

STATE OF SOUTH CAROLINA

RECEIVED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry

FEB 07 2024

SC Court of Appeals

STATE

VS.

INDICTMENT/CASE#: 2023GS2605443

Rico Antonio Funderburk

AW#: 2023DI2600348

AKA:

Date of Offense: 8/9/2021

Race: BLACK Sex: M Age: 2

S.C. Code §: 16-03-0600(B)(1)

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 3411

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#: [REDACTED] SID#: [REDACTED]

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: Assault & Battery of a High & 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. [REDACTED] (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State: [REDACTED]
ATTEST:

72898

Waller, Leigh A. SC Bar # [REDACTED] Defendant

Hiller, Jonathan SC Bar# [REDACTED]
Attorney for Defendant

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

for a determinate term of 20 days/months/years/Time Served Youthful Offender Act not to exceed years

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

of \$ X; plus costs and assessments as applicable*; the balance is suspended with probation for X

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: 2021 GS 26 04782
2021 GS 26 04783

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. [REDACTED] 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.

RECEIVED
CLERK OF COURT
HORRY COUNTY, SC
2024 FEB 07 P 3:05
CERTIFIED COPY
RENEE A. ELIUS
CLERK OF COURT
HORRY COUNTY, SC
CB76482
SC Bar#

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: _____

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 3/2/21

- §14-1-206 (Assessments 107.5 %)
- §14-1-211(A)(1) (Conv. Surcharge)
- §14-1-211(A)(2) (DUI Surcharge)
- §56-5-2995 (DUI Assessment)
- §56-1-286 (DUI Breath Test)
- §14-1-212 (Law Enforce. Funding)
- §14-1-213 (Drug Court Surcharge)
- §34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)
- §50-21-114(BUI Breath Test Fee)
- §56-5-2942(J) (Vehicle Assessment)
- 3% to County (if paid in installments)

- 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

RECEIVED
 CLERK OF COURT
 Horry County, SC
 ZIN FEB - 2 P 3:05

CERTIFIED COPY
 RENEVE ELVIS
 CLERK OF COURT
 Horry County, SC
 \$ 25.00
 \$ 100.00
 \$ 100.00
 \$ 12.00
 \$ 25.00
 \$ 25.00
 \$ 150.00
 \$ 41.00
 \$ 50.00
 \$ 40/ea
 TBD
 \$ 3.75
 \$ 500.00
 TBD
TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: Benee Elvis
 Court Reporter: Sallie Beth Todd

Presiding Judge: _____
 Judge Code: 2148
 Sentence Date: Feb. 2, 2024

STATE OF SOUTH CAROLINA

RECEIVED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry

FEB 07 2024

SC Court of Appeals

STATE

VS.

INDICTMENT/CASE#: 2021GS2604782

Rico Antonio Funderburk

AKA: _____
Race: _____ Sex: _____ Age: _____
DOB: _____ SS#: _____
Address: _____
City, State, Zip: Camden, SC 29526-634
DL#: _____ SID#: _____

A/W#: 2021A2610201970
Date of Offense: 8/10/2021
S.C. Code §: 16-03-0652
CDR Code #: 0160

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: Criminal Sexual Conduct 1st Degree

in violation of § 16-03-0652 of the S.C. Code of Laws, bearing CDR Code # 0160

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:

72898

SCB76482

Waller, Leigh A. SC Bar # _____ Defendant

Hiller, Jonathan SC Bar# _____
Attorney for Defendant

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

for a determinate term of 30 days/months/years/Time Served Youthful Offender Act not to exceed X years

and/or to pay a fine of \$ X; provided that upon the service of X days/months/years/Time Served and/or payment of \$ X; plus costs and assessments as applicable*; the balance is suspended with probation for X

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: _____

2023 GS 2605443
2021 GS 2604783

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.

