

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Jun 07 2021
SC Court of Appeals

Appeal from Beaufort County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

FRANCISCO SAUL ORTIZ-AGUIRRE,

APPELLANT.

APPELLATE CASE NO. 2020-000992

RECORD ON APPEAL

JESSICA M. SAXON
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201
(803)734-3372

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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1 In the Court of GENERAL SESSIONS for the
2 State of South Carolina, County of Beaufort

3

4 Case No.: 2019-GS-07-01013,
5 -01014, -01277, -01452,
6 -01453, -01454, -01455,
7 & -01525

6 State of South Carolina,

7 Plaintiff(s),

8 vs. Transcript of Record

9 Francisco Saul Ortiz-Aguirre,

10 Defendant(s).

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16 May 18, 2020

17 Beaufort, South Carolina

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22 BEFORE:

23 The Honorable Carmen T. Mullen

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APPEARANCES

REPRESENTING THE STATE:

Mary Jordan Lempesis, Assistant Solicitor
14th Judicial Circuit Solicitor's Office
39 Sheridan Park Circle, Suite 2
Bluffton, SC 29910
843-255-5880

REPRESENTING THE DEFENDANT:

Melissa Duque, Public Defender
1905 Duke Street, Room 260
PO Box 525
Beaufort, SC 29901-0525
843-255-5000

1 PROCEEDINGS

2 THE COURT: This is Francisco Ortiz-Aguirre. All
3 right. Sir, your name is Mr. Ortiz Aguirre; is that
4 correct?

5 MR. ORTEZ: Ortez.

6 THE COURT: Okay. You can go back. We need
7 Mr. Ortiz-Aguirre. Francisco Ortiz-Aguirre, would you
8 raise your right-hand. Do you swear or affirm the
9 testimony that you give will be the truth, so help you
10 God?

11 INTERPRETER: Yeah or see yeah.

12 THE DEFENDANT: (Speaking Spanish.)

13 THE COURT: Yeah, okay. Sir, this is Carmen
14 Mullen. I am the presiding judge in this case. The
15 solicitor is here, as well as your attorney and the
16 translator. Do you understand all of that?

17 THE INTERPRETER: (Interprets from Spanish to
18 English and English to Spanish) Okay.

19 THE COURT: All right. Solicitor.

20 MS. LEMPESIS: Thank you, Your Honor. And I'll
21 hand up also a statement from one of our victims. And
22 defense counsel has seen it as well.

23 THE COURT: Okay.

24 MS. LEMPESIS: Your Honor, Mr. Ortiz is charged
25 with multiple indictment numbers, multiple indictments.

1 He's been indicted on everything. And they are
2 2019GS07-1525, burglary second degree non-violent. And
3 2019GS07-1013, that is another count of burglary second
4 degree non-violent. 1452, forgery value less than
5 \$10,000. And 1453, 1454, and 1455, all charges of
6 forgery less than \$10,000. So, that is four counts of
7 forgery less than \$10,000 total.

8 Again, 2019GS07-1014, another charge of burglary
9 second degree non-violent. And finally, indictment
10 number ending in 1277, petty larceny. So total, Judge,
11 there are three counts of burg second non-violent, four
12 counts of forgery less than \$10,000, and one petty
13 larceny.

14 He's pleaing guilty today and the State's sentence
15 recommendation is a range of five to ten years.
16 Mr. Ortiz has been in custody for -- since May 15,
17 2019, since May of last year. And I'll get you, again,
18 the number, the exact number of days.

19 THE COURT: And the sentencing recommendation is
20 between five and ten years?

21 MS. LEMPESIS: Yes, ma'am.

22 INTERPRETER: (Interprets from Spanish to English
23 and English to Spanish).

24 THE COURT: Do you understand that?

25 INTERPRETER: (Interprets from Spanish to English

1 and English to Spanish). Yes.

2 THE COURT: Mr. Ortiz-Aguirre, you understand,
3 sir, that if I sentenced you on each of these charges
4 for the maximum, you would be looking at 50 years and
5 30 days in prison.

6 INTERPRETER: (Interprets from Spanish to English
7 and English to Spanish).

8 THE COURT: Does he understand?

9 INTERPRETER: (Interprets from Spanish to English
10 and English to Spanish) Yes.

11 THE COURT: Yes. Sir, you also understand that
12 you are waiving your Constitutional rights to a jury
13 trial on these charges?

14 INTERPRETER: (Interprets from Spanish to English
15 and English to Spanish) Yes.

16 THE COURT: Do you also understand that you are
17 waiving your right to be in a courtroom while you are
18 entering this guilty plea?

19 INTERPRETER: (Interprets from Spanish to English
20 and English to Spanish). Yes.

21 THE COURT: Are you satisfied with how your lawyer
22 has represented you?

23 INTERPRETER: (Interprets from Spanish to English
24 and English to Spanish). Yes.

25 THE COURT: Have you understood all of your

1 conversations with her?

2 INTERPRETER: (Interprets from Spanish to English
3 and English to Spanish). Yes.

4 THE COURT: You have ten days from today's date to
5 appeal this guilty plea and the sentence of this Court.

6 INTERPRETER: (Interprets from Spanish to English
7 and English to Spanish).

8 THE COURT: If you cannot afford an attorney for
9 appeal, one will be appointed for you at no cost to
10 you, but you must request it. Do you understand that?

11 INTERPRETER: (Interprets from Spanish to English
12 and English to Spanish). Yes.

13 THE COURT: All right. Solicitor, tell me about
14 it.

15 MS. LEMPESIS: Thank you, Your Honor. These are
16 all incidents that occurred -- they started with
17 burglaries in Sun City and ended with the defendant
18 stealing items from the people's homes, including
19 checks, and depositing, forging those checks, and
20 depositing them into his or his wife's account, and
21 then withdrawing the money right away.

22 The first burglary occurred on May 1st of 2019.
23 The victim in that case is Ms. Betty Blount (phonetic).
24 She noticed that she had some checks missing from her
25 home. She said that her -- she and her daughter had

1 been away from their house. When they returned they --
2 her daughter saw that the garage door was open and
3 there was a Hispanic male inside of the house. And her
4 daughter saw this person and thought that perhaps it
5 was a construction worker because they were having
6 construction done on their home. Sorry.

7 INTERPRETER: Okay. (Interprets from Spanish to
8 English and English to Spanish).

9 MS. LEMPESIS: Thank you. They see Mr. Ortiz,
10 they discover ultimately it was Mr. Ortiz in the home.
11 He took the checks from the home. He then wrote the
12 check in the amount of \$8,000 and deposited it -- made
13 payable to himself -- and deposited it at Bank of
14 America.

15 INTERPRETER: (Interprets from Spanish to English
16 and English to Spanish).

17 MS. LEMPESIS: He was identified on video at Bank
18 of America making that deposit.

19 INTERPRETER: (Interprets from Spanish to English
20 and English to Spanish).

21 MS. LEMPESIS: Next, on May 7th, law enforcement
22 responded to another home in Sun City. The victim here
23 is Carol Malcolm (phonetic).

24 INTERPRETER: (Interprets from Spanish to English
25 and English to Spanish).

1 MS. LEMPESIS: She told law enforcement that when
2 she home -- returned home that day, she discovered that
3 the -- one of her doors was left open. She searched
4 her home and discovered that there was a window to her
5 bedroom that was also slightly opened, and some
6 pictures and other things rearranged or knocked over in
7 front of that window. She did not find anyone in the
8 house. She had noticed that several pieces of jewelry
9 had been removed, as well as approximately \$2,000 in
10 cash from a cookie jar.

11 INTERPRETER: (Interprets from Spanish to English
12 and English to Spanish).

13 MS. LEMPESIS: She also had an exterior security
14 camera that was mounted outside of her home. She
15 reviewed that footage. The camera was gone when she
16 got home, it had been removed. But she --

17 INTERPRETER: (Interprets from Spanish to English
18 and English to Spanish).

19 MS. LEMPESIS: She was able to review the footage
20 though. I want --

21 INTERPRETER: (Interprets from Spanish to English
22 and English to Spanish).

23 MS. LEMPESIS: And she observed a Hispanic male
24 wearing white gym shorts and red and white and blue
25 tank-top enter the view of the camera at about 4:15

1 that afternoon. He was carrying some sort of like
2 triangular object and talking on a phone. He then
3 exited the view of the camera, and then came back and
4 you can see at that point the camera was removed.

5 INTERPRETER: (Interprets from Spanish to English
6 and English to Spanish).

7 MS. LEMPESIS: The item that was in his hand in
8 the video was a spike of some sort. They suspect that
9 he used it to break into the home. It was found on the
10 ground near the residence. The camera was also, I
11 believe, recovered. It had been thrown into the --
12 into the bushes or something nearby.

13 INTERPRETER: (Interprets from Spanish to English
14 and English to Spanish).

15 MS. LEMPESIS: That petty larceny stems from that
16 same burglary from him taking the video -- the camera,
17 and also the items inside. He also took checks from
18 the home and again attempted or made the checks out to
19 himself and attempted -- and deposited them at Bank of
20 America where he was again caught on camera.

