

ORDER DISCHARGING DEFENDANT
FROM COMMUNITY SUPERVISION

CAUSE NO. F03-26357-T

592
156

THE STATE OF TEXAS)	283RD JUDICIAL DISTRICT COURT
)	
VS.)	DALLAS COUNTY, TEXAS
)	
<u>STEPHEN LUKE MARTIN</u>)	

On the 5th day of March, 2004, the defendant in the above entitled and numbered cause was placed on Community Supervision by this Court for a period of 5 years for the offense of

SOLICITATION OF A MINOR

Said period of Community Supervision expired on MARCH 5, 2010, and it is the opinion of this Court that the ends of justice have been served.

It is therefore ordered that the indictment in this case be dismissed, and the defendant be discharged from Community Supervision.

SIGNED this 5TH day of MARCH, 2010.

R.H. Magnis

JUDGE
283RD JUDICIAL DISTRICT COURT
DALLAS COUNTY, TEXAS

ML# C-364898

In Custody

XXXX NOT IN CUSTODY

ORDER MODIFYING
THE CONDITIONS OF COMMUNITY SUPERVISION

551 / 183

THE STATE OF TEXAS

JUDICIAL DISTRICT COURT 283

VS.

DALLAS, TEXAS

SETPHEN LUKE MARTIN

CAUSE F03-26357T

JULY TERM 2008

CAUSE F

In accordance with the authority conferred by the Community Supervision law of the State of Texas, the Conditions of Community Supervision in the above numbered Cause(s) are hereby modified by the Court to delete the following:

- (V) Refrain from any further contact with any person under the age of seventeen unless said contact occurs under the direct supervision of a Court-approved authority. This condition is effective upon commencement and during the period of probation.

AND INCLUDE:

- (V) Do not have any form of contact, be it in person, by mail, telephone or any form of communication with any child 17 years of age or younger, directly or indirectly, unless said contact occurs under the direct supervision of a Court approved authority. You may have unsupervised contact with your biological children and supervised contact with Alexander Martin and Gentry Gray.

The Court has the authority at any time during the period of Community Supervision to revoke or proceed to adjudication for violation of any of the conditions of Community Supervision as set forth above.

SIGNED THIS 20 DAY OF AUGUST 2008

H. Magnus
JUDGE

Witness our signature this the 25th day of August 2008

[Signature]
PROBATIONER
[Signature]
COURT/SUPERVISION OFFICER

ML# 364898

Cause No. F03-26357-T

TRN 9013475760

THE STATE OF TEXAS
v.
STEPHEN LUKE MARTIN
SID: TX 07099262

§
§
§

IN THE 283rd JUDICIAL
DISTRICT COURT OF
DALLAS COUNTY, TEXAS

ORDER OF DEFERRED ADJUDICATION;
COMMUNITY SUPERVISION

DATE OF JUDGMENT: 5 March 2004
JUDGE PRESIDING: Gary Stephens
ATTORNEY FOR THE STATE: Ada Brown
ATTORNEY FOR THE DEFENDANT: Douglas Skemp
OFFENSE: Soliciting A Minor For A Sexual Assault
STATUTE FOR OFFENSE: Article , Section 22.011/15.031, Penal Code
DEGREE OF OFFENSE: Third Degree Felony
APPLICABLE PUNISHMENT RANGE:
(Including enhancements if any): Third Degree 2-10 in prison/max \$10,000 fine
DATE OF OFFENSE: 22 May 2003
CHARGING INSTRUMENT: Indictment
TERMS OF PLEA AGREEMENT open
(IN DETAIL):
PLEA TO OFFENSE: Guilty
PLEA TO ENHANCEMENT Not Applicable
PARAGRAPH(S):
DATE ORDER TO COMMENCE: 5 March 2004
PERIOD OF SUPERVISION: Six (6) years, No (0) months
FINE: \$1500.00
COURT COSTS: \$198.00
TOTAL AMOUNT OF RESTITUTION: \$
NAME AND ADDRESS FOR
RESTITUTION:

The **Sex Offender Registration Requirements** under Chapter 62, CCP, **apply** to the Defendant. The age of the victim at the time of the offense was **15 years old**.

On the date stated above, the above numbered and entitled cause was regularly reached and called for trial, and the State appeared by the attorney stated above, and the Defendant and the Defendant's attorney, as stated above, were also present. Thereupon both sides announced ready for trial, and the Defendant, Defendant's attorney, and the State's attorney agreed in open court and in writing to waive a jury in the trial of this cause and to submit it to the Court. The Court consented to the waiver of a jury. The Defendant further waived the reading of the **indictment**, and, upon being asked by the Court as to how the defendant pleaded, entered a plea of **Guilty** to the offense of **Soliciting A Minor For A Sexual Assault, as alleged in the charging instrument**. Furthermore, as to the enhancement paragraphs, if any, the Defendant entered a plea as stated above.

Thereupon, the Defendant was admonished by the Court of the consequences of the plea(s); it appeared to the Court that the Defendant was competent to stand trial and that the defendant was not influenced in making said plea(s) by any consideration of fear or by an persuasion prompting a confession of guilty; and the Court received the free and voluntary plea(s), which are now entered of record in the minutes of the court. The Court proceeded to hear evidence from the State and the Defendant and, having heard argument of counsel, found there was sufficient evidence to support the Defendant's plea and found the offense was committed on the date(s) stated above. A presentence investigation report **was done according to Article 42.12, sec. 9, CCP.** The Court then assessed punishment as stated above.

However, the Court, after due consideration, is of the opinion and so finds that the best interests of society and the Defendant are served in this cause by deferring further proceedings without an adjudication of guilty.

It is, therefore, ORDERED by the Court that further proceedings in this cause shall be and are hereby deferred. The Defendant is placed on community supervision for **Six (6) years, No (0) months** with a fine as stated above, beginning on the date stated above, subject to the conditions of supervision imposed by the Court in an order that is hereby incorporated into this order and has been served on the Defendant.

Furthermore, the following special findings or orders apply:

Signed on this March 5, 2004



Vickers L. Cunningham, Sr.
Judge, 283rd District Court

**Immediately upon release, defendant must report in person to the Felony Collections Dept., 2nd fl., Rm. C2-3, Crowley Courts Bldg., Dallas, TX, for payment arrangement of court ordered costs, fines and/or attorney fees.*

CONDITIONS OF PROBATION

THE STATE OF TEXAS

IN THE 283RD JUDICIAL DISTRICT COURT

Vs.

DALLAS COUNTY, TEXAS

STEPHEN LUKE MARTIN

JANUARY TERM 2004

CAUSE NO. F03-26357T

REGULAR PROBATION

DEFERRED ADJUDICATION C

SHOCK PROBATION

STATE JAIL FELONY

BOOT CAMP

In accordance with the authority conferred by the Adult Probation and Parole Law of the State of Texas, you have been placed on probation on this date 11-24-05, 2-04 for a period of C years. It is the order of this Court that you comply with the following conditions of probation:

- (a) Commit no offense against the laws of this or any other State or the United States, and do not possess a firearm during the term of probation;
- (b) Avoid injurious or vicious habits, and do not use marijuana, narcotics, dangerous drugs, inhalants or prescription medication without first obtaining a prescription for said substances from a licensed physician;
- (c) Avoid persons or places of disreputable or harmful character and do not associate with individuals who commit offenses against the laws of this or any other State or the United States;
- (d) Obey all the rules and regulations of the probation department, and report to the Probation Officer as directed by the Judge or Probation Officer; to-wit: Weekly, or as directed.
- (e) Permit the Probation Officer to visit you at your home or elsewhere, and notify the Probation Officer not less than twenty-four (24) hours prior to any changes in your home or employment address;
- (f) Work faithfully at suitable employment as far as possible, and seek the assistance of the probation officer in your efforts to secure employment when unemployed;
- (g) Remain within a specified place; to-wit: Dallas County, Texas, and do not travel outside Dallas County, Texas, without first having obtained written permission from the Court;
- (h) Within 5 days, or the next working day following release from jail, report to the Dallas County District Clerk Collections Department (Frank Crowley Building; 2nd Floor; Room C-2) to arrange payment of Court Costs, a fine in the amount of \$1500.00 as noted and Attorney Fees in the amount of \$ -0 -. Comply with the agreed payment plan until all monies are paid in full.