RECEIVED
CLERK OF COURT
HORRY COUNTY, SC
FEB 07 2024
P 3:05

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: _____

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 3/2/2024

- §14-1-206 (Assessments 107.5 %)
- §14-1-211(A)(1) (Conv. Surcharge)
- §14-1-211(A)(2) (DUI Surcharge)
- §56-5-2995 (DUI Assessment)
- §56-1-286 (DUI Breath Test)
- §14-1-212 (Law Enforce. Funding)
- §14-1-213 (Drug Court Surcharge)
- §34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)
- §50-21-114(BUI Breath Test Fee)
- §56-5-2942(J) (Vehicle Assessment)
- 3% to County (if paid in installments)

- 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

HONORARY CLERK OF COURT
 HORRY COUNTY, SC
 2024 FEB -2 P 3:05

CERTIFIED COPY
 RENEE ELVIS
 CLERK OF COURT
 HORRY COUNTY, SC

\$100	\$	100.00
\$100	\$	100.00
\$125	\$	125.00
\$25	\$	25.00
\$25	\$	25.00
\$150	\$	150.00
\$41	\$	41.00
\$50	\$	50.00
\$40/ea	\$	40.00
TBD	\$	3.75
\$500	\$	500.00
TBD	\$	0.00
TOTAL	\$	128.75

Clerk of Court/ Deputy Clerk: Renee Elvis
 Court Reporter: Saulie Beth Todd

Presiding Judge: Morgan T. Culbertson
 Judge Code: 2145
 Sentence Date: FEB. 2, 2024

STATE OF SOUTH CAROLINA

RECEIVED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry

STATE

VS.

FEB 07 2024

SC Court of Appeals

INDICTMENT/CASE#: 2021GS2604783

Rico Antonio Funderburk

A/W#: 2021A2610201971
Date of Offense: 8/28/2021
S.C. Code §: 16-03-0910
CDR Code #: 0095

AKA: _____
Race: _____ Sex: _____ Age: _____
DOB: _____ SS#: _____
Address: _____
City, State, Zip: _____
DL#: _____ SID#: _____

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: Kidnapping

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

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:

72898

Waller, Leigh A. SC Bar # _____ Defendant

Hiller, Jonathan SC Bar# _____
Attorney for Defendant

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

for a determinate term of 30 days/months/years/Time Served Youthful Offender Act not to exceed X years

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

of \$ X ; plus costs and assessments as applicable*; the balance is suspended with probation for X

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:

2021GS2604782
2023GS2605443

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.

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

RECEIVED
CLERK OF COURT
HORRY COUNTY, SC

2024 FEB -2 P 3:05

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Attend Voc. Rehab. or Job Corp
- Mental Health Counseling
- Sex Offender Registry pursuant to S.C. Code § 23-3-430
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____
- Completion of GED
- No Contact with Victim
- May serve W/E beginning: _____
- Public Service Employment 0 _____ days/hours
- Domestic Violence Intervention Program

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 3/2/20

- §14-1-206 (Assessments 107.5 %)
- §14-1-211(A)(1) (Conv. Surcharge)
- §14-1-211(A)(2) (DUI Surcharge)
- §56-5-2995 (DUI Assessment)
- §56-1-286 (DUI Breath Test)
- §14-1-212 (Law Enforce. Funding)
- §14-1-213 (Drug Court Surcharge)
- §34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)
- §50-21-114(BUI Breath Test Fee)
- §56-5-2942(J) (Vehicle Assessment)
- 3% to County (if paid in installments)

- 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

CLERK OF COURT	
HOUSTON COUNTY, SC	
2024 FEB -2 P 3:05	
CERTIFIED COPY	
RENEE ELVIS	
CLERK OF COURT	
HOUSTON COUNTY, SC	
\$100	\$0.00
\$100	\$
\$12	\$
\$25	\$25.00
\$150	\$
\$41	\$
\$50	\$
\$40/ea	\$
TBD	\$3.75
\$500	\$
TBD	\$40.00
TOTAL	\$108.75

Clerk of Court/ Deputy Clerk: Renee Elvis
Court Reporter: Sallie Beth Todd

Presiding Judge: Matthew Culbert
Judge Code: 2148
Sentence Date: Feb. 2, 2024

ARREST WARRANT

2021A2610201970

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

THE STATE

2021087233

against

Rico Antonio Funderburk

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: James C Fletcher - S00499

Offense: Sex / Criminal sexual conduct - First degree

Offense Code: 0160

Code/Ordinance Sec: 16-03-0652

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 Rico Antonio Funderburk on 9/2/2021

