

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Florence County

Honorable Michael G. Nettles, Circuit Court Judge

**ORIGINAL
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OCT 18 2019

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LESLIE MICHAEL MARTIN,

APPELLANT

APPELLATE CASE NO 2018-001663

RECORD ON APPEAL

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State of South Carolina)	Court of General Sessions
)	Twelfth Judicial Circuit
County of Florence)	Case No. 2017-GS-21-01249
)	
State of South Carolina,)	
)	
Plaintiff,)	
)	
-vs-)	Transcript of Record
)	
Leslie Michael Martin,)	
)	
Defendant.)	
)	

June 26, 2018
Florence, South Carolina

B E F O R E:

The Honorable Michael G. Nettles, Judge

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

John Jepertinger, Esquire
Attorney for the Plaintiff

William "Vick" Meetze, Esquire
Attorney for the Defendant

Krystal J. Smith
Circuit Court Reporter

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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(No Exhibits Presented)

COURT REPORTER LEGEND

dashes	--	intentional or purposeful interruption
		or change in thought
ellipses	trailing off
[ph]		phonetically written
[sic]		written as said

1 JUNE 26, 2018

2 (WHEREUPON, the proceedings began at 10:14 a.m.)

3 MR. JEPERTINGER: If it please the Court, Your Honor,
4 standing in front of you with his attorney is Leslie Michael
5 Martin on 2017-GS-21-1249. He's pleading to a count of
6 discharging a firearm into a dwelling without negotiation or
7 recommendation.

8 THE COURT: Mr. Meetze, do you represent Mr. Martin?

9 MR. MEETZE: I do.

10 THE COURT: Have you explained to him the offense of
11 discharging a firearm into a dwelling, the fact that he could
12 be incarcerated for a period of up to 10 years, the elements
13 of the offense and potential defenses and his constitutional
14 rights?

15 MR. MEETZE: I have.

16 THE COURT: How does he wish to plead?

17 MR. MEETZE: Guilty.

18 THE COURT: Do you agree with his decision to do so?

19 MR. MEETZE: I do.

20 THE COURT: Do you feel if called upon to do so the
21 State could prove him guilty beyond a reasonable doubt?

22 MR. MEETZE: I do.

23 THE COURT: Let's place Mr. Martin under oath, if we
24 could.

25 THE CLERK: Sir, please raise your right hand. Do you

1 swear to tell the truth, the whole truth, and nothing but the
2 truth, so help you God?

3 THE DEFENDANT: I do.

4 THE COURT: Mr. Martin, are you under the influence of
5 any drugs or alcohol here today?

6 THE DEFENDANT: No, sir.

7 THE COURT: Are you experiencing any kind of physical or
8 mental problem that could prevent you from understanding
9 what's going on here today?

10 THE DEFENDANT: No, sir.

11 THE COURT: All right. Pay very close attention as the
12 State summarizes the facts that bring us here today.

13 MR. JEPERTINGER: Judge, if it please the Court, on
14 April the 4th, 2017, over on Circle Lane, which is here in
15 Florence County, right about 7-ish in the morning, Mr. Martin
16 was in a Dodge Ram pickup truck. He drove by the residence
17 of the victim, going around Circle Lane. She lived at ■
18 ■ here in this mobile home.

19 He drove around this area, came to the intersection of
20 Laurel and Circle. A neighbor by the name of Mr. Biddix saw
21 him in that Dodge Ram. He turned around slowly and came back
22 around Circle Lane. Both passenger and driver's side window
23 were down.

24 Biddix looked him square in the face. He looked at
25 Biddix. Biddix identified him later in a photo laydown.

1 When he -- and Mr. Biddix's trailer was this one right here,
2 right around the bend.

3 THE COURT: Uh-huh.

4 MR. JEPERTINGER: When he got to about this area, Biddix
5 saw Mr. Martin reach with a gun through the passenger window
6 and shoot a shot through the window of [REDACTED], which
7 is the residence of Lisa Kaul. The bullet entered the window
8 and, as you see in this picture, in the bedroom was a Tierra
9 Watson and two small children who had just gotten up and got
10 ready to go to school.

