

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry

STATE

INDICTMENT/CASE#: 2023GS2602208

VS.

Samuel Kevin Hollingsworth

A/W#: 2023A2610400098

AKA: _____

Date of Offense: 3/2/2023

Race: _____ Sex: _____ Age: _____

S.C. Code §: 16-13-0110(B)(1)

DOB: _____ SS#: _____

CDR Code #: 2877

Address: _____

City, State, Zip: _____

DL#: _____ SID#: SC01028804

RECEIVED
OCT 04 2023
COURT of Appeals
SENTENCE SHEET
PROBATION
credit for 1 day 1/2 (COC)

*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: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057) (0-10 years)

in violation of § 16-13-0110(B)(1) of the S.C. Code of Laws, bearing CDR Code # 2877

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:

Elizabeth Farmer 105512 SC Bar # Samuel K Hollingsworth Defendant Caitlyn Ann Caldwell Caldwell, Caitlyn Ann Attorney for Defendant SC Bar# SCB104612

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

for a determinate term of 3 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 1

month/year 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: 9-25-23

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. _____ 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.

Horry County, SC
Clerk of Court
Renée N. Elvis

RECEIVED
OCT 04 2023
COURT of Appeals
SENTENCE SHEET

SPECIAL CONDITIONS:

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 0 days/hours

Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Other: attend AA/NA

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 \$ 25.00 Beginning 10/25/23 \$ _____

§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>

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

§ 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 148.75

Clerk of Court/ Deputy Clerk: _____
Court Reporter: _____

Renée Elvira
Natalie [Signature]

Presiding Judge: _____
Judge Code: _____
Sentence Date: _____

Michael [Signature]
2140
9/25/23

ARREST WARRANT

2023A2610400098

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

THE STATE

2023022027

against

Samuel Kevin Hollingsworth

Address: [REDACTED]

Phone: [REDACTED] SSN: [REDACTED]

Sex: [REDACTED] Race: [REDACTED] Height: [REDACTED] Weight: [REDACTED]

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

DOB: [REDACTED] Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Robert F Lawson, Jr - S02112

Offense: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

Offense Code: 2877

Code/Ordinance Sec: 16-13-0110(A)

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 Samuel Kevin Hollingsworth on 3/3/2023

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions PO Box 677 1301 2nd Avenue Conway, SC 29528

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

Personally appeared before me the affiant Robert F Lawson, Jr who

being duly sworn deposes and says that defendant Samuel Kevin Hollingsworth

did within this county and state on or about 3/2/2023 violate the criminal laws of the

State of South Carolina (or ordinance of [X] County/ [] Municipality of Horry)

in the following particulars:

DESCRIPTION OF OFFENSE: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

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:

On March 2, 2023, at 2751 Beaver Run Blvd. located in the Surfside Beach section of Horry County, Defendant did knowingly and willfully pass all points of sale with electronic merchandise (totalling \$123.87) without purchase. Defendant's actions were observed by Loss Prevention staff via CCVT. Defendant did positively identified himself to Law Enforcement. In doing so, Defendant did violate SC Code of Laws Section 16-13-110 Shoplifting <\$2,000. This is a 3rd and subsequent offense within the past ten years based on Defendant's criminal history, therefore Defendant is in violation of SC Code of Laws Section 16-01-057 Classification of third or subsequent conviction of certain property crimes, R/O C. Miller 647

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

Affiant's Address 2560 North Main Street

Conway, SC 29526

Affiant's Telephone

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 3/2/2023 defendant Samuel Kevin Hollingsworth

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

[X] County/ [] Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

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 3/3/2023

Signature of Issuing Judge (L.S.)

Manuela Ardeljan Clayton

Judge Code: 7403

Judge's Address Surfside Magistrate Office

Myrtle Beach, SC 29588-

Judge's Telephone (843)915-5291

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

ORIGINAL

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AFFIDAVIT

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

Vertical stamps: COURT OF APPEALS, Horry County, SC, and various court dates.

BAIL set by

WITNESSES

Judge Wicks
on March 3, 2013
Type and Amount: 2,500.00
Name of Surety: _____

Name: _____
Address: _____
Telephone: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____

Name: _____
Address: _____
Telephone: _____

Decision: _____

Name: _____
Address: _____
Telephone: _____

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

CERTIFIED COPY
RENEE N. LEWIS
CLERK OF COURT
Horry County, SC

Case No. _____ before

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Disposition: _____
Sentence: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

JURORS

CODEFENDANTS



STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

CERTIFICATE OF REPRESENTATION

-VS-)

(APPOINTING AS COUNSEL)

SAMUEL HOLLINGSWORTH

CAITLYN A CALDWELL

DEFENDANT)