PAGE 2.

STEPHEN LUKE MARTIN

283RD JUDICIAL DISTRICT COURT

NO. F03-26357TJANUARY TERM 2004

- (i) Support your dependents;
- (j) Pay a probation fee of \$60.00 per month to the Probation Officer of this Court on or before the first day of each month hereafter during probation;
- (k) Make a monetary contribution to **CRIMESTOPPERS** in the amount of \$25.00, payable at \$5.00 per month to a probation officer of this Court on or before the first day of each month hereafter until paid in full.
- (l) Submit to random drug testing to determine illegal substances and/or alcohol as directed by the probation officer. Pay a drug test fee of \$120 annually at the rate of \$10 on the first day of each month for the duration of probation.
- (m) Perform a total of 120 hours Community Service Restitution at 10 hours per month through the Day Reporting Center, 899 Stemmons Freeway, Mezzanine, Suite, Dallas, Texas. Commence community service on or before AUGUST 1, 2004
- (n) Within 60 days submit a blood sample or other specimen to the Department of Public Safety under Subchapter G, Chapter 411, Government Code, as directed by the Dallas County Community Supervision and Corrections Department, for the purpose of creating a DNA record, and pay for the cost thereof.
- (o) Make a monetary contribution to the **VICTIMS COMPENSATION FUND**, P. O. Box 12548, Austin, TX 78711, in the amount of \$100.00, payable at \$5.00 per month, to a probation officer of this Court on or before the first day of each month hereafter until paid in full.
- (p) Participate in the Specialized Sex Offender Program until released by the Court and comply with all rules and regulations of said program.
- (q) Pay Sex Offender Supervision Fee in the amount of \$360 payable at \$5.00 per month to a probation officer of this Court on or before the first day of each month hereafter during probation.
- (r) Do not supervise or participate in any program that includes participants/recipients 17 years of age or younger, and do not go in, on, or within 1000 feet of premises where children gather.
- (s) Pay a fee that equals the actual cost of providing public notice in a newspaper. Payment is to be made to the community supervision officer within 60 days of demand and verification of said publication.

STEPHEN LUKE MARTIN

283RD JUDICIAL DISTRICT COURT

NO. F03-26357T

JANUARY

TERM 2004

-
- (t) Submit to a sexual abuse clinical assessment and treatment program with a registered sex offender treatment provider as designated by the Dallas County Community Supervision and Corrections Department within 60 days. Faithfully participate in the assessment and treatment process until released by the Court.
 - (u) Complete a clinical polygraph with a Court approved polygrapher at least once every twelve (12) months or as ordered by a therapist or supervision officer.
 - (v) Refrain from any further contact with any person under the age of seventeen unless said contact occurs under the direct supervision of a Court-approved authority. This condition is effective upon commencement and during the period of probation.
 - (w) Refrain from all contact either in person, by phone, by mail, by electronic mail, through a third party, or by any other means, direct or indirect, with . This condition is effective at commencement and during the period of probation.
 - (x) Submit to **substance abuse evaluation and treatment** within 60 days of request by the probation officer through either a private practitioner or through community resources as directed by the probation officer of the court. Faithfully participate in the evaluation process and treatment until released by the Court.
 - (y) Do not possess, acquire, obtain, retain, or review journalistic, video, photographic, electronic, compact disk, computer generated or computer originated material, or material generated by an individual or material that is sent or received by electronic mail that is sexually oriented and/or portrays nudity of a child or an adult. Do not purchase, view, or possess printed or recorded materials that may be used for the purpose of deviate sexual arousal. Do not frequent any place where nudity is permitted or go to places where pornographic materials are available, viewed, rented or sold.

STEPHEN LUKE MARTIN

283RD JUDICIAL DISTRICT COURT

NO. F03-26357T

JANUARY TERM 2004


- (z) Report to the **Garland Police Department for Sex Offender Registration** at 217 N 5th St. Garland, Texas 75040 (972-205-2090) within seven (7) days. Call Mon-Fri 8-5 for appointment.

Re-register with local law enforcement agency within seven (7) days of any change of address.

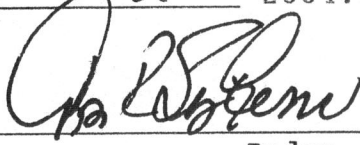
- (aa) Within 5 days, between 10:30 a.m. and 12:30 p.m. report to the Community Supervision and Corrections Department on the 9th Floor of Crowley courthouse for a Reading Test. This condition is waived if proof of High School Diploma, G.E.D., or military service can be provided to the supervising officer.
- (bb) Provide proof of High School Diploma or General Equivalency Diploma or commence attendance in an accredited High School or G.E.D. Program within 90 days. When completed provide proof of completion to the probation officer.
- (cc) Comply with Federal Law by filing an income tax statement on or before the 15th of April of each year and provide a copy to the supervising Community Supervision Officer. If an extension is filed, submit a copy of said extension to the Community Supervision Officer.
- (dd) Report to Sex Offender Orientation on Monday, Tuesday, Wednesday, or Thursday of next week at 9:45 A.M., located at the Back entrance of the Decker Office office (see map). Phone number: (214) 653-8515.

You are hereby advised that under the law of this State, the Court shall determine the terms and conditions of your probation, and may at any time during the period of probation, alter or modify the conditions of your probation. The Court also has the authority at any time during the period of probation to revoke your probation, or proceed to adjudication, for violation of any of the conditions of your probation set out above.

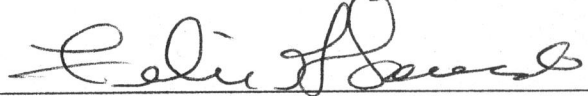
Witness our Signatures this 5th day of March 2004.



Probationer



Judge



Probation Officer

Cause Number F 03-20357-T

STATE OF TEXAS

VS.

Stephen Luke Martin

2004 JAN 22

□

□

□

DISTRICT COURT,
DALLAS COUNTY, TEXAS

IN THE 283rd JUDICIAL

DISTRICT COURT,

DALLAS COUNTY, TEXAS

COURT'S ADMONITION TO SEX OFFENDERS**Sex Offender Registration Law**

To the Defendant:

You are admonished that under Chapter 62 of the Code of Criminal Procedure, a defendant convicted of, or placed on community supervision, whether unadjudicated or post-conviction, for indecency with a child; compelling prostitution; sexual assault; aggravated sexual assault; prohibited sexual conduct; sexual performance by a child; possession or promotion of child pornography; aggravated kidnapping, with intent to sexually violate or abuse the victim; burglary of a habitation, with intent to commit a felony sexual offense; indecent exposure, second conviction; unlawful restraint, kidnapping, or aggravated kidnapping if the judgment contains an affirmative finding that the victim was a child under the age of 17 years; any substantially similar offense under the law of another state, federal law, or the Uniform Code of Military Justice; or any offense resulting in a condition of parole, release to mandatory supervision, or community supervision requiring registration as a sex offender, must register as a sex offender with local law enforcement agency in any city or county in which he or she resides, intends to reside, moves, visits, or works, and must thereafter periodically verify the registration information.

The duty to register does not generally expire earlier than 10 years after the sentence of imprisonment, parole, or community supervision ends, and for some offenses, including indecency with a child by contact, compelling prostitution of a minor, sexual assault, aggravated sexual assault, prohibited sexual conduct, sexual performance by a child, possession or promotion of child pornography, aggravated kidnapping with intent to sexually violate or abuse the victim, burglary of a habitation with intent to commit a sexual offense, or any substantially similar offense under the laws of another state or jurisdiction, the duty to register is for the remainder of the defendant's life. Failure to register is a felony offense.

