

RECEIVED

DEC 09 2022

STATE OF SOUTH CAROLINA

) IN THE SOUTH CAROLINA
) COURT OF APPEALS

COUNTY OF CHARLESTON

) Indictment No.: 2019GS1004405
) Warrant No.: 2018A1010205429

SC Court of Appeals

STATE OF SOUTH CAROLINA

) Charge: Assault & Battery of a High & Aggravated
) Nature

-versus-

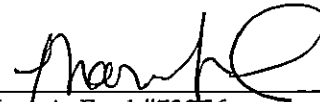
)
) **REQUEST FOR REPRESENTATION**
) **ON APPEAL**

Chad Lavictor Simmons,
Defendant.

On behalf of the request of the above-named Defendant, to be represented by the South Carolina Commission of Appellate Defense, the undersigned attorney would show unto this Honorable Court that:

1. She is the attorney for the defendant-appellant in the above captioned case. The defendant-appellant was placed in custody immediately following conviction and sentence and was not available to personally sign this Request.
2. The defendant-appellant was represented by the Charleston County Public Defender's Office as an indigent, pursuant to the Defense of Indigent Act.
3. The defendant-appellant has been informed that he may request assistance from the South Carolina Commission of Appellate Defense in perfecting his appeal.
4. A timely Notice of Appeal has been filed on the defendant's-appellant behalf.
5. The defendant-appellant has been informed that nothing requires that office to pursue this appeal unless that office's Chief Attorney is satisfied that there is arguable merit to this appeal and that he cannot afford to hire an attorney.

At this time, the defendant-appellant requests the aid of the South Carolina Commission of Appellate Defense in perfecting his appeal to the South Carolina Court of Appeals.



Mary A. Ford #73776
Assistant Public Defender
Charleston County Public Defender

Charleston, South Carolina

Dated: 12/8, 2022.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE

INDICTMENT/CASE#: 2019-GS-10-04405

VS.

CHAD LAVICTOR SIMMONS

A/W#: 2018A1010205429

AKA:

Date of Offense: 09/20/2018

Race: Black Sex: M Age: 33

S.C. Code §: 16-03-0600(B)(1)

DOB: [REDACTED] SS#: [REDACTED]

RECEIVED
CDJ Code # 3411

Address: [REDACTED]

City, State, Zip:

DL#* [REDACTED] SID# SC01735554

SENTENCE SHEET

DEC 09 2022

SC Court of Appeals

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Assault & Battery Of A High And Aggravated Nature

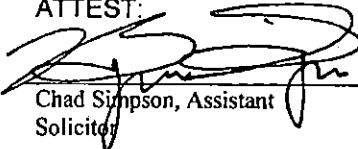
In violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

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

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

ATTEST:



Chad Simpson, Assistant Solicitor 71257 SC Bar # Defendant Attorney for Defendant 73776 SC Bar #

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

for a determinate term of 14 days/months/years/Time Served Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$___; provided that upon the service of ___ days/months/years/Time Served 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.

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc. 421 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

STATE CHAD LAVICTOR INDICTMENT/CASE#: 2019-GS-10-04405
 VS. SIMMONS

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Completion of GED
- Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp
- No Contact with Victim
- Domestic Violence Intervention Program
- Mental Health Counseling
- May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430
- Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5%)				\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)		\$100		\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)		\$100		\$ _____
§56-5-2995 (DUI Assessment)		\$12		\$ _____
§56-1-286 (DUI Breath Test)		\$25		\$ _____
§14-1-212 (Law Enforce. Funding)		\$25		\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)		\$150		\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41		\$ _____
§50-21-114 (BUI Breath Test Fee)		\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea		\$ _____
3% to County (if paid in installments)		TBD		\$ <u>3.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500		\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD		\$ _____
TOTAL				\$ <u>128.75</u>

Clerk of Court/Deputy Clerk: Faith Hanson
 Court Reporter: Saime Bickett

Presiding Judge: _____
 Judge Code: 2167
 Sentence Date: 12/1/22

ARREST WARRANT

2018A1010205429

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Charleston

THE STATE against

Chad Lavictor Simmons

Address: [REDACTED]
Phone: [REDACTED] SSN: [REDACTED]
Sex: M Race: B Height: 5 11 Weight: 187
DL State: [REDACTED] DL #: [REDACTED]
DOB: [REDACTED] Agency ORI #: SC0100100
Prosecuting Agency: Charleston City Police Department
Prosecuting Officer: Officer Wolfsen - 1685
Offense: Assault / Assault & Battery of a High & Aggravated Nature
Offense Code: 3411
Code/Ordinance Sec: 16-03-0600(B)(1)

This warrant is CERTIFIED FOR SERVICE in the
[] County/ [] Municipality of
The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant Chad L. Simmons on 09-22-2018

[Signature]
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
Charleston County Judicial Center
100 Broad Street, Suite 106
Charleston, SC 29401

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Charleston

Personally appeared before me the affiant Officer Wolfsen / E. Tuttle who being duly sworn deposes and says that defendant Chad Lavictor Simmons did within this county and state on or about 9/20/2018 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [] Municipality of Charleston) in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Assault & Battery of a High & Aggravated Nature

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

SEE ATTACHED

ORIGINAL

Signature of Affiant

[Signature]

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Charleston

Affiant's Address 180 Lockwood Blvd.
Charleston, SC 29403-
Affiant's Telephone (843)577-7464

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/20/2018 defendant Chad Lavictor Simmons did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [] Municipality of Charleston) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Assault & Battery of a High & Aggravated Nature

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable
Sworn to and subscribed before me on 9/21/2018

[Signature] (L.S.)
Signature of Issuing Judge
James Benjamin Gosnell Jr.
Judge Code: 5904

Judge's Address 3831 Leeds Avenue, Ste 100
North Charleston, SC 29405-
Judge's Telephone (843)745-2390