E. Beatty 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 James C Fletcher who

being duly sworn deposes and says that defendant Rico Antonio Funderburk

did within this county and state on or about 8/10/2021 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: Sex / 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:

Between the dates of 8-10-2021 and 8-28-2021 the defendant did knowingly and willingly confine the victim, not allowing her to freely leave his presence, at several locations within the Conway and Myrtle Beach sections of Horry County. The defendant physically abused the victim utilizing strangulation, blunt edge weaponry and burning implements causing vast injury to include orbital/facial fractures, severe contusions and burns sustained to the vagina, anus and breasts. During this time frame the defendant did engage in sexual intercourse victim where the victim submitted to the sexual battery due to being the victim of kidnapping and DVHAN. In doing so the defendant is in violation of SC code of law 16-03-652. R/O C. Fletcher #480

Signature of Affiant

[Signature] FLETCHER #480 Affiant's Address 2560 North Main Street Conway, SC 29526- Affiant's Telephone

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 8/10/2021 defendant Rico Antonio Funderburk

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: Sex / 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 8/30/2021

[Signature] (L.S.)

Signature of Issuing Judge Aaron C. Butler

Judge Code: 5022

Judge's Address J. Ruben Long Detention Center

Conway, SC 29526-1071

Judge's Telephone (843)365-9222

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

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 510

FILED SEP 14 2021 CLERK OF COURT HORRY COUNTY, SC

RECEIVED FEB 07 2024 SC Court of Appeals

BAIL set by

Judge David Bull
on 9/3/2021
Type and Amount: Retard
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



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

ARREST WARRANT

2021A2610201971

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

THE STATE
against

2021087233

Rico Antonio Funderburk

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: James C Fletcher - S00499

Offense: Kidnapping / Kidnapping

Offense Code: 0095

Code/Ordinance Sec: 16-03-0910

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 Rico Antonio Funderburk
on 9/2/2021

E. Besty
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

Personally appeared before me the affiant James C Fletcher

being duly sworn deposes that defendant Rico Antonio Funderburk
did within this county and state on or about 8/28/2021
State of South Carolina (or ordinance of [X] County, [] Municipality of Horry
in the following particulars:

DESCRIPTION OF OFFENSE: Kidnapping / Kidnapping

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

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:

Between the dates of 8-10-2021 and 8-28-2021 the defendant did knowingly and willingly confine the victim, not allowing her to
freely leave his presence, at several locations within the Conway and Myrtle Beach sections of Horry County. The defendant
physically abused the victim utilizing strangulation, blunt edge weaponry and burning implements causing vast injury to include
orbital/facial fractures, severe contusions and burns sustained to the vagina, anus and breasts. The defendant took the victims phone,
clothing, personal effects and threatened her with great bodily harm or death. In doing so the defendant is in violation of SC code of
law 16-03-910. R/O C.Fletcher

Signature of Affiant

[Signature] FLETCHER #480

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 8/28/2021 defendant Rico Antonio Funderburk

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: Kidnapping / Kidnapping

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 8/30/2021

[Signature]
Signature of Issuing Judge (L.S.)
Aaron C. Butler
Judge Code: 5022

Judge's Address J. Ruben Long Detention Center
Conway, SC 29526-1071

Judge's Telephone (843)365-9222

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

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 918

FILED
2021 SEP 14
CLERK OF COURT
HORRY COUNTY, SC

RECEIVED

FEB 07 2024

SC Court of Appeals

BAIL set by

Judge David Kelly
on 9/13/2024
Type and Amount: Bail
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: _____

CLERK OF COURT
HENRY COUNTY, MO
RENÉE N. ELYS
CERTIFIED COPY
CODEFENDANTS



WITNESSES

James C Fletcher Horry County Police
Department

TYSHEENA MAY
DUSTIN SMAIL

DOCKET NO. 2021GS2604782

The State of South Carolina
County of Horry

C. Leigh Andrew

21H04755

COURT OF GENERAL SESSIONS

OCTOBER, 2021 TERM

ARREST WARRANT NUMBER

2021A2610201970

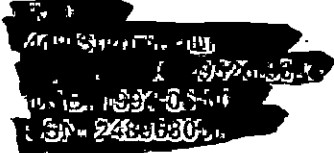
CDR: 0160 §16-03-0652

DOA: 9/2/2021

THE STATE

vs.

