

T.S. ✓

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry  
STATE VS.

Michael Lee Mateo

AKA:

Race: Sex: M Age: 25

DOB: SS#: 219-31-3918

Address:

City, State, Zip:

DL#: SID#:

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was

TO: Assault & Battery 2nd degree (0 - 3 Years)

INDICTMENT/CASE#: 2016GS260

A/W#: 2015A2610202637

Date of Offense: 10/31/2015

S.C. Code §: 16-03-0600(D)(1)

CDR Code #: 3413

RECEIVED  
JUL 14 2016  
SC Court of Appeals

SENTENCE SHEET

CONVICTED OF or  PLEADS

in violation of § 16-03-0600(D)(1) of the S.C. Code of Laws, bearing CDR Code # 3413

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

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

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

ATTEST: 68532 Michael Lee Mateo J. Galmire 83%

Graustein, Scott A.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

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

for a determinate term of 3 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years

and/or to pay a fine of \$ \_\_\_\_\_, provided that upon the service of \_\_\_\_\_ days/months/years 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.

CONCURRENT or  CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code \_\_\_\_\_ § 24-13-40 to be calculated and applied

by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal

Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered - PTUP \_\_\_\_\_ days/hours Public Service Employment

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

Payment Terms: \_\_\_\_\_

Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: \$ \_\_\_\_\_

§ 14-1-206 (Assessments 107.5 %) \$ \_\_\_\_\_

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ \_\_\_\_\_

§ 56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_

§ 56-1-286 (DUI Breath Test) \$25 \$ \_\_\_\_\_

Proviso 47.9 (Public Def/Prob) \$500 \$ \_\_\_\_\_

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$ \_\_\_\_\_

§ 50-21-114 (DUI Breath Test Fee) \$50 \$ \_\_\_\_\_

§ 56-5-294 (DUI Assessment) \$40/ea \$ \_\_\_\_\_

Proviso 90.5 (S.C. A. Surcharge) \$5 \$ 5.00

3% County Fee (if paid in installments) \$ \_\_\_\_\_

TOTAL \$ 133.90 + 40.00 = 173.90

Obtain GED

Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be paid in equal, consecutive weekly/monthly

prmts. of \$ 25.00 beginning 7/28/2016

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: Att if available.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Appointed PD or appointed other counsel,

§ 47.12 requires \$500 be paid to Clerk

during probation.

\_\_\_\_\_

\_\_\_\_\_

Presiding Judge [Signature]

Judge Code: 2428

Sentence Date: June 28, 2016

02:30 PM 11/17/16

Clerk of Court/Deputy Clerk

Court Reporter

SCCA217 (03/2011)

Melanie Huggins Ward  
Richardson

FILED  
2016 JUN 28 PM 4:54  
CLERK OF COURT

[REDACTED]

SHARON  
OFFICE

1980

STATE OF SOUTH CAROLINA  
COUNTY OF HORRY

) IN THE COURT OF GENERAL SESSIONS  
) FIFTEENTH JUDICIAL CIRCUIT  
)

STATE OF SOUTH CAROLINA,  
)  
)

Case #: 2016-GS-26-01622

vs.  
)  
)

ORDER DENYING DEFENDANT'S  
MOTION TO RECONSIDER SENTENCE

MICHAEL LEE MATEO,  
)  
)

Defendant.  
)  
)  
\_\_\_\_\_

**RECEIVED**  
JUL 14 2016  
SC Court of Appeals  
2016 JUN 30 PM 4:38  
FILED  
HORRY COUNTY  
CLERK OF COURT  
JAMIE HUGGINS-WALKER

Presiding Judge: Deadra L. Jefferson  
State's Attorney: Scott A. Graustein, Esq.  
Defendant's Attorney: James C. Galmore, III, Esq.  
Date of Hearing: June 30, 2016  
Court Reporter: Kay H. Richardson

THIS MATTER is before the Court on Defendant's Motion to Reconsider Sentence, filed with the Charleston County Clerk of Court on June 29, 2016, received on June 30, 2016. This matter came before the Court on June 30, 2016 for a hearing. Present at the hearing were the Defendant Michael Lee Mateo, James C. Galmore, III, Esquire on behalf of the Defendant, and Scott A. Graustein, Esquire on behalf of the State.