Issuing Court: [X] Magistrate [] Municipal [] Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

AFFIDAVIT

SEP21 9:54PM

NCIC INITIALS

OFFICER INITIALS

BAIL set by

Judge Pomy
on 9-22-18
Type and Amount: NO Bond
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



FILED
2018 SEP 26 PM 12:07
JULIE J. ARMSTRONG
CLERK OF COURT

ORIGINAL

Charleston Police Department

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

AFFIDAVIT

Personally appear before me, a magistrate of this county one, Eric [Signature] who first being duly sworn deposed and says that, Chad Lavictor Simmons, did within this county and state on the 20 September 2018 violate the criminal laws of the State of South Carolina in the following particular:

DESCRIPTION OF OFFENSE

Assault and Battery of a High and Aggravated Nature 16-3-600

The affiant states there is probable cause to believe that the defendant named did commit the crime set forth and that such probable cause is based on the following facts:

That on September 20, 2018 at approximately 0300 hours, while at 37-A Radcliffe St, located in the City and County of Charleston, SC, the above named defendant, Chad Lavictor Simmons, did knowingly, willingly, and unlawfully violate SC State Statute for Assault and Battery of a High and Aggravated Nature 16-3-600, in the following particulars:

On 09/20/2018 at approximately 0300 hours, the defendant, Chad Lavictor Simmons unlawfully entered the front door of 37-A Radcliffe St. He removed all of his clothing and piled it at the top of the interior stairwell along with his shoes. These items were observed there by one of the residents, Katherine Costantini, who looked through the window of her bedroom door after noticing lights turned on in the living room and stairwell when they had previously been off. Simmons then entered the kitchen, and utilized two separate bottles of olive oil to lather himself with the oil. One bottle had been on the kitchen counter and was later found there with the lid removed. The other bottle, which had been recently purchased and was still sealed, had been in a closed pantry within the kitchen. This bottle was later found in the same position, but was no longer sealed, and had a portion of oil missing. Simmons then armed himself with a large chef's knife from a knife block on the kitchen counter.

Simmons put some of his clothing back on, then proceeded down the hallway armed with the knife. He passed two bedrooms and then entered the victim's (to be named later) bedroom through the closed bedroom door. He closed the bedroom door behind him, and began choking the victim with his two hands around her neck as she laid in bed. The victim began screaming and attempted to fight back at which point Simmons struck her in the forehead and dragged her from the bed onto the floor. The victim was on her stomach, and was trying to elbow Simmons, but he overpowered her resistance as he wrapped his arms around her neck, strangling her to the point that she lost consciousness. The victim's roommate, Gwendolyn Cox and a friend of Cox's, Dan Aviv Schwarz, were asleep in the adjacent bedroom until they heard the victim screaming. (cont. on pg. 2)

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 21 DAY OF Sept 2018

[Signature]

AFFIANT

180 Lockwood Blvd. Charleston, SC 29403 843-577-7434

[Signature] (L.S.) SIGNATURE OF JUDGE

COMPLAINT # 18-14089

WARRANT # 2018A1010205429

INVESTIGATING OFFICER: E. Wolfson

OFFICER INITIALS: aw
NCIC INITIALS: SD.
SEP21 9:54PM

Charleston Police Department

ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

Attachment A

AFFIDAVIT

(continued from pg. 1)

Schwarz exited the bedroom at which point he immediately encountered Simmons in the hallway, and a physical altercation took place as Schwarz attempted to detain Simmons. Schwarz described Simmons' skin as "greasy", as Simmons had coated himself in the oil prior to entering the victim's bedroom. The altercation continued down the hallway, through the living room, then Simmons and Schwarz tumbled down an interior stairwell to the front door of the residence. Schwarz grabbed Simmons' tank top shirt, pulling it off his person as Simmons exited through the front door. Simmons then fled West on foot toward Rutledge Ave. The knife was later found in the victim's bed where Simmons initially assaulted her. It, and other items of evidentiary value were collected by CPD's Crime Scene Unit on September 20, 2018.

On September 21, 2018, both olive oil bottles that Simmons utilized were processed by the Latent Print Division of the CPD Forensic Unit at which time an AFIS hit to Simmons was returned for the olive oil bottle that had been in the pantry of the residence. Items 18-3 Identifier a (Left Thumb), 18-5 Identifier a (Left Ring), 18-5 Identifier b (Left Middle), and 18-5 Identifier c (Left Index) were then analyzed by the Latent Print Division and conclusively determined to belong to the defendant, Chad Lavictor Simmons. A follow up investigation was conducted at which time it was learned that the bottle of olive had been recently purchased at a local store. Management of the store advised Simmons has never been employed there.

The victim, nor any of her roommates/witnesses, Schwarz, Cox, Costantini, and Harley Kowalsky know or have ever known Simmons and there is no justifiable reason for him to have been inside the residence and/or to have touched items therein. Investigation was conducted in the area of the residence which yielded video surveillance on Radcliffe St. Review of the video showed that at approximately 0316 hours, a black male matching the physical appearance of Simmons is seen walking West on Radcliffe St from the incident location toward Rutledge Ave. Simmons is observed in the video wearing no shirt, but is seen placing a black shirt on as he continues to walk. Secondary video captures Simmons a few minutes later approaching Rutledge Ave with the shirt on.


Simmons unlawfully entered 37-A Radcliffe St, and ultimately the victim's bedroom while armed with a deadly weapon. He then assaulted the victim in such a way that he strangled her, thus impeding her air supply to the point where she became unconscious. The victim had to be medically transported to the hospital for care. She sustained bruising and internal injuries consistent with strangulation as well as a significant contusion to her forehead. Simmons' actions did cause serious bodily injury to the victim and created a substantial risk of death as he obstructed her airway and ability to breathe. As such, Simmons will be charged with Assault and Battery of a High and Aggravated Nature 16-3-600.