21 INTERPRETER: (Interprets from Spanish to English
22 and English to Spanish).

23 MS. LEMPESIS: The final burglary occurred on May
24 8th, again in Sun City, 2019.

25 INTERPRETER: (Interprets from Spanish to English

1 and English to Spanish).

2 MS. LEMPESIS: The victim here is Patricia
3 McLauren (phonetic).

4 INTERPRETER: (Interprets from Spanish to English
5 and English to Spanish).

6 MS. LEMPESIS: She said that she came home at
7 about 9 on May 7th or May 8th and discovered that her
8 house had been broken into. There was things moved
9 around inside and the screen was off of the kitchen
10 window.

11 INTERPRETER: (Interprets from Spanish to English
12 and English to Spanish).

13 MS. LEMPESIS: The only thing missing from her
14 home was her checkbook. And the next day there was an
15 \$8,000 check written on her account in Mr. Ortiz's
16 name.

17 THE COURT: Was he able to get any of the money?

18 INTERPRETER: (Interprets from Spanish to English
19 and English to Spanish).

20 THE COURT: Pardon me.

21 MS. LEMPESIS: He did get some money, Judge. I
22 can't tell you exactly. And I apologize but --

23 THE COURT: Obviously, the bank --

24 MS. LEMPESIS: His bank, yes. And obviously we
25 are asking for an active prison sentence. I did hand

1 up a statement from one of the three victims of the
2 burglary.

3 THE COURT: Yes, Carol Malcolm (phonetic), I have
4 that and I read it.

5 MS. LEMPESIS: Thank you, Your Honor. And
6 Ms. Duque has that statement as well. For Mr. Ortiz's
7 prior record, I apologize, Judge, I'm going to have to
8 pull it up from a different file.

9 THE COURT: Okay, let's go ahead. Let me ask some
10 questions while you find that.

11 MS. LEMPESIS: Sure, yes, ma'am.

12 THE COURT: Sir, do you admit that you are guilty
13 of these burglaries and forgeries and petty larceny?

14 INTERPRETER: (Interprets from Spanish to English
15 and English to Spanish). Yes.

16 THE COURT: I find there's substantial factual
17 basis and I'm going to accept your guilty plea. While
18 she's still looking that up, Ms. Duque, do you want to
19 talk to me about it?

20 MS. DUQUE: Yes, Your Honor. Mr. Ortiz-Aguirre,
21 he came to the United States from Honduras when he was
22 17 years old. He tells me at the time that this
23 happened he was having some financial difficulties and
24 was hanging out with the wrong crowd which led him to
25 commit this crime. Before then he tells me that he

1 really wasn't in any trouble since he's been here. And
2 he did you -- he also tells me that when he got here
3 from Honduras he was 17 years old and was given asylum.
4 And I had to explain to him that pleaing guilty to this
5 charge may affect his immigration status in this
6 country.

7 THE COURT: Go ahead and interpret.

8 INTERPRETER: (Interprets from Spanish to English
9 and English to Spanish).

10 THE COURT: Did you find his prior record?

11 MS. LEMPESIS: It is just driving without a
12 license from 2019.

13 THE COURT: Okay.

14 MS. LEMPESIS: And he's been in custody for 368
15 days.

16 THE COURT: Anything you would like to tell me,
17 Mr. Ortiz?

18 INTERPRETER: (Interprets from Spanish to English
19 and English to Spanish). I am so sorry for what I have
20 done.

21 THE COURT: Hang on. All right. On indictment
22 2019-1525 for burglary in the second degree, the
23 sentence of this Court is that you be committed to the
24 Department of Corrections for a period of ten years.
25 And I'm giving you credit for 368 days.

1 On 2019-1013, again for burglary in the second
2 degree, the sentence is ten years. On indictment
3 2019-1452 for forgery, value less than \$10,000, the
4 sentence is five years. On 2019-1453 for forgery,
5 value less than \$10,000, the sentence is 5 years.

6 On indictment 2019-1454 for forgery, the sentence
7 is 5 years. On indictment 2019-1455, the sentence is 5
8 years. On indictment 2019-1014 for burglary in the
9 second degree, the sentence is 10 years. And lastly,
10 on indictment 2019, the sentence is 12 -- I am sorry,
11 2019GS-1277 for simple larceny, the sentence is 30 days
12 time served. I am giving you credit for 368 days that
13 you've served. And those are to all run concurrent to
14 each other. Good luck to you, sir.

15 INTERPRETER: (Interprets from Spanish to English
16 and English to Spanish). Thank you.

17 THE COURT: Okay.

18 (The proceeding concluded.)

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CERTIFICATE

STATE OF SOUTH CAROLINA:

COUNTY OF BEAUFORT:

I, MONA L. MANLEY, Court Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 8th day of January, 2021.

Mona L. Manley /s/
MONA L. MANLEY
Official South Carolina Court Reporter
Circuit Reporter for the 14th Circuit
(850) 893-6662
mmanley@sccourts.org

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Jul 09 2020

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

THE STATE)

vs.)

FRANCISCO ORTIZ-AGUIRRE)

DEFENDANT.)

FOURTEENTH JUDICIAL CIRCUIT
IN THE COURT OF GENERAL SESSIONS

2020 MAY 28 PM 3:39

INDICTMENT NO(s): 2019GS0701013,
2019GS0701014, 2019GS0701277,
2019GS0701452, 2019GS0701453,
2019GS0701454, 2019GS0701455 and
2019GS0701525

MOTION TO RECONSIDER SENTENCE

Here now comes the Defendant, by and through his undersigned attorney, and respectfully request the Court to reconsider the sentence imposed upon him, pursuant to Rule 29 of the South Carolina Rules of Criminal Procedure. Furthermore, the Defendant respectfully request the Court to set a hearing on this matter at its earliest possibly convenience.

PROCEDURAL HISTORY

The Defendant was arrested on May 16, 2019 and charged with two counts of Burglary 2nd Degree (Non-Violent). The Defendant was served additional warrants on July 19, 2019 for incidents prior to his arrest in May 2019 to include an additional (1) one count of Burglary 2nd Degree (Non-Violent), four (4) counts of Forgery, value less than \$10,000 and one (1) count of Petit Larceny, value less than \$2,000. During the May 2020 term of General Sessions Court in Beaufort County the Defendant was brought to court to be advised of a plea offer on these charges.

On May 18, 2020, the Defendant waived his right to a jury trial and pled guilty before this Court regarding the above referenced indictments. The Court sentenced the Defendant as follow to (10) ten years, concurrent with credit for time served for each of the three Burglary, 2nd Degree (Non-Violent) indictments, (5) five years, concurrent with credit for time served for each of the four Forgery, value \$10,000 or less charges, and (30) days with credit for time

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Jerrl Ann Roseaneu - Clerk of Court
Beaufort County, SC - Carroll Stroger

served on the Petit Larceny charge. These sentences were to be run concurrent.

GROUNDS FOR RECONSIDERATION

Defendant submits that it is common practice in both state and federal court to give some consideration to defendants, regardless of the charges or prior criminal history, for their willingness to accept responsibility for their actions by entering an unconditional plea of guilty. In fact, the federal system has found such acceptance of responsibility to be so important that it has memorialized such in the sentencing commissions' policy, which is defined in the Federal Sentencing Guidelines. This policy mandates that defendants are to receive certain levels of reduction in their sentence, referred to as downward departures, for their acceptance of responsibility as demonstrated by their unconditional plea of guilty to a charge.

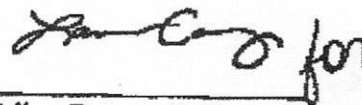
While State courts have not traditionally recognized a written policy or any other codification of the idea of acceptance of responsibility, it has been common practice in many criminal courts for judges to give consideration to defendants when they plead guilty and forgo putting the State and tax payers through the expense of a trial.

In the case at hand, the defendant took it upon himself to accept responsibility for his actions by entering an unconditional guilty plea. The Defendant submits that had this acceptance been properly considered, it would have resulted in a less than maximum sentence.

CONCLUSION

Based on the above factors the Defendant respectfully requests that the Court reconsider the sentence imposed in this matter,

Respectfully submitted,



Melissa Duque
Assistant Public Defender
Beaufort County Public Defender's Office
P. O. Box 525
Beaufort, SC 29901
Telephone: (843) 255-5811

May 28, 2020
Beaufort, South Carolina

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Jul 09 2020

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of General Sessions

2020 JUL -9 PM 1:56
JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

The Honorable Carmen T. Mullen, Circuit Court Judge

Indictment Numbers: 2019GS0701013, 2019GS0701014,
2019GS0701277, 2019GS0701452,
2019GS0701453, 2019GS0701454,
2019GS0701455 and 2019GS0701525

STATE OF SOUTH CAROLINA,

Respondent.

v.

Francisco Saul Ortiz Aguirre,

Appellant.