11 Ms. Watson was up at that time at seven in the morning.
12 She got up and pulled the little camouflage curtain she had
13 there and looked out the blinds and saw the Dodge Ram pickup
14 truck. She was familiar with that Dodge Ram pickup truck
15 because at a time Mr. Martin had dated Ms. Watson's mother,
16 and she was familiar that he had that -- that he drove that
17 Dodge -- black Dodge Ram and also a red pickup truck.

18 I think, Judge, he must have thought that Ms. Watson's
19 mother was in the trailer that evening. She was not. She
20 was in another mobile home or trailer in that general
21 vicinity, but not at that one. That is the residence of Ms.
22 Lisa Kaul. She's the owner and renter of that -- that
23 property there.

24 She was in another room getting ready to go to work when
25 she heard the gunshot. Of course, they -- of course, that

1 created chaos in her home and we're just thankful that no one
2 was hurt. However, you know, the children were there and
3 other people were there, Judge.

4 They did find a -- a bullet that wound up -- or the
5 fragment of a bullet that wound up on the bed where Ms.
6 Watson had been sleeping just a few minutes before.

7 THE COURT: Okay. All right. Are those facts -- what's
8 his record?

9 MR. JEPERTINGER: Okay. Give me one second, Judge.

10 Okay. He's had avoid -- avoiding payment for
11 telecommunications. He was sentenced to one year, suspended
12 to jail for 52 days and court costs and \$250 restitution in
13 1997.

14 THE COURT: That's for not paying your cable bill?

15 MR. JEPERTINGER: I don't know what it is, Judge. That
16 was in '97.

17 Then he had a grand larceny also in '97, \$1,000 to
18 \$5,000, criminal conspiracy, and it looks like breaking and
19 entering a motor vehicle. He's had -- in 1998, he had a
20 burglary, first degree, 15 years, suspended to 30 months and
21 3 years' probation. And a burglary second, non-violent, 5
22 years concurrent, credit for time served.

23 He's had a shoplifting in 2004, a breach of peace in
24 2005, petit larceny in 2006, miscellaneous traffic offenses,
25 hit and run, accident with property damage, 2006 as well; and

1 that was the last conviction we had on his NCIC.

2 THE COURT: He at least served 30 months in the
3 Department of Corrections at one time?

4 MR. JEPERTINGER: It looks like it, Judge. Yes, sir.

5 THE COURT: All right. Are those facts true and
6 accurate, Mr. Martin?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Are you indeed guilty of discharging a
9 firearm into a dwelling?

10 THE DEFENDANT: It was a pellet gun, but yes, sir.

11 THE COURT: All right. But you did, indeed, fire it
12 into the --

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. You stand before me pleading
15 guilty, but you don't have to plead guilty to anything. You
16 could exercise your right to a jury trial. In that process,
17 the jury would determine whether or not the State could
18 actually prove you guilty beyond a reasonable doubt. I would
19 charge the jury as a matter of law that you're presumed to be
20 innocent.

21 No one could require that you take the witness stand.
22 However, if you wanted to, you could, and you could subpoena
23 witnesses on your own behalf. In addition to that, you and
24 your lawyer could cross-examine the State's witnesses, have
25 an opportunity to eyeball them and confront them as they

1 testified against you.

2 Do you realize by pleading guilty that you're giving up
3 all these rights?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you still wish to plead guilty?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Are you, indeed, guilty?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. Are you satisfied with your
10 lawyer?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Has anybody promised you anything,
13 threatened you, pressured you, mistreated you in any way,
14 shape or form in an effort to get you to plead guilty here
15 today?

16 THE DEFENDANT: No, sir.

17 THE COURT: It's been your decision to plead guilty?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Are you, indeed, guilty?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Have you understood all my questions?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Have your answers been truthful?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you understand that you have 10 days to

1 appeal any decision I might render here today?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Based on your testimony, I find there's a
4 substantial factual basis for your plea. That your decision
5 was freely and voluntarily entered into, knowingly and
6 intelligently, with the consent of competent counsel with
7 whom you say you are satisfied. I'll accept your plea.