The above is true and believable based upon the statements of the victim, Schwarz, Cox, Costantini, and Kowalsky, and the investigation by the Charleston Police Department.

SWORN TO AND SUBSCRIBED before me
this 21 day of September, 2018

Signature of Issuing Judge

COMPLAINT # 18-14089
WARRANT# 2018A1010205429
Investigating Officer: E. Wolfen



Affiant
180 Lockwood Blvd.
Charleston, SC 29403
843-577-7434

OFFICER INITIALS

EW

SEP21 3:54PM
NCIC INITIALS

SP

DLO/0347849
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

2018-14089

ARREST WARRANT NUMBER

2018A1010205429

DATE OF ARREST

09/22/2018

TRUE BILL
ACTION OF GRAND JURY

M. Dault SEP 9 2019
Foreperson of Grand Jury Date:

VERDICT

Guilty

D. Men 12/1/22
Foreperson of Petit Jury Date:

DOCKET NO. 2019-GS-10-04405

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
SEPTEMBER TERM 2019

THE STATE

VS.

CHAD LAVICTOR SIMMONS
B/M DOB: [REDACTED]

Indictment for

ASSAULT & BATTERY OF A HIGH AND
AGGRAVATED NATURE

SC Code: § 16-03-0600(B)(1)
CDR Code: 3411

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened September 2019, the Grand Jurors of Charleston County present upon their oath:

ASSAULT & BATTERY OF A HIGH AND AGGRAVATED NATURE

That in Charleston County , South Carolina on or about September 20, 2018, the Defendant, Chad Lavictor Simmons, did commit an unlawful act of injury upon the victim, Kimberly Cantwell, and as a result, the victim suffered great bodily injury or the act was accomplished by means likely to produce death or great bodily injury, in violation of Section 16-3-600(B)(1) of the South Carolina Code of Laws (1976) as amended.

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



DAVID L. OSBORNE
ASSISTANT SOLICITOR

INVOLUNTARY INTOXICATION

THE DEFENDANT HAS RAISED THE DEFENSE OF INVOLUNTARY INTOXICATION. INVOLUNTARY INTOXICATION MAY RESULT FROM INNOCENTLY CONSUMING AN INTOXICANT, THROUGH BEING TRICKED INTO IT BY ANOTHER OR BEING FORCED TO TAKE IT. IF YOU FIND THE DEFENDANT WAS GIVEN INTOXICANTS WITHOUT HIS KNOWLEDGE, AND AS A RESULT, HE LOST HIS ABILITY TO EXERCISE INDEPENDENT JUDGMENT AND VOLITION TO THE POINT OF BEING UNABLE TO DISTINGUISH MORAL OR LEGAL RIGHT FROM WRONG WHILE COMMITTING THE CRIMES ALLEGED AGAINST HIM, THEN IT WOULD BE YOUR DUTY TO FIND THE DEFENDANT NOT GUILTY.

STATE OF SOUTH CAROLINA) NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON) COURT OF GENERAL SESSIONS
)
)

STATE OF SOUTH CAROLINA) INDICTMENTS:
) 2019-GS-10-04403 (Burglary- First Degree)
) 2019-GS-10-04405 (Assault and Battery of a High and
) Aggravated Nature)
)
)

v.)
Chad Lavictor Simmons)
Defendant.)

VERDICT FORM

PLEASE ANSWER THE QUESTIONS BELOW:

1. As to Indictment 2019-GS-10-04403 which charges the Defendant with Burglary First Degree we the jury unanimously find the Defendant:

 Not Guilty

 Guilty

2. As to Indictment 2019-GS-10-04405 which charges the Defendant with Assault and Battery of an High and Aggravated Nature, we the jury unanimously find the Defendant:

 Not Guilty

 Guilty

If GUILTY on the charge of Assault and Battery of an High and Aggravated Nature, then STOP, go to the Signature line and sign and date: If NOT GUILTY on the charge of Assault and Battery of an High and Aggravated Nature, you may consider the following lesser-included charge of Assault and Battery First Degree:

3. As to the lesser-included charge of Assault and Battery First Degree, we the jury unanimously find the Defendant:

 Not Guilty

 Guilty

IF GUILTY on the charge of Assault and Battery First Degree, then STOP, go to the Signature line and sign and date. If NOT GUILTY on the charge of Assault and Battery First Degree, you may consider the lesser-included charge of Assault and Battery Second Degree:

4. As to the lesser-included charge of Assault and Battery Second Degree, we the jury unanimously find the Defendant:

_____ Not Guilty

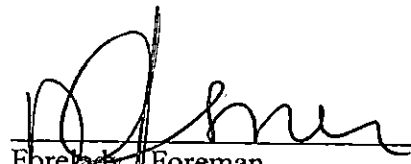
_____ Guilty

If GUILTY on the charge of Assault and Battery Second Degree then STOP, go to the Signature line and sign and date. If NOT GUILTY on the charge of Assault and Battery Second Degree, you may consider the lesser-included charge of Assault and Battery Third Degree:

5. As to the lesser-included charge of Assault and Battery Third Degree, we the jury unanimously find the Defendant:

_____ Not Guilty

_____ Guilty



Forelady / Foreman

Charleston, South Carolina

Date: 12/1/2022

DLO/0347849
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

2018-14089

ARREST WARRANT NUMBER

2018A1010205427

DATE OF ARREST

09/22/2018

TRUE BILL

ACTION OF GRAND JURY

SEP 9 2019

7/12/19
Foreperson of Grand Jury

Date:

VERDICT

Not guilty

[Signature]
Foreperson of Petit Jury

12/1/22
Date:

DOCKET NO. 2019-GS-10-04403

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2019

THE STATE

VS.