Signatures and Acknowledgments

I, the defendant in the above-entitled and numbered cause, before entering my plea, acknowledge that I have read, that my attorney has explained, and that I understand the sex offender registration provisions and requirements of Chapter 62 of the Code of Criminal Procedure. I understand that the registration law includes details other than those listed above and that the law is subject to change. My plea has not been influenced by any advice or information from the Court, my attorney, or any other person regarding registration requirements. It would be entered regardless of those requirements.

1-7-04
Date

[Signature]
Defendant

I, the defendant's attorney, acknowledge that I have explained the sex offender registration requirements of Chapter 62 of the Code of Criminal Procedure to my client, and it is my belief that he understood them.

1-7-04
Date

[Signature]
Attorney for Defendant

THE STATE OF TEXAS

VS.

Stephen Luke Martin

)
)
)
)
)
)

CAUSE NO. F03-26357

_____ JUDICIAL DISTRICT

COURT NO 283 DALLAS CO. TEXAS

REQUEST FOR REFERRAL TO MAGISTRATE

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now defendant in the above cause, with his undersigned counsel, and would show that he, his counsel, and the attorney for the State have entered into a plea bargain in this cause, and defendant hereby waives his rights to have this cause heard on his plea by a District Judge, and requests that this cause be referred to a Criminal District Magistrate of Dallas County, Texas, by the said District Judge, so that defendant might enter his plea herein before said Magistrate and receive the punishment and results contemplated by the plea bargain agreement of the parties.

[Signature]
Counsel for Defendant

X [Signature]
Defendant

Now comes Bill Hill, Criminal District Attorney of Dallas County, Texas, who consents to and approves of the referral of this cause by the District Judge to a Criminal District Magistrate of Dallas County, Texas, so that defendant might enter his plea herein in pursuance of the plea bargain agreement entered into between the parties.

FILED
RONDA SUTTON
2004 JAN 22 AM 10:00
DISTRICT CLERK
DALLAS CO. TEXAS

Bill Hill
District Attorney
Dallas County, Texas

By [Signature]

ORDER OF REFERRAL

The above and foregoing waiver, consent, and request for referral to a Magistrate having been presented to me, same is hereby in all things approved. This cause is hereby referred to a Criminal District Magistrate of Dallas County, Texas, for the purpose of defendant entering his plea in accordance with the plea bargain agreement entered into by and between the defendant, counsel for defendant and counsel for the State in this cause.

SIGNED AND ENTERED this 22 day of Jan, 2007.

[Signature]
DISTRICT JUDGE

RONDA SUTTON

FILED

EC

DEFENDANT Martin, Stephen Luke W M 06181979 CHARGE SOLICIT MINOR SEX
2004 JAN 22 AM 10:00 ASLT

AKA:

ADDRESS 5209 Burlingame Dr, Garland, TX LOCATION DSO

FILING AGENCY TX0571100 DATE FILED June 19, 2003 COURT JDC283

COMPLAINANT Marshall, B F-0326357 VT#:

C/C

THE STATE OF TEXAS

CAUSE NO. F-0326357

VS.

Martin, Stephen Luke

283RD JUDICIAL DISTRICT COURT
DALLAS COUNTY, TEXAS

JUDICIAL CONFESSION

Comes now Defendant in the above cause, in writing and in open Court, and consents to the stipulation of the evidence in this case and in so doing expressly waives the appearance, confrontation and cross-examination of witnesses. I further consent to the introduction of this Judicial Confession, and testimony orally, by affidavits, written statements of witnesses and other documentary evidence. Accordingly, having waived my Federal and State constitutional right against self-incrimination, and after having been sworn, upon oath, I judicially confess to the following facts and agree and stipulate that these facts are true and correct and constitute the evidence in this case:

On the 22nd day of May A.D., 2003, in Dallas County, Texas, I did unlawfully,

then and there, with intent that an offense be committed, namely: sexual assault, by any means, to-wit: by telephone and by computer and in person, request, command and attempt to induce MADELINE, an individual whom the defendant believed to be a person younger than 17 years of age, to engage in specific conduct, to-wit: sexual intercourse and deviate sexual intercourse, that under the circumstances surrounding the defendant's conduct as the defendant believed them to be, would constitute said offense and would make MADELINE a party to the commission of said offense,

I further judicially confess that I committed the offense with which I stand charged exactly as alleged in the indictment in this cause.

APPROVED BY:

Doyle W. Shere
Attorney for Defendant

[Signature]
Defendant

SWORN TO AND SUBSCRIBED before me on the 22 day of Jan, 20 04

APPROVED BY:

JIM HAMLIN, CLERK
DISTRICT COURTS OF
DALLAS COUNTY, TEXAS

[Signature]

[Signature]

SE#1

IN THE 283rd Judicial DISTRICT COURT
DALLAS COUNTY, TEXAS

THE STATE OF TEXAS
VS.

Stephen Luke Martin

CAUSE NO.(S)

F0326357

CASE INFORMATION

The Defendant in this cause is charged with the offense of soliciting a minor for a
sexual assault, a 3rd degree felony. The possible punishment for this
offense is 2-10 years in TDC or up to 10 years probation

PLEA BARGAIN DATA

On a plea of Guilty, the District Attorney will
recommend the following:

____ Years TDC ____ Days in Dallas
County Jail
____ Years Probated for ____ Years.
____ Days in Dallas County Jail Probated
for ____ Days.
\$ ____ Fine

CONTINUANCE DATA

Case passed by agreement to:

2-23-04 at 9 am pm

for the purpose of: Sentencing on
open plea (Judge Stephens)

which will be the ____ setting of this case.

The appearance of the Defendant at the next setting

(IS) (IS NOT) waived.

Aula Brown
Assistant District Attorney

Debra Westberg
Attorney for Defendant

SS
Defendant

Phone Number _____

2-341-7708
Phone Number _____

Phone Number _____

ORDER AND FINDING

State (IS / IS NOT) found to have, in fact, been ready this date



THE STATE OF TEXAS
VS.
MARTIN, STEPHEN LUKE

WARRANT NUMBER: F03-26357-J
CASE NUMBER: 2003R015576
CRIMINAL DISTRICT COURT
DALLAS COUNTY, TEXAS

DEFENDANT'S AFFIDAVIT OF INDIGENCE

Before me, the undersigned authority, of this date, personally appeared the defendant in the above styled and numbered incident, known to me to be the person whose name is subscribed hereto as affiant. The defendant, having stated that he was indigent and unable to employ counsel, was placed under oath and inquiry was made in the following factors: The defendant's income and source of income, property owned, outstanding obligations, necessary expenses, number and ages of defendant's dependents, spousal income and other matters indicating that he is in fact, indigent.

The defendant then disposed and stated as follows:

On this the 23rd day of May, 2003, I have been advised by the court of my right to representation by counsel in the trial of the charges pending against me. I hereby request the court to appoint counsel for me.

[Signature]
Defendant / Affiant

Subscribed and sworn before me, the undersigned authority on this the 23rd day of May, 2003.
[Signature]
Magistrate

ORDER

On this the _____ day of _____, _____, the court, having reviewed the foregoing affidavit finds that the defendant is not indigent and is financially able to employ counsel.

Signed this the _____ day of _____, _____.

Judge Criminal District Court
Dallas County, Tx

ORDER

On this the _____ day of _____, _____, the court, having reviewed foregoing affidavit finds the defendant is indigent and unable to employ counsel, and hereby approves the affidavit and appoints:

(1) The honorable _____, phone: _____.

(2) The chief public defender represented by the honorable _____, phone: _____, a practicing attorney of this state to represent the the defendant in said causes.

Signed this the _____ day of _____, _____.

Judge Criminal District Court
Dallas County, Tx

**WARRANT OF ARREST AND DETENTION
DALLAS COUNTY, TEXAS****3rd Degree Felony**GPD Number: 2510123
Arrest Number: 2003005540Warrant Number: F03-26357-J
Case Number: 2003R015576

IN THE NAME OF THE STATE TO ANY SHERIFF OR OTHER PEACE OFFICER OF THE STATE OF TEXAS.