8 And did the -- does the victim want to speak?

9 MR. JEPERTINGER: Yes. Ms. Kaul, is there anything
10 you'd like to say at this time? Please go to the microphone.

11 And her name is Lisa Kaul, K-a-u-l.

12 THE COURT: Okay.

13 MS. KAUL: Yes. Yes, sir. I just want to say before
14 I'd never known this man, and he had been harassing my family
15 for months over his girlfriend, which is my stepdaughter's
16 mother. I ask that you --

17 THE COURT: Say that again? This is your stepdaughter's
18 mother?

19 MS. KAUL: Yes. Their mother. Yeah, he was the
20 boyfriend of their mother, and they live with me. And
21 apparently, he thought he would get to her or thought she was
22 over there and was trying to get to her with us.

23 He -- I mean there was numerous, numerous police reports
24 where he was riding up and down the roads every day. My
25 neighbors can -- would see him do it. And after that, there

1 was even another incident one day where he backed into my car
2 with me and my kid in it.

3 There's something wrong with him and I had nothing to do
4 with it and never knew him before this, but just -- yeah,
5 just to shoot a gun through my kid's bedroom window. He
6 would drive different trucks, a black truck, a red truck. He
7 has a red truck that I know of. Up and down the road every
8 day.

9 I had to take weeks off of work. I couldn't go to work.
10 I couldn't let my kids play outside, you know. I mean I have
11 four stepchildren. Three of them live with me in the house
12 at this time. I have two living with me now and one lives in
13 California, but they can all testify to the fact that he rode
14 up and down the road three, four, five, six times a day. So
15 will the neighbor across the street, and that's how the
16 neighbor knew it was him.

17 The neighbor is the one who come and told me. I mean we
18 looked out the window. We heard something hit the trailer,
19 but we didn't even know it was a gunshot. If it weren't for
20 the neighbor, we wouldn't have known.

21 That's how much that man harassed us, and it had nothing
22 to do with us and he was looking for Christy Mercer. It had
23 nothing to do with us. And it's just -- I mean I have two
24 little ones at home as well.

25 THE COURT: All right.

1 MS. KAUL: And there's -- there's numerous reports.

2 THE COURT: Very good. Thank you.

3 Mr. Meetze?

4 MR. MEETZE: Thank you, Your Honor. If it please the
5 Court.

6 Your Honor, as -- just to go over his record briefly,
7 Mr. Martin is 39 years old and the vast majority of his
8 record is from 20 and 21 years ago when he was a teenager.
9 Since that time, he did have some misdemeanors, a shoplifting
10 I think, a breach of peace, and he did get a probation case
11 on a leaving the scene of an accident with property damage,
12 but it was also a misdemeanor charge. That was in '06.

13 So that's -- so 12 years ago is the most recent criminal
14 record he's got, and the most serious criminal record where
15 he got the 30 months was when he was a teenager a long time
16 ago.

17 Judge, he does work. He's had a job. He works
18 installing pools and that kind of thing.

19 And, Judge, this is, obviously, a bad situation, and I
20 think there's been a lot of back and forth essentially. And
21 I think -- I hope I don't mispronounce her name, but I think
22 Ms. Kaul is right. It doesn't seem like she's involved in
23 it, but folks that at least were believed to be residing in
24 that trailer may have been, Judge, and if you'll just bear
25 with me, I've got an incident report here.

1 This is from November the 23rd of 2017. An incident
2 report from an assault and battery, third degree, where --
3 and this was from witnesses. This happened at a Dollar
4 General here in Florence where Benjamin Lee Mercer, Sr., came
5 up to Mr. Martin while he was in his truck at the Dollar
6 General and assaulted him and then Mr. Mercer tried to get
7 away.

8 And that was through testimony from an employee there at
9 the Dollar General about that incident that happened where
10 all of the evidence and everybody gave a statement according
11 to this incident report. Everybody gave a statement and even
12 Mr. Mercer admitted that he approached Mr. Martin and did
13 assault him, in fact. So that's from November of 2017.

14 Judge, this is also an incident report from closer in
15 time. This incident happened April the 4th of 2017. This is
16 a report that's basically three reports in one where on March
17 the 26th, 2017, a group of people damaged his truck. I think
18 it was the red one they referred to. Shot it up with a BB
19 gun. He and another gentleman, Mr. Stevenson, were in the
20 car.

21 We've talked to Mr. Stevenson. He says the incident did
22 happen. The police did come, saw the dents in the car where
23 the BBs had hit it. One went through the car and hit Mr.
24 Stevenson's hand. Mr. Stevenson, the officer said, did have
25 a mark on his hand, a welt where the BB had hit him.

