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Nov 22 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of General Sessions

Maite Murphy, Circuit Court Judge

Case Nos.: 2020-GS-38-0943

The State,

Respondent,

V.

Kenneth Henry Eastwood

Appellant.

NOTICE OF APPEAL

Kenneth Henry Eastwood appeals his conviction and sentences in this case. The sentence was imposed by the Honorable Maite Murphy, on November 9, 2023. This appeal is taken as to the verdict, the sentence, all denials of pre-trial, post-trial, and all motions and objections during the trial, rulings and the like, and this appeal is taken pursuant to the statutes made and provided in the applicable provisions of the South Carolina Code of Law, 1976, as amended.

November 16, 2022 ³cg



Ashley B. Cornwell
1470 Ben Sawyer Blvd., Suite 14
Mount Pleasant, SC 29464
843-595-6003
acornwell@cornwellfirm.com
Attorney for Appellant

Other Counsel of Record:
Catherine Hunter
151 Docket Street
Orangeburg, SC 29115
803-533-6252
cmubarak@scsolicitor1.org

FILED FOR RECORD
WINNIFA B. CLARK
2023 NOV 20 A 11:16
CLERK OF COURT
ORANGEBURG, SC

ATTEST: TRUE COPY
Winnifa B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

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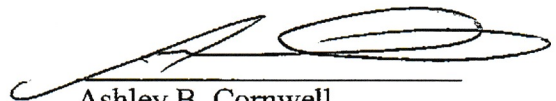
Kenneth Henry Eastwood

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Catherine Hunter, Assistant Solicitor of the First Judicial Circuit, by emailing a copy to her at cmubarak@scsolicitor1.org on November 16, 2022.

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WITNESSES

Dujuan A Council

**DOCKET NO. 2020GSS38-0943
(AMENDED)**

**The State of South Carolina
County of ORANGEBURG**

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

Defendant

Orangeburg County Sheriff

COURT OF GENERAL SESSIONS

April 10, 2023 TERM

ARREST WARRANT NUMBER

2019A3810200238

Arrested: December 16, 2019

THE STATE

vs.

Kenneth Henry Eastwood

Defendant

ACTION OF GRAND JURY

Nancy Brewer

Witness:

Date: 4-5-23

Indictment for

C.C.C. PLS. AND G.S.

Foreperson of Grand Jury
Date: April 5, 2023

Murder

VERDICT

SC Code: 16-3-10

Foreperson of Petit Jury
Date:

CLERK OF COURT
ORANGEBURG, SC

2023 APR -5 AM 11:56

FILED FOR RECORD
WINNIEFA B. CLARK
(KM)

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

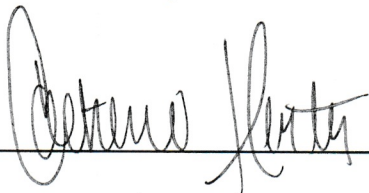
(AMENDED)
INDICTMENT
2020GS38-0943

As a Court of General Sessions, convened on April 5, 2023 the Grand Jurors of ORANGEBURG County present upon their oath:

MURDER

That the Defendant Kenneth Henry Eastwood did in Orangeburg County on or about December 8, 2019 to December 12, 2019, with malice aforethought, kill one Cara Hodges by means of strangling the victim, and the victim did die as a proximate result thereof, this offense being in violation of the Common Law and Section 16-3-10, of the South Carolina Code of Laws, as amended.

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



Catherine M. Hunter, Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF Orangeburg

STATE

VS.

Kenneth Henry Eastwood

AKA: _____
Race: WHITE Sex: M Age: 71
DOB: 12-29-1951 SS#: 48-46-7800
Address: 1189 Gardensgate Rd
City, State, Zip: Eutawville, SC 29048-8907
DL#: 011336413 SID#: _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020 - GS - 38 - -0943

A/W#: 2019A3810200238
Date of Offense: 12/10/2019
S.C. Code § 16-3-10
CDR Code #: 0116

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WINNIFA B. CLARK

2020 NOV - 9 P 3: 23

SENTENCE SHEET

*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: Murder

in violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116

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:


Hunter, Catherine M.

101317
SC Bar # Defendant

SCB76577
Cornwell, Ashley B. SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Correction, County Detention Center,
for a determinate term of 180 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. _____ 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:

- 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 %)				\$ <u>100.00</u>
§14-1-211(A)(1) (Conv. Surcharge)		\$100		\$ _____
§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: _____
 Court Reporter: _____

Catherine Spivey

Presiding Judge: Nate Murphy
 Judge Code: 2164
 Sentence Date: 11/19/23