CHAD LAVICTOR SIMMONS

B/M DOB [REDACTED]

Indictment for

BURGLARY FIRST DEGREE

SC Code: § 16-11-0311

CDR Code: 0079

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened September 2019, the Grand Jurors of Charleston County present upon their oath:

BURGLARY FIRST DEGREE

That in Charleston County, South Carolina on or about September 20, 2018, the Defendant Chad Lavictor Simmons, did enter the dwelling of Kimberly Cantwell without consent and with the intent to commit a crime therein. That, in addition, said entry or remaining occurred in the nighttime; and/or the defendant caused physical injury to a person who was not a participant in the crime; and/or the defendant used or threatened the use of a dangerous instrument; and/or the defendant was armed with a deadly weapon or explosive; in violation of § 16-11-311 of the South Carolina Code of Laws (1976) as amended.

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



DAVID L. OSBORNE
ASSISTANT SOLICITOR

DLO/0347849
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

2018-14089

ARREST WARRANT NUMBER

2018A1010205427

DATE OF ARREST

09/22/2018

TRUE BILL
ACTION OF GRAND JURY

2/12/2019 SEP 9 2019
Foreperson of Grand Jury Date:

VERDICT

Foreperson of Petit Jury Date:

DOCKET NO. 2019-GS-10-04403

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
SEPTEMBER TERM 2019

THE STATE

VS.

CHAD LAVICTOR SIMMONS
B/M DOB: [REDACTED]

Indictment for

BURGLARY FIRST DEGREE

SC Code: § 16-11-0311
CDR Code: 0079

FILED

9/18/2019 9:14:11 AM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

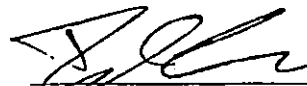
INDICTMENT

At a Court of General Sessions, convened September 2019, the Grand Jurors of Charleston County present upon their oath:

BURGLARY FIRST DEGREE

That in Charleston County, South Carolina on or about September 20, 2018, the Defendant Chad Lavictor Simmons, did enter the dwelling of Kimberly Cantwell without consent and with the intent to commit a crime therein. That, in addition, said entry or remaining occurred in the nighttime; and/or the defendant caused physical injury to a person who was not a participant in the crime; and/or the defendant used or threatened the use of a dangerous instrument; and/or the defendant was armed with a deadly weapon or explosive; in violation of § 16-11-311 of the South Carolina Code of Laws (1976) as amended.

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



DAVID L. OSBORNE
ASSISTANT SOLICITOR

DLO/0347849
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

2018-14089

ARREST WARRANT NUMBER

2018A1010205428

DATE OF ARREST

09/22/2018

ACTION OF GRAND JURY

TRUE BILL

Maruth SEP 9 2019
Foreperson of Grand Jury Date:

VERDICT

Foreperson of Petit Jury Date:

DOCKET NO. 2019-GS-10-04404

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2019

THE STATE

VS.

CHAD LAVICTOR SIMMONS

B/M DOB: [REDACTED]

Indictment for

ASSAULT WITH INTENT TO COMMIT
CRIMINAL SEXUAL CONDUCT

SC Code: § 16-03-0656

CDR Code: 0253

FILED

9/18/2019 9:14:11 AM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened September 2019, the Grand Jurors of Charleston County present upon their oath:

ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT

That in Charleston County, South Carolina, on or about September 20, 2018, the Defendant, Chad Lavictor Simmons, with the intent to commit a sexual battery, did assault the victim, Kimberly Cantwell, accompanied by one or more of the following circumstances: (1) the defendant used aggravated force to attempt the sexual battery and/or (2) the victim submitted to the attempted sexual battery under circumstances where the victim was also the victim of forcible confinement, kidnapping, trafficking in persons, robbery, extortion, burglary, housebreaking, or any other similar offense or act and/or (3) the defendant attempted to cause the victim, without the victim's consent, to become mentally incapacitated or physically helpless by administering, distributing, dispensing, delivering, or causing to be administered, distributed, dispensed, or delivered a controlled substance, a controlled substance analogue, or any intoxicating substance. This is in violation of Sections 16-3-652(2) and 16-03-656 of the South Carolina Code of Laws (1976) as amended.

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



DAVID L. OSBORNE
ASSISTANT SOLICITOR

DLO/0347849
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

2018-14089

ARREST WARRANT NUMBER

2018A1010205429

DATE OF ARREST

09/22/2018

TRUE BILL

ACTION OF GRAND JURY

M. N. N. N.
Foreperson of Grand Jury

SEP 9 2019
Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2019-GS-10-04405

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2019

THE STATE

VS.

CHAD LAVICTOR SIMMONS

B/M DOB: [REDACTED]

Indictment for

**ASSAULT & BATTERY OF A HIGH AND
AGGRAVATED NATURE**

SC Code: § 16-03-0600(B)(1)

CDR Code: 3411

FILED

9/18/2019 9:14:11 AM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

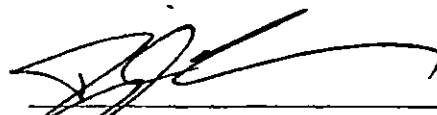
INDICTMENT

At a Court of General Sessions, convened September 2019, the Grand Jurors of Charleston County present upon their oath:

ASSAULT & BATTERY OF A HIGH AND AGGRAVATED NATURE

That in Charleston County , South Carolina on or about September 20, 2018, the Defendant, Chad Lavictor Simmons, did commit an unlawful act of injury upon the victim, Kimberly Cantwell, and as a result, the victim suffered great bodily injury or the act was accomplished by means likely to produce death or great bodily injury, in violation of Section 16-3-600(B)(1) of the South Carolina Code of Laws (1976) as amended.

