

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry
STATE VS.
Armando K Chestnut

INDICTMENT/CASE#: 2012GS2603115
A/W#: M350858
Date of Offense: 3/6/2012
S.C. Code §: 16-03-0010, 0020
CDR Code #: 0116

AKA:
Race: BLACK Sex: M Age: 36
DOB: [REDACTED] SS#: [REDACTED]
Address: J. Reuben Long Detention Center
City, State, Zip: Conway, SC 29526
DL#: 090582866 SID#: [REDACTED]

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No 
In disposition of the said indictment comes now the Defendant who was
TO: Voluntary Manslaughter

CONVICTED OF or  PLEADS

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC w/minor 1st or Lewd Act)  §17-25-45

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEN: Richardson, Bradley C. SCB# 88305 Defendant Attorney for Defendant SC Bar#
[Signature]

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,
for a determinate term of life imprisonment or without the possibility of parole
and/or to pay a fine of \$ [REDACTED]; provided that upon the service of [REDACTED] days/months/years and/or payment
of \$ [REDACTED]; plus costs and assessments as applicable\*; the balance is suspended probation for 70 17-25-45.

with months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

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 the State Department of Corrections.
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP
Total: \$ [REDACTED] plus 20% fee: \$ [REDACTED]

Payment Terms:
 Set by SCDPPPS

Recipient: [REDACTED]

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 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, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCIA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$1334.40 = 173.90

2013 OCT -4 AM 10:00
CERTIFIED COPY
CLERK OF COURT
Horry County
Obtain GED 
Attend Voc. Rehab. or Job Corp. 
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ [REDACTED] beginning
\$ [REDACTED] paid to Public Defender Fund
Other: [REDACTED]

Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk
Court Reporter

Melanie Huggins Ward
Kay Richardson

Presiding Judge
Judge Code: [REDACTED]

[Signature]
7/19/13

**WITNESSES**

Everest Garrison Myrtle Beach Police Department

DOCKET NO. 2012-GS-26-03115

The State of South Carolina

County of Horry

CERTIFIED COPY

2013 OCT -4 AM 10:06

Bradley C. Richardson  
12H01112

COURT OF GENERAL SESSIONS

*Melaine Montgomery-Blair*  
CLERK OF COURT  
HORRY COUNTY

August, 2012 TERM

ARREST WARRANT NUMBER

M350858

CDR: 0116 16-03-0010, 0020  
DOA: 3/7/2012

THE STATE

VS.

ACTION OF GRAND JURY

JUL 26 2012

Armando K Chestnut  
1306 Dennison St  
Myrtle Beach, SC 29577  
DOB: 1976-07-21  
SSN: 249336882

B/M

ATTORNEY: Pratt, Barbara Wilson

Foreperson of Grand Jury  
Date:

VERDICT

Indictment for

MURDER

J. Gregory Hembree, Solicitor

ORIGINAL

Foreperson of Petit Jury  
Date:

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

INDICTMENT  
MURDER

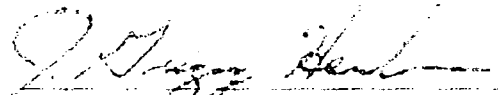
At a Court of General Sessions, convened on July 26, 2012, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010.0020

That Armando K Chestnut and/or Co-Defendants did in Horry County, on or about March 6, 2012, willfully, feloniously, and intentionally kill the victim, Mel McFadden, with malice aforethought, either express or implied, by means of a shooting, and the victim did die as a proximate result thereof on or about March 6, 2012 in Horry County, in violation of Section 16-03-0010, 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.



J. GREGORY HEMBREE  
FIFTEENTH CIRCUIT SOLICITOR

*Melanie Huggins-Black*  
2013 OCT -4 AM 10: 06  
CERTIFIED COPY  
CLERK OF COURT  
HORRY COUNTY

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry  
STATE VS.