GREETINGS:

YOU ARE HEREBY COMMANDED TO TAKE THE BODY OF:

MARTIN, STEPHEN LUKEHEREINAFTER CALLED THE ACCUSED, AND HIM SAFELY KEEP SO THAT HE MAY BE DEALT WITH
ACCORDING TO THE LAW, AND TO HOLD THE ACCUSED TO ANSWER TO THE STATE OF TEXAS FOR AN
OFFENSE AGAINST THE LAWS OF THE STATE, NAMELY:**CRIMINAL SOLICITATION-MINOR (SEXUAL ASSAULT-CHILD)**PENAL CODE 22.011/15.031
3rd Degree FelonyOF WHICH OFFENSE HE IS ACCUSED BY WRITTEN COMPLAINT, MADE UNDER OATH, THAT HAS BEEN
PRESENTED TO ME AND THAT IS BY THIS REFERENCE INCORPORATED HEREIN FOR ALL PURPOSES.WITNESS MY SIGNATURE THIS 11 DAY OFJune 11, 2003
Handwritten signature of J. Dalbrath in cursive.MAGISTRATE IN AND FOR
DALLAS COUNTY, TEXAS

STATE OF TEXAS VS: MARTIN, STEPHEN LUKE

ARREST STATUS: COBO

RACE: W SEX: M DOB: 6/18/79 HEIGHT: 508 - WEIGHT: 275 - 0 HAIR: BLN

SSN: 461976474 DL #: 11728015 DL STATE: TX EYE: BLU

HOME ADDRESS: 5209 BURLINGAME DR CITY: GARLAND STATE: TX ZIP: 75041

COMPLAINANT: MARSHALL, B S

CASE NUMBER: 2003R015576

OFFENSE DATE: 5/22/03

OFFENSE LOC: 101 W BUCKINGHAM RD, GARLAND, TX, GARLAND

CAME TO THIS HAND THE _____ DAY OF _____, A.D. _____, AND EXECUTED THE _____
DAY OF _____, A.D. _____, BY ARRESTING AND DETAINING ABOVE NAMED AND
ACCUSED BY _____

By: _____

IN THE CRIMINAL DISTRICT COURTS OF
DALLAS COUNTY, TEXAS

THE STATE OF TEXAS

VS. MARTIN STEPHEN LUKE

NO. : F-0326357

SOLICIT MINOR IND CHILD CONT

INSTRUCTIONS RELATING TO PRELIMINARY INITIAL APPEARANCE

ON THIS DATE APPEARED MARTIN STEPHEN LUKE, HEREINAFTER REFERRED TO AS DEFENDANT, WHO MAKES HIS INITIAL APPEARANCE IN CONNECTION WITH THE ABOVE NUMBERED CAUSE. AT THIS APPEARANCE A HEARING WAS HELD, AT WHICH THE FOLLOWING TOOK PLACE:

1. DEFENDANT WAS INFORMED AS PROVIDED IN ART. 15.17 CCP.
2. BAIL WAS SET IN AMOUNT OF \$ 10000.00
3. COUNSEL WAS APPOINTED IN THE PERSON OF
RETAINED COUNSEL DETERMINED TO BE
4. ALL FELONY CHARGES ASSOCIATED WITH THIS ARREST ARE ASSIGNED
TO AND SHALL BE FILED IN JUDGE VIC CUNNINGHAM COURT,
283RD JUDICIAL DISTRICT COURT.

COPIES OF THESE INSTRUCTIONS SERVED ON DEFENDANT AND TRANSPORTING OFFICER
ON THIS 17TH DAY OF JUNE 2003.

Day: Night Bail

JAIL LOCATION

BAIL BOND

THE STATE OF TEXAS, COUNTY OF

GARLAND JAIL

STEPHEN

LUKE VS.

MARTIN

First
Race W

Middle
Sex M

Last
DOB 06-18-79

MISDEMEANOR

FELONY X

JUDGE: Galbreath

BOOK-IN NO. 2003005540

DATE: May 23, 2003

CASE/WARRANT#

KNOW ALL MEN BY THESE PRESENTS: THAT WE, STEPHEN L. MARTIN AS PRINCIPAL, AND THE UNDERSIGNED Phil Kott / Day: Night Bail, AS SURETY, ARE HELD FIRMLY BOUND UNTO THE STATE OF TEXAS IN THE PENAL SUM OF 20,000 DOLLARS (\$/0,000.00) AND IN ADDITION THERETO, WE ARE BOUND FOR THE PAYMENT OF ALL FEES AND EXPENSES THAT MAY BE INCURRED BY ANY PEACE OFFICER IN RE-ARRESTING THE SAID PRINCIPAL IN THE EVENT ANY OF THE STATED CONDITIONS OF THIS BOND ARE VIOLATED FOR THE PAYMENT OF WHICH SUM OR SUMS WILL AND TRULY TO BE MADE, WE DO BIND OURSELVES, AND EACH OF US, OUR HEIRS, EXECUTORS AND ADMINISTRATORS, JOINTLY AND SEVERALLY. THE CONDITION OF THIS BOND IS THAT THE DEFENDANT HAS BEEN CHARGED WITH CRIM SOLICIT MINOR / SEX ABUSE CHILD AND TO SECURE HIS/HER RELEASE FROM CUSTODY IS ENTERING INTO THIS OBLIGATION BINDING HIM TO MAKE A PERSONAL APPEARANCE (INSTANTER) BEFORE COURT TO WHICH THE SAME MAY BE TRANSFERRED AND BASED ON SAID CHARGE. HABEAS CORPUS WITH WRIT THAT IS SAID PRINCIPAL SHALL WELL AND TRULY APPEAR IN THE Garland COURT OF Garland TEXAS, AT 10 AM, ON THE 23 DAY OF May, A.D. 20 03. IN THE COURTROOM OF SAID COURT, IN THE CITY OF Garland, COUNTY OF Garland, TEXAS, PURSUANT TO THE ORDER OF THE JUDGE THIS DAY MADE, GRANTING A WRIT OF HABEAS CORPUS ON APPLICATION OF SAID PRINCIPAL, IT HAVING BEEN CALLED TO HIS ATTENTION THAT SAID PRINCIPAL IS RESTRAINED OF HIS LIBERTY BY A PEACE OFFICER OF DALLAS COUNTY, TEXAS UNDER ACCUSATION OF SAID CHARGE AGAINST THE LAWS OF THE STATE OF TEXAS, SAID WRIT BEING DEPART THERE FROM WITHOUT LEAVE OF SAID COURT, PENDING EXAMINATION OF AND HEARING OF SAID WRIT, IN ORDER TO ABIDE FINAL DETERMINATION THEREOF BY SAID COURT.

I, Phil Kott / Day: Night Bail, DO SWEAR THAT I AM WORTH AT LEAST THE SUM OF 20,000 DOLLARS, AFTER DEDUCTING FROM MY PROPERTY ALL THAT WHICH IS EXEMPT BY THE CONSTITUTION AND LAWS OF THE STATE FROM FORCED SALE AND AFTER PAYMENT OF ALL BY DEBTS, WHETHER INDIVIDUAL OR SECURITY DEBTS AND AFTER SATISFYING ALL ENCUMBRANCES UPON MY PROPERTY WHICH ARE KNOWN TO ME AND THAT I RESIDE IN Dallas COUNTY AND HAVE PROPERTY IN THIS STATE LIABLE TO EXECUTION WORTH SAID AMOUNT OR MORE AND THAT I PERSONALLY SIGNED MY NAME AS SURETY TO THIS BOND. I FURTHER SWEAR THAT THERE ARE NO OUTSTANDING JUDGEMENTS IN DALLAS COUNTY, TEXAS OR ELSEWHERE AGAINST THE AFFIANT AND THAT THE AFFIANT MAKES THIS STATEMENT FOR THE EXPRESS PURPOSE OF INDUCING THE APPROVAL AND ACCEPTANCE OF SAID BOND WITH HIMSELF AS A SURETY THEREON, WELL KNOWING, BELIEVING AND INTENDING THAT THE MAKING OF THIS STATEMENT WILL INDUCE THE OFFICIAL CHARGED WITH THE DUTY OF ACCEPTING AND APPROVING SAID BOND TO ACCEPT AND APPROVE THE SAME AND THAT ALL STATEMENTS HEREIN ARE TRUE, SO HELP ME GOD.