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



DAVID L. OSBORNE
ASSISTANT SOLICITOR

ARREST WARRANT

2018A1010205427

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Charleston

THE STATE against

Chad Lavictor Simmons

Address: [REDACTED]
Phone: [REDACTED] SSN: [REDACTED]
Sex: M Race: B Height: 5 11 Weight: 187
DL State: [REDACTED] DL #: [REDACTED]
DOB: [REDACTED] Agency ORI #: SC0100100
Prosecuting Agency: Charleston City Police Department
Prosecuting Officer: Officer Wolfsen - 1685
Offense: Burglary / Burglary (After June 20, 1985) - First degree
Offense Code: 0079
Code/Ordinance Sec: 16-11-0311

This warrant is CERTIFIED FOR SERVICE in the
[] County/ [] Municipality of
The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant Chad L. Simmons on 09-22-2018
Signature of Constable/Law Enforcement Officer: Lt. D. Thompson

RETURN WARRANT TO:

General Sessions
Charleston County Judicial Center
100 Broad Street, Suite 106
Charleston, SC 29401

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Charleston

Personally appeared before me the affiant Officer Wolfsen who being duly sworn deposes and says that defendant Chad Lavictor Simmons did within this county and state on or about 9/20/2018 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [] Municipality of Charleston) in the following particulars:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

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

SEE ATTACHED

SEP21 9:50PM

NCIC INITIALS

OFFICER INITIALS

Signature of Affiant

[Signature]

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Charleston

Affiant's Address 180 Lockwood Blvd.
Charleston, SC 29403-
Affiant's Telephone (843)577-7464

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/20/2018 defendant Chad Lavictor Simmons did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [] Municipality of Charleston) as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable
Sworn to and subscribed before me on 9/21/2018

[Signature] (L.S.)
James Benjamin Gosnell Jr.
Judge Code: 5904

Judge's Address 3831 Leeds Avenue, Ste 100
North Charleston, SC 29405-
Judge's Telephone (843)745-2390

Issuing Court: [X] Magistrate [] Municipal [] Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

AFFIDAVIT

BAIL set by

Judge Perry
on 9-22-18
Type and Amount: No Bond
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
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Telephone: _____
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Address: _____
Telephone: _____
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Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



FILED
2018 SEP 26 PM 12:07
JULIE J. ARMSTRONG
CLERK OF COURT

ORIGINAL

Charleston Police Department

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

AFFIDAVIT

Personally appear before me, a magistrate of this county one, E. Wolfe who first being duly sworn deposed and says that, Chad Lavictor Simmons, did within this county and state on the 20 September 2018 violate the criminal laws of the State of South Carolina in the following particular:

DESCRIPTION OF OFFENSE

Burglary 1st Degree
16-11-311

The affiant states there is probable cause to believe that the defendant named did commit the crime set forth and that such probable cause is based on the following facts:

That on September 20, 2018 at approximately 0300 hours, while at 37-A Radcliffe St, located in the City and County of Charleston, SC, the above named defendant, Chad Lavictor Simmons, did knowingly, willingly, and unlawfully violate SC State Statute for Burglary 1st Degree 16-11-311, in the following particulars:

On 09/20/2018 at approximately 0300 hours, the defendant, Chad Lavictor Simmons unlawfully entered the front door of 37-A Radcliffe St. He removed all of his clothing and piled it at the top of the interior stairwell along with his shoes. These items were observed there by one of the residents, Katherine Costantini, who looked through the window of her bedroom door after noticing lights turned on in the living room and stairwell when they had previously been off. Simmons then entered the kitchen, and utilized two separate bottles of olive oil to lather himself with the oil. One bottle had been on the kitchen counter and was later found there with the lid removed. The other bottle, which had been recently purchased and was still sealed, had been in a closed pantry within the kitchen. This bottle was later found in the same position, but was no longer sealed, and had a portion of oil missing. Simmons then armed himself with a large chef's knife from a knife block on the kitchen counter.

Simmons put some of his clothing back on, then proceeded down the hallway armed with the knife. He passed two bedrooms and then entered the victim's (to be named later) bedroom through the closed bedroom door. He closed the bedroom door behind him, and began choking the victim with his two hands around her neck as she laid in bed. The victim began screaming and attempted to fight back at which point Simmons struck her in the forehead and dragged her from the bed onto the floor. The victim was on her stomach, and was trying to elbow Simmons, but he overpowered her resistance as he wrapped his arms around her neck, strangling her to the point that she lost consciousness. The victim's roommate, Gwendolyn Cox and a friend of Cox's, Dan Aviv Schwarz, were asleep in the adjacent bedroom until they heard the victim screaming.

(continued on pg. 2)

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 21 DAY OF September 2018

Eric J. [Signature]

AFFIANT

180 Lockwood Blvd.
Charleston, SC 29403
843-577-7434

[Signature] (L.S.)
SIGNATURE OF JUDGE

COMPLAINT # 18-14089
WARRANT # 2018A 1010205427
INVESTIGATING OFFICER: E. Wolfson

OFFICER INITIALS
NCIC INITIALS
SEP21 9511PM

ORIGINAL

Charleston Police Department

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

Attachment A
AFFIDAVIT

(continued from pg. 1)

Schwarz exited the bedroom at which point he immediately encountered Simmons in the hallway, and a physical altercation took place as Schwarz attempted to detain Simmons. Schwarz described Simmons' skin as "greasy", as Simmons had coated himself in the oil prior to entering the victim's bedroom. The altercation continued down the hallway, through the living room, then Simmons and Schwarz tumbled down an interior stairwell to the front door of the residence. Schwarz grabbed Simmons' tank top shirt, pulling it off his person as Simmons exited through the front door. Simmons then fled West on foot toward Rutledge Ave. The knife was later found in the victim's bed. It, and other items of evidentiary value were collected by CPD's Crime Scene Unit on September 20, 2018.