1 We talked to Mr. Stevenson, our office did, and he did
2 say, yes, all that happened. He didn't have anything or any
3 knowledge about the incident that we're here in court for,
4 but did support the allegation that happened just the 26th.
5 So maybe two weeks before, maybe not even two weeks before
6 this happened.

7 Judge, another incident report was done on another
8 incident report the next day, the 27th, where --

9 THE COURT: Now, is this the boyfriend of his love
10 interest or something?

11 MR. MEETZE: It's somebody that -- this is a Mr. -- Mr.
12 Ingersoll is the person who is alleged to have done this, who
13 is another person that at least, of course, is integral, but
14 residing at that same trailer with the number 3 on it at 135
15 Lot 3.

16 MS. KAUL: He had nothing to do with it. He was
17 harassing us.

18 THE COURT: All right. Well, just one moment.

19 MR. MEETZE: And that's -- again, I'm just going over
20 the incident report. So that's Mr. Mercer in the first one
21 from November. The address, as the report listed, is that
22 same address.

23 Same thing with Mr. Ingersoll here. Said he came back
24 the next day, threw a brick through the window. Again, the
25 police showed up and took pictures of that damage.

1 And then, Judge --

2 THE COURT: A brick through the window of what?

3 MR. MEETZE: His truck, again damaging -- further
4 damaging his truck, the same one that they shot up with the
5 BBs.

6 MS. KAUL: Who?

7 MR. MEETZE: And then on April the 2nd, 2017, the deputy
8 responded again to Trey Chase Drive in Florence area,
9 Florence County. He arrived on the scene, spoke with the
10 victim, Mr. Leslie Martin.

11 Mr. Martin advised that he was continuing to have some
12 issues with the same people who had been causing him
13 problems. Mr. Martin advised that today they sent him
14 messages and said people die in house fires all the time.
15 People's grandparents die suddenly all the time. Mr. Martin
16 also advised that his phone numbers were also put on a
17 Craig's List that stated call or text for a good time.

18 And so that was the last one. That was a couple days
19 before this incident.

20 So I certainly don't put that out there to say what he
21 did was right, but it looks like there's been a lot of back
22 and forth between these groups of people for a while. It
23 doesn't sound like anybody is right and anything has been
24 done, but it wasn't a totally unprovoked thing.

25 Mr. Martin has done well for a long time. Got in big

1 trouble when he was a teenager. Since then, he's had very
2 little trouble, but some. But nothing that I would consider
3- major. He works. He had a fiancée. He's got a good job.
4 He just needs to be able to stay away from these folks, and
5 these folks need to be able to stay away from him.

6 Unfortunately, out of all these reports, I don't know
7 where anybody -- I think on the assault charge in November,
8 it looks like that individual --

9 MS. KAUL: There was a restraining order that --

10 THE COURT: All right. Now, ma'am --

11 MS. KAUL: -- he wasn't supposed to be around us.

12 THE COURT: Ma'am --

13 MS. KAUL: That's the thing. He wasn't supposed to be
14 around us.

15 THE COURT: Ma'am --

16 MS. KAUL: I've had the law called on that.

17 THE COURT: This isn't your turn to talk.

18 MS. KAUL: I'm sorry.

19 THE COURT: Be quiet. I'm not going to tell you again.

20 MR. MEETZE: It looks like in that incident somebody was
21 charged with assault and battery, third, but I'm not certain
22 of that. But it doesn't look like anyone else was charged
23 with anything else..

24 But in any event, Judge, again, it's not -- it's purely
25 for mitigation with regards to this case, not to excuse what

1 he did by any stretch of the imagination, but to just give
2 the Court some background.

3 And, Judge, I believe that obviously he -- it was dumb
4 action. It was a dumb thing to do, but not completely
5 unprovoked. I don't think he's a bad person. I don't think
6 this is the kind of person Mr. Martin is.

7 He's been in jail now for a total of 7 days, including
8 when he was first arrested. He's in on apparently a bench
9 warrant that I think he was picked up on Friday. So I think
10 that's a total of 7 days, Judge, and we're asking the Court
11 to consider a probationary sentence on his behalf. This is
12 certainly something that he's sorry for and regrets and is
13 certainly asking the Court for mercy in this case.