Having considered Defendant's Motion, as well as the various interests balanced by the Court at the time of the ruling, Defendant's Motion to Reconsider Sentence is hereby DENIED.

"The authority to change a sentence rests exclusively with the sentencing judge and is within his or her discretion." State v. Hicks, 377 S.C. 322, 325, 659 S.E.2d 499, 500 (Ct. App. 2008) (citing State v. Smith, 276 S.C. 494, 498, 280 S.E.2d 200, 202 (1981)). "A judge or other sentencing authority is to be accorded very wide discretion in determining an appropriate sentence, and must be permitted to consider any and all information that reasonably might bear on the proper sentence for the particular defendant, given the crime committed." Hicks, 377 S.C.

at 325, 659 S.E.2d at 500. The South Carolina Supreme Court has held, "it is proper for the trial

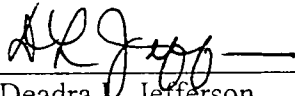
CLERK OF COURT  
HORRY COUNTY  
2016 JUL 11 PM 3:02

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judge, in open court, in the presence of the defendant, to inquire into any relevant facts in aggravation or mitigation of punishment," notably, "the fullest information possible concerning the defendant's life and characteristics." State v. Cantrell, 250 S.C. 376, 379-80, 158 S.E.2d 189, 191 (1967) (citing Williams v. People of State of New York, 337 U.S. 241, 69 S.Ct. 1079 (1949)).

This Court finds that the Defendant has outlined no sound reason for this Court to alter its sentence. The Defendant's Motion raises no new issues, nor proffers any arguments not considered by the court at the Defendant's sentencing. Having fully considered the Defendant's Motion to Reconsider Sentence, the Defendant's criminal record, severity of the incident and evidence presented at the hearing, as well as having fully reviewed the record and the various interests balanced by the Court at the time of the ruling, the Defendant's Motion to Reconsider Sentence is hereby **DENIED** pursuant to Rule 29, SCRCrimP.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
Deadra L. Jefferson  
Presiding Judge

June 30, 2016  
*Lowway, SC*

FILED  
HORRY COUNTY  
2016 JUN 30 PM 4:38  
MEAGHEE  
CLERK OF COURT

*Melanie Huggins-Blair*  
CLERK OF COURT  
HORRY COUNTY  
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WITNESSES

Josh Knight Surfside Beach Police Department

D. Siler

DOCKET NO. 2016-GS-26-21622

The State of South Carolina

County of Horry

Scott A. Graustein 15H05177

COURT OF GENERAL SESSIONS

APRIL, 2016 TERM

ARREST WARRANT NUMBER:

2015A2610202637

CDR: 3413 16-03-0600(D)(1)

DOA: 11/1/2015

ACTION OF GRAND JURY

TRUE BILL

*Butterfield*

Foreperson of Grand Jury  
Date: APR 21 2016

VERDICT

Foreperson of Petit Jury  
Date:

VS.

THE STATE

Michael Lee Mateo

W/M

6676 Hwy 707

Myrtle Beach, SC 29588-8303

DOB: 1991-03-24

SSN: 219313918

ATTORNEY: James Cullen Galmore

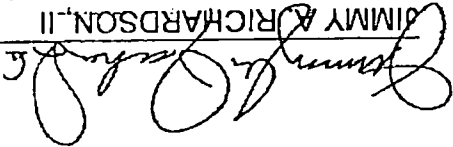
Indictment for

ASSAULT & BATTERY  
2ND DEGREE

Jimmy A. Richardson, II, Solicitor

ORIGINAL

2016 JUL 11 PM 3:02  
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Clerk of Court  
Horry County  
Melanie Huggins-Blair

FIFTEENTH CIRCUIT SOLICITOR  
JIMMY A. RICHARDSON, II  


That Michael Lee Mateo did in Horry County on or about October 31, 2015 commit, offer to commit or attempt to commit an unlawful act of injury with the present ability to do so to Nicholas Mateo and the act caused moderate bodily injury to the victim, in violation of Section 16-3-600(D), S. C. 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.

