND THEN WE ALSO HAVE
5 INDICTMENT 2005-GS-47-23 --

6 THE COURT: COUNT 1.

7 MS. EVANS: -- COUNT 1.

8 THE COURT: TRAFFICKING METH, NOT CONSPIRACY.

9 MS. EVANS: CONSPIRACY. AND THEN WE HAVE INDICTMENT
10 NUMBER 2005-GS-47-24, COUNT 1.

11 THE COURT: TRAFFICKING IN MARIJUANA ONE TO TEN
12 GRAMS [SIC]?

13 MS. EVANS: YES. ONE OF THOSE SHOULD BE -- I BEG
14 THE COURT'S INDULGENCE -- SHOULD BE COCAINE.

15 THE COURT: I DON'T THINK I HAVE THAT ONE. ALL I
16 HAVE, I HAVE FIVE SENTENCING SHEETS.

17 MS. EVANS: WE MIGHT HAVE WRITTEN THE WRONG THING ON
18 ONE OF THEM.

19 THE COURT: WE'LL GO OFF THE RECORD.

20 (DISCUSSION OFF THE RECORD.)

21 THE COURT: ALL RIGHT. NOW, TO RECOUNT,
22 2005-GS-47-15, COUNT 1, TRAFFICKING METHAMPHETAMINE, 28
23 TO A HUNDRED GRAMS. MINIMUM SENTENCE SEVEN TO 25 AND
24 \$50,000 FINE.

25 COUNT 2, TRAFFICKING COCAINE, 28 TO A HUNDRED GRAMS,

1 SEVEN TO 25, \$50,000 FINE.

2 COUNT 3, POSSESSION OF FIREARM, FIVE YEARS.

3 2005-GS-47-23, COUNT 1, TRAFFICKING METHAMPHETAMINE
4 BY CONSPIRACY, SEVEN, A MINIMUM OF SEVEN TO 25 YEARS AND
5 \$50,000.

6 2005-GS-47-24, COUNT 1, TRAFFICKING METHAMPHETAMINE
7 BY -- EXCUSE ME -- MARIJUANA BY CONSPIRACY, ONE TO TEN
8 YEARS AND A \$10,000 FINE.

9 IF THE DEFENDANT WOULD BE SENTENCED CONSECUTIVELY,
10 HE COULD BE SENTENCED TO 22 YEARS TO 85 YEARS AND FINES
11 OF \$160,000.00. IS THAT CORRECT?

12 **MS. EVANS:** NO, YOUR HONOR. I THINK YOU FORGOT THE
13 MARIJUANA, THE TEN YEARS FROM THE BOTTOM PART -- EXCUSE
14 ME -- IT WOULD BE -- SEVEN, 21...

15 **THE COURT:** I HAVE --

16 **MS. EVANS:** SEVEN PLUS 14, 21; PLUS ONE IS 22, PLUS
17 FIVE IS 27. TO 90 YEARS.

18 **THE COURT:** I LEFT OUT ONE, THIS ONE. ALL RIGHT.
19 SO WE ARE LOOKING AT A RANGE CONSECUTIVELY OF 22 YEARS TO
20 90 YEARS AND \$160,000.00 IN FINES; IS THAT CORRECT?

21 **MS. EVANS:** YES, YOUR HONOR.

22 **THE COURT:** IS THAT WHAT YOUR UNDERSTANDING IS,
23 MR. RICHEY?

24 **MR. RICHEY:** YES, YOUR HONOR.

25 **THE COURT:** AND THE RECOMMENDED SENTENCE?

1 MS. EVANS: WELL, YOUR HONOR, AT THIS POINT WE WOULD
2 RECOMMEND 25 YEARS. WE WERE RECOMMENDING TEN YEARS. AND
3 I WOULD LIKE TO GO BACK TO THE FACTS SO YOU CAN
4 UNDERSTAND WHY THE RECOMMENDATION OF THE 25 YEARS.

5 THE COURT: YES, MA'AM.

6 MS. EVANS: AS YOUR HONOR HEARD BACK IN NOVEMBER, WE
7 HAD EXECUTED A SEARCH WARRANT ON MR. HINOJOS'S HOUSE ON
8 AUGUST 18TH, 2005 AT HIS RESIDENCE IN SPARTANBURG COUNTY.
9 WHAT WAS SEIZED IN THAT SEARCH WAS \$43,000.00 IN CASH, 12
10 GUNS, DIGITAL SCALES, 1,937 GRAMS OF ICE, 883 GRAMS OF
11 COCAINE.