FILE NO: 26A23-00001755

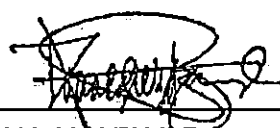
TO: Clerk of Court of General Sessions of the Fifteenth Judicial Circuit
Office of the Solicitor
Appointed Counsel
Defendant

FILED
HORRY COUNTY
2023 MAY 23 A 8:53
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on 22nd day of May, 2023, regarding the charge(s) of:

2023A2610400098 Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

The Defendant's Counsel is **Caitlyn A Caldwell**. The office of the Public Defender requests on the Defendant's behalf any and all evidence in the possession of you and or your agents pursuant to S.C. Criminal Practice Rule 5, and Brady v. Maryland 373 U.S. 383 (1963). The formal Motion for Discovery is attached.



RONALD W. HAZZARD
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

CONWAY, SC

DATED: May 22, 2023

CERTIFIED COPY
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSION
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

NOTICE AND MOTION FOR PRODUCTION
OF SPECIFIC EVIDENCE AND
DISCLOSURE OF WITNESSES

-VS-

SAMUEL KEVIN HOLLINGSWORTH

DEFENDANT)

FILE NO: 26A23-00002508

TO: SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT

YOU WILL PLEASE TAKE NOTICE that unless the prosecution responds to the Defendant's request for disclosure within 30 days, or within such time as may be ordered by the Court, Counsel for the Defendant will move this Court for an Order compelling that the State:

1. Make available for Defendant any and all written and oral statements by the Defendant which are, or may come to be, in the possession of the State.
2. Make available for purposes of inspection, and copying, any and all police reports relating to the investigation and circumstances surrounding the crime which the Defendant is charged with, including any and all statements taken from witnesses and the Defendant.
3. Make available to the Defendant all tangible objects obtained during the investigation of this case, including, but not limited to:
 - (a) All tangible objects obtained from the scene of the crime; and
 - (b) All tangible objects obtained from the State's witnesses in this case
 - (c) All tangible objects the State intends to introduce into evidence at Trial which are relevant to the offense charged.
4. Make available any witnesses known to the State who have knowledge of facts which might be favorable to the Defendant.
5. Make available any promises made or actions taken by the State which caused or might have caused any witnesses for the State to testify on behalf of the State.
6. Make available any inconsistent statements made by witnesses for the State or any statements made by witnesses for the State which tend to exculpate the Defendants or to negate participation by the Defendants in the alleged crime.
7. Make available to the Defendant all results of laboratory tests, scientific tests, or physical examinations conducted in connection with this case, including but not limited to:
 - (a) Analysis of handwriting
 - (b) Photographs secured of the scene of the crime
 - (c) Comparison of fingerprints
 - (d) DNA analysis
8. Make available any facts which tend to exculpate the Defendant.

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HORRY COUNTY
2023 JUL 21 PM 4:05
CLERK OF COURT
RENEE N. LEVINS
HORRY COUNTY, SC

9. Make available any and all scientific or medical, psychiatric, legal or other information, reports or records which might tend to reflect on the credibility or competence of any of prospective witnesses for the State.

10. Make available to the Defendant the names and addresses of all persons who have knowledge of this case or who have been interviewed by the investigating officers in connection with this case.

11. Make available to the Defendant, the SLED, FBI, and local arrest and conviction records of all persons, including the Defendant, named in connection with this proceeding.

12. Make any chemist, analyst, and all persons within the chain of custody appear in Court for the purpose of personally testifying. Attorney for the Defense thus objects to the introduction of any chemist's or analyst's report pursuant to Rule 6, S.C. Rules of Criminal Procedure.

13. Make available to the Defendant all video and audio recordings and/or notarized affidavits made pursuant to South Carolina Code § 56-5-2953 and any other applicable South Carolina Statute or regulation, including but not limited to:

- (a) Police and booking reports;
- (b) Police logs;
- (c) Alcohol influence reports;
- (d) Accident reports
- (e) Reports dealing with defendant's refusal to submit to testing;
- (f) Notes taken from any recording by Law Enforcement with regards to conversations with potential prosecution witnesses
- (g) Any notes taken by Law Enforcement with regards to this case which the officer intends to rely on, or make us of, at trial.
- (h) The names of the officers or other witnesses who were with the Defendant within one hour of the arrest who had the opportunity to observe the appearance and behavior of the Defendant, to include the identity of any officer present at the scene of arrest.
- (i) The time and place where the Defendant was given the Miranda warning and the name of the officer who advised him/her of the same.
- (j) Any reports made by any laboratory or hospital concerning any examination made of any physical (urine, blood, etc.), photographic, or written evidence related to the Defendant's case.
- (k) The records of analysis and the results of any chemical, urine, or breathalyzer tests administered to the Defendant.