NOTICE OF APPEAL

Francisco Saul Ortiz Aguirre appeals his guilty plea, conviction and sentence on the charge(s) of Forgery, Value Less Than \$10,000 (4 Counts), Petit or Simple Larceny, value \$2,000 or less, and Burglary (non-Violent) - Second Degree (3 Counts) before the Honorable Carmen T. Mullen, Presiding Judge, Fourteenth Judicial Circuit on May 18, 2020.

Francisco Saul Ortiz Aguirre also appeals the denial of Motion to Reconsider Sentence which was filed on May 28, 2020 and denied on July 9, 2020.

Other Counsel of Record:
Sam Bailey, Esq.
Assistant Solicitor, 14th Judicial Circuit
Post Office Box 1880
Bluffton, SC 29910
Attorney for Respondent

s/ Melissa Duque
Assistant Public Defender
14th Circuit Public Defender's Office
Post Office Box 525
Beaufort, South Carolina 29901
Attorney for Appellant

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Beaufort County, SC - Carol Stoppel

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Jul 09 2020

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of General Sessions

The Honorable Carmen T. Mullen, Circuit Court Judge

2020 JUL -9 PM 1:56

JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

Indictment Numbers: 2019GS0701013, 2019GS0701014,
2019GS0701277, 2019GS0701452,
2019GS0701453, 2019GS0701454,
2019GS0701455 and 2019GS0701525

STATE OF SOUTH CAROLINA,

Respondent.

v.

Francisco Saul Ortiz Aguirre,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the below listed respondents by depositing a copy of it in the United States Mail, postage prepaid, on July 9, 2020. I also certify I emailed a copy of the Notice of Appeal in this matter to the below listed respondents as outlined in the SC Supreme Court Order dated July 9, 2020 regarding the Operation of the Appellate Courts during Coronavirus Emergency.

I further certify that pursuant to an Order issued by the SC Supreme Court on July 9, 2020 regarding Operation of the Appellate Courts during Coronavirus Emergency, I filed the Notice of Intent to Appeal with the Clerk of Court, SC Court of Appeals via fax to 803-734-1839 and placed the original in U.S. Mail, postage prepaid.

Samuel Marion Bailey, Esq.
Assistant Solicitor
14th Circuit Solicitor's Office
Post Office Box 1880
Bluffton, South Carolina 29910
Email: sbailey@scsolicitor14.org

Mary Jordan Lempesis, Esq.
First Solicitor
14th Circuit Solicitor's Office
Post Office Box 1880
Bluffton, South Carolina 29910
Email: mjlempesis@scsolicitor14.org

Alan Wilson, Esq.
Attorney General
P.O. Box 11549
Columbia, SC 29211
Email: awilson@scag.gov

I further certify that on 07/09/2020 an Original Notice of Intent to Appeal in the above captioned case was filed with the Beaufort County Clerk of Court.

July 9, 2020

s/ Melissa Duque
Melissa Duque, Esq.
Assistant Public Defender
14th Circuit Public Defender's Office

Certified - A True Copy

Jerri Ann Roseneau - Clerk of Court
Beaufort County, SC - Carol Stropper

The South Carolina Court of Appeals

The State, Respondent,

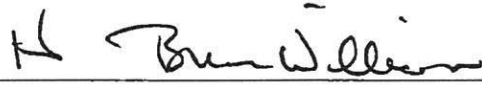
v.

Francisco Ortiz-Aguirre, Appellant.

Appellate Case No. 2020-000992

ORDER

From this Court's review of the public index, the appellant's motion to reconsider sentence has not been ruled upon by the sentencing court. Accordingly, this case is remanded to the court of general sessions and the appeal held in abeyance pending the issuance of a ruling on the appellant's motion to reconsider sentence. The appellant must provide a status update every sixty (60) days or the appeal will be dismissed.


_____, J.
FOR THE COURT

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire
William M. Blich, Jr., Esquire
Samuel Marion Bailey, Esquire
Robert Michael Dudek, Esquire
Melissa L Duque, Esquire
The Honorable Jerri Ann Roseneau
The Honorable Carmen T. Mullen

FILED

September 1, 2020

1 STATE OF SOUTH CAROLINA

2 GENERAL SESSIONS

3 COUNTY OF BEAUFORT

4 -----x

5 STATE OF SOUTH CAROLINA,)

6 Plaintiff,)

7 vs.)

8) Transcript of Record

9) 2019-GS-07-01013, 0014,

10) 01277, 01452, 01453,

11) 01454, 01455 & 01525

12 FRANCISCO SAUL ORTIZ-AGUIRRE,)

13 Defendant.)

14 September 15, 2020

15 Virtual Courtroom

16 MOTION FOR RECONSIDERATION

17 B E F O R E:

18 The Honorable Carmen T. Mullen, Presiding Judge

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

20 Mary Jordan Lempsis, Esq.
Attorney for the State

21 Melissa Duque, Esq.
Attorney for the Defendant

22 Interpreter: Jairo Solano

23 Transcribed by Bobbi Fisher, RPR, for DCRP, Digital

24 Courtroom Project

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I N D E X

PAGE

Proceedings

3

E X H I B I T S

(None)

1 P R O C E E D I N G S

2 (Whereupon, the following proceedings started at 12:01 p.m.)

3 THE COURT: To begin, Mr. Solano, would you raise your
4 right hand, sir.

5 (The Spanish interpreter was duly sworn.)

6 THE COURT: Thank you. And will you also now swear in --
7 and correct me if I'm wrong -- he goes by Francisco
8 Ortiz-Aguirre; is that correct?

9 THE DEFENDANT (In English): Yes.

10 THE COURT: Thank you. Okay.

11 Will you go ahead and swear him in as well?

12 FRANCISCO ORTIZ-AGUIRRE,

13 the defendant, after having been duly sworn, was examined and
14 testified to as follows:

15 THE COURT: Thank you.

16 Mr. Ortiz-Aguirre, do you speak some English?

17 THE DEFENDANT (in English): Yes, a little bit.

18 THE COURT: Yes? Is a little bit? Okay. Okay.

19 Ms. Duque, this is your motion for a -- to reconsider his
20 sentence. If you'll go ahead whenever you're ready.

21 MS. DUQUE: Yes, Your Honor. So may it please the Court.
22 We (indiscernible) for Your Honor on May 18, 2020, and he pled
23 guilty to three counts of burglary, second degree,
24 non-violent; four counts of forgery, value \$10,000 or less;
25 and one count of petite larceny. I'll let Mr. -- translate.

1 (Pause in the proceedings for interpretation.)

2 MS. DUQUE: Your Honor sentenced Mr. Ortiz-Aguirre as
3 follows. So for the burglaries, you sentenced -- for all
4 three of the burglaries, you sentenced him to ten years
5 concurrent with credit for time served. For each of the
6 forgeries, he was sentenced to five years concurrent, with
7 credit for time served. And for the petite larceny, he was
8 sentenced to 30 days, with credit for time served. And all of
9 the sentences were to run concurrent to each other.

10 After pleading guilty, Mr. Ortiz-Aguirre reached out to
11 me to file this motion on his behalf. He felt that, though
12 the sentences that Your Honor imposed were within range, the
13 sentences were harsh and excessive for a first-time offender
14 who does not have a criminal record. He asked me to file this
15 motion for Your Honor to reconsider sentencing.

16 THE COURT: Ms. Duque, just very quickly. We
17 status-conferenced this case afterwards, and in your original
18 motion that you filed, I didn't see that there was any new
19 information that you wanted me to reconsider as far as his
20 sentence is concerned. And let me tell you why. Your motion
21 says that I need to give him some consideration for his guilty
22 plea, although my problem is this with that: He was looking
23 at three counts of burglary in the second degree, non-violent,
24 which carried ten years apiece. So that's 30 years.

25 He was then looking at four counts of forgery, less than

1 \$10,000, which carried five years apiece, and then the petite
2 larceny. So what he was really looking at was 50 years in
3 prison and 30 days. And what I gave him was ten years.

4 So I didn't look -- as far as your grounds for
5 reconsideration, I didn't see anything that allowed me to take
6 into account anything that you hadn't already presented at the
7 sentencing. And that's the standard, is whether or not you
8 have new information.

9 I certainly know and gave him credit for pleading guilty,
10 because I agree with you -- I mean, he was looking at 50
11 years, and I sentenced him to ten years with credit. So,
12 again, I guess is there anything new that you need to tell me
13 other than that?

14 Sorry...

15 (Pause in the proceedings for interpretation.)

16 MS. DUQUE: No, Your Honor, I do not have any new
17 information that will require -- that I shall present to you.
18 I filed this motion on my client's request, as I stated, and
19 that's why we're here, Your Honor.

20 THE COURT: Okay.

21 (Pause in the proceedings for interpretation.)

22 THE DEFENDANT: May I ask a question?

23 THE COURT: Yes, go ahead. Sure.

24 THE DEFENDANT: My petition is that -- I filed this
25 petition because, of course, I accept the mistake that I made.

1 Yes, I am the one who changed the checks, but I wasn't the
2 only person who did this. There were three other persons that
3 were involved. Of course I was the one who got caught. And I
4 just don't feel that it's correct for me to be serving the
5 amount of time that I'm serving when there's three more people
6 who were involved in this case, and I'm just the only who, you
7 know, got caught.