On September 21, 2018, both olive oil bottles that Simmons utilized were processed by the Latent Print Division of the CPD Forensic Unit at which time an AFIS hit to Simmons was returned for the olive oil bottle that had been in the pantry of the residence. Items 18-3 Identifier a (Left Thumb), 18-5 Identifier a (Left Ring), 18-5 Identifier b (Left Middle), and 18-5 Identifier c (Left Index) were then analyzed by the Latent Print Division and conclusively determined to belong to the defendant, Chad Lavictor Simmons. A follow up investigation was conducted at which time it was learned that the bottle of olive had been recently purchased at a local store. Management of the store advised Simmons has never been employed there.

The victim, nor any of her roommates/witnesses, Schwarz, Cox, Costantini, and Harley Kowalsky know or have ever known Simmons and there is no justifiable reason for him to have been inside the residence and/or to have touched items therein. Investigation was conducted in the area of the residence which yielded video surveillance on Radcliffe St. Review of the video showed that at approximately 0316 hours, a black male matching the physical appearance of Simmons is seen walking West on Radcliffe St from the incident location toward Rutledge Ave. Simmons is observed in the video wearing no shirt, but is seen placing a black shirt on as he continues to walk. Secondary video captures Simmons a few minutes later approaching Rutledge Ave with the shirt on.

Due to Simmons entering 37-A Radcliffe St, a residence, unlawfully, during hours of darkness, and subsequently arming himself with a deadly weapon, and violently assaulting the victim, he will be charged with Burglary 1st Degree 16-11-311.

The above is true and believable based upon the statements of the victim, Schwarz, Cox, Costantini, and Kowalsky, and the investigation by the Charleston Police Department.

SWORN TO AND SUBSCRIBED before me
this 21 day of September, 2018
[Signature] (L.S.))
Signature of Issuing Judge

COMPLAINT # 18-14089
WARRANT# 2018AR0205427
Investigating Officer: E. Wolfen

[Signature]

Affiant
180 Lockwood Blvd.
Charleston, SC 29403
843-577-7434

OFFICER INITIALS
[Handwritten initials]
NCIC INITIALS
[Handwritten initials]
SEP21 9:51PM

ARREST WARRANT

2018A1010205428

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

THE STATE
against

Chad Lavictor Simmons

Address: [REDACTED]

Phone: [REDACTED] SSN: [REDACTED]

Sex: M Race: B Height: 5 11 Weight: 187

DL State: [REDACTED] DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0100100

Prosecuting Agency: Charleston City Police Department

Prosecuting Officer: Officer Wolfsen - 1685

Offense: Sex / Assault with intent to commit criminal sexual conduct - First degree

Offense Code: 0253

Code/Ordinance Sec: 16-03-0656, 0652

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

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant Chad L. Simmons on 09-22-2018

L.H.D. Thompson
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
Charleston County Judicial Center
100 Broad Street, Suite 106
Charleston, SC 29401

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

Personally appeared before me the affiant Officer Wolfsen / B. Tottle who

being duly sworn deposes and says that defendant Chad Lavictor Simmons did within this county and state on or about 9/20/2018 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Charleston)

in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Assault with intent to commit criminal sexual conduct - First degree

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

SEE ATTACHED

ORIGINAL

SEP21 9:52PM

NCIC INITIALS

OFFICER INITIALS

Signature of Affiant

Eric Tottle

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

Affiant's Address 180 Lockwood Blvd.

Charleston, SC 29403-

Affiant's Telephone (843)577-7464

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/20/2018 defendant Chad Lavictor Simmons

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Charleston) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Assault with intent to commit criminal sexual conduct - First degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 9/21/2018

[Signature] (L.S.)
Signature of Issuing Judge

James Benjamin Gosnell Jr.

Judge Code: 5904

Judge's Address 3831 Leeds Avenue, Ste 100

North Charleston, SC 29405-

Judge's Telephone (843)745-2390

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

BAIL set by

Judge Denny
on 9-22-18
Type and Amount: No Bond
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

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Telephone: _____

CODEFENDANTS



FILED
2018 SEP 26 PM 12:07
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

ORIGINAL

Charleston Police Department

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

AFFIDAVIT

Personally appear before me, a magistrate of this county one, E. Wolfe who first being duly sworn deposed and says that, Chad Lavictor Simmons, did within this county and state on the 20 September 2018 violate the criminal laws of the State of South Carolina in the following particular:

DESCRIPTION OF OFFENSE

Assault with Intent to Commit Criminal Sexual Conduct
16-3-656

The affiant states there is probable cause to believe that the defendant named did commit the crime set forth and that such probable cause is based on the following facts:

That on September 20, 2018 at approximately 0300 hours, while at 37-A Radcliffe St, located in the City and County of Charleston, SC, the above named defendant, Chad Lavictor Simmons, did knowingly, willingly, and unlawfully violate SC State Statute for Assault with Intent to Commit CSC 16-3-656, in the following particulars:

On 09/20/2018 at approximately 0300 hours, the defendant, Chad Lavictor Simmons unlawfully entered the front door of 37-A Radcliffe St. He removed all of his clothing and piled it at the top of the interior stairwell along with his shoes. These items were observed there by one of the residents, Katherine Costantini, who looked through the window of her bedroom door after noticing lights turned on in the living room and stairwell when they had previously been off. Simmons then entered the kitchen, and utilized two separate bottles of olive oil to lather himself with the oil. One bottle had been on the kitchen counter and was later found there with the lid removed. The other bottle, which had been recently purchased and was still sealed, had been in a closed pantry within the kitchen. This bottle was later found in the same position, but was no longer sealed, and had a portion of oil missing. Simmons then armed himself with a large chef's knife from a knife block on the kitchen counter.