INDICTMENT/CASE#: 2012GS2603116

Armando K Chestnut

A/W#: M3S0859

AKA:

Date of Offense: 3/6/2012

Race: BLACK Sex: M Age: 36

S.C. Code §: 16-03-0029

DOB: 07/19/76 SS#: 019-32-6832

CDR Code #: 3410

Address: I Reuben Long Detention Center

City, State, Zip: Conway, SC 29526

DL#: 090582866 SID#:

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

CONVICTED OF or  PLEADS

In disposition of the said indictment comes now the Defendant who was  
TO: Murder / Attempted Murder

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC  §17-25-45  
w/minor 1st or Lewd Act)

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

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

ATTEST: Richardson, Bradley C. SCB68305 Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center,  
for a determinate term of 12-25-45 days/months/years or  under the Youthful Offender Act not to exceed 12-25-45 years  
and/or to pay a fine of \$ 100.00; provided that upon the service of 12-25-45 days/months/years and/or payment  
of \$ 100.00; plus costs and assessments as applicable\*; the balance is suspended probation for 12-25-45.

months/years and subject with to South Carolina Department of Probation, Parole and Pardon Services standard conditions of  
probation, which are incorporated by reference.

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 the State Department of Corrections.  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP  
Total: \$ 100.00 plus 20% fee: \$ 20.00  
days/hours Public Service Employment

Payment Terms:  Set by SCDPPPS  
Obtain GED   
Attend Voc. Rehab. or Job Corp.

Recipient: \_\_\_\_\_  
May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling \_\_\_\_\_

\*Fine: \_\_\_\_\_ \$ \_\_\_\_\_  
§ 14-1-206 (Assessments 107.5%) \_\_\_\_\_ \$ \_\_\_\_\_  
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00  
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ \_\_\_\_\_  
§ 56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_  
§ 56-1-286 (DUI Breath Test) \$25 \$ \_\_\_\_\_  
Proviso 47.9 (Public Def/Prob) \$500 \$ \_\_\_\_\_  
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00  
§ 14-1-213 (Drug Court Surcharge) \$150 \$ \_\_\_\_\_  
§ 50-21-114 (BUI Breath Test Fee) \$50 \$ \_\_\_\_\_  
§ 56-5-2942(J) (Vehicle Assessment) \$40/es \$ \_\_\_\_\_  
Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00  
3% to County (if paid in installments) \$ 3.90  
TOTAL \$ 233.90

Random Drug/Alcohol testing \_\_\_\_\_  
Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund  
Other: \_\_\_\_\_

Presiding Judge \_\_\_\_\_  
Judge Code: \_\_\_\_\_  
7/19/13

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk \_\_\_\_\_  
Court Reporter \_\_\_\_\_

Melanie Huggins Ward  
Kay Richardson

CERTIFIED COPY  
2013 OCT - 11 AM 10:06  
Horry County Court

WITNESSES

Everest Garrison Myrtle Beach Police Department

DOCKET NO. 2012-GS-26-03116

The State of South Carolina

County of Horry

Bradley C. Richardson  
12H01112

COURT OF GENERAL SESSIONS

August, 2012 TERM

ARREST WARRANT NUMBER

M350859

CDR: 3410 16-03-0029

DOA: 3/7/2012

ACTION OF GRAND JURY

Armando K Chestnut B/M  
1306 Dennison St  
Myrtle Beach, SC 29577  
DOB: 1976-07-21  
SSN: 249336882

ATTORNEY: Pratt, Barbara Wilson

Foreperson of Grand Jury  
Date: JUL 26 2012

VERDICT

Indictment for  
ATTEMPTED MURDER

J. Gregory Hembree, Solicitor

ORIGINAL

Foreperson of Petit Jury  
Date:

CERTIFIED COPY  
2013 OCT -4 AM 10:06  
Released by [Signature]  
CLERK OF COURT  
HORRY COUNTY

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

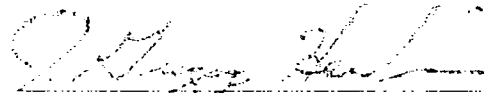
INDICTMENT  
ATTEMPTED MURDER

At a Court of General Sessions, convened on July 26, 2012, the Grand Jurors of Horry County present upon their oath:

ATTEMPTED MURDER  
CDR: 3410 16-03-0029

That Armando K Chestnut and/or Co-Defendants did in Horry County on or about March 6, 2012 with intent to kill Damien Canty, attempt to kill the victim with malice aforethought, either expressed or implied in violation of Section 16-3-29, 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.