14 THE COURT: One of the things that causes me some
15 concern -- I'm looking at the hole in this window. It broke
16 the windowsill and it's got a huge hole in the window, and he
17 says it's a pellet gun. Now, I used to shoot pellet guns and
18 it wouldn't do that.

19 MR. MEETZE: Yes, sir.

20 THE COURT: What you think about that, Mr. Jepertinger?

21 MR. JEPERTINGER: I think --

22 THE COURT: Are you a ballistics expert?

23 MR. JEPERTINGER: I'm not an expert, Judge, but I've
24 shot guns and I think it was a gun that he shot. The other
25 thing that -- to address my --

1 THE COURT: Now, is that supposed to be some --

2 MR. JEPERTINGER: They measured it. That was the crime
3 scene measuring the --

4 THE COURT: Projectile?

5 MR. JEPERTINGER: For scale.

6 THE COURT: Is that a projectile or is that --

7 MR. JEPERTINGER: Oh, that's a projectile. They -- yes.

8 THE COURT: That's certainly not a pellet, is it?

9 MR. JEPERTINGER: No, sir.

10 THE COURT: What do you have to say about that, Mr.
11 Martin?

12 THE DEFENDANT: Sir?

13 THE COURT: What do you have to say about -- you told me
14 this was a pellet gun.

15 THE DEFENDANT: It was a pellet gun, Your Honor.

16 THE COURT: All right. What do you have to say about
17 that projectile that was found on the--

18 THE DEFENDANT: I don't know as far as that goes. I
19 know what was shot. It was a pellet gun.

20 THE COURT: Well, that must -- that must be some kind of
21 turbo-charged pellet gun.

22 MR. JEPERTINGER: The other thing that concerns me is
23 there were kids in that house. Whatever -- whatever problem
24 he had with adults --

25 THE COURT: Right.

1 MR. JEPERTINGER: I mean you just don't know when you're
2 shooting into a house.

3 THE COURT: Yeah. All right. The victim wants to say
4 something and she's about to bust -- bust wide open to say
5 something.

6 MR. JEPERTINGER: Do you need to say anything else, Ms.
7 Kaul?

8 MS. KAUL: Yes, sir. I just want to say there was five
9 kids in the house. Two of them had just left for school.
10 This had nothing to do with me or them. He had been
11 harassing us for months. There is numerous reports.

12 Thanksgiving Day, I called the law to my house at five
13 o'clock that morning. He wasn't -- there was a restraining
14 order. He was supposed to have no contact with us. I have
15 screenshots. I have messages where he was calling us. He
16 would not leave us alone.

17 I can't even enjoy my Thanksgiving Day. I went to
18 Dollar General and called the law so they would come get him
19 and lock him up, and he ended up backing into my car. Yes,
20 my old man ended up beating him up, you know, whatever, and
21 he went to jail for it, but something is wrong with this man
22 that I have nothing to do with it. My kids have nothing to
23 do with it.

24 It has to do with his ex-girlfriend, and she wasn't even
25 over there. He just thought she might be. And because we

1 couldn't give him any information, he drove around our block
2 numerous, numerous times a day.

3 THE COURT: All right. How many men live in this
4 trailer? It sounds like there were two males that live in
5 this trailer.

6 MS. KAUL: I had two teenagers at the time living with
7 me, Alexander Reed Mercer and Joshua Mercer. Joshua still
8 lives with me. Alexander lives in Marion now. Tierra still
9 lives with me. I have Tierra and Josh, and then their father
10 lives with me. And then I have two little girls, Skylar and
11 Crissy.

12 And like I said, I couldn't go to work. I couldn't let
13 my kids out to play. He would drive around, and it's a
14 little dirt road that just cuts off from one teeny road to
15 another road and he'd just drive by. Just, you know,
16 cussing. Never stop or anything, but cussing out the window.

17 THE COURT: What's your old man -- what did -- you're
18 calling your old man. I assume that's your husband or
19 boyfriend?

20 MS. KAUL: It's the father of my kids, yeah.

21 THE COURT: Okay. All right. What did he beat him up
22 for?

23 MS. KAUL: Because Thanksgiving morning he'd been
24 calling and texting us since I don't know. I know I woke up
25 at five o'clock to start putting in things for dinner, and he

1 had been calling us since, like, four o'clock that morning
2 and was asking where Christy was, which is the father of my
3 children's ex-wife. We don't know, you know, but every time
4 they break up, apparently, he thinks that she comes over
5 there. I don't know. His kids don't know. We don't know,
6 but we get harassed for it.