8 THE COURT: Let me also ask, my understanding -- just my
9 recollection of this case was is that you or your
10 co-defendants entered three homes in a retirement community.
11 It was in Sun City; am I correct?

12 So this is a retirement community, and these are older
13 people's homes that you entered.

14 Go ahead.

15 (Pause in the proceedings for interpretation.)

16 THE DEFENDANT: No, I used to work in that place.

17 THE COURT: Yes. But it's Sun City. These are older
18 people's homes. You have to be of a certain age -- you have
19 to be 55 years of age or older to live there.

20 (Pause in the proceedings for interpretation.)

21 THE COURT: This is a retirement community. And my
22 understanding was that the bank did reverse some of the
23 payments on the checks that were written and also some stop
24 payments were made. But I asked the Solicitor's Office how
25 much, in fact, money you got. And it was \$4700. Plus most

1 upsetting, I remember them stating, was that there was
2 heirloom jewelry that could not be replaced that was never
3 found. So jewelry they could not replace.

4 I mean, Mary Jordan, I want to make sure I'm not
5 incorrect in this. This is my recollection, but I remember
6 them talking about heirloom jewelry and jewelry that they
7 cannot replace that they did not get back.

8 MS. LEMPSIS: Yes.

9 (Pause in the proceedings for interpretation.)

10 THE INTERPRETER: Your Honor, correct me. I think you
11 said 4300?

12 THE COURT: 4700. \$4700.

13 (Pause in the proceedings for interpretation.)

14 THE COURT: Go ahead, Ms. Lempsis.

15 MS. LEMPSIS: That's correct. He says he was working
16 at -- he was working (indiscernible) live in the area, but
17 this was an unlawful entry. He was not -- did not have
18 permission to go and take the checks, and there's a number of
19 checks taken and written for large amounts of money, some of
20 which (indiscernible) but not all of it.

21 (Pause in the proceedings for interpretation.)

22 MS. LEMPSIS: Also you're correct about the jewelry as
23 well. One of the burglaries, there's jewelry taken from
24 them -- that home.

25 THE COURT: Ms. Lempsis, was there a recommendation from

1 the State as far as sentencing?

2 MS. LEMPSIS: Judge, the State -- there was. The State
3 recommended a change of five to ten years.

4 THE COURT: Okay.

5 (Pause in the proceedings for interpretation.)

6 THE DEFENDANT: Can I say something about the checks?

7 THE COURT: Of course.

8 THE DEFENDANT: I know it's hard for you to believe me.
9 I guess I made the mistake and I did change the checks and --
10 but there's no video. The checks that I changed were with my
11 bank, my bank account.

12 THE INTERPRETER: Your Honor, I need for him to explain.
13 He's saying something and I do not know what he means.

14 THE COURT: Okay.

15 THE INTERPRETER: He's saying it but I don't want to
16 interpret something that I don't know exactly.

17 THE COURT: Okay. Go ahead and ask.

18 (Pause in the proceedings for interpretation.)

19 THE INTERPRETER: Okay. He is saying, "I have money in
20 the account. I have money in my account. The other people
21 gave me the checks, working in the plantation."

22 THE COURT: Okay.

23 THE DEFENDANT: Since I have my own company, I had eight
24 people working for me, and so I would handle my account. So
25 I'm the one who changes the checks, and there was no need for

1 anyone to pursue me, to chase me down, because they caught me
2 where I was working right in the plantation.

3 THE COURT: What do you mean, "change the checks"? That
4 makes no sense. I mean, there were \$32,000 worth of checks
5 that came through his hands. And they weren't for small
6 amounts. I mean, these were for thousands of dollars. So
7 what does he mean, he changed them?

8 THE INTERPRETER: I'm sorry, Your Honor. That's my bad.
9 I mean cashed.

10 THE COURT: Cashed. Okay.

11 So someone else gave him these checks for large amounts
12 of money and he cashed them and gave them the cash? Is that
13 what he did?

14 (Pause in the proceedings for interpretation.)

15 THE DEFENDANT: What happens is sometimes when people try
16 to cash the checks, they go to gas stations and they try to
17 put...

18 (Pause in the proceedings for interpretation.)

19 THE DEFENDANT: If I go to a place, like with this -- a
20 store that's called "hinjin", and if I charge -- if I cash,
21 for example, \$10,000, they charge me \$200 to cash those.

22 THE COURT: Right. I understand that.

23 THE DEFENDANT: Since I was doing well and had a good
24 reputation, I was able to go there and cash my checks because
25 they considered me a good person. So I will give them the

1 money, you know, to get the cash money, and I didn't have any
2 problem because I have money in my account because sometimes
3 the money would take about two or three days for it to be
4 officially cashed.

5 So I accept that I made the mistake. There's no way I'm
6 denying what I did. The only thing -- what I'm trying to say
7 is what I did was give them their cash. And, yes, about the
8 jewelry. When they gave me the jewelry, I paid for the
9 jewelry. There's no video showing me breaking into a window
10 or anything like that.

11 THE COURT: But he knows it was stolen.

12 THE DEFENDANT: I came to found out that they were stolen
13 when the detective called me.

14 THE COURT: And all these checks, you knew they weren't
15 good checks. Those were stolen checks as well.

16 THE DEFENDANT: The way -- the way that Hispanics work,
17 when they cash a check, you know, they go to the Hindu place
18 and the guy had the Hindu -- that cashes the check from --
19 because of the situation of the taxes.

20 THE COURT: What do you mean? What does that mean?

21 THE INTERPRETER: Your Honor, I need to clarify.

22 THE COURT: Sure, of course.

23 THE INTERPRETER: Because he says some things, but, for
24 me, there's just no logic in what he's saying so I'm not able
25 to...

1 (Pause in the proceedings for interpretation.)

2 THE INTERPRETER: Okay. I'm sorry. I want to break it
3 down. Okay.

4 THE DEFENDANT: When I was arrested by the detective, I
5 was asking, "Why are you arresting me?" because they were
6 looking for weapons in my possession. It wasn't until then,
7 when I was surrounded by eight patrol cars, and I'm wondering
8 why would eight patrol cars would stop me just because of a
9 traffic ticket. And it wasn't until they took me in and
10 explained to me that these checks were stolen that I found out
11 it was stolen. I didn't know it was stolen.

12 THE COURT: Okay.

13 THE DEFENDANT: And, you know, I just want to say what I
14 have to say, and I'm hoping that you would lower my sentence.
15 Whatever God desires. I just wanted to explain my side of the
16 story.

17 THE COURT: Mary Jordan, what did you present as facts
18 during his plea; do you know? Or what did the State present
19 as facts?

20 MS. LEMPSIS: Sure. Judge, they were extensive, but
21 essentially, in addition to multiple burglaries, there's three
22 different burglaries in Sun City; that all have been -- I
23 think they were around in May of 2019. And one of those
24 burglaries, Judge, he was on camera going into one of the
25 victim's homes.

1 THE COURT: This defendant is? This defendant?

2 MS. LEMPSIS: Yes. Yes, Your Honor.

3 Judge, (indiscernible) had actually removed from the
4 wall, but -- by the defendant who burglarized the home, but
5 she was able still to review the footage and saw on that
6 footage that Mr. -- who was later ID'd as the defendant. And
7 also --

8 (Pause in the proceedings for interpretation.)

9 THE DEFENDANT: But at no time am I inside the house.
10 Never inside the house.

11 MS. LEMPSIS: The house was disturbed on the inside. The
12 footage shows the defendants (indiscernible) from outside of
13 the home. And so -- certainly the inference is that he would
14 have been inside the home. He's on camera taking the
15 camera -- the security camera down.

16 His car is also ID'd by tags parked in front of the
17 victim's home during that time.

18 (Pause in the proceedings for interpretation.)

19 THE DEFENDANT: I am remodeling the house that is next to
20 that house. And the owner of the house next to them is an
21 African-American person. And I told the detective that he
22 told me "don't touch it, because that's my neighbor's camera."
23 Since I'm remodeling the house, I took the camera but I never
24 stole the camera. Maybe the camera fell down at the same spot
25 but at no time did I steal it. I was remodeling the place.

1 When I got caught, all the houses were being remodeled.
2 They were not building houses. They were being remodeled.

3 MS. LEMPSIS: Judge, if I can interrupt.

4 THE COURT: Yes.

5 MS. LEMPSIS: He also -- he was stopped later on when he
6 was arrested, he was driving the same car that was on the
7 video outside the victim's home. He also is on camera at the
8 various banks depositing these checks that were written that,
9 even if they were written to somebody else, they're written by
10 somebody else. He had altered the amounts.

11 Also, he was interviewed by law enforcement, and I don't
12 have the exact notes from the interview but my notes in my
13 summary say that he was interviewed and admitted to these
14 burglaries during --

15 (Pause in the proceedings for interpretation.)