J. GREGORY HEMBREE  
FIFTEENTH CIRCUIT SOLICITOR

CERTIFIED COPY  
2013 OCT -4 AM 10:06  
*Melanie Strickland*  
CLERK OF COURT  
HORRY COUNTY

STATE OF SOUTH CAROLINA

COUNTY OF   Harry    
STATE   VS.  

Armando K Chestnut

AKA: \_\_\_\_\_

Race:   BLACK   Sex:   M   Age:   36  

DOB:   07-21-1976   SS#:   2-95126882  

Address:   I. Ruben Long Detention Center  

City, State, Zip:   Conway, SC 29526  

DL#:   090582866   SID#: \_\_\_\_\_

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was

TO:   Weapons / Pointing and presenting firearms at a person   (0-5)

in violation of § 16-23-0410 of the S.C. Code of Laws, bearing CDR Code # 0122

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

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

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

ATTEST:   Richardson, Bradley C.   SCD68305 Defendant   \_\_\_\_\_   Attorney for Defendant SC Bar# \_\_\_\_\_

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of   5   months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended 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.

CONCURRENT or  CONSECUTIVE to sentence on:   2012-GS-26-3115 & 3116    
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_ days/hours Public Service Employment

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ Obtain GED

Payment Terms: \_\_\_\_\_ Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

Set by SCDPPPS \_\_\_\_\_ May serve W/E beginning \_\_\_\_\_

Recipient: \_\_\_\_\_ Substance Abuse Counseling

\*Fine: \_\_\_\_\_ Random Drug/Alcohol testing

§ 14-1-206 (Assessments 107.5 %) \$ \_\_\_\_\_ Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

§ 14-1-21(A)(1) (Conv. Surcharge) \$100 \$   100.00   \$ \_\_\_\_\_ paid to Public Defender Fund

§ 14-1-21(A)(2) (DUI Surcharge) \$100 \$ \_\_\_\_\_ Other: \_\_\_\_\_

§ 56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_

§ 56-1-286 (DUI Breath Test) \$25 \$ \_\_\_\_\_

Proviso 47.9 (Public Def/Prob) \$500 \$ \_\_\_\_\_

§ 14-1-212 (Law Enforce. Funding) \$25 \$   25.00  

§ 14-1-213 (Drug Court Surcharge) \$150 \$ \_\_\_\_\_

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ \_\_\_\_\_

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_

Proviso 90.5 (SCCJA Surcharge) \$5 \$   5.00  

3% to County (if paid in installments) \$   3.90  

TOTAL \$   103.90  

Clerk of Court/ Deputy Clerk  
Court Reporter

  Melanie Higgins    
  Kay Richardson  

Residing Judge  
Judge Code:

  \_\_\_\_\_    
7/19/13

2013 OCT -4 AM 10:06  
CLERK OF COURT  
Horry County  
CERTIFIED COPY

**WITNESSES**

Everest Carrison Myrtle Beach Police Department

DOCKET NO. 2012-GS-26-03117

**The State of South Carolina**

County of Horry

Bradley C. Richardson  
12H01112

COURT OF GENERAL SESSIONS

August, 2012 TERM

**ARREST WARRANT NUMBER**

M350860

CDR: 0122 16-23-0410

DOA: 3/7/2012

**ACTION OF GRAND JURY**

JUL 26 2012

Foreperson of Grand Jury

Date:

**VERDICT**

**BILL**

Foreperson of Petit Jury

Date:

*[Handwritten mark]*

Armando K Chestnut  
1306 Dennison St  
Myrtle Beach, SC 29577  
DOB: 1976-07-21  
SSN: 249336882

B/M

THE STATE

VS.

ATTORNEY: Pratt, Barbara Wilson

Indictment for

POINTING / PRESENTING A FIREARM

J. Gregory Hembree, Solicitor

**ORIGINAL**

CERTIFIED COPY  
2013 OCT -4 AM 10:06  
*Melanie King*  
CLERK OF COURT  
HORRY COUNTY

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

INDICTMENT  
POINTING / PRESENTING A FIREARM

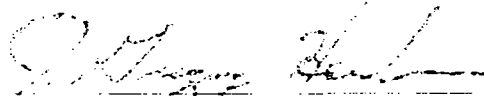
At a Court of General Sessions, convened on July 26, 2012, the Grand Jurors of Horry County present upon their oath:

POINTING / PRESENTING A FIREARM

CDR: 0122 16-23-0410

That Armando K Chestnut and/or Co-Defendant(s) did in Horry County on or about March 6, 2012, point or present a loaded or unloaded firearm, to wit: a handgun, at Damien Canty and/or <sup>78</sup> Mel McFadden, in violation of Section 16-23-0410, 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.