7 THE COURT: Very good.

8 MS. KAUL: And he doesn't give up, and that's why we
9 went to Dollar General. Like I said, there's a report. The
10 law came out there at five o'clock that morning or five
11 something that morning, and I went to Dollar General and, you
12 know, I was, like, meet me at the Dollar General, you know.

13 Then I called the law and I mean there's even 9-1-1
14 calls. I called the law and told them to come because there
15 was a restraining order, no contact. He wasn't supposed to
16 be contacting us at all. Trying to get him locked up so I
17 can have a peaceful holiday.

18 THE COURT: All right. Very good. Thank you.

19 MR. JEPERTINGER: Thank you, Ms. Kaul.

20 THE COURT: All right. Mr. Martin, what do you have to
21 say about all this?

22 THE DEFENDANT: It was all, you know, just a mix-up
23 between one side and the other. It should have never
24 happened, and I'm just glad, you know, to finally go ahead
25 and get through with everything.

1 MR. JEPERTINGER: Very good.

2 THE DEFENDANT: Get on with my life. Like Mr. Meetze
3 said, I'm engaged. I work. I have a job. I make decent
4 money.

5 THE COURT: What did you think you were going to
6 accomplish by shooting into the bedroom window?

7 THE DEFENDANT: It was just a retaliation for where they
8 shot my truck up was really what it was, you know. They did
9 do \$6,000 worth of damage to my truck, the windshield and
10 everything.

11 THE COURT: How about if you'd have killed one? How
12 about if you would have killed one of those innocent children
13 in the house?

14 THE DEFENDANT: I didn't realize at the time that there
15 was children involved.

16 THE COURT: Very good. All right. Well, let's list all
17 the people that were -- what's Ms. Kaul's name? How do you
18 spell her name?

19 MR. JEPERTINGER: K-a-u-l. There was a Tierra Watson,
20 W-a-t-s-o-n. Who else?

21 MS. KAUL: Alexander Mercer and I don't know if Christy
22 ever filed a report. That was the one who caused -- that was
23 --

24 MR. JEPERTINGER: Okay. Mercer wasn't within your house
25 though.

1 THE COURT: Very good.

2 MS. KAUL: But in the home, Joshua Mercer, Alexander
3 Mercer, Tierra Watson, me. At the time, Michael Ingersoll.
4 He's deceased now. And my two girls. That's who was in the
5 home at the time.

6 THE COURT: All right. Very good.

7 MR. JEPERTINGER: Thank you.

8 SENTENCE

9 THE COURT: All right. Mr. Martin, on Indictment 2017-
10 GS-21-01249, discharging a firearm into a dwelling, the
11 sentence of the Court is you be committed to the State
12 Department of Corrections for a period of 10 years, provided
13 upon the service of 6 years, the balance is suspended with 2
14 years' probation.

15 No contact with Kaul, Watson or Mercer.

16 Good luck to you.

17 MR. MEETZE: Thank you, Judge.

18 THE COURT: And the bench warrant is lifted.

19 (WHEREUPON, the proceedings ended at 10:40 a.m.)

20

21 --- END REQUESTED TRANSCRIPT ---

22

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25

1 State of South Carolina)
 2) Certificate
 3 County of Florence)
 4
 5 I, the undersigned, Krystal J. Smith, Notary Public and
 6 Official Court Reporter for the Twelfth Judicial Circuit of
 7 the State of South Carolina, do hereby certify that the
 8 foregoing pages, numbered 1 through 23, constitute a true,
 9 accurate, and complete Transcript of Record of all the
 10 proceedings had and evidence introduced in the hearing of the
 11 above captioned case, relative to appeal, in the Court of
 12 General Sessions for Florence County, South Carolina, on the
 13 26th day of June, 2018.
 14 I do further certify that I am neither of kin, counsel,
 15 nor interest to any party hereto.
 16
 17 s/Krystal J. Smith
 18 Court Reporter
 19
 20 Florence, South Carolina
 21 April 18, 2019
 22
 23
 24
 25

STATE OF SOUTH CAROLINA)	
)	COURT OF GENERAL SESSIONS
COUNTY OF FLORENCE)	2017-GS-21-1249
)	
)	
)	
State of South Carolina))
)	
vs.)	TRANSCRIPT OF RECORD
)	
Leslie Michael Martin))
<u>DEFENDANT</u>)	September 4, 2018
		Florence, South Carolina

B E F O R E:

THE HONORABLE MICHAEL G. NETTLES, JUDGE.