12 I REMEMBER DOING THE GUILTY PLEA AND GOING THROUGH
13 EVERYTHING MR. HINOJOS HAD DONE AND FELT THAT I HAD TO
14 EXPLAIN TO YOU WHY WE WERE RECOMMENDING TEN YEARS.
15 MR. HINOJOS PROMISED OUR S.L.E.D. AGENTS A LOT AND
16 DELIVERED VERY LITTLE, TO BE HONEST WITH YOU.

17 MR. HINOJOS WAS IN A UNIQUE POSITION FOR A
18 COOPERATING CONFIDENTIAL INFORMANT IN THE UPSTATE.
19 MR. HINOJOS WAS BORN HERE IN THE UNITED STATES SO HE WAS
20 HERE LEGALLY, BUT HE WAS BILINGUAL, WHICH IS A UNIQUE
21 CONFIDENTIAL INFORMANT FOR LAW ENFORCEMENT TO HAVE.

22 SPECIAL AGENT CRESWELL AND SPECIAL AGENT DORSEY, WHO
23 HAS THE FLU AND IS NOT HERE TODAY, THIS IS ONE OF THESE
24 CASES THAT WE KIND OF WENT HEAD TO HEAD ON ABOUT THE TIME
25 THAT WE WERE GOING TO RECOMMEND. THEY WERE ADAMANT ABOUT

1 THAT THIS PERSON HAD COOPERATED, ALTHOUGH HE PRODUCED
2 VERY LITTLE. HE DID PRODUCE ON A DAY'S NOTICE THE
3 TWO-POUND BUY THAT WAS DONE AT THE GUADALAJARA
4 RESTAURANT.

5 BUT MR. HINOJOS, I BELIEVE, IS ONE OF THOSE "FOOL ME
6 ONCE, SHAME ON YOU; FOOL ME TWICE, SHAME ON ME." I THINK
7 I GOT IT RIGHT. BUT THAT'S EXACTLY WHAT MR. HINOJOS DID.
8 HE TALKED A BIG GAME, HE PROMISED A LOT THAT HE COULD DO.
9 HE DID DO A TWO-POUND BUY. WE DID GET THAT PERSON. HE
10 PLED GUILTY TO 15 YEARS.

11 HOWEVER, IT WAS ALWAYS, "I CAN DO THIS." HE
12 WOULDN'T DO IT. THEY WOULD CALL HIM BACK AND HE'D SAY,
13 "WAIT, WAIT. GIVE ME A SECOND CHANCE. I CAN DO THIS."
14 EVEN WHEN WE MET WITH HIM IN TRIAL PREP FOR THE VALOMINOS
15 PALOMINOS AND FELIX VALOMINOS TRIAL, HE PROMISED AGAIN A
16 WHOLE LOT OF STUFF THAT HE COULD DO AND REALLY NEVER
17 DELIVERED.

18 THIS IS ONE OF THOSE PEOPLE THAT I THINK JUST IS A
19 BIG-TIME DRUG DEALER THAT QUITE FRANKLY JUST FOOLED US,
20 AND TO THE POINT THAT WHEN THAT TRIAL CAME UP, WE DID
21 HAVE TO ACTUALLY LET SOMEBODY GO. THAT THE PERSON PASSED
22 THE POLYGRAPH THAT THEY HAD NO KNOWLEDGE OF THE DRUGS
23 THAT WERE FOUND ON THE INDIVIDUAL IN THE CAR.

24 NOW, ACCORDING TO MR. HINOJOS'S STORY, THEY HAD
25 DISCUSSIONS ABOUT THAT. OBVIOUSLY, MR. HINOJOS HAD GONE

1 BY THIS POINT. WE COULDN'T CLARIFY THIS. AND WE DROPPED
2 THOSE CHARGES. WE HAD TRAFFICKING CHARGES AGAINST
3 MR. VALOMINOS PALOMINOS THAT THE STATE DROPPED AND HE HAD
4 SERVED TWO YEARS IN JAIL.

5 I THINK FOR THE AMOUNT OF ACTIVITY AND THE
6 COOPERATION THAT HE, WHAT HE DID DO VERSUS WHAT HE
7 PROMISED HE COULD DO IS THAT SAME EXAMPLE IS THAT HE DID
8 FOOL US. AND I APOLOGIZE TO THE COURT THAT HE FOOLED US,
9 BUT WE BELIEVED THAT HE WAS GOING TO BE HERE.