J. GREGORY HEMBREE  
FIFTEENTH CIRCUIT SOLICITOR

*Melanie McFadden*  
2013 OCT -4 AM 10: 06  
CERTIFIED COPY  
CLERK OF COURT  
HORRY COUNTY

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry
STATE VE
Armando K Chestnut
Race: BLACK Sex: M Age: 36
DOB: 07/21/1976 SS#: 2795326882
Address: J. Embury Long Detention Center
City, State, Zip: Conway, SC 29526
DL#: 090582866 SID#:

INDICTMENT/CASE#: 2012GS2603115 3118
A/W#: M350861
Date of Offense: 3/6/2012
S.C. Code §: 16-03-0029 16-3-210(c)
CDR Code #: 3410 3432

SENTENCE SHEET

\*CDL Yes [ ] No [ ] CMV Yes [ ] No [ ] Hazmat Yes [ ] No [ ]
In disposition of the said indictment comes now the Defendant who was
TO: Assault / Assault & Battery 2nd degree (0-9)

[X] CONVICTED OF or [ ] PLEADS

in violation of § 16-03-0600(D)(1) of the S.C. Code of Laws, bearing CDR Code # 3413
[ ] NON-VIOLENT [ ] VIOLENT [ ] SERIOUS [ ] MOST SERIOUS [ ] Mandatory GPS(CSC §17-25-45
w/minor 1st or Lewd Act)

The charge is: [ ] As Indicted, [X] Lesser Included Offense, [ ] Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: [ ] Without Negotiations or Recommendation, [ ] Negotiated Sentence, [ ] Recommendation by the State.

ATTORNEY: SCB68305
Richardson, Bradley C. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, [ ] County Detention Center,
for a determinate term of 3 months/years or [ ] under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$ ; provided that upon the service of days/months/years and/or payment
of \$ ; plus costs and assessments as applicable\*; the balance is suspended probation for

months/years and with subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

[X] CONCURRENT or [ ] CONSECUTIVE to sentence on: 2012-05-26-3115 \$3116
[X] The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
[ ] The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

[ ] RESTITUTION: [ ] Deferred [ ] Def. Waives Hearing [ ] Ordered PTUP
Total: \$ plus 20% fee: \$
days/hours Public Service Employment

Payment Terms:
[ ] Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-226 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ca, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$13390.

Obtain GED [ ]
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:
2013 OCT - 4 AM 10:06
CERTIFIED COPY

Clerk of Court/ Deputy Clerk
Melanie Higgins Ward
Kay Richardson

Presiding Judge
Judge Code:
7/19/13

WITNESSES

Everest Garrison Myrtle Beach Police Department

DOCKET NO. 2012-GS-26-

03118

The State of South Carolina

County of Horry

Bradley C. Richardson  
12H01112

COURT OF GENERAL SESSIONS

August, 2012 TERM

ARREST WARRANT NUMBER

M350861

CDR: 3432 16-03-0210(C)

DOA: 3/7/2012

ACTION OF GRAND JURY

Armando K Chestnut  
1306 Dennison St  
Myrtle Beach, SC 29577  
DOB: 1976-07-21  
SSN: 249336882

B/M

THE STATE

VS.

ATTORNEY: Pratt, Barbara Wilson

Foreperson of Grand Jury  
Date: *[Signature]* JUL 26 2012

VERDICT

*[Signature]* Indictment for

~~1st~~ / ASSAULT AND BATTERY BY

MOB

SECOND DEGREE - SERIOUS BODILY  
INJURY

ORIGINAL

J. Gregory Hembree, Solicitor

Foreperson of Petit Jury  
Date:

CERTIFIED COPY  
2013 OCT 4 AM 10: 06  
*Melanie Augustino-Black*  
CLERK OF COURT  
HORRY COUNTY

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

INDICTMENT  
~~STATE OF SOUTH CAROLINA~~/ASSAULT AND BATTERY BY MOB  
SECOND DEGREE - SERIOUS BODILY INJURY

At a Court of General Sessions, convened on July 26, 2012, the Grand Jurors of Horry County present upon their oath:

~~STATE OF SOUTH CAROLINA~~  
ASSAULT AND BATTERY BY MOB  
SECOND DEGREE - SERIOUS BODILY INJURY

CDR: 3432 16-03-0210(C)

*0119*  
That Armando K Chestnut, while joined with others and acting as a mob, did in Horry County, on or about March 6, 2012, commit an act of violence which resulted in serious bodily injury to ~~Armando K Chestnut~~ and/or Damien Canty, in violation of Section 16-3-0210(C), 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.