PRINCIPAL

ADDRESS: 5209 Burlingame

CITY Garland STATE TX

ZIP 75043 PHONE

WITNESS / JAILER

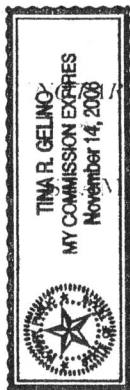
DEPT. / AGENCY

TAKEN AND APPROVED BY ME THIS

23 DAY OF May 20 03

SHERIFF, Garland CO, TX

BY: Garland DEPUTY



AFFIANT / SURETY

ADDRESS: 2519 W. W. Hwy

CITY Dallas STATE TX

ZIP 75228 PHONE 214-631-7277

SWORN TO AND SUBSCRIBED BEFORE ME
ON THIS THE 23 DAY OF May 20 03

Tina R. Gelino
NOTARY PUBLIC IN AND FOR DALLAS
COUNTY, DALLAS, TEXAS.

MY COMMISSION EXPIRES 11/14/2008

ACCOUNT# 602 BOND ID# 6180

SBN#

EC

DEFENDANT Martin, Stephen Luke W M 06181979 CHARGE SOLICIT MINOR SEX
ASLT

AKA:

ADDRESS 5209 Burlingame Dr, Garland, Tx LOCATION DSO

FILING AGENCY TX0571100 DATE FILED June 19, 2003 COURT JDC283

COMPLAINANT Marshall, B F-0326357 VT#:

C/C

TRUE BILL INDICTMENT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS: The Grand Jury of
Dallas County, State of Texas, duly organized at the July Term, A.D., 2003 of the
283rd Judicial District Court, Dallas County, in said Court at said

Term, do present that one **MARTIN, STEPHEN LUKE**, Defendant,

On or about the 22 nd day of May A.D., 2003 in the County of Dallas and said State, did

then and there, with intent that an offense be committed, namely: sexual assault, by any means, to-wit: by telephone and by computer and in person, request, command and attempt to induce MADELINE, an individual whom the defendant believed to be a person younger than 17 years of age, to engage in specific conduct, to-wit: sexual intercourse and deviate sexual intercourse, that under the circumstances surrounding the defendant's conduct as the defendant believed them to be, would constitute said offense and would make MADELINE a party to the commission of said offense,



THE STATE OF TEXAS
COUNTY OF DALLAS

{
{
{

AFFIDAVIT FOR ARREST WARRANT OR CAPIAS

Defendant: **MARTIN, STEPHEN LUKE**

Warrant Number: **F03-26357-J**

Offense: **CRIMINAL SOLICITATION-MINOR (SEXUAL ASSAULT-CHILD)**

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY, PERSONALLY APPEARED THE UNDERSIGNED AFFIANT, WHO, AFTER BEING DULY SWORN BY ME, ON OATH STATED:

My name is P.T. PAYNE , and I am a Peace Officer of the City of Garland, Dallas County, Texas.

I have good reason to believe and do believe that on or about the 22nd Day of May, 2003 , one MARTIN, STEPHEN LUKE , did then and there in the City of GARLAND , DALLAS County, commit the offense of CRIMINAL SOLICITATION-MINOR (SEXUAL ASSAULT-CHILD) , a violation of PENAL CODE section 22.011/15.031 , a 3rd Degree Felony.

My belief is based on the following facts and information:

MARSHALL,B S 1725 , investigator, Garland Police Department, who participated in the investigation of the alleged offense, furnished to me, the affiant, on the 5th Day of June, 2003, the following information:

AT APPROXIMATELY 2:17 PM, ON MAY 13, 2003, GARLAND POLICE DETECTIVE BRUCE MARSHALL WAS USING HIS UNDERCOVER COMPUTER AND WAS ON THE INTERNET VIA AMERICA ONLINE (AOL). MARSHALL WAS IMPERSONATING A 15-YEAR-OLD DEAF GIRL NAMED "MADELINE" FROM GARLAND, TEXAS. MARSHALL WAS USING THE SCREEN NAME "SWEET15MADELINE" AND WAS IN AN AOL CHAT ROOM ENTITLED "DALLAS", WHEN HE WAS CONTACTED BY "INSTANT MESSAGE" BY A PARTY USING THE SCREEN NAME "STKNIGHTLK". "STKNIGHTLK" REPORTED THAT HE WAS 23-YEAR-OLD MALE, FROM GARLAND.

CHAT ROOMS ARE AREAS OF AOL WHERE USERS CAN COMMUNICATE BY MEANS OF REAL-TIME WRITTEN MESSAGES TO A WHOLE GROUP OF AOL USERS. AN "INSTANT MESSAGE" IS A REAL-TIME, WRITTEN MESSAGING PROGRAM WHICH CAN BE UTILIZED BY AN INDIVIDUAL AOL USER TO COMMUNICATE PERSON-TO-PERSON PRIVATELY WITH ANOTHER AOL USER. SCREEN NAMES ARE TITLES CHOSEN BY INDIVIDUAL AOL USERS TO IDENTIFY THEMSELVES.

DETECTIVE MARSHALL CHECKED FOR A "PROFILE" FOR "STKNIGHTLK" AND FOUND THAT ONE DID EXIST THAT STATED THAT "STKNIGHTLK" WAS A MALE, NAMED "LUKE," FROM GARLAND, TEXAS. A "PROFILE" IS A PAGE OF PERSONAL INFORMATION THAT AN AOL USER MAY SUBMIT TO AOL FOR OTHER USERS TO READ.

AS THE "INSTANT MESSAGE" CONVERSATION BETWEEN THEM CONTINUED, "STKNIGHTLK" ASKED "SWEET15MADELINE" IF SHE LIKED OLDER MEN AND IF HE WAS "ALRIGHT". "STKNIGHTLK" AND "SWEET15MADELINE" EXCHANGED PHOTOGRAPHS VIA EMAIL. THE PHOTOGRAPH ("DSCF0001.JPG") WHICH "STKNIGHTLK" SENT DEPICTED TWO MALE SUBJECTS (ONE WITH DARK COLORED HAIR AND THE OTHER WITH BLOND HAIR AND A BEARD) SITTING AT A TABLE. THE NAPKINS ON THE TABLE DISPLAYED THE NAME AND LOGO OF "SALTGRASS" (A CHAIN OF STEAK RESTAURANTS). "STKNIGHTLK" EXPLAINED BY "INSTANT MESSAGE" THAT HE WAS THE BLOND SUBJECT IN THE PHOTOGRAPH. DETECTIVE MARSHALL EMAILED "STKNIGHTLK" A PHOTOGRAPH ("MADDIE.JPG") OF GARLAND POLICE OFFICER D. KAZMIERSKI (TAKEN WHEN THE OFFICER WAS 15 YEARS OLD). "STKNIGHTLK" ASKED "SWEET15MADELINE" ABOUT ANY PRIOR SEXUAL EXPERIENCES SHE MIGHT HAVE HAD AND PROPOSED COMING TO HER RESIDENCE TO GIVE "SWEET15MADELINE" A MASSAGE AND ASKED THAT "SWEET15MADELINE" CALL HIM AT "214 202 7443." THE "INSTANT MESSAGE" CONVERSATION ENDED AT APPROXIMATELY 3:50 PM, OF THE SAME DATE, WHEN "SWEET15MADELINE" STATED, "OK I KNOW UR J/MESSING WITH ME NOW, BYE."