Rico Antonio Funderburk



ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

OCT 20 2021

ATTORNEY: Jonathan Hiller

VERDICT

Indictment for

Criminal Sexual Conduct, First Degree

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

Jimmy A. Richardson, II, Solicitor

Foreperson of Petit Jury
Date:

ORIGINAL

RECEIVED
FEB 07 2024
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

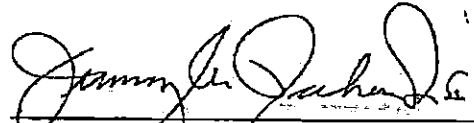
At a Court of General Sessions, convened on October 20, 2021, the Grand Jurors of Horry County present upon their oath:

CRIMINAL SEXUAL CONDUCT, FIRST DEGREE

CDR: 0160 §16-03-0652

That Rico Antonio Funderburk did in Horry on or about or between August 9, 2021 and August 28, 2021, engage in sexual battery with Kimberly Stone, with the use of aggravated force and/or while the victim was also the victim of forcible confinement, kidnapping, robbery, extortion, burglary, housebreaking, or any other similar offense or act, in violation of Section 16-03-0652, S. C. 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.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

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

WITNESSES

James C Fletcher Horry County Police
Department

TYSHEENA MAY
DUSTIN SMALL

DOCKET NO. 2021GS2604783

The State of South Carolina

County of Horry

C. Leigh Andrew

21H04755

COURT OF GENERAL SESSIONS

OCTOBER, 2021 TERM

ARREST WARRANT NUMBER

2021A2610201971

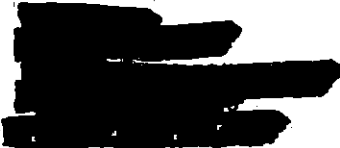
CDR: 0095 §16-03-0910

DOA: 9/2/2021

THE STATE

vs.

Rico Antonio Funderburk



ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

OCT 20 2021

ATTORNEY: Jonathan Hiller

Indictment for

Kidnapping

VERDICT

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

Jimmy A. Richardson, II, Solicitor

Foreperson of Petit Jury

Date:

ORIGINAL

SC Court of Appeals

FEB 07 2024

RECEIVED

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

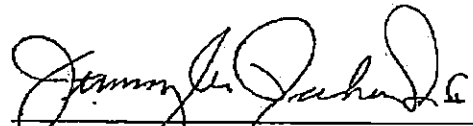
At a Court of General Sessions, convened on October 20, 2021, the Grand Jurors of Horry County present upon their oath:

KIDNAPPING

CDR: 0095 §16-03-0910

That Rico Antonio Funderburk did in Horry County on or about or between August 9, 2021 and August 28, 2021, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one Kimberly Stone, without authority of law, in violation of Section 16-03-0910, S. C. 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.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