10 AND IN FACT, I'VE HAD CANDID TALKS WITH MR. RICHEY
11 ABOUT THE FACT THAT THIS WAS NOT ONE PERSON THAT I WOULD
12 THINK THAT WOULD END UP NOT SHOWING UP. QUITE FRANKLY, I
13 KNOW SPECIAL AGENT CRESWELL WAS A LITTLE SHOCKED THE DAY
14 THAT HE DIDN'T SHOW UP HERE ON DECEMBER 10TH AS HE HAD
15 SAID HE WOULD.

16 BUT I THINK HIM NOT SHOWING UP AND US LOOKING BACK
17 AT EVERYTHING HE HAD DONE, THIS IS CERTAINLY AN EXAMPLE
18 OF A DRUG DEALER THAT WAS BIGGER, THAT WAS A BIG-TIME
19 DRUG DEALER THAT HAD BEEN DEALING DRUGS FROM 2000, LARGE
20 AMOUNTS OF DRUGS, WITH LARGE AMOUNTS OF GUNS INVOLVED,
21 DIFFERENT TYPES OF DRUGS. PROMISING US A LOT. WE
22 THOUGHT HE WAS GOING TO DELIVER. IT TURNED OUT THAT IT
23 SEEMS THAT HE WAS BUYING HIS TIME SO HE COULD FLEE AND BE
24 FACING NO TIME.

25 SO WE BELIEVE THAT WE COULD ASK FOR ANYWHERE UP TO

1 90 YEARS. THE CHARGES HE WAS ORIGINALLY INDICTED FOR
2 CARRIED A MINIMUM TERM OF 25 YEARS. AND, THEREFORE, BUT
3 FOR THE FALSE PROMISES MR. HINOJOS GOT, HE WOULD HAVE
4 BEEN FACING A MINIMUM OF 25 YEARS, AND THAT'S WHY THE
5 STATE FEELS THAT A SENTENCE OF 25 YEARS WOULD BE FAIR ON
6 THIS BASIS.

7 AGAIN, THESE WERE -- AND ONE THING I THINK ABOUT
8 MR. HINOJOS. UNLIKE A LOT OF THE PEOPLE THAT YOU HAVE
9 HEARD COME UP BEFORE YOU WHERE THEY WERE ADDICTED TO THE
10 METH AND THEY GOT INTO THIS AND THEY GOT BIGGER AND
11 BIGGER. THIS WAS A BUSINESS FOR MR. HINOJOS.
12 MR. HINOJOS WAS NOT ADDICTED TO METH. HE WAS NOT DOING
13 THIS TO FEED HIS HABIT. THIS TRULY WAS, HE WAS A DRUG
14 DEALER, AND ANY TYPES OF DRUGS THAT HE COULD DEAL IN,
15 WHETHER IT BE MARIJUANA, COCAINE, METH, WHATEVER WAS
16 AVAILABLE TO HIM HE DID, AND HE DID IT WITH GUNS AROUND,
17 AND HE ALWAYS HAD A GUN ON HIM.

18 AGAIN, OUR ORIGINAL, IF HE HAD CONTINUED TO
19 COOPERATE, WAS GOING TO BE TEN YEARS. WE FEEL THAT 25
20 YEARS IS FAIR BECAUSE THAT'S THE MINIMUM HE WOULD HAVE
21 BEEN FACING BUT FOR HIS FALSE PROMISES TO THE STATE.

22 (COUNSEL AND CO-COUNSEL CONFER.)

23 **MS. EVANS:** I DO WANT TO POINT OUT THAT IT'S BEEN
24 BROUGHT TO MY ATTENTION THAT, IN ADDITION, THE ONLY TRIAL
25 HE WAS EXPECTED TO TESTIFY WAS THE TRIAL THAT WAS

1 SCHEDULED FOR THE WEEK OF DECEMBER 10TH. HE DID, WORKING
2 FOR UNDERCOVER, MAKE A PURCHASE FROM MR. SOTO OF FIVE
3 POUNDS OF METH, AND MR. SOTO RECEIVED 20 YEARS, AND
4 MR. HERDE VERDE (PHONETIC), HE ALSO DID A BUY OFF OF HIM
5 FOR 20 POUNDS OF MARIJUANA, AND HE PLED GUILTY AND GOT --
6 TWO YEARS?