AT APPROXIMATELY 3:47 PM, OF THE SAME DATE, MAY 13, 2003, "STKNGHTLK" SENT "SWEET15MADELINE" TWO (2) EMAILS. THE FIRST EMAIL STATED, "I AM NOT I PROMISE" AND THE SECOND EMAIL STATED, "IF YOU CHANGE YOUR MIND CALL ME 214 202 7443 MY NAME IS LUKE."

AT APPROXIMATELY 3:06 PM, MAY 14, 2003, "STKNGHTLK" AGAIN CONTACTED "SWEET15MADELINE" BY "INSTANT MESSAGE" AND STATED, "I WASN'T MESSING WITH YOU YESTERDAY." "STKNGHTLK" AGAIN PROPOSED COMING TO "SWEET15MADELINE'S" RESIDENCE AND GIVING HER A MASSAGE. "SWEET15MADELINE" RESPONDED BY SAYING THAT SHE WOULD BE TOO NERVOUS. THE "INSTANT MESSAGE" CONVERSATION ENDED AT APPROXIMATELY 3:23 PM, OF THE SAME DATE.

AT APPROXIMATELY 11:14 AM, MAY 22, 2003, "STKNGHTLK" AGAIN CONTACTED "SWEET15MADELINE" BY "INSTANT MESSAGE". "STKNGHTLK" ASKED IF "SWEET15MADELINE" WAS A "COP" OR A "MEMBER OF ANY CRIME ENFORCEMENT AGENCY". "SWEET15MADELINE" ANSWERED THAT SHE COULD NOT BE A COP. "STKNGHTLK" AND "SWEET15MADELINE" AGAIN EXCHANGED PHOTOGRAPHS VIA EMAIL (THEY EACH SENT ONE ANOTHER THE SAME PHOTOGRAPHS THEY HAD SENT ON MAY 13, 2003). IN ADDITION DETECTIVE MARSHALL EMAILED "STKNGHTLK" A GRAPHIC FILE ("ALPHABET.GIF") THAT DEPICTED THE AMERICAN SIGN LANGUAGE MANUAL ALPHABET AND THEN EMAILED A SECOND GRAPHIC FILE ("SIGN-N.GIF") WHICH DEPICTED THE SILHOUETTE OF 2 HANDS SIGNING. "STKNGHTLK" ASKED IF "SWEET15MADELINE" WAS ABLE TO READ LIPS. "STKNGHTLK" PROPOSED THAT HE AND "SWEET15MADELINE" ENGAGE EACH OTHER IN SEXUAL INTERCOURSE AND REPORTED THAT HE WOULD BRING AND USE A CONDOM AFTER "SWEET15MADELINE" EXPRESSED CONCERNS ABOUT PREGNANCY AND SEXUALLY TRANSMITTED DISEASES. "STKNGHTLK" ALSO ASKED IF "SWEET15MADELINE" WOULD GIVE HIM A "BJ" [BLOWJOB].

"SWEET15MADELINE" AGREED TO MEET "STKNGHTLK" AT HER APARTMENT COMPLEX (THE "HAMPTON COURT" APARTMENTS), IN GARLAND. "STKNGHTLK" WAS GIVEN THE ADDRESS 711 WEST BUCKINGHAM ROAD AND IT WAS AGREED THAT HE AND "SWEET15MADELINE" WOULD MEET AT THE REAR OF THE APARTMENT COMPLEX (BY THE SWIMMING POOLS AND MAILBOXES). "STKNGHTLK" REPORTED THAT HE WOULD BE DRIVING A SILVER GRAND MARQUIS CAR. "STKNGHTLK" AGREED TO TELEPHONE "SWEET15MADELINE" WHEN HE HAD ARRIVED AT HER APARTMENT COMPLEX AND HE WAS GIVEN THE TELEPHONE NUMBER TO AN UNDERCOVER TELEPHONE IN DETECTIVE MARSHALL'S OFFICE. "STKNGHTLK" ADVISED THAT HIS CELLULAR TELEPHONE NUMBER WOULD APPEAR AS "2142027443" AND THAT THE NAME FOR THE TELEPHONE WOULD APPEAR AS "VICTORIA MARTIN" ON THE CALLER ID OF "SWEET15MADELINE'S" MOTHER'S TELEPHONE. "STKNGHTLK" STATED THAT HE WOULD BE AT THE APARTMENT COMPLEX AT APPROXIMATELY 12:20 PM. "SWEET15MADELINE" STATED, "PLZ PLZ PLZ IF U DON'T GOT THE PROTECTION PLZ DO NOT COME LETS J/4GET IT OK." "STKNGHTLK" ANSWERED, "I HAVE IT IN MY POCKET NOW." THE "INSTANT MESSAGE" CONVERSATION ENDED AT APPROXIMATELY 12:19 PM, OF THE SAME DATE.

DETECTIVE MARSHALL PRESERVED COPIES OF THE EMAILS AND "INSTANT MESSAGES" AS EVIDENCE.

AT APPROXIMATELY 12:29 PM, OF THE SAME DATE, GARLAND POLICE DETECTIVES D.R. BAKER AND M. POTEET WERE CONDUCTING SURVEILLANCE AT THE HAMPTON COURT APARTMENT COMPLEX WHEN THEY OBSERVED THE ARRIVAL THERE OF A SILVER 1997 MERCURY GRAND MARQUIS, 4-DOOR, BEARING TEXAS LICENSE PLATE M12YRG (HEREAFTER REFERRED TO AS THE SUSPECT VEHICLE). THE DRIVER OF THE SUSPECT VEHICLE INITIALLY PARKED ON THE EAST SIDE OF THE SWIMMING POOL (OPPOSITE THE MAILBOXES) AT THE REAR OF THE COMPLEX, BUT THEN MOVED AND PARKED ON THE NORTH SIDE OF THE SWIMMING POOL (NEAR THE MAILBOXES).

AT APPROXIMATELY 12:29 PM, DETECTIVE MARSHALL'S UNDERCOVER TELEPHONE RECEIVED A CALL FROM "214-202-7443 MARTIN VICTORIA" (ACCORDING TO THE CALLER ID FEATURE). DETECTIVE MARSHALL RADIOED DETECTIVE BAKER THAT THE TELEPHONE CALL HAD BEEN RECEIVED. DETECTIVE BAKER THEN RADIOED GARLAND PATROL OFFICERS R. HAWKINS AND G. DELMAR (WHO WERE WAITING AT FIRST STREET AND BUCKINGHAM ROAD IN THEIR SEPARATE PATROL CARS) TO ARREST AND IDENTIFY THE DRIVER OF THE SUSPECT VEHICLE.

AT APPROXIMATELY 12:30 PM, OFFICERS HAWKINS AND DELMAR ARRESTED THE DRIVER OF

THE SUSPECT VEHICLE (AS HE SAT IN THE DRIVER'S SEAT OF THE SUSPECT VEHICLE) AND IDENTIFIED HIM AS STEPHEN LUKE MARTIN (THE DEFENDANT).

THE ARREST WAS VIDEOTAPED BY DETECTIVES BAKER AND POTEET AND ALSO BY THE CAMERA MOUNTED IN OFFICER HAWKINS' POLICE CAR.

OFFICER HAWKINS ADVISED THE DEFENDANT OF THE MIRANDA RIGHTS AND THE DEFENDANT STATED THAT HE HAD "SCREWED-UP" AND THAT HE WAS IN THE APARTMENT COMPLEX TO MEET "SYLVIA". OFFICER HAWKINS ALSO FOUND A "TROJAN" LATEX CONDOM (IN ITS WRAPPER) IN THE DEFENDANT'S RIGHT FRONT PANTS POCKET. ONCE SEATED IN THE BACKSEAT OF OFFICER HAWKINS' POLICE CAR, THE DEFENDANT ADMITTED THAT HE WAS AT THE LOCATION TO MEET "MADELINE" AND THAT HE HAD ORIGINALLY MET HER ON THE INTERNET. OFFICER HAWKINS THEN DROVE THE DEFENDANT TO THE GARLAND CITY JAIL.