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

WITNESSES

DOCKET NO. 2023GS2605443

JAMES C. FLETCHER
HORRY COUNTY POLICE DEPARTMENT

The State of South Carolina

Summer Goodwin

County of Horry

Leigh A. Waller

21H04755

FILED
HORRY COUNTY

2023 OCT 19 P 3 11

COURT OF GENERAL SESSIONS

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

OCTOBER, 2023 TERM

DATE RECEIVED FROM

ARREST WARRANT NUMBER

GRAND JURY

2023DI2600348
CDR: 3411.16-03-0600(B)(1)
DOA: 9/2/2021

THE STATE

VS

ACTION OF GRAND JURY

Rico Antonio Funderburk

TRUE BILL



Foreperson of Grand Jury
Date: *[Signature]* OCT 16 2023

ATTORNEY: Jonathan Hiller

VERDICT

Indictment for

ASSAULT & BATTERY OF A HIGH AND
AGGRAVATED NATURE

Jimmy A. Richardson, II, Solicitor

Foreperson of Petit Jury
Date

ORIGINAL

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

RECEIVED
FEB 07 2024
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

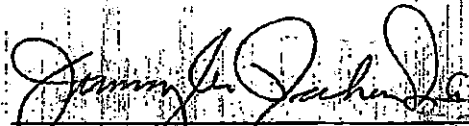
INDICTMENT

At a Court of General Sessions, convened on OCTOBER 18, 2023, the Grand Jurors of Horry County present upon their oath:

ASSAULT AND BATTERY
OF A HIGH AND AGGRAVATED NATURE
CDR: 3411 16-3-600(B)

That Rico Antonio Funderburk did in Horry County on or about or between August 9, 2021 and August 28, 2021, commit an unlawful act of Injury to Kimberly Stone, which resulted in great bodily injury or the act was accomplished by means likely to produce death or great bodily injury to the victim in violation of Section 16-3-600(B), S. C. 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.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

CLERK OF COURT
Horry County, SC

2

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

AMENDED
CERTIFICATE OF REPRESENTATION
(APPOINTING AS COUNSEL)

-VS-

RICO FUNDERBURK

JONATHAN M. HILLER

DEFENDANT)

FILE NO: 26A21-00003455

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

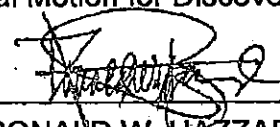
FILED
HORRY COUNTY
2023 OCT 31 P 12:08
GENE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, 13th day of September, 2021, regarding the charge(s) of:

- 2021A2610201954 Domestic / Domestic violence of a high and aggravated nature
- 2021A2610201970 Sex / Criminal sexual conduct - First degree
- 2021A2610201971 Kidnapping / Kidnapping
- 2023DI2600348 Assault / Assault & Battery of a High & Aggravated Nature

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

The Defendant's Counsel is **Jonathan M. Hiller**. 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: October 26, 2023

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
(APPOINTING AS COUNSEL)

-VS-

RICO FUNDERBURK

JONATHAN M. HILLER

DEFENDANT)

FILED
HORRY COUNTY
2021 SEP 14 A 9:05
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

FILE NO: 26A21-00003455

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

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, 13th day of September, 2021, regarding the charge(s) of:

2021A2610201954 Domestic / Domestic violence of a high and aggravated nature

2021A2610201970 Sex / Criminal sexual conduct - First degree


2021A2610201971 Kidnapping / Kidnapping

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

The Defendant's Counsel is Jonathan M. Hiller. 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.

CONWAY, SC

DATED: September 13, 2021


RONALD W. HAZARD
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

STATE OF SOUTH CAROLINA)
COUNTY OF Horry)
)

IN THE COURT OF GENERAL SESSION
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)
-VS-)
)

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

RICO A FUNDERBURK

DEFENDANT)
_____)

FILE NO: 26A21-00003455

TO: SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT

FILED
Horry County
2021 SEP 14 A 9:05
RENEE N. ELVIS
CLERK OF COURT
Horry County, SC

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 a 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
8. Make available any facts which tend to exculpate the Defendant.

CERTIFIED COPY
RENEE N. ELVIS
CLERK OF COURT
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 regarding 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;

- (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 Mixon, 274 S.C. 2nd 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.

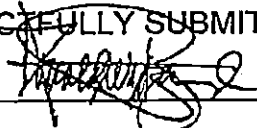
ADDITIONALLY DEFENDANT REQUESTS A SPEEDY TRIAL:

The Defendant requests and asserts his / her right to a speedy trial in General Sessions Court in this County pursuant to the United States and the South Carolina Constitutions and under the relevant South Carolina Code of Laws

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: September 13, 2021

2021 SEP 13 11:05 AM
 CLERK OF COURT
 HOFFMAN BUILDING
 CONWAY, SOUTH CAROLINA
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