7 MS. PORTER: ONE YEAR.

8 MS. EVANS: ONE YEAR. SO THAT WAS THE OTHER THING
9 THAT HE DID. THERE WAS A LOT OF OTHER PROMISING IN THE
10 WORKS WITH MR. HINOJOS AT THE TIME THAT HE FLED.

11 THE COURT: ALL RIGHT. MR. RICHEY, ANYTHING YOU
12 WOULD LIKE TO SAY ON BEHALF OF MR. HINOJOS?

13 MR. RICHEY: THANK YOU, YOUR HONOR.

14 YOUR HONOR, I WOULD ASK THE COURT TO GIVE
15 MR. HINOJOS THE TEN-YEAR RECOMMENDATION THAT -- THE
16 ATTORNEY GENERAL HAS TOLD THE COURT THAT THEY WERE
17 FOOLED. THESE ATTORNEY GENERALS OR THESE AGENTS HAVE
18 MORE SAVVY THAN TO BE FOOLED BY ANYBODY. THEY ARE
19 PROFESSIONAL, SOPHISTICATED, AND I DON'T BELIEVE THAT
20 THEY WERE FOOLED IN THE LEAST BIT.

21 MR. HINOJOS DID COOPERATE. HE DID HAVE PEOPLE
22 ARRESTED AND CONVICTED IN THIS CASE, SO IT'S NOT AS
23 THOUGH HE DID ABSOLUTELY NOTHING. IT WAS AN INDIVIDUAL
24 SENTENCE OF SOME 15, 20 YEARS IN THIS CASE PURSUANT TO A
25 BUY HE MADE. HE WORKED WITH THE STATE AT THE TIME OF THE

1 RECOMMENDATION. THE STATE FELT LIKE HE HAD DID ENOUGH AT
2 THAT POINT FOR THAT RECOMMENDATION.

3 I WILL CONCEDE THAT HE DID NOT KIND OF FINISH THE
4 DEAL, SO TO SPEAK, BY NOT BEING AVAILABLE TO TESTIFY.
5 BUT I DON'T BELIEVE THAT THE RECOMMENDATION SHOULD ALMOST
6 TRIPLE. YOU KNOW, I BELIEVE THAT HE SHOULD BE GIVEN SOME
7 BENEFIT FOR THAT. HE DID WORK WITH LAW ENFORCEMENT FOR A
8 SUBSTANTIAL PERIOD OF TIME AND DEVELOPED A RELATIONSHIP
9 WITH THEM.

10 AND I WOULD JUST ASK THE COURT TO CONSIDER A
11 SENTENCE, IF NOT TEN YEARS, IN THE TEN-TO-15-YEAR RANGE.
12 I BELIEVE THAT WOULD BE APPROPRIATE. I THINK 25 IS NOT
13 AN APPROPRIATE SENTENCE IN THIS MATTER.

14 AND, TOO, IN SOME OF THESE CASES THE INDIVIDUAL PLED
15 GUILTY, WHICH SAVED THE STATE TIME AND ENERGY AND EFFORT
16 OF TRYING THESE FOLKS. HE MADE THE BUYS, THE CASE WAS
17 GOOD ENOUGH THAT IT RELIEVED THE STATE THE OBLIGATION OF
18 BRINGING TWO INDIVIDUALS IN THIS COURT AND TRYING THEM.

19 SO I WOULD JUST ASK THE COURT TO CONSIDER GIVING HIM
20 THE TEN-YEAR SENTENCE; IF NOT, A RANGE OF TEN TO 15.

21 I WILL SAY FOR THE RECORD, TOO, I TALKED TO
22 MR. HINOJOS PRIOR TO HIM LEAVING, AND I'M PRETTY SHOCKED
23 THAT HE ACTUALLY LEFT, TO BE HONEST WITH THE COURT. WITH
24 WHAT HE WAS DOING AND WHERE HE WAS GOING, IT SHOCKED ME
25 THAT HE IS NOT HERE.