16 THE DEFENDANT: Yes, of course. Why wouldn't the bank
17 camera not show me because that's my account.

18 THE COURT: Again, but you altered the checks. You
19 changed the amounts on them.

20 THE DEFENDANT: Yes, I accept it. I did it. I'm not
21 lying. I accept and I did it.

22 MS. LEMPSIS: He also -- he wrote -- the checks that were
23 stolen from at least one of the victim's homes were written on
24 her Bank of America account out to him, and he deposited them
25 at an ATM. And that was about \$8,000 worth of checks. And

1 those were not his checks. They were not given to him. Those
2 were by him on the victim's bank account.

3 (Pause in the proceedings for interpretation.)

4 THE DEFENDANT: You're saying I forged \$8,000 worth of
5 checks with Bank of America?

6 MS. LEMPSIS: Mr. Ortiz, I'm not speaking to you; I'm
7 speaking to the judge.

8 (Pause in the proceedings for interpretation.)

9 THE COURT: Ms. Duque, let me ask you. There is nothing
10 that I have heard that I didn't previously hear and nothing
11 that changes my mind. Again, he was looking at 50 years and
12 30 days on all of these charges. I also understood that he
13 had been in jail for some time and I gave him credit for that.

14 I can tell you that my sentence was based on (a) the
15 forged checks, the amount of it, the stolen jewelry -- and
16 this was a retirement community. And so even if he was
17 remodeling homes in a retirement community, it doesn't give
18 him the right to enter any of these homes.

19 And, Ms. Duque, I know you know this and I hope he knows
20 it: He doesn't have to break a door down or break a window to
21 go in. If he walks through the plane of a building and he is
22 not entitled to go in there and take something that is not
23 his, he's committing a burglary. It's that simple.

24 I mean, I respect that he has no prior record and I
25 understand that, but I tell you that, had he had a prior

1 record, I would have given him a lot more time than what I
2 did.

3 (Pause in the proceedings for interpretation.)

4 THE COURT: All right. Ms. Duque, is there anything
5 else?

6 MS. DUQUE: No, Your Honor. That was it.

7 THE COURT: All right. Well, I appreciate that.

8 Mary Jordan, do you mind just doing me a proposed order
9 in this?

10 MS. LEMPSIS: Yes, ma'am.

11 THE COURT: Okay? And send it -- or forward it to me and
12 we'll just go from there. But I appreciate it, y'all.

13 And, Mr. Solano, thank you as well.

14 Mr. Ortiz, good luck to you.

15 Okay. Thank you, y'all. I'm going to go ahead and end
16 this.

17 (At 12:35 p.m., the above hearing concluded.)

18

19

20

21

22

23

24

25

1 CERTIFICATE OF TRANSCRIBER

2 CASE/NO.: State vs. Francisco Saul Ortiz-Aguirre

3 2019-GS-07-01013, et al

4 DATE OF PROCEEDING: September 15, 2020

5
6 I, Bobbi J. Fisher, do hereby certify that the
7 foregoing transcript is a true and correct record of the
8 recorded proceedings; that said proceedings were transcribed
9 to the best of my ability from the audio recording and
10 supporting information, and that I am neither counsel for,
11 related to, nor employed by any of the parties to this case,
12 and I have no interest, financial or otherwise, in its
13 outcome.

14
15 

16
17 _____
18 Bobbi J. Fisher, RPR

19 NCRA Registered Professional Reporter (RPR)

20 Prepared: April 16, 2021

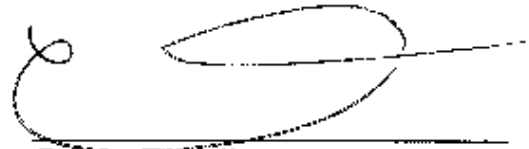
21

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A handwritten signature in black ink, appearing to read 'Carmen T. Mullen', written over a horizontal line.

Carmen T. Mullen
Circuit Court Judge

Beaufort, South Carolina
Oct 8, 2020

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

O-10YEA

COUNTY OF Beaufort

STATE

VS.

FRANCISCO SAUL ORTIZ-AGUIRRE

AKA

Race Hispanic Sex Male Age 24

DOB [REDACTED] SSN: [REDACTED]

Address: SHADY GLEN LANE, Bluffton, SC 29910

DL# [REDACTED] SID# [REDACTED]

INDICTMENT/CASE#

2019GS07H1013

A/W#:

2019A0710200237

Date of Offense:

05/01/2019

S.C. Code §:

16-11-312(A)

CDR Code #:

0080

SENTENCE SHEET

RECEIVED

Jul 09 2020

SC Court of Appeals

*CDE Yes No CMV Yes No Hazmat Yes No

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

PLEADED

TO: Burglary (Non-Violent) - Second degree

In violation of § 16-11-312(A) of the S.C. Code of Laws, bearing CDR Code # 0080

NON-VIOLENT VIOLENT SERIOUS

MOST SERIOUS

MANDATORY GPS §17-25-45 (CSC's minor 17 or CSC's minor 27)

The charge is As indicated Lesser Included Offense

Defendant Waives Presentment to Grand Jury

(clerk's initials)

The plea is Without Negotiations or Recommendation

Negotiated Sentence

Recommendation by the State

ATTORNEY

WHEREFORE, the Defendant is committed to the State Department of Corrections

C. M. A. S. G. U. E. 103867

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 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 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

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

Payment Terms:

Set by SCDPPMS

Recipient

*Fine:

Public Defender App Fee \$ 40

| | | |
|--|----------|--------|
| §14-1-206 (Assessments 107.5%) | \$ | |
| §14-1-211 (A)(1)(Conv. Surcharge) | \$100 | \$ 100 |
| §14-1-211 (A)(2)(DUI Surcharge) | \$100 | \$ |
| §56-5-2995 (DUI Assessment) | \$12 | \$ |
| §56-1-286 (DUI Breath Test) | \$25 | \$ |
| Proviso 61.6 (Public Def/Prob) | \$500 | \$ |
| §14-1-212 (Law Enforce Funding) | \$25 | \$ 25 |
| §14-1-213 (Drug Court Surcharge) | \$150 | \$ |
| §50-21-114 (BUI Breath Test Fee) | \$50 | \$ |
| §56-5-2942(J) (Vehicle Assessment) | \$40/veh | \$ |
| 3% to County (if paid in installments) | \$ | \$ 375 |

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 weeks/months

mts. of \$

\$

Beginning

Paid to Public Defender Fund

Other

Appointed PD or appointed other counsel

Proviso requires \$500 be paid to Clerk

during probation and shall be collected before any other fees.

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter:

MP-SX-A-217 (04/2018)

Carroll Stoppel 116875
Mona Manning

Presiding Judge:

Judge Code

Sentence Date

Christ
2192
5/13/20

Certified - A True Copy
Joni Ann Rossignol - Clerk of Court
Beaufort County, SC - Carroll Stoppel

WITNESSES

BCSO

DOCKET NO. 2019GS0701013

The State of South Carolina
County of Beaufort

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

October Term 2019

hereby appear in my own proper person and plead guilty to the within indictment or to

THE STATE

vs.

FRANCISCO SAUL ORTIZ-AGUIRRE

RECEIVED

Jul 09 2020

SC Court of Appeals

ARREST WARRANT NUMBER

2019A0710200237

Indictment For

Burglary, 2nd Degree (non-violent)

SC Code: 16-11-312(A)

CDR Code: 0080

Defendant

ACTION OF GRAND JURY

True Bill

Witness:

[Handwritten Signature]

Foreperson of Grand Jury

Date: OCT 17 2019

VERDICT

C.C.C. PLS. and G.S.

Foreperson of Petit Jury

Date:

INDICT

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

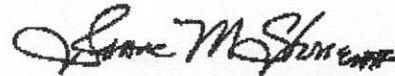
INDICTMENT
2019GS0701013

At a Court of General Sessions, convened on October 17, 2019, the Grand Jurors of Beaufort County present upon their oath:

Burglary, 2nd Degree (non-violent)

That in Beaufort County, South Carolina, on or about May 1, 2019, the Defendant, FRANCISCO SAUL ORTIZ-AGUIRRE, did enter into a dwelling without consent and with intent to commit a crime therein, all in violation of Section 16-11-312(A), et al. of the Codes of Law of South Carolina.

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



Solicitor

True Bill

0-01 FA

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort

STATE

INDICTMENT/CASE#

2019GS0701014

VS.

