

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM SPARTANBURG COUNTY  
Court of General Sessions

Honorable Grace Gilchrist Knie , Circuit Court Judge

Case No(s): 2018GS4203671, 2018GS4203672

The State ..... Respondent,  
v.  
Troy Dustin Martin ..... Appellant.

EXPLANATION OF APPEAL PURSUANT TO RULE 203(d)(1)(B), SCACR

Pursuant to Rule 203(d)(1)(B), SCACR, Troy Dustin Martin files this explanation of his appeal of his guilty plea, conviction and sentence in this case. The sentence was imposed by the Honorable Grace Gilchrist Knie on November 1, 2018 . No issues were raised during the guilty plea; however, the client insisted upon an appeal; therefore, this appeal was filed pursuant to Weathers v. State, 319 S.C. 59, 459 S.E.2d 838 (1995), and State v. Thrift, 378 S.C. 70, 661 S.E.2d 373 (2008).

November 06, 2018



Monier Abusoft  
101654  
Seventh Judicial Circuit Public Defender Office  
366 N. Church Street, Suite 3000  
Spartanburg, South Carolina 29303  
(864) 596-2561  
Attorney for Appellant

Other Counsel of Record:

Wendy Hallford, Esq.  
Seventh Judicial Circuit Solicitor's Office  
180 Magnolia Street  
Spartanburg, South Carolina 29306  
Attorney for Respondent

THE STATE OF SOUTH CAROLINA  
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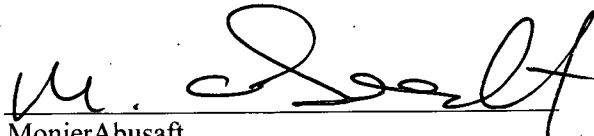
The State .....  
v.  
Troy Dustin Martin.....

Respondent,  
Appellant.

PROOF OF SERVICE

I certify that I served the Explanation of Appeal Pursuant to Rule 203(d)(1)(B), SCACR, on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on November 06, 2018 addressed to its attorney of record, Wendy Hallford, Esq., Assistant Circuit Solicitor, 180 Magnolia Street, Spartanburg, S.C. 29306.

November 06, 2018



MonierAbusoft  
101654  
Seventh Judicial Circuit Public Defender Office  
366 N. Church Street, Suite 3000  
Spartanburg, South Carolina 29303  
(864) 596-2561  
Attorney for Appellant

WITNESSES

Spartanburg County Sheriff's Office

*Jimmy W. Powers*

ARREST WARRANT NUMBER

2018A4210100391

ACTION OF GRAND JURY

**True Bill**

*T. Y.* JUL 20 2018

Foreperson of Grand Jury  
Date:

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. -

**18-GS-42-3671**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, *Solicitor*

COURT OF GENERAL SESSIONS

JUL 23 2018

TERM

THE STATE

vs.

TROY D. MARTIN

Indictment for

**CRIMINAL SEXUAL CONDUCT WITH A  
MINOR, FIRST DEGREE**

SC Code:16-3-0655(A)(1)

CDR Code: 0385

Class FEL/Exempt

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY

2018 JUL 26 AM 11:28

M. HOPE BLACKLEY

**RECEIVED**  
NOV 08 2018  
SC Court of Appeals

jm



STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS.
Troy D Martin

AKA:
Race: WHITE Sex: M Age: 30
DOB: SS#:
Address:
City, State, Zip: Inman, SC 29349-4309
DL#: SID#:

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Sex / Criminal sexual conduct - Second degree (0-20 mandatory SOR)

in violation of § 16-03-0653 of the S.C. Code of Laws, bearing CDR Code # 0161
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

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: HALLFORD, WENDY D. SCB66304 Defendant
Abusaff, Monier Attorney for Defendant SCB101654

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 20 days/months/year 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 SCDOC. 27 days
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 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:
Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211(A)(1) (Conv. Surcharge) \$100, §14-1-211(A)(2) (DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114(BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: A. Gausley, KGMckinney
Court Reporter: Pam Green

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS4203671
A/W#: 2018A4210100391
Date of Offense: 5/26/2017
S.C. Code § : 16-03-0655(A)(1); 16-03-0
CDR Code #: 0385

SENTENCE SHEET

CONVICTED OF or PLEADS

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

Defendant Waives Presentment to Grand Jury (defendant's initials)

Negotiated Sentence, Recommendation by the State.

Abusaff, Monier Attorney for Defendant SCB101654

County Detention Center,
under the Youthful Offender Act not to exceed years

CONSECUTIVE to sentence on:

SCDOC. 27 days
S.C. Code §17-25-135.
Domestic Violence)

Public Service Employment

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Other: - Sex offense Registry
- NO contact w/ minor victim
or immediate family members of victim.

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge: [Signature]
Judge Code: 2760
Sentence Date: 11/1/18

WITNESSES

Spartanburg County Sheriff's Office

*Jimmy W. Powers*

ARREST WARRANT NUMBER

2018A4210100392

ACTION OF GRAND JURY

**True Bill**

JUL 20 2018

Foreperson of Grand Jury  
Date:

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO.

**18-GS-42-3672**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 23 2018

TERM

THE STATE  
vs.

TROY D. MARTIN

Indictment for  
**CRIMINAL SEXUAL CONDUCT WITH A  
MINOR, FIRST DEGREE**

SC Code:16-3-0655(A)(1)  
CDR Code: 0385  
Class FEL/Exempt

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2018 JUL 26 AM 11:29  
M. HOPE BLACKLEY

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SC Court of Appeals

dm

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

INDICTMENT


JUL 20 2018

At a Court of General Sessions, convened on \_\_\_\_\_ the  
Grand Jurors of Spartanburg County present upon their oath:

**CRIMINAL SEXUAL CONDUCT WITH A MINOR, FIRST DEGREE**

That the Defendant Troy D. Martin, did in Spartanburg County, on or between September-9, 2016 to December 5, 2017, commit the offense of-Criminal Sexual Conduct with a Minor in the First Degree in that the Defendant did commit a sexual battery upon the minor victim, Jason Martin, who was under eleven (11) years of age at the time of the said incident. Said incident occurred in Spartanburg County, South Carolina, in violation of §16-3-655(A)(1), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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

  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG  
STATE VS.

Troy D Martin

AKA:

Race: WHITE Sex: M Age: 30

DOB: SS#:

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: Sex / Criminal sexual conduct - Second degree

in violation of § 16-03-0653

of the S.C. Code of Laws, bearing CDR Code # 0161

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC  §17-25-45

w/minor 1st or Lewd Act)

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

ATTEST: HALL FORB, WENDY D.

SCB66304  
SC Bar#

Defendant

Abusafi, Monier  
Attorney for Defendant

SCB101654  
SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 20 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 SCDOC. 275 days

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

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP

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

\_\_\_\_\_ days/hours Public Service Employment

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 (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk A. Gowdy

Court Reporter: Pam Green

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS4203672

A/W#: 2018A4210100392

Date of Offense: 5/26/2017

S.C. Code § : 16-03-0655(A)(1); 16-03-0

CDR Code #: 0385

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SC Bar#

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Attorney for Defendant

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3% to County (if paid in installments)		\$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk A. Gowdy

Court Reporter: Pam Green

Obtain GED

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

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

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

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

Other: NO contact with Victim:

OR immediate family members of Victims.

-sex offense registry

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge RJB

Judge Code: \_\_\_\_\_

Sentence Date: 11/1/18 2760