1 BUT I WOULD ASK THE COURT TO CONSIDER THAT SENTENCE.
2 THANK YOU, YOUR HONOR.

3 THE COURT: YES, SIR. ALL RIGHT.

4 AND THE PLEA WAS NOVEMBER THE 20, 2007?

5 MS. EVANS: YES, YOUR HONOR.

6 THE COURT: ALL RIGHT. HAVE YOU GOT AN ENVELOPE?

7 THE CLERK: (HANDING.)

8 THE COURT: LET'S SEE. HAVE YOU GOT SOME TAPE?
9 THANK YOU.

10 MS. EVANS: YOUR HONOR, WE WILL BE ORDERING A COPY
11 OF THAT TRANSCRIPT PURSUANT TO THE PREVIOUS THING, AND I
12 WOULD JUST MAKE THAT PART OF THIS RECORD, TOO. SINCE
13 WE'RE GOING TO BE ORDERING THAT TRANSCRIPT FOR THE
14 ESTREATMENT, WE'LL MAKE THAT PART OF THE RECORD SO THE
15 RECORD IS CLEAR ABOUT THE GUILTY PLEA.

16 MR. HINOJOS IS WHO WE DID THE BOND ESTREATMENT ON.

17 THE COURT: NOVEMBER THE 20TH?

18 MS. EVANS: CORRECT. CORRECT. SO SINCE WE WILL BE
19 ORDERING IT ANYHOW, I WOULD LIKE TO MAKE THAT PART OF THE
20 RECORD SUBSEQUENTLY, SO IF THERE ARE ANY QUESTIONS THAT
21 COME UP DOWN THE ROAD ABOUT THAT GUILTY PLEA, IT WILL BE
22 PART OF THE RECORD, AND WE WILL FILE THAT WITH THE
23 CLERK'S OFFICE.

24 THE COURT: ALL RIGHT. VERY WELL. I DON'T NEED A
25 VERDICT FORM ON THIS ONE.

1 MR. RICHEY: THANK YOU, YOUR HONOR.

2 THE COURT: VERY GOOD, MR. RICHEY. THANK YOU.

3 MS. EVANS: THANK YOU, YOUR HONOR.

4 (THE HEARING WAS CONCLUDED AT 4:00 P.M.)

5 ***** END OF REQUESTED TRANSCRIPT *****

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Greenville County
The Honorable Alexander Macaulay, Circuit Court Judge
Appellate Case No. 2013-000567

THE STATE,

Respondent,

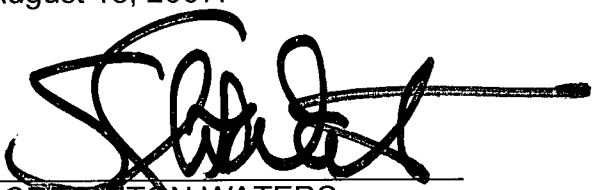
-VS-

MARIO RAMOS HINOJOS, DEFENDANT, AND RICHARD G. THOMPSON d/b/a ALL-OUT BAIL BONDING, AS SURETY, AND ACCREDITED PROPERTY AND CASUALTY INS., AS SURETY, OF WHOM RICHARD G. THOMPSON d/b/a ALL-OUT BAIL BONDING, AS SURETY, AND ACCREDITED PROPERTY AND CASUALTY ARE,

Appellants.

CERTIFICATE OF COUNSEL

The undersigned certifies that this Supplemental Record on Appeal contains all material authorized by this Court's Order authorizing a Supplemental Record, and not any other material. The undersigned also certifies that the Final Brief is in compliance with the South Carolina Supreme Court's Order of August 13, 2007.


S. CREIGHTON WATERS
Assistant Deputy Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

ATTORNEY FOR RESPONDENT

October 7, 2013.

RECEIVED
OCT 07 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Greenville County
The Honorable Alexander Macaulay, Circuit Court Judge
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THE STATE,

Respondent,

-VS-

MARIO RAMOS HINOJOS, DEFENDANT, AND RICHARD G. THOMPSON d/b/a ALL-OUT BAIL BONDING, AS SURETY, AND ACCREDITED PROPERTY AND CASUALTY INS., AS SURETY, OF WHOM RICHARD G. THOMPSON d/b/a ALL-OUT BAIL BONDING, AS SURETY, AND ACCREDITED PROPERTY AND CASUALTY ARE,

Appellants.

PROOF OF SERVICE

I, S. Creighton Waters, Counsel for Respondent, certify that I have this date served the ***Final Brief of Respondent***, and the **Supplemental Record on Appeal**, both dated October 7, 2013 on Appellant by depositing two copies of the same in the United States mail, first class postage prepaid, addressed to his attorney of record:

Benjamin A. Stitely, Esquire
Post Office Box 849
Lexington, South Carolina 29071

I further certify that I have served all parties required by Rule to be served.

This 7th day of October, 2013.



S. CREIGHTON WATERS
Assistant Deputy Attorney General
ATTORNEY FOR RESPONDENT