*J. Gregory Hembree*  
\_\_\_\_\_  
J. GREGORY HEMBREE  
FIFTEENTH CIRCUIT SOLICITOR

*Melanie King*  
2013 OCT -4 AM 10:06  
CERTIFIED COPY  
CLERK OF COURT  
HORRY COUNTY

STATE OF SOUTH CAROLINA ]  
COUNTY OF HORRY ]  
vs. ]  
ARMANDO CHESTNUT, ]  
DEFENDANT. ]

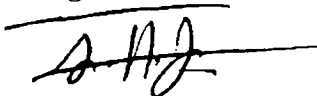
IN THE COURT OF GENERAL SESSIONS  
Indictment No.: 2012-GS26-3115  
2012-GS26-3116  
2012-GS26-3117  
2012-GS26-3118

**ORDER DENYING MOTION FOR  
NEW TRIAL - AMENDED**  
(Motion to Reconsider)

This matter comes before this honorable Court on Defendant's Notice of Motion and Motion to Reconsider its ruling on the Motion for New Trial and the sentence imposed in the above-cited matter. Defendant, through his attorney of record, renewed all objections in the original Motion for a New Trial, and specifically argued the inadmissibility of Defendant's confession, the inappropriate statements of the Solicitor during closing argument concerning the Defendant's failure to produce a particular witness, the vouching for the credibility of State's witnesses, and the jury instruction with regard to the inference of guilt by the use of a deadly weapon. Additionally, Defendant moved to set aside the sentence of Life without the Possibility of Parole under South Carolina Code of Laws §17-25-45 and requested that the Defendant be sentenced within the range of sentences imposed for the crimes of which he was convicted. A hearing on this motion was held before me on September 4, 2013. Present at the hearing were Armando Chestnut, defendant, Barbara Pratt, counsel for Defendant, and Senior Assistant Solicitor Brad C. Richardson on behalf of the State.

Upon hearing from both the Defense and the State the Court found:

- 1- Regarding the admission of the Confession: the Court's ruling at the time of the hearing on the motion to suppress the statement by the Defendant is confirmed; further, the jury was informed that it was the State's burden to prove that the confession was voluntary beyond a reasonable doubt, and that it was proper that the confession be considered by the jury;
- 2- Regarding the Solicitor's comments during closing argument: any inappropriate comment by the State with regard to vouching for witnesses and the failure of the



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BRAD C. RICHARDSON

Defense to call a witness was appropriately objected to and sustained; the State was not allowed to continue, and any resulting error was harmless;

3- Regarding the jury instruction concerning the inference of Malice: while the Court should not have given this instruction, when objected to by the Defendant, the Court gave the proper curative instruction; further, upon request by the jury to be recharged on "Murder" and "Voluntary Manslaughter," the Court properly omitted any reference to the inference of Malice by Use of a Deadly Weapon and offered to give a further charge of Self-Defense, which offer was rejected by the foreman of the jury; and

4- The sentence of Life without the Possibility of Parole is mandatory and not discretionary pursuant to South Carolina Code of Law § 17-25-45 in the commission of Voluntary Manslaughter and Attempted Murder when the defendant has been previously convicted of a Prior Most Serious Offense; as the defendant has no discretion as to the sentence, the sentence is appropriate.

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 Malice by use of a deadly weapon - 2/10/13

THEREFORE, Motion to Reconsider the ruling on the Motion for New Trial and the Sentence imposed is DENIED and the Defendant is hereby remanded to the SC Department of Corrections pursuant to the sentences imposed on July 19, 2013.

AND IT IS SO ORDERED.

September 26, 2013  
Comroy, S.P.

*Steven H. John*  
 Steven H. John  
 Resident Presiding Judge  
 Fifteenth Judicial Circuit