ASSAULT AND BATTERY SECOND DEGREE  
CDR: 3413-16-03-600(D)

At a Court of General Sessions, convened on APRIL 21, 2016, the Grand Jurors of Horry County present upon their oath:

INDICTMENT  
*Melaine Huggins-Alford*  
CLERK OF COURT  
HORRY COUNTY

2016 JUL 11 PM 3:02

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STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )

ARREST WARRANT

2015A2610202637

STATE OF SOUTH CAROLINA

Horry

THE STATE

15010787

Michael Lee Malco

47 Envernon Cir

Phone: (616) X

SSN: 219-31-3918

Sex: M Race: W Height: 6 Weight: 165

DL State: SC DL #: 101262727

DOB: 3/24/1991 Agency ORI #: SC0260800

Offense Code: 3413 Code/Ordinance Sec: 16-03-0600(D)(1)

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of

is to be arrested and brought before me to be dealt with according to the law. (L.S.)

Date: Signature of Judge

RETURN

A copy of this arrest warrant was delivered to defendant Michael Lee Malco on 11/12/15

Signature of Constable/Law Enforcement Officer: 58PB 502

RETURN WARRANT TO:

General Sessions PO Box 677 1301 2nd Avenue Conway, SC 29528

ORIGINAL

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AFFIDAVIT

1 Form Approved by S.C. Appellate General April 21, 2009 SCCA518

STATE OF SOUTH CAROLINA County/ Municipality of

Dave Butler

Horry

Horry

Personally appeared before me the affiant Dave Butler being duly sworn deposes and says that defendant Michael Lee Malco did within this county and state on or about 10/31/2015 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Horry) in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Assault & Battery 2nd degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On October 31, 2015 Officers were dispatched to an assault that just occurred in the area of Hwy 17/ 10th Ave S. in Surfside Beach, State of South Carolina. On scene, the victim stated the defendant did cause him moderate bodily injury by punching him in the head and face with a closed fist and also kicked him in the head nine times. There was also a witness that observed the assault witnessed to the same. The victim is a disabled veteran who necessitates the use of a cane and service canine. Officers did observe signs of injury to the victims head and the defendant was wearing boots. Therefore, there is probable cause the defendant did commit the offense of assault and battery 2nd degree.

R/O Knight

Signature of Affiant

STATE OF SOUTH CAROLINA County/ Municipality of

Horry

Affiant's Address

811 Pine Drive North Surfside Beach, SC 29575-3825

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

on or about 10/31/2015

did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Horry) as set forth

DESCRIPTION OF OFFENSE: Assault / Assault & Battery 2nd degree

Having found probable cause and the above affiant having sworn before me, I have empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant and the defendant shall be sworn to and subscribed before me on 11/12/2015

Signature of Issuing Judge: Judge's Address: Conway, SC 29526-5105

Signature of Issuing Judge: Judge Code: 5712

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2016 JUL 11 PM 4:02 CERTIFIED CLERK OF COUNTY HORRY

STATE OF SOUTH CAROLINA)  
COUNTY OF HORRY )

IN THE COURT OF GENERAL SESSION  
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

NOTICE AND MOTION FOR PRODUCTION  
OF SPECIFIC EVIDENCE AND  
DISCLOSURE OF WITNESSES

-VS-

**RECEIVED**

MICHAEL L MATEO

JUL 14 2016

DEFENDANT )