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

JOHN JEPERTINGER, DEPUTY SOLICITOR
Attorney for the State

VICK MEETZE, ASSISTANT PUBLIC DEFENDER
Attorney for the Defendant

KESHIA REED
Official Court Reporter

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I N D E X

(WHEREUPON, no witnesses were called.)

1 MR. JEPERTINGER: Please the Court, Your Honor.
2 We're here on 2017-1249. Mr. Leslie Michael Martin pled
3 guilty in front of you on June the 26th 2018 to
4 discharging a firearm into a dwelling. He received a
5 sentence of 10 years suspended to six years. Thereafter,
6 two years of probation to follow and the bench warrant was
7 lifted.

8 Mr. Martin, via his attorney Mr. Meetze with the
9 public defender office filed a timely motion to reconsider
10 sentence and we're here on that matter today. If you
11 recall, this was a shooting that took place in a trailer
12 park -- mobile home park and this gentleman discharged a
13 firearm from a moving vehicle into this house. We had
14 some pictures that we took. There was a bullet fragment
15 found on a bed on the inside of that house. I think you
16 felt it was an appropriate sentence and I think it was an
17 appropriate sentence that you gave him. And I don't think
18 there's any reason to change your sentence, but we're here
19 on Mr. Meetze's motion.

20 THE COURT: Mr. Meetze, be glad to hear from
21 you.

22 MR. MEETZE: Thank you, Your Honor. May it
23 please the Court. Judge, did file that motion on
24 Mr. Martin's behalf and we appreciate the Court hearing
25 this motion at this time. Judge, I'll just remind you

1 basically what was said the during plea. Obviously,
2 Mr. Martin doesn't have any excuses, doesn't make any
3 excuses for his actions. This wasn't just something that
4 was completely unprovoked. However, he had been -- his
5 car had been shot at by one of the individuals that was
6 living in that trailer at the time and there was a witness
7 that corroborated that. They had done two different
8 things. One shot and I think the witness in the car
9 actually got hit with a pellet when it was shot once,
10 another time where there was vandalism done to his
11 vehicle. And he knew who did it and knew somebody that
12 resided in that location. And obviously reacted in an
13 inappropriate way, but it just wasn't something that was
14 done out of the blue.

15 Judge, Mr. Martin does have some record, but
16 it's predominately old. His last record of anything that
17 I could see general sessions wise was a leaving the scene
18 of an accident from 2006, that he got a little bit of
19 probation on and everything else is earlier than that.
20 And from then forward up until this point, he had done
21 very well and stayed out of trouble and all. And
22 certainly that's a long time to stay out of trouble and,
23 you know, you go from a younger age to an older age and
24 you certainly do change and I think that he has. But
25 again he made big a mistake on this instance. We would

1 just respectfully ask the Court to reconsider something
2 lower.

3 THE COURT: All right. Mr. Martin, what would
4 you like to say?

5 THE DEFENDANT: You know, I'm sorry for what I
6 done. You know, I know I was wrong in doing it. I just
7 said I just felt like I made three police reports against
8 the incidents happen to my truck and to the passenger that
9 was in my truck and nothing was done. On the last
10 incident, there was about 12 individuals rolling up in my
11 yard -- in my ex-wife's resident with baseball bats and
12 machetes and I ended up having to have a new hood, new
13 tool box. They done plus \$6,000 worth of damage.

14 THE COURT: If they were attacking you at your
15 house ---

16 THE DEFENDANT: Yes, sir, I called the police as
17 soon as I seen them, I called the police.

18 THE COURT: That might have been a different
19 deal, but what happened here is you riding by their house
20 shooting into the house.

21 THE DEFENDANT: Yes, sir. After that, I went
22 and bought a pellet gun to have some protection at the
23 house and that same pellet gun is the gun that I
24 discharged into the window of the trailer.