Francisco Ortiz-Aguirre

A/W#

2019A0710200238

AKA

Date of Offense

05/07/2019

Race

Hispanic

Sex: Male

Age 34

S C Code §

16-11-312(A)

DOB

[REDACTED]

SS#

CDR Code #

0080

Address: County

Shadowbrook Lane Apt B12, Ridgeland, SC 29936, Jasper

SENTENCE SHEET

RECEIVED

Jul 09 2020

SC Court of Appeals

*CDL Yes No CMV Yes No Hazard Yes No

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

TO: Burglary (Non-Violent) - Second degree

In violation of § 16-11-312(A) of the S.C. Code of Laws, bearing CDR Code # 0080

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

The charge is As indicted Lesser included Offense Defendant Waives Presentment to Grand Jury (Def's initials) Without Negotiations or Recommendation Negotiated Sentence Recommendation by the State

ATTORNEY: [Signature] 77936 [Signature] CM Augle 103867

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 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 in 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 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 P.T.I.P. _____

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

Payment Terms: Set by SCDPPPS Obtain GED Attend Voc Rehab Or Job Corp May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol Testing

| Recipient: | *Fino. | \$ | \$ |
|--|-----------|----|-----|
| §14-1-210 (Assessments 107.5%) | | \$ | |
| §14-1-211 (A)(1)(Conv Surchage) | \$100 | \$ | 100 |
| §14-1-211 (A)(2)(DUI Surchage) | \$100 | \$ | |
| §56-5-2995 (DUI Assessment) | \$12 | \$ | |
| §56-1-286 (DUI Breath Test) | \$25 | \$ | |
| Proviso 616 (Public Def/Prob) | \$500 | \$ | |
| §14-1-212 (Law Enforce. Funding) | \$25 | \$ | 25 |
| §14-1-213 (Drug Court Surchage) | \$150 | \$ | |
| §50-21-114 (BLI Breath Test Fee) | \$50 | \$ | |
| §56-5-2942(J) (Vehicle Assessment) | \$40/each | \$ | |
| 3% to County (if paid in installments) | | \$ | 375 |

TOTAL \$ 12875
Clerk of Court/Deputy Clerk [Signature]
Court Reporter [Signature]

Presiding Judge: [Signature]
Judge Code: 2142
Sentence Date: 5/12/20

Certified - A True Copy
Jill Ann Robinson, Clerk of Court
Beaufort County, SC

WITNESSES

BCSO

DOCKET NO. 2019GS0701014

The State of South Carolina
County of Beaufort

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

October Term 2019

I hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2019A0710200238

THE STATE

vs.

Francisco Ortiz Aguirre

RECEIVED

Jul 09 2020

SC Court of Appeals

ACTION OF GRAND JURY

True Bill

Indictment For

Burglary, 2nd Degree (non-violent)

SC Code: 16-11-312(A)

CDR Code: 0080

Defendant

[Signature]

Foreperson of Grand Jury

Date: OCT 17 2019

Witness:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

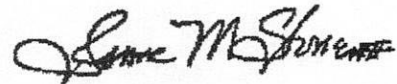
INDICTMENT
2019GS0701014

At a Court of General Sessions, convened on October 17, 2019, the Grand Jurors of Beaufort County present upon their oath:

Burglary, 2nd Degree (non-violent)

That in Beaufort County, South Carolina, on or about May 7, 2019, the Defendant, Francisco Ortiz Aguirre, did enter into a dwelling without consent and with intent to commit a crime therein, all in violation of Section 16-11-312(A), et al. of the Codes of Law of South Carolina.

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



Solicitor

True Bill

0-301 FA

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort

STATE

INDICTMENT/CASE#

2019CS0701277

VS

A/W#

2019A0710300224

Francisco Ortiz-Aguirre

Date of Offense

05/07/2019

AKA

S.C. Code §

16-13-30(A)

Race

Hispanic

Sex: Male

Age: 24

CDR Code #:

3419

DOB

Shadow brook Lane Apt B12, Ridgeland, SC 29936, Jasper

SENTENCE SHEET

RECEIVED

Jul 09 2020

SC Court of Appeals

*CDL Yes No CMV Yes No Hazard Yes No

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

CONVICTED OF or

PLEADS

TO: Petit or Simple Larceny - \$2,000 or less

In violation of § 16-13-30(A)

of the S.C. Code of Laws, bearing CDR Code # 3419

NON-VIOLENT VIOLENT SERIOUS

MOST SERIOUS

MANDATORY OPS §17-25-45
(S.C. Statute 17-25-45 or minor 27)

The charge is: As indicated,

Lesser Included Offense,

Defendant Waives Presentation to Grand Jury

(def's initials)

The plea is: Without Mitigation or Recommendation,

Negotiated Sentence,

Recommendation by the State

ATTORNEY

(Attorney)

WHEREFORE, the Defendant is committed to the

State Department of Corrections

(Attorney for Defendant)

County Detention Center,

(NC Bar #)

for a determinate term of 30 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 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 _____

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

Payment Terms _____

Set by SCDPPPS

Receipts:

| | | |
|--|----------|--------|
| *Fine | \$ | |
| §14-1-206 - Assessments (67.5%) | \$ | |
| §14-1-211 (A)(1)(Conv. Surcharge) | \$100 | \$ 100 |
| §14-1-211 (A)(2)(DUI Surcharge) | \$100 | \$ |
| §56-5-2995 (DUI Assessment) | \$12 | \$ |
| §56-1-286 (DUI Breath Test) | \$25 | \$ |
| Proviso 61.6 (Public Def/Prob) | \$500 | \$ |
| §14-1-212 (Law Enforce Funding) | \$25 | \$ 25 |
| §14-1-213 (Drug Court Surcharge) | \$150 | \$ |
| §50-21-14 (BUI Breath Test Fee) | \$50 | \$ |
| §56-5-2942(J) (Vehicle Assessment) | \$4(fee) | \$ |
| 3% to County (if paid in installments) | \$ | \$ 375 |

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

payments of \$ _____ beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

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 _____

Judge Code: 2142

Sentence Date: 5/16/20

TOTAL \$ 12875

Clerk of Court/Deputy Clerk _____

Court Reporter: _____

MS-SC-CV-217 (04/2018)

Certified - A True Copy
Lani Ann Rogerson - Clerk of Court
Beaufort County, SC - Carroll

WITNESSES

BCSO

DOCKET NO. 2019GS0701277

The State of South Carolina
County of Beaufort

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS
October Term 2019

I hereby appear in my own proper person and plead guilty to the within indictment or to

THE STATE

vs.

Francisco Ortiz Aguirre

ARREST WARRANT NUMBER

2019A0710300224

Indictment For

Larceny, Value \$2,000 or Less

SC Code: 16-13-30(A)

CDR Code: 3419

ACTION OF GRAND JURY

True Bill

Defendant

[Signature]
Foreperson of Grand Jury

Date: OCT 9 / 2019

RECEIVED

Jul 09 2020

SC Court of Appeals

Witness:

VERDICT

C.C.C. PLS. and G.S.

Foreperson of Petit Jury

Date:

INDICT

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

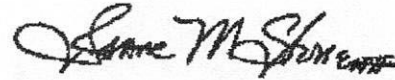
INDICTMENT
2019GS0701277

At a Court of General Sessions, convened on October 17, 2019, the Grand Jurors of Beaufort County present upon their oath:

Larceny, Value \$2,000 or Less

That in Beaufort County, South Carolina, on or about May 7, 2019, the Defendant, Francisco Ortiz Aguirre, did, take and carry away property of Carol Malcolm with the intent to deprive the owner of such property, which was valued at the time of the offense at two thousand dollars or less, all in violation of Section 16-13-30(A), et al. of the Codes of Law of South Carolina.

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



Solicitor

True Bill

O-54EA

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort

STATE

INDICTMENT/CASE#

2019GS07H452

VS

A/W#

2019A0710300354

FRANCISCO SAUL ORTIZ-AGUIRRE

Date of Offense

05/01/2019

AKA

S.C. Code §

16-13-10(A)(1)

Race: Hispanic

Sex: Male

Age: 24

CDR Code #:

3436

DOB

Address

Starshine Circle, Bluffton, SC 29910, Beaufort County

DL#

SSN#

SENTENCE SHEET

Jul 09 2020

*CDI: Yes No CMV Yes No Hazmat Yes No

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

CONVICTED OF or

PLEADS

SC Court of Appeals

TO: Forgery, value less than \$10,000

In violation of § 16-13-10(A)(1)

of the S.C. Code of Laws, hearing CDR Code # 3436

NON-VIOLENT VIOLENT

SERIOUS

MOST SERIOUS

MANDATORY GPS §17-25-45

The charge is As charged.

Lesser Included Offense.

Defendant Waives Presentation to Grand Jury

(Def's initials)

The plea is Without Negotiations or Recommendations.

Negotiated Sentence.

Recommendation by the State.

ATTEST:

[Signature]

77936

[Signature]

[Signature]

103867

(Notary)

(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 5 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 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

Total: \$

plus 30% fee

\$

days/hours Public Service Employment

Payment Terms:

Set by SCDPPPS

Obtain CIED

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 installments

terms of \$

Repayment

\$

Paid to Public Defender Fund

Other:

Recipient:

*Fine:

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1)(Com. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-206 (DUI Breath Test)

Proviso 61.61 Public Def/Prob

§14-1-213 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§50-21-14 (BUI Breath Test Fee)

§56-5-294(I) (Vehicle Assessment)

2% to County (if paid in installments)

\$

\$100

\$100

\$12

\$25

\$400

\$25

\$150

\$50

\$10/each

\$

\$ 12875

TOTAL

Clerk of Court/Deputy Clerk
Court Reporter

[Signature]
[Signature]

Presiding Judge:

Judge Code:

Sentence Date:

[Signature]
2142
5/8/20

MP-SCCA/217 (04/2018)

Certified - A True Copy

Jeri Ann Rosendau, Clerk of Court
Beaufort County, SC - Carroll Stoppel

WITNESSES

BCSO

DOCKET NO. 2019GS0701452

The State of South Carolina

County of Beaufort

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

October Term 2019

I hereby appear in my own proper person and plead guilty to the within indictment or to

THE STATE

vs.