SC Court of Appeals

2015 NOV 30 AM 9:58  
CLERK OF COURT

FILE NO: 26A15-00004489

TO: SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT

YOU WILL PLEASE TAKE NOTICE that unless the prosecution responds to the Defendant's request for disclosure within 30 days, or within such time as may be ordered by the Court, Counsel for the Defendant will move this Court for an Order compelling that the State:

1. Make available for Defendant any and all written and oral statements by the Defendant which are, or may come to be, in the possession of the State.
2. Make available for purposes of inspection, and copying, any and all police reports relating to the investigation and circumstances surrounding the crime which the Defendant is charged with, including any and all statements taken from witnesses and the Defendant.
3. Make available to the Defendant all tangible objects obtained during the investigation of this case, including, but not limited to:
  - (a) All tangible objects obtained from the scene of the crime; and
  - (b) All tangible objects obtained from the State's witnesses in this case
  - (c) All tangible objects the State intends to introduce into evidence at Trial which are relevant to the offense charged.
4. Make available any witnesses known to the State who have knowledge of facts which might be favorable to the Defendant.
5. Make available any promises made or actions taken by the State which caused or might have caused any witnesses for the State to testify on behalf of the State.
6. Make available any inconsistent statements made by witnesses for the State or any statements made by witnesses for the State which tend to exculpate the Defendants or to negate participation by the Defendants in the alleged crime.
7. Make available to the Defendant all results of laboratory tests, scientific tests, or physical examinations conducted in connection with this case, including but not limited to:
  - (a) Analysis of handwriting
  - (b) Photographs secured of the scene of the crime
  - (c) Comparison of fingerprints
8. Make available any facts which tend to exculpate the Defendant.

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9. Make available any and all scientific or medical, psychiatric, legal or other information, reports or records which might tend to reflect on the credibility or competence of any of prospective witnesses for the State.

10. Make available to the Defendant the names and addresses of all persons who have knowledge of this case or who have been interviewed by the investigating officers in connection with this case.

11. Make available to the Defendant, the SLED, FBI, and local arrest and conviction records of all persons, including the Defendant, named in connection with this proceeding.

12. Make any chemist, analyst, and all persons within the chain of custody appear in Court for the purpose of personally testifying. Attorney for the Defense thus objects to the introduction of any chemist's or analyst's report pursuant to Rule 6, S.C. Rules of Criminal Procedure.

13. Make available to the Defendant all video and audio recordings and/or notarized affidavits made pursuant to South Carolina Code § 56-5-2953 and any other applicable South Carolina Statute or regulation, including but not limited to:

- (a) Police and booking reports;
- (b) Police logs;
- (c) Alcohol influence reports;
- (d) Accident reports
- (e) Reports dealing with defendant's refusal to submit to testing;
- (f) Notes taken from any recording by Law Enforcement regarding conversations with potential prosecution witnesses
- (g) Any notes taken by Law Enforcement with regards to this case which the officer intends to rely on, or make use of, at trial.
- (h) The names of the officers or other witnesses who were with the Defendant within one hour of the arrest who had the opportunity to observe the appearance and behavior of the Defendant, to include the identity of any officer present at the scene of arrest.
- (i) The time and place where the Defendant was given the Miranda warning and the name of the officer who advised him/her of the same.
- (j) Any reports made by any laboratory or hospital concerning any examination made of any physical (urine, blood, etc.), photographic, or written evidence related to the Defendant's case.
- (k) The records of analysis and the results of any chemical, urine, or breathalyzer tests administered to the Defendant.

14. Make available to the Defendant following information regarding the person(s) who administered the Defendant's chemical/breathalyzer tests:

- (a) The person's name and the name of his/her employer;
- (b) The date of his/her original certification to give chemical/breathalyzer tests and the grade he/she received on the exam;
- (c) The date of his/her most recent certification to give said tests; And his/her compliance with statutes and regulations providing for standards of training for person(s) administering such tests.