DETECTIVE POTEET CONDUCTED A SEARCH OF THE SUSPECT VEHICLE INCIDENT TO THE ARREST AND FOUND A "NOKIA" CELLULAR TELEPHONE ON THE PASSENGER SEAT. DETECTIVE POTEET RETAINED POSSESSION OF THE CONDOM (FOUND BY OFFICER HAWKINS ON THE DEFENDANT'S PERSON) AND THE CELLULAR TELEPHONE AND GAVE THEM TO DETECTIVE MARSHALL AT THE POLICE DEPARTMENT. DETECTIVE BAKER PHOTOGRAPHED THE SUSPECT VEHICLE.

OFFICER DELMAR IMPOUNDED THE SUSPECT VEHICLE.

AT APPROXIMATELY 1:15 PM, OF THE SAME DATE, DETECTIVE MARSHALL CONTACTED OFFICER HAWKINS IN THE GARLAND CITY JAIL AND RECEIVED FROM HIM THE VIDEOTAPE FROM THE CAMERA IN HAWKINS' POLICE CAR.

AT APPROXIMATELY 1:25 PM, OF THE SAME DATE, DETECTIVE MARSHALL ESCORTED THE DEFENDANT FROM THE GARLAND CITY JAIL TO A 2ND FLOOR INTERVIEW ROOM AT THE POLICE DEPARTMENT (THE DEFENDANT DECLINED MARSHALL'S OFFER OF A BEVERAGE TO DRINK ON THE WAY).

AT APPROXIMATELY 1:30 PM, OF THE SAME DATE, INSIDE THE INTERVIEW ROOM, THE DEFENDANT READ ALOUD THE MIRANDA RIGHTS AND SIGNED THE MIRANDA RIGHTS WARNING FORM TO INDICATE HIS UNDERSTANDING OF THE RIGHTS. THE DEFENDANT WAIVED THE MIRANDA RIGHTS AND WAS INTERVIEWED BY DETECTIVE MARSHALL. THE DEFENDANT ADMITTED TO USING THE SCREEN NAME "STKNGHTLK" TO COMMUNICATE BY "INSTANT MESSAGE" WITH "SWEET15MADELINE", TO EMAILING HIS PHOTOGRAPH TO HER, TO READING HER AOL PROFILE, TO RECEIVING THE EMAILS FROM "SWEET15MADELINE" WHICH CONTAINED HER PHOTOGRAPH AND THE SIGN LANGUAGE GRAPHIC FILES, AND TO SOLICITING HER TO MEET HIM FOR THE PURPOSE OF ENGAGING IN SEXUAL RELATIONS. THE DEFENDANT ADMITTED THAT HE KNEW "MADDIE" WAS 15 YEARS OLD. THE DEFENDANT CLAIMED THAT HE STILL HAD THE CONDOM IN HIS PANTS POCKET FROM A BACHELOR'S PARTY HE HAD ATTENDED THE NIGHT BEFORE AND THAT HE HAD COME TO GARLAND SIMPLY TO MEET "MADDIE" AND THAT HE WAS ACTUALLY ON HIS WAY TO MEET HIS PARENTS FOR LUNCH IN DALLAS. THE DEFENDANT STATED THAT HE HAD USED A COMPUTER, WHICH HE HAD PERSONALLY CONSTRUCTED, LOCATED IN HIS BEDROOM AT THE RESIDENCE HE SHARED WITH HIS PARENTS AT 5209 BURLINGAME DRIVE, IN GARLAND, DALLAS COUNTY, TEXAS, TO CORRESPOND WITH "SWEET15MADELINE". THE DEFENDANT ALSO ADMITTED THAT THERE WAS ONE (1) IMAGE OF CHILD PORNOGRAPHY ON HIS COMPUTER THAT SOMEONE HAD SENT HIM IN AN "INSTANT MESSAGE". THE DEFENDANT ACKNOWLEDGED THAT HE WAS RESPONSIBLE FOR THE SITUATION BECAUSE HE WAS THE ADULT AND "MADELINE" WAS A MINOR. THE INTERVIEW CONCLUDED AT APPROXIMATELY 1:57 PM, OF THE SAME DATE AND DETECTIVE MARSHALL IMMEDIATELY ESCORTED THE DEFENDANT BACK TO THE GARLAND CITY JAIL. DETECTIVE MARSHALL, WITH THE DEFENDANT'S KNOWLEDGE, MADE AN AUDIO RECORDING OF THE INTERVIEW.

AT APPROXIMATELY 2:30 PM, DETECTIVE MARSHALL FAXED A "PRESERVATION LETTER" TO AMERICA ONLINE (AOL) REQUESTING THE DEFENDANT'S ACCOUNT BE PRESERVED, PENDING THE ISSUANCE OF A SEARCH WARRANT TO EXAMINE THE ACCOUNT'S CONTENTS.

AT APPROXIMATELY 5:30 PM, DETECTIVE LIEUTENANT D. TAPLEY AND DETECTIVES D.R. BAKER, M. POTEET AND MARSHALL EXECUTED A SEARCH WARRANT (# 2003R015576) AT THE

DEFENDANT'S RESIDENCE AT 5209 BURLINGAME DRIVE, GARLAND, DALLAS COUNTY, TEXAS. NO ONE WAS AT THE DEFENDANT'S HOME AND DETECTIVE MARSHALL USED A REMOTE GARAGE-DOOR OPENER TAKEN FROM THE SUSPECT VEHICLE TO MAKE ENTRY TO THE HOME. THE FOLLOWING ITEMS WERE SEIZED FROM THE RESIDENCE:

FROM AN UPSTAIRS BEDROOM:

1. ONE (1) CLONE DESKTOP COMPUTER CENTRAL PROCESSING UNIT (CPU), NO SERIAL NUMBER, WITH CD-RW AND FLOPPY DISK DRIVES (FROM ON TOP OF THE COMPUTER WORKSTATION DESK). (THE CPU WAS PLUGGED INTO AN A/C POWER SOURCE, A NETWORK HUB AND A MONITOR).
2. ONE (1) "HEWLETT PACKARD" "OMNIBOOK 4150" LAPTOP COMPUTER, SERIAL # STW009034610B4150B (FROM A DESK CHAIR).
3. ONE (1) "MAXTOR" 3.0 GIGABYTE COMPUTER HARD DRIVE, SERIAL # V21FSKVA (FROM ATOP A BOOKSHELF).
4. ONE (1) "AOPEN" DESKTOP COMPUTER CENTRAL PROCESSING UNIT, NO SERIAL NUMBER (FROM UNDERNEATH THE COMPUTER WORKSTATION DESK). (THE CPU WAS PLUGGED INTO A NETWORK HUB).
5. ONE (1) "MEMOREX" CD-R DISK, LABELED WITH "FCKGW-RHQZ YXRXT8TG6WZB798" (FROM A DRAWER IN A CHEST OF DRAWERS).

THE DEFENDANT IS CHARGED WITH CRIMINAL SOLICITATION OF A MINOR (TEXAS PENAL SECTION 15.031) TO COMMIT SEXUAL ASSAULT OF A CHILD (TEXAS PENAL CODE SECTION 22.011)-A FELONY OF THE THIRD DEGREE.

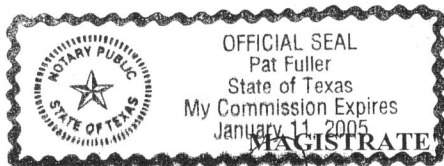
PROPERTY:
Total Property Value: \$0.00

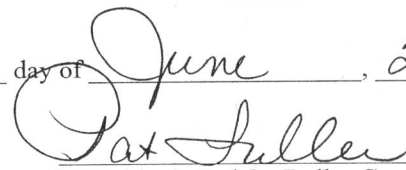
I believe this information furnished by a fellow police officer is credible.

Wherefore, Affiant request that an arrest warrant or capias be issued for the above accused individual(s) in accordance with the law.