FRANCISCO SAUL ORTIZ-AGUIRRE

ARREST WARRANT NUMBER

2019A0710300354

Indictment For

Forgery, Value Less than \$10,000

SC Code: 16-13-10(A)(1), 16-13-10(B)(2)

CDR Code: 3436

RECEIVED

Jul 09 2020

SC Court of Appeals

ACTION OF GRAND JURY

True Bill

Defendant

Foreperson of Grand Jury

Date:

July 7 2019

Witness:

VERDICT

C.C.C. PLS. and G.S.

Foreperson of Petit Jury

Date:

INDICT

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

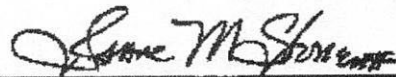
INDICTMENT
2019GS0701452

At a Court of General Sessions, convened on October 17, 2019, the Grand Jurors of Beaufort County present upon their oath:

Forgery, Value Less than \$10,000

That in Beaufort County, South Carolina, on or about May 1, 2019, the Defendant, FRANCISCO SAUL ORTIZ-AGUIRRE, did falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or wilfully act or assist in the false making, forging, or counterfeiting of a writing or instrument of writing and the amount of the forgery was less than ten thousand dollars, all in violation of Section 16-13-10(A)(1), 16-13-10(B)(2), et al. of the Codes of Law of South Carolina.

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



Solicitor

True Bill

0-54 EA

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort

STATE

INDICTMENT/CASE#

2019GS0701453

VS.

FRANCISCO SAUL ORTIZ-AGUIRRE

A/W#

2019A0710300555

AKA

Date of Offense:

05/03/2019

Race: Hispanic Sex: Male Age: 24

S.C. Code §

16-13-10(A)(1)

DOB:

SS#

CDR Code #

3436

Address: Starshine Circle, Bluffton, SC 29910, Beaufort County

DL#

SID#

SENTENCE SHEET

RECEIVED

Jul 09 2020

SC Court of Appeals

*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

YO. Forgery, value less than \$10,000

In violation of § 16-13-10(A)(1) of the S.C. Code of Laws, bearing CDR Code # 3436

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

The charge is: As Indicted Lesser Included Offense. Defendant Waives Presentation to Grand Jury (Def's initials)
 The plea is: With Negotiations or Recommendation. Negotiated Sentence. Recommendation by the State.

ATTORNEYS:
 (Solicitor) 77936 (Defendant) maugre (Attorney for Defendant) 103867 (S.C. Bar #)

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
 for a determinate term of 5 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, Pardon and Parole 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 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 16-25-28 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 _____
 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 |
| §14-1-211 (A)(2)(DU) Surcharge) | \$100 | | \$ |
| §26-3-2995 (DL) Assessment) | \$12 | | \$ |
| §56-1-286 (DL) Breath Test) | \$25 | | \$ |
| Proviso 616 (Public Def/Prob) | \$500 | | \$ |
| §14-1-212 (Law Enforce. Funding) | \$25 | | \$ 25 |
| §14-1-213 (Drug Court Surcharge) | \$150 | | \$ |
| §50-21-114 (BUI Breath Test Fee) | \$50 | | \$ |
| §56-3-2942(J) (Vehicle Assessment) | \$40/vech | | \$ |
| 3% to County (if paid in installments) | | | \$ 375 |

Obtain GED
 Attend Voc. Rehab. Or Job Corp.
 May serve W/F beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol Testing
 Fine may be pd. in equal installments weekly/monthly
 units of \$ _____ beginning _____
 \$ _____ paid to Public Defender fund
 Other _____

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

TOTAL

12875
 Clerk of Court/Deputy Clerk Carroll
 Court Reporter none

Presiding Judge: Carroll
 Judge Code: 2142
 Sentence Date: 5/18/20

SP-SC-A217 (4/2018)

Certified - A True Copy
 Carroll
 Jenni Ann Roggenbau - Clerk of Court
 Beaufort County, SC - Carrol Stroppel

WITNESSES

BCSO

DOCKET NO. 2019GS0701453

The State of South Carolina
County of Beaufort

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

October Term 2019

I
hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2019A0710300355

THE STATE

vs.

FRANCISCO SAUL ORTIZ-AGUIRRE

Indictment For

Forgery, Value Less than \$10,000

SC Code: 16-13-10(A)(1), 16-13-10(B)(2)

CDR Code: 3436

RECEIVED

Jul 09 2020

SC Court of Appeals

ACTION OF GRAND JURY

True Bill

Defendant

[Signature]
Foreperson of Grand Jury
Date: 7/9/20

Witness:

VERDICT

C.C.C. PLS. and G.S.

Foreperson of Petit Jury
Date:
INDICT

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

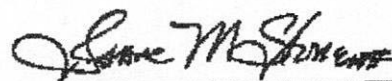
INDICTMENT
2019GS0701453

At a Court of General Sessions, convened on October 17, 2019, the Grand Jurors of Beaufort County present upon their oath:

Forgery, Value Less than \$10,000

That in Beaufort County, South Carolina, on or about May 3, 2019, the Defendant, FRANCISCO SAUL ORTIZ-AGUIRRE, did falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or wilfully act or assist in the false making, forging, or counterfeiting of a writing or instrument of writing and the amount of the forgery was less than ten thousand dollars, all in violation of Section 16-13-10(A)(1), 16-13-10(B)(2), et al. of the Codes of Law of South Carolina.

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



Solicitor

True Bill

0-54 FA

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort

STATE

INDICTMENT/CASE#

2019GS0701454

VS.

AW#

2019A0710300356

Francisco Saul Ortiz-Aguirre

Date of Offense:

05/01/2019

AKA

S.C. Code §

16-13-10(A)(1)

Race

Hispanic

Sex

Male

Age

24

CDR Code #

3436

DOB:

SSN

Address

Starshine Circle, Bluffton, SC 29910, Beaufort County

D.#

SID#

SENTENCE SHEET

Jul 09 2020

SC Court of Appeals

*CDL Yes No CMV Yes No Hazard Yes No

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

CONVICTED OF or

PLEADS

TO Forgery, value less than \$10,000

In violation of § 16-13-10(A)(1)

of the S.C. Code of Laws, bearing CDR Code # 3436

NON-VIOLENT VIOLENT SERIOUS

MOST SERIOUS

MANDATORY GPS \$17-25-45
(S.C. version 1st or 1st SC version 2nd)

The charge is An indictment, 1 count included Offense.

Defendant Waives Presentation to Grand Jury.

(def's initials)

The plea is Without Negotiations or Recommendation.

Negotiated Sentence.

Recommendation by the State

ATTEST

[Signature]

77936

[Signature]

MDRUGLE

103867

(Notarize)

(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 _____ 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 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

FTUP _____

Total \$ _____

plus 20% fee: _____

\$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

L1 Set by SCDPPPS

Recipient _____

*Fine:

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

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

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

§56-5-2945 (DUI Assessment) \$12 \$ _____

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

Proviso 616 (Public Def/Prob) \$500 \$ _____

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

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

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/each \$ _____

3% to County (if paid in installments) \$ 30

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 weeks/monthly

parts of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

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: 2172

Sentence Date: 5/10/20

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk *[Signature]*

Court Reporter *[Signature]*

MP-SC-CA/217 (04/2018)

Certified - A True Copy

Jewell Ann-Rosenau - Clerk of Court
Beaufort County, SC - Carroll Stoppel

WITNESSES

BCSO

DOCKET NO. 2019GS0701454

The State of South Carolina
County of Beaufort

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

October Term 2019

I hereby appear in my own proper person and plead guilty to the within indictment or to

THE STATE

vs.

Francisco Saul Ortiz-Aguirre

ARREST WARRANT NUMBER

2019A0710300356

Indictment For

Forgery, Value less than \$10,000

SC Code: 16-13-10(A)(1), 16-13-10(B)(2)

CDR Code: 3436

ACTION OF GRAND JURY

True Bill

Defendant

Foreperson of Grand Jury

Date: OCT 17 2019

Witness:

VERDICT

RECEIVED

Jul 09 2020

SC Court of Appeals

C.C.C. PLS. and G.S.