If the Defendant's blood alcohol concentration was determined on the basis of a test involving the use of any machine, provide the following information:

- (a) The type of machine used and the make, model, and serial number of particular machine;

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CLERK OF COURT  
HORRY COUNTY

CLERK OF COURT  
HORRY COUNTY

2016 JUL 11 PM 3:02

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- (b) The manufacturer and the date of manufacture of the machine;
- (c) The owner's manual and the instruction manual;
- (d) The software program used in said machine;
- (e) The date of purchase by the agency owning the machine;
- (f) The location of machine;
- (g) The number of prior tests conducted on the machine;
- (h) All maintenance information for the last two years, including all repairs done and all calibrations made on the machine;
- (i) The results of all tests performed in the thirty (30) days prior to the date of the Defendant's arrests, including any tests in which the machine malfunctioned;
- (j) Any checklist to be used by the operator of the machine, either before, during, or after the admission of a test.

This information is requested pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure. This information is further requested pursuant to Brady vs Maryland, 373 U.S. 383, 10 L. Ed. 2d 215, 83 S. Ct. 1194 (1963), U.S. vs Agurs, 427 U.S. 97, 49 L Ed 2nd 342, 96 S. Ct. 2392 1976, State vs Mixon 274 S.E. 2nd 406 (1981), City of Rock Hill vs Suchenski, 374 S.C. 12, 646 S.E.2d 879 (2007). Further this information is requested on the grounds that it is essential to insure the Defendant's right to a fair trial, right to confrontation of witnesses, the right to effective Counsel and due process of law guaranteed by the South Carolina Constitution, and the United States Constitution.

WHEREFORE, Defendant prays:

- (a) That the Solicitor be Ordered to produce all information described herein and allow the Defendant the right to examine, inspect, copy and photograph, such materials and information at a specific time and place to be fixed by the Court.
- (b) That the information be provided no later than 30 days from the date of this request, as reflected by the Clerk of Court's time-stamp appearing on the face of this Document.
- (c) That the Court enter an Order requiring the Solicitor's Office to make continuing disclosure of all matters requested herein up to and during the Trial of the charges against the Defendant.

RESPECTFULLY SUBMITTED,

*Orrie E. West*

ORRIE E. WEST  
FIFTEENTH CIRCUIT  
PUBLIC DEFENDER

2015 NOV 30 AM 9:58  
CLERK OF COURT  
HORRY COUNTY

DATED: November 23, 2015  
CONWAY, SOUTH CAROLINA

CLERK OF COURT  
HORRY COUNTY

*Melinda King*

2016 JUL 11 PM 3:02

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STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )

IN THE COURT OF GENERAL SESSIONS  
OF THE FIFTEENTH JUDICIAL CIRCUIT

DATE OF ARREST : November 01, 2015

STATE OF SOUTH CAROLINA, )

-VS- )

NOTICE OF MOTION FOR HEARING  
TO SET BOND

MICHAEL MATEO

**RECEIVED**

DEFENDANT )

JUL 14 2016

SC Court of Appeals

FILED  
HORRY COUNTY  
2015 DEC 21 AM 11:18  
MELANIE HENSON-WARD  
CLERK OF COURT

TO: PRESIDING JUDGE OF GENERAL SESSIONS 15TH CIRCUIT

SCOTT GRAUSTEIN, SOLICITOR:

DATE: December 17, 2015

YOU WILL PLEASE TAKE NOTICE that the above named Defendant, **Michael Mateo** in the above entitled matter, through his attorney, **Catherine D. Owens**, moves before the Presiding Trial Judge of General Sessions and requests that a hearing to be held for the purpose of SETTING A BOND ON THE FOLLOWING CHARGES.

2015A2610202637 Assault / Assault & Battery 2nd degree

Respectfully Submitted

  
CATHERINE D. OWENS

Public Defender  
Of Horry County  
203 Laurel Street  
Conway, SC 29526  
Phone 843-915-5385

CLEAR OF COURT  
HORRY COUNTY

*Melanie Henson-Ward*

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