Simmons put some of his clothing back on, then proceeded down the hallway armed with the knife. He passed two bedrooms and then entered the victim's (to be named later) bedroom through the closed bedroom door. He closed the bedroom door behind him, and began choking the victim with his two hands around her neck as she laid in bed. The victim began screaming and attempted to fight back at which point Simmons struck her in the forehead and dragged her from the bed onto the floor. The victim was on her stomach, and was trying to elbow Simmons, but he overpowered her resistance as he wrapped his arms around her neck, strangling her to the point that she lost consciousness. The victim's roommate, Gwendolyn Cox and a friend of Cox's, Dan Aviv Schwarz, were asleep in the adjacent bedroom until they heard the victim screaming. (cont. on pg. 2)

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 21 DAY OF September 2018

Eric J. [Signature] #1609
AFFIANT
180 Lockwood Blvd.
Charleston, SC 29403
843-577-7434

[Signature] (L.S.)
SIGNATURE OF JUDGE

COMPLAINT # 18-14089
WARRANT # 2018A1010205428
INVESTIGATING OFFICER: E. Wolfson

OFFICER INITIALS
N/C10 INITIALS
SEP 21 9:53 PM

Charleston Police Department

ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

Attachment A
AFFIDAVIT

(continued from pg. 1)

Schwarz exited the bedroom at which point he immediately encountered Simmons in the hallway, and a physical altercation took place as Schwarz attempted to detain Simmons. Schwarz described Simmons' skin as "greasy", as Simmons had coated himself in the oil prior to entering the victim's bedroom. The altercation continued down the hallway, through the living room, then Simmons and Schwarz tumbled down an interior stairwell to the front door of the residence. Schwarz grabbed Simmons' tank top shirt, pulling it off his person as Simmons exited through the front door. Simmons then fled West on foot toward Rutledge Ave. The knife was later found in the victim's bed. It, and other items of evidentiary value were collected by CPD's Crime Scene Unit on September 20, 2018.

On September 21, 2018, both olive oil bottles that Simmons utilized were processed by the Latent Print Division of the CPD Forensic Unit at which time an AFIS hit to Simmons was returned for the olive oil bottle that had been in the pantry of the residence. Items 18-3 Identifier a (Left Thumb), 18-5 Identifier a (Left Ring), 18-5 Identifier b (Left Middle), and 18-5 Identifier c (Left Index) were then analyzed by the Latent Print Division and conclusively determined to belong to the defendant, Chad Lavictor Simmons. A follow up investigation was conducted at which time it was learned that the bottle of olive had been recently purchased at a local store. Management of the store advised Simmons has never been employed there.

The victim, nor any of her roommates/witnesses, Schwarz, Cox, Costantini, and Harley Kowalsky know or have ever known Simmons and there is no justifiable reason for him to have been inside the residence and/or to have touched items therein. Investigation was conducted in the area of the residence which yielded video surveillance on Radcliffe St. Review of the video showed that at approximately 0316 hours, a black male matching the physical appearance of Simmons is seen walking West on Radcliffe St from the incident location toward Rutledge Ave. Simmons is observed in the video wearing no shirt, but is seen placing a black shirt on as he continues to walk. Secondary video captures Simmons a few minutes later approaching Rutledge Ave with the shirt on.

Simmons unlawfully entered 37-A Radcliffe St, and subsequently removed his clothing, then lathered himself in oil. He then partially re-dressed and entered the victim's bedroom while armed with a large knife. The victim was sleeping nude, and Simmons choked her before dragging her to the ground, mounting her, and strangling her from behind. These facts demonstrably indicate Simmons' intentions to sexually assault the victim. Therefore, Simmons will be charged with Assault with Intent to Commit Criminal Sexual Conduct 16-3-656.

The above is true and believable based upon the statements of the victim, Schwarz, Cox, Costantini, and Kowalsky, and the investigation by the Charleston Police Department.

SWORN TO AND SUBSCRIBED before me
this 21 day of Sept, 2018
[Signature] (L.S.)
Signature of Issuing Judge

[Signature]
Affiant
180 Lockwood Blvd.
Charleston, SC 29403
843-577-7434

COMPLAINT # 18-14089
WARRANT# 2018A1010205428
Investigating Officer: E. Wolfson

OFFICER INITIALS
[Signature]
NCIC INITIALS
[Signature]
SEP21 9:53PM

ARREST WARRANT

2018A1010205429

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

THE STATE

against

Chad Lavictor Simmons

Address:

Phone: SSN:

Sex: M Race: B Height: 5 11 Weight: 187

DL State: DL #:

DOB: Agency ORI #: SC0100100

Prosecuting Agency: Charleston City Police Department

Prosecuting Officer: Officer Wolfson - 1685

Offense: Assault / Assault & Battery of a High & Aggravated Nature

Offense Code: 3411

Code/Ordinance Sec: 16-03-0600(B)(1)

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

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Chad L. Simmons on 09-27-2018

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions Charleston County Judicial Center 100 Broad Street, Suite 106 Charleston, SC 29401

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

Personally appeared before me the affiant Officer Wolfson who

being duly sworn deposes and says that defendant Chad Lavictor Simmons

did within this county and state on or about 9/20/2018 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Charleston)

in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Assault & Battery of a High & Aggravated Nature

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

SEE ATTACHED

ORIGINAL

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

Affiant's Address 180 Lockwood Blvd.

Charleston, SC 29403-

Affiant's Telephone (843)577-7464

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/20/2018 defendant Chad Lavictor Simmons

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Charleston) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Assault & Battery of a High & Aggravated Nature

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me

on 9/21/2018

Signature of Issuing Judge James Benjamin Gosnell Jr. Judge Code: 5904

Judge's Address 3831 Leeds Avenue, Ste 100

North Charleston, SC 29405-

Judge's Telephone (843)745-2390

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

AFFIDAVIT

Signature of Affiant

SEP21 9:54PM

NCIC INITIALS

OFFICER INITIALS

BAIL set by

Judge Pony
on 9-27-18
Type and Amount: NO Bond
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

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CODEFENDANTS



FILED
2018 SEP 26 PM 12:07
JULIE J ARMSTRONG
CLERK OF COURT
BY _____

ORIGINAL

Charleston Police Department

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

AFFIDAVIT

Personally appear before me, a magistrate of this county one, Eric Tothme who first being duly sworn deposed and says that, Chad Lavictor Simmons, did within this county and state on the 20 September 2018 violate the criminal laws of the State of South Carolina in the following particular:

DESCRIPTION OF OFFENSE

Assault and Battery of a High and Aggravated Nature 16-3-600

The affiant states there is probable cause to believe that the defendant named did commit the crime set forth and that such probable cause is based on the following facts:

That on September 20, 2018 at approximately 0300 hours, while at 37-A Radcliffe St, located in the City and County of Charleston, SC, the above named defendant, Chad Lavictor Simmons, did knowingly, willingly, and unlawfully violate SC State Statute for Assault and Battery of a High and Aggravated Nature 16-3-600, in the following particulars:

On 09/20/2018 at approximately 0300 hours, the defendant, Chad Lavictor Simmons unlawfully entered the front door of 37-A Radcliffe St. He removed all of his clothing and piled it at the top of the interior stairwell along with his shoes. These items were observed there by one of the residents, Katherine Costantini, who looked through the window of her bedroom door after noticing lights turned on in the living room and stairwell when they had previously been off. Simmons then entered the kitchen, and utilized two separate bottles of olive oil to lather himself with the oil. One bottle had been on the kitchen counter and was later found there with the lid removed. The other bottle, which had been recently purchased and was still sealed, had been in a closed pantry within the kitchen. This bottle was later found in the same position, but was no longer sealed, and had a portion of oil missing. Simmons then armed himself with a large chef's knife from a knife block on the kitchen counter.

Simmons put some of his clothing back on, then proceeded down the hallway armed with the knife. He passed two bedrooms and then entered the victim's (to be named later) bedroom through the closed bedroom door. He closed the bedroom door behind him, and began choking the victim with his two hands around her neck as she laid in bed. The victim began screaming and attempted to fight back at which point Simmons struck her in the forehead and dragged her from the bed onto the floor. The victim was on her stomach, and was trying to elbow Simmons, but he overpowered her resistance as he wrapped his arms around her neck, strangling her to the point that she lost consciousness. The victim's roommate, Gwendolyn Cox and a friend of Cox's, Dan Aviv Schwarz, were asleep in the adjacent bedroom until they heard the victim screaming. (cont on pg. 2)

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 21 DAY OF Sept 2018

Eric Tothme

AFFIANT

180 Lockwood Blvd. Charleston, SC 29403 843-577-7434

[Signature] (L.S.) SIGNATURE OF JUDGE

COMPLAINT # 18-14089

WARRANT # 2018A1010205429

INVESTIGATING OFFICER: E. Wolfson

OFFICER INITIALS aw
NOTIC INITIALS TP.
SEP21 0854PM

Charleston Police Department

ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

Attachment A

AFFIDAVIT

(continued from pg. 1)

Schwarz exited the bedroom at which point he immediately encountered Simmons in the hallway, and a physical altercation took place as Schwarz attempted to detain Simmons. Schwarz described Simmons' skin as "greasy", as Simmons had coated himself in the oil prior to entering the victim's bedroom. The altercation continued down the hallway, through the living room, then Simmons and Schwarz tumbled down an interior stairwell to the front door of the residence. Schwarz grabbed Simmons' tank top shirt, pulling it off his person as Simmons exited through the front door. Simmons then fled West on foot toward Rutledge Ave. The knife was later found in the victim's bed where Simmons initially assaulted her. It, and other items of evidentiary value were collected by CPD's Crime Scene Unit on September 20, 2018.

On September 21, 2018, both olive oil bottles that Simmons utilized were processed by the Latent Print Division of the CPD Forensic Unit at which time an AFIS hit to Simmons was returned for the olive oil bottle that had been in the pantry of the residence. Items 18-3 Identifier a (Left Thumb), 18-5 Identifier a (Left Ring), 18-5 Identifier b (Left Middle), and 18-5 Identifier c (Left Index) were then analyzed by the Latent Print Division and conclusively determined to belong to the defendant, Chad Lavictor Simmons. A follow up investigation was conducted at which time it was learned that the bottle of olive had been recently purchased at a local store. Management of the store advised Simmons has never been employed there.

The victim, nor any of her roommates/witnesses, Schwarz, Cox, Costantini, and Harley Kowalsky know or have ever known Simmons and there is no justifiable reason for him to have been inside the residence and/or to have touched items therein. Investigation was conducted in the area of the residence which yielded video surveillance on Radcliffe St. Review of the video showed that at approximately 0316 hours, a black male matching the physical appearance of Simmons is seen walking West on Radcliffe St from the incident location toward Rutledge Ave. Simmons is observed in the video wearing no shirt, but is seen placing a black shirt on as he continues to walk. Secondary video captures Simmons a few minutes later approaching Rutledge Ave with the shirt on.

Simmons unlawfully entered 37-A Radcliffe St, and ultimately the victim's bedroom while armed with a deadly weapon. He then assaulted the victim in such a way that he strangled her, thus impeding her air supply to the point where she became unconscious. The victim had to be medically transported to the hospital for care. She sustained bruising and internal injuries consistent with strangulation as well as a significant contusion to her forehead. Simmons' actions did cause serious bodily injury to the victim and created a substantial risk of death as he obstructed her airway and ability to breathe. As such, Simmons will be charged with Assault and Battery of a High and Aggravated Nature 16-3-600.

The above is true and believable based upon the statements of the victim, Schwarz, Cox, Costantini, and Kowalsky, and the investigation by the Charleston Police Department.

SWORN TO AND SUBSCRIBED before me
this 21 day of September, 2018

[Signature] (L.S.)
Signature of Issuing Judge

COMPLAINT # 18-14089
WARRANT# 2018A1010205429
Investigating Officer: E. Wolfen

[Signature]

Affiant
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Charleston, SC 29403
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OFFICER INITIALS

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