Foreperson of Petit Jury

Date:
INDICT

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

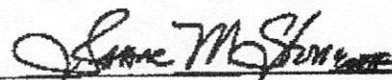
INDICTMENT
2019GS0701454

At a Court of General Sessions, convened on October 17, 2019, the Grand Jurors of Beaufort County present upon their oath:

Forgery, Value Less than \$10,000

That in Beaufort County, South Carolina, on or about May 1, 2019, the Defendant, Francisco Saul Ortiz-Aguirre, did falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or wilfully act or assist in the false making, forging, or counterfeiting of a writing or instrument of writing and the amount of the forgery was less than ten thousand dollars, all in violation of Section 16-13-10(A)(1), 16-13-10(B)(2), et al. of the Codes of Law of South Carolina.

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



Solicitor

True Bill

0-54 EA

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort

STATE

VS

Francisco Saul Ortiz-Aguirre

AKA:

Race: Hispanic Sex: Male Age: 24

DOB: SS#:

Address: Starshine Circle, Bluffton, SC 29910, Beaufort County

DL# SID#

INDICTMENT/CASE#

2019GSH711455

A/W#:

2019A0710300557

Date of Offense:

05/07/2019

SC Code §:

16-13-10(A)(1)

CDR Code #:

3436

SENTENCE SHEET

RECEIVED

Jul 09 2020

*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 SC Court of Appeals

TO Forgery, value less than \$10,000

In violation of § 16-13-10(A)(1)

of the S.C. Code of Laws, bearing CDR Code # 3436

NON-VIOLENT VIOLENT SERIOUS

MOST SERIOUS

MANDATORY GPS §17-25-45

The charge is: As indicated

Lesser Included Offense

Defendant Waives Presentation to Grand Jury

(Def's initials)

The plea is: Without Negotiation or Recommendation

Negotiated Sentence

Recommendation by the State

ATTEST

Whitney (Defendant) 77936 (Attorney for Defendant) C. Rowe 103867 (SC Bar #)

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

for a determinate term of 5 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 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 PTEIP

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

Payment Terms:

Set by SCDPSPS

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

payments of \$ Beginning \$ Paid to Public Defender Fund

Other:

Recipient:

| | |
|--|-----------|
| *Fine | \$ |
| §14-1-206 (Assessments 107.5%) | \$ |
| §14-1-211 (A)(1)(Com. Surcharge) | \$100 |
| §14-1-211 (A)(2)(DUI Surcharge) | \$100 |
| §56-5-2995 (DUI Assessment) | \$12 |
| §56-1-286 (DUI Breath Test) | \$25 |
| Proviso 61.6 (Public Def/Prob) | \$500 |
| §14-1-212 (Law Enforce. Funding) | \$25 |
| §14-1-213 (Drug Court Surcharge) | \$150 |
| §50-21-114 (BLU Breath Test Fee) | \$50 |
| §56-5-2942(J) (Vehicle Assessment) | \$40/each |
| 3% to County (if paid in installments) | \$ 315 |

Appointed PD or appointed other counsel.

Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

TOTAL

Handwritten signature and amount \$1287.50

Clerk of Court/Deputy Clerk

Court Reporter

MP-SAS-A-217 (04/2018)

Presiding Judge:

Judge Code

Sentence Date:

Handwritten signature and date 7/16/20

Certified - A True Copy

Jeri Ann Rosshau - Clerk of Court Beaufort County, SC - Carol Stoppel

WITNESSES

BCSO

DOCKET NO. 2019GS0701455

The State of South Carolina
County of Beaufort

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

October Term 2019

I
hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2019A0710300357

THE STATE

vs.

Francisco Saul Ortiz-Aguirre

ACTION OF GRAND JURY

True Bill

Indictment For

Forgery, Value Less than \$10,000

SC Code: 16-13-10(A)(1), 16-13-10(B)(2)

CDR Code: 3436

Defendant

Foreperson of Grand Jury

Date: OCT 17 2019

RECEIVED

Jul 09 2020

SC Court of Appeals

Witness:

VERDICT

Foreperson of Petit Jury

Date:
INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

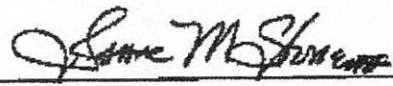
INDICTMENT
2019GS0701455

At a Court of General Sessions, convened on October 17, 2019, the Grand Jurors of Beaufort County present upon their oath:

Forgery, Value Less than \$10,000

That in Beaufort County, South Carolina, on or about May 7, 2019, the Defendant, Francisco Saul Ortiz-Aguirre, did falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or wilfully act or assist in the false making, forging, or counterfeiting of a writing or instrument of writing and the amount of the forgery was less than ten thousand dollars, all in violation of Section 16-13-10(A)(1), 16-13-10(B)(2), et al. of the Codes of Law of South Carolina.

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



Solicitor
Bill Turner

60

O-104 EA

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort

STATE

INDICTMENT/CASE#

2019GS0701525

VS

FRANCISCO SALL ORTIZ-AGUIRRE

A/W#

2019A0710300389

AKA:

Date of Offense

05/01/2019 05/01/2019

Race: Hispanic Sex: Male Age: 24

SC Code §

16-11-312(A)

DOB: [Redacted] SS#: [Redacted]

CDR Code #

0080

Address: [Redacted] Starshine Circle, Bluffton, SC 29910, Beaufort County

DL# [Redacted] SID# [Redacted]

SENTENCE SHEET

RECEIVED

Jul 09 2020

SC Court of Appeals

*CDL Yes No CMV Yes No Hazmat Yes No

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

CONVICTED OF or

PLEAS

TO: Burglary (Non-Violent) - Second degree

In violation of § 16-11-312(A) of the S.C. Code of Laws, bearing CDR Code # 0080

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

MANDATORY GPS §17-25-45

The charge is As indicated, Lesser Included Offense, Defendant Waives Presentation to Grand Jury (def's initials) Negotiated Settlement, Recommendation by the State.

ATTEST

Subscribed and sworn to before me this 9th day of July 2020 at Bluffton, South Carolina. [Signature] 103867 (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 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 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

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

Payment Terms

Set by SC DPPP

| | | |
|---|-----------|--------|
| Recipient: | | |
| *Fine: | \$ | |
| §14-1-206 (Assessment)(107.5%) | \$ | |
| §14-1-211 (A)(1)(Conv. Surcharge) | \$100 | \$ 100 |
| §14-1-211 (A)(2)(DUI Surcharge) | \$100 | \$ |
| §56-5-2995 (DUI Assessment) | \$12 | \$ |
| §56-1-286 (DUI Breath Test) | \$25 | \$ |
| Provision §16 (Public Def/Prob) | \$500 | \$ |
| §14-1-212 (Law Enforce. Funding) | \$25 | \$ 25 |
| §14-1-213 (Drug Court Surcharge) | \$150 | \$ |
| §50-21-114 (BLI Breath Test Fee) | \$50 | \$ |
| §56-5-2942(D) (Vehicle Assessment) | \$40/each | \$ |
| 7% to County, (if paid in installments) | \$ | \$ 375 |

- Obtain GED
 - Attend Voc Rehab, Or Job Corp.
 - May serve WE beginning
 - Substance Abuse Counseling
 - Random Drug/Alcohol Testing
- Fine may be paid in equal consecutive weeks/monthly
- parts of \$ Beginning
- \$ Paid to Public Defender Fund
- Other: Ice Held

TOTAL

\$ 12875

Clerk of Court/Deputy Clerk: [Signature]

Court Reporter: [Signature]

MP-SC-17-217 (4/2019)

Presiding Judge: [Signature] Judge Code: 2142 Sentence Date: 5/15/20

Certified - A True Copy [Signature] Jerri Ann Rosenbaum - Clerk of Court Beaufort County, SC - Carroll Stoppel

WITNESSES
BCSO *[Signature]*

DOCKET NO. 2019GS0701525

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina
County of Beaufort

Defendant

COURT OF GENERAL SESSIONS

November Term 2019

I
hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2019A0710300389

THE STATE

vs.

FRANCISCO SAUL ORTIZ-AGUIRRE

ACTION OF GRAND JURY

True Bill

Indictment For

Burglary, 2nd Degree (Non-Violent)

SC Code: 16-11-312(A)

CDR Code: 0080

Defendant

Foreperson of Grand Jury

Date: *July 11 2019*

RECEIVED

Jul 09 2020

SC Court of Appeals

Witness:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

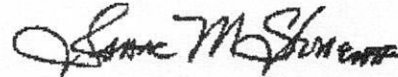
INDICTMENT
2019GS0701525

At a Court of General Sessions, convened on November 14, 2019, the Grand Jurors of Beaufort County present upon their oath:

Burglary, 2nd Degree (Non-Violent)

That in Beaufort County, South Carolina, on or about May 1, 2019 through May 1, 2019, the Defendant, FRANCISCO SAUL ORTIZ-AGUIRRE, did enter into a dwelling without consent and with intent to commit a crime therein, all in violation of Section 16-11-312(A), et al. of the Codes of Law of South Carolina.

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



Solicitor

Bill

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.”

RECEIVED**Jun 07 2021****SC Court of Appeals**

Respectfully Submitted,

s/Jessica M. Saxon

Jessica M. Saxon

Appellate Defender

South Carolina Commission on Indigent Defense

Division of Appellate Defense

PO Box 11589

Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 7th day of June, 2021.