14. Make available to the Defendant following information regarding the person(s) who administered the Defendant's chemical/breathalyzer tests:

- (a) The person's name and the name of his/her employer;
- (b) The date of his/her original certification to give chemical/breathalyzer tests and the grade he/she received on the exam;
- (c) The date of his/her most recent certification to give said tests; And his/her compliance with statutes and regulations providing for standards of training for person(s) administering such tests.

15. If the Defendant's blood alcohol concentration was determined on the basis of a test involving the use of any machine, provide the following information:

- (a) The type of machine used and the make, model, and serial number of particular machine;

FILED
HORRY COUNTY
JUL 21 2005
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

- (b) The manufacturer and the date of manufacture of the machine;
- (c) The owner's manual and the instruction manual;
- (d) The software program used in said machine;
- (e) The date of purchase by the agency owning the machine;
- (f) The location of machine;
- (g) The number of prior tests conducted on the machine;
- (h) All maintenance information for the last two years, including all repairs done and all calibrations made on the machine;
- (i) The results of all tests performed in the thirty (30) days prior to the date of the Defendant's arrests, including any tests in which the machine malfunctioned;
- (j) Any checklist to be used by the operator of the machine, either before, during, or after the admission of a test.

This information is requested pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure. This information is further requested pursuant to Brady vs Maryland, 373 U.S. 383, 10 L. Ed. 2d 215, 83 S. Ct. 1194 (1963), U.S. vs Agurs, 427 U.S. 97, 49 L. Ed. 2d 342, 96 S. Ct. 2392 (1976), State vs Tixson, 274 S.E. 2d 406 (1981), City of Rock Hill vs Suchenski, 374 S.C. 12, 646 S.E. 2d 879 (2007). Further this information is requested on the grounds that it is essential to insure the Defendant's right to a fair trial, right to confrontation of witnesses, the right to effective Counsel and due process of law guaranteed by the South Carolina Constitution, and the United States Constitution.

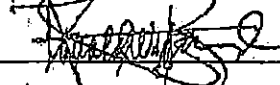
ADDITIONALLY, DEFENDANT REQUESTS A SPEEDY TRIAL:

The Defendant requests and asserts his / her right to a speedy trial in General Sessions Court in this County pursuant to the 6th Amendment to the United States Constitution, as well as Article I, Section 14 of the South Carolina Constitution, and under relevant case law.

WHEREFORE, Defendant prays:

- (a) That the Solicitor be Ordered to produce all information described herein and allow the Defendant the right to examine, inspect, copy and photograph, such materials and information at a specific time and place to be fixed by the Court.
- (b) That the information be provided no later than 30 days from the date of this request, as reflected by the Clerk of Court's time-stamp appearing on the face of this Document.
- (c) That the Court enter an Order requiring the Solicitor's Office to make continuing disclosure of all matters requested herein up to and during the Trial of the charges against the Defendant.

RESPECTFULLY SUBMITTED,



 RONALD W. HAZZARD
 FIFTEENTH CIRCUIT
 PUBLIC DEFENDER

CONWAY, SOUTH CAROLINA
 DATED: June 29, 2023
 CERTIFIED COPY
 RENEE N. ELVIS
 CLERK OF COURT
 HORRY COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
)

STATE OF SOUTH CAROLINA)
)
-VS-)

SAMUEL HOLLINGSWORTH)
DEFENDANT)
_____)

RULE 203 (B) (iv)
WRITTEN EXPLANATION OF
NO
BASIS FOR APPEAL

RECEIVED
OCT 04 2023
SC Court of Appeals

PERSONALLY appeared before me Caitlyn A Caldwell, who being duly sworn,
deposes and says :

1. I represented the above named defendant before The Honorable Michael Nettles on September 25, 2023 at which time the defendant enter a guilty plea to his/her pending charges.
2. No issues of law or fact, were raised before the Judge at that time that could be the basis for an Appeal in this matter.
3. The defendant requested this appeal be filed based on the language used by the plea judge informing the client he has the right to appeal his guilty plea within ten (10) days.
4. I informed defendant that there were no issues to appeal.
5. Defendant requested the Appeal be filed.

FILED
HORRY COUNTY
2023 SEP 28 PM 1:31
RENEE N. ELLIS
CLERK OF COURT
HORRY COUNTY, SC

Sworn to and Subscribed before me
28 day of September, 2023

[Signature]
Notary Public for South Carolina
My Commission expires: 07/03/2024

[Signature]
Signature of Attorney for Defendant
Caitlyn A. Caldwell
Print name of Attorney for Defendant