Affiant

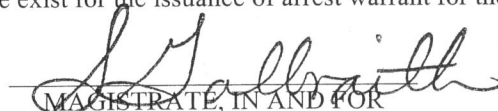
SUBSCRIBED AND SWORN TO BEFORE ME this the 11 day of June, 2003




Notary Public in and for Dallas County, Texas

MAGISTRATE'S DETERMINATION OF PROBABLE CAUSE

On this the 11 day of June, 2003, the undersigned Magistrate hereby acknowledges that he has examined the above affidavit and has determined that probable cause exist for the issuance of arrest warrant for the individual(s) accused herein.


MAGISTRATE, IN AND FOR
DALLAS COUNTY, TEXAS

STATE OF TEXAS
VS.§
§
§FILED IN THE 283rd Judicial
DISTRICT COURT
DALLAS COUNTY, TEXAS

2004 JAN 22 AM 10:00

Stephen Luke
MartinPLEA AGREEMENT

TO THE HONORABLE JUDGE OF SAID COURT:

JUDICIAL
DISTRICT CLERK
DALLAS CO., TEXAS

The defendant herein and the attorneys for both the defendant and the State waive a jury trial and make the following agreement:

Defendant's plea: ☒ Guilty ☐ Nolo contendere
☐ Defendant will testify. ☐ Defendant will NOT testify.
Plea to enhancement paragraph(s): ☐ True ☐ Not true
Type of plea: ☐ Plea bargain ☒ Open plea
Open as to: ☐ Deferred Adjudication ☐ Community Supervision ☐ Fine ☐ Restitution
☐ Other: _____

State's recommendation: _____

Agreed sentence:

☐ Confinement in (penitentiary)(state jail)(county jail) for _____ (years) (months) (days).
☐ Post-conviction community supervision, confinement probated for _____ (years) (months) (days).
☐ Deferred community supervision for _____ (years) (months) (days).
☐ Fine of \$ _____ ☒ To be paid. ☐ To be probated.
☐ Boot Camp ☐ Shock Probation ☐ Substance Abuse Felony Program
☐ Judicial Drug Treatment Center ☐ CENIKOR ☐ Dallas County Jail Chemical Dependency Program
☐ Restitution in the amount of \$ _____ ☐ Back-time NOT included.
☐ Back-time included _____
☐ Defendant will sign waiver of extradition. ☐ Defendant knowingly and voluntarily waives appeal.
☒ Other: Defendant will forfeit computer used to commit
crime to the Garland Police Department sentencing
☐ CHANGE OF NAME (Applicable only if box is checked) 2-23-04

The defendant having suggested that his/her true name is other than that set forth in the charging instrument, and having moved that the charging instrument and all other documents in this cause be amended to show his/her true name to be _____, said motion is hereby granted. It is so ordered.

COURT'S ADMONITIONS TO DEFENDANT

You are charged with the offense of: Soliciting a minor for a sexual assault
The punishment range for the offense charged is:

- ☐ 1st Degree Felony, 5 - 99 years or Life and an optional fine not to exceed \$10,000.00.
☐ 2nd Degree Felony, 2 - 20 years confinement and an optional fine not to exceed \$10,000.00.
☒ 3rd Degree Felony, 2 - 10 years confinement and an optional fine not to exceed \$10,000.00.
☐ State Jail Felony, 180 days - 2 years State Jail and an optional fine not to exceed \$10,000.00.

You have an absolute right to a jury trial, to confront and cross-examine the witnesses against you, and to call witnesses in your own behalf. You have a right to testify, but you cannot be compelled to do so. The prosecuting attorney's recommendation as to punishment is not binding on the Court. You will be permitted to withdraw your plea if the Court rejects any plea bargain made in this case. If the punishment assessed by the Court is not greater than that which you have plea-bargained, you may not appeal on any matter in the case unless the Court grants permission for the appeal or the matters appealed were raised by written motion filed and ruled on before the plea. If you enter a plea of guilty or nolo contendere and there is no plea bargain, the court may assess your punishment anywhere within the range allowed by law. If you are not a citizen of the United States, a plea of guilty or nolo contendere may, and under current Federal Immigration rules is almost certain to, result in your deportation, exclusion from admission to the United States, or denial of naturalization. If you have a court-appointed attorney, you have a right to ten days from the date of the attorney's appointment to prepare for trial. You have the right to be tried on an indictment returned by a Grand Jury, and, unless you are on bond, a right to two entire days after being served with a copy of the charging instrument before being arraigned. If you receive unadjudicated community supervision and violate its conditions, you may be arrested and subjected to a hearing limited to determining whether or not guilt should be adjudicated. If guilt is adjudicated, no appeal may be taken from the Court's decision, and the full range of punishment is open to the Court. All proceedings, including assessment of punishment, pronouncement of sentence, granting of community supervision, and an appeal, then continue as if the adjudication of guilt had not been deferred. [In sex offense cases, see Court's Admonition to Sex

irregularities, whether of form or substance, in the charging instrument; my right to a jury trial; and my right to remain silent. I waive arraignment and reading of the charging instrument; the appearance, confrontation, and cross-examination of witnesses; my right to ten days to prepare for trial after the appointment of counsel (if counsel has been appointed); and the preparation of a pre-sentence report. I consent to the oral or written stipulation of evidence or testimony, to the introduction of testimony by affidavits or written statements of witnesses, and to all other documentary evidence.

I admit and judicially confess that I committed the offense of soliciting a minor for a sexual assault on the 22nd day of may, 2003 exactly as alleged in the charging instrument. I affirm that my plea and judicial confession are freely and voluntarily made, and not influenced by any consideration of fear, persuasion, or delusive hope of pardon or parole.

I understand the admonitions regarding unadjudicated community supervision, and that I will be required to register as a sex offender if convicted of, or placed on community supervision for, one of the offenses enumerated under Court's Admonition to Sex Offenders, attached hereto. I understand that under the Uniform Extradition Act, should I be charged with a violation of my community supervision and be arrested in another state, I have the right to require the issuance and service of a warrant of extradition, the right to hire legal counsel, or, if indigent, to have counsel appointed, and the right to apply for a writ of habeas corpus to contest my arrest and return to this State.

☐ I voluntarily and knowingly waive my rights under the Extradition Act, waive extradition, and waive my right to contest my return to the State of Texas from any jurisdiction where I may be found. I understand and agree that such waiver is irrevocable.

☒ I understand that I have a right to appeal to the Court of Appeals. If the trial court follows the terms of the State's recommendation as to sentencing, then, after consulting with my attorney, I do expressly, voluntarily, knowingly, and intelligently give up and waive my right to any appeal.

☐ **DEFENDANT'S PLEA TO ENHANCEMENT PARAGRAPH(S)** (*Applicable only if box is checked*)

I, the defendant, plead true to the (second), (third), (second and third) enhancement paragraph(s) which is/are contained in the charging instrument, and judicially confess that I am the same person who was previously duly and legally convicted of the offense(s) alleged therein.

SIGNATURES AND ACKNOWLEDGMENTS

I, the defendant herein, acknowledge that my attorney has explained to me, and I have read and I understand, all the foregoing admonitions and warnings regarding my rights and my plea, and that my statements and waivers are knowingly, freely, and voluntarily made with full understanding of the consequences. I request that the Court accept all my waivers, statements, agreements, and my plea.

1-22-04
Date

[Signature]
Defendant
Printed Name: Stephen Luke Martin

I have consulted with the defendant, whom I believe to be competent, concerning the plea in this case and have advised the defendant of his/her rights. I approve and agree to all waivers, statements, and agreements of the defendant herein and ask the Court to accept them and the defendant's plea.

1-22-04
Date

[Signature] W. Skemp
Attorney for Defendant
Printed Name: Douglas W. Skemp
State Bar # 18460503

As attorney for the State, I hereby consent to and approve the requests, waivers, agreements, and stipulations in this instrument.

1-22-04
Date

BILL HILL, Criminal District Attorney, Dallas County, by
[Signature]
Ada Brown
Assistant District Attorney
Printed Name: Ada Brown
State Bar #24025267

It appearing to the Court that the defendant is mentally competent and is represented by counsel, that the