25 MR. JEPERTINGER: Judge, just from the evidence,

1 it look like a bullet fragment and these holes look like
2 bullet fragments not pellets, Judge. There huge holes as
3 you can tell. There was also children ---

4 THE DEFENDANT: Were there any ballistics done
5 on it?

6 MR. JEPERTINGER: There were children in that
7 room, Judge, and none of those children attacked this man
8 at any time prior. Once again, I think the sentence was
9 fair. And you considered all this back in June and
10 everything that he's saying now was said then.

11 THE COURT: Anything else from anybody?

12 MR. MEETZE: No, sir, Your Honor.

13 THE COURT: All right. Given all of the facts
14 and circumstances, I think it's an appropriate sentence.
15 I wish you the best of luck.

16 MR. MEETZE: Thank you, Your Honor.

17 MR. JEPERTINGER: Thank you.

18 END OF REQUESTED TRANSCRIPT

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WITNESSES

Christopher A Owens Florence County Sheriff

DOCKET NO. 2017-GS-21-01249

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

OCTOBER TERM 2017

THE STATE

vs.

LESLIE MICHAEL MARTIN

John C Jepertinger

ARREST WARRANT NUMBER

2017A2110100168

ACTION OF GRAND JURY

TRUE BILL

Arvidi Dease
Foreperson of Grand Jury
Date: 9-28-17

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

DISCHARGING A FIREARM
INTO A DWELLING

RECEIVED
SEP 12 2018
APPELLATE DEFENSE

2017 SEP 28 AM 10:57
DORIS POULOS
0009 1 63
FLORENCE COUNTY, S.C.

FILED

CERTIFIED: A TRUE COPY
Shirley A. Hanna
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

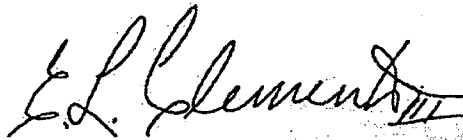
INDICTMENT FOR
DISCHARGING A FIREARM
INTO A DWELLING

At a Court of General Sessions, convened on SEPTEMBER 28, 2017 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- DISCHARGING A FIREARM INTO A DWELLING

That Leslie Michael Martin did in Florence County on or about April 4, 2017, discharge or cause to be discharged unlawfully, firearms at or into a dwelling house or other building or enclosure regularly occupied by persons; or into a vehicle, aircraft, watercraft or other conveyance or equipment while it was occupied in that he fired a round from a firearm into the dwelling of Lisa Kaul, which was occupied at the time of the shooting by Ms. Kaul and several other individuals, in violation of Section 16-23-0440, 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.



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

34
STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Florence
STATE VS.

INDICTMENT/CASE#: 2017-GS-21-01249

AKA: Leslie Michael Martin

A/W#: 2017A2110100168

Race: White Sex: M Age: 39

Date of Offense: 4/4/2017

DOB: [REDACTED] SS#: [REDACTED]

S.C. Code § : 16-23-0440(A)

Address: [REDACTED]

CDR Code #: 0052

City, State, Zip: Florence, SC 29506-7124

DL#: [REDACTED] SID#: [REDACTED]

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Weapons / Discharging firearms into a dwelling (0-10 / 1,000)

in violation of § 16-23-0440(A) of the S.C. Code of Laws, bearing CDR Code # 0052

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

(CSC w/minor 1st or CSC w/minor 3rd)

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:

[Signature] Solicitor *9826* *[Signature]* SC Bar# *[Signature]* Defendant *[Signature]* Attorney for Defendant *[Signature]* SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 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 6 days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 2

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 SCDOC.

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

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 (Public Def/Probation)	\$500	\$ 500.00
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 56-2-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2992(A) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$ 18.75	\$
TOTAL		\$ 643.75

Clerk of Court Deputy Clerk *E. Ragn*
Court Reporter *KSATH*
SCCA/217 (04/2018)

PTUP _____

_____ days/hours Public Service Employment

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 w/ victims*
- Kayl
- Watson
- Mace

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 *Michael Nettles*

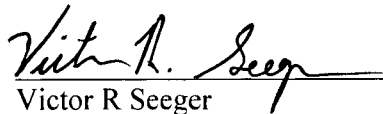
Judge Code: 2146

Sentence Date: 6/26/2018

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this 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,



Victor R Seeger
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 18th day of October, 2019.