

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

IN THE COURT OF GENERAL SESSIONS)
THE FIRST JUDICIAL CIRCUIT)

STATE OF SOUTH CAROLINA)
Plaintiff,)

Warrant/Indictment Nos.:)
20252690382844)
Bw(fta); Domestic / Domestic)
Violence, 2nd Degree)

v.)

RULE 203(B) EXPLANATION

KYLIL AMIR SMITH,)
Defendant.)

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SC Court of Appeals

Pursuant to Rule 203(B) (iv), the issues to be raised on Appeal may include whether the Trial Court abused its discretion when it imposed a sentence of 57 days, credit time served, upon the Appellant after he plead guilty.

The undersigned does not have a good faith basis to believe that such an abuse occurred and the undersigned did not object to the sentence or file a Motion to Reconsider the sentence. Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, the undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. See *Frazer v. South Carolina*, 430F.3d 696, 706 (4th Cir. 2005) ("A Defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate in behalf of his client, '" (quoting *Anders v. California*, 386 U.S. 738, 744 (1967))).

Respectfully submitted,

By: John T. Kornegay / Jr
John T. Kornegay
Assistant Public Defender
1452 Boone Hill Road, Suite B
Summerville, SC 29483
Attorney for Defendant
(843) 821-9800

Summerville, South Carolina
This 27th day of February, 2026

STATE OF SOUTH CAROLINA

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

County of Dorchester

State

VS.

Kyil Amir Smith

AKA:

SSI

RACE: Black SEX: Male

DOB

) INDICTMENT/CASE#: 2025GS1801048

) AW#: 20252690382844

) Date of Offense: 06/07/2025

) S.C. Code §: 16-25-20(C)(1), 16-25-20(A)(2)

) CDR Code #: 3812

) Range of Offense:

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SC Court of Appeals

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

TO: Domestic Violence - 2nd Degree

Range of Offense Pled: 0-3 yrs

In violation of § 16-25-20(C)(1), 16-25-20(A)(2) of the S.C. Code of Laws, bearing CDR Code # 3812

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.

The plea is: w/o Rec/Negotiations Negotiated

Recommendation: Time Served

Solicitor, Army Saukas
Kyil Amir Smith
SC Bar # 105849

Attorney for Defendant, John T. Konegay
SC Bar # SC102294

The Defendant is committed to the SCDC County Detention Center Home Incarceration Program for a determinate term of 57 days/months/years/Time Served YOANTE ___ years and/or shall 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 SCDPPPS 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 SCDC.

57 days/month To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

* Victim notified, ruled to appear at County Prec. *

- PTUP
- No Contact with Victim Domestic Violence Intervention Program
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Hold for Inpatient Treatment
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135 SAC/MHC if necessary
- Other: Must be held until GPS monitor is re-installed on the Defendant.

RESTITUTION See Separate Order (20% per S.C. Code § 24-21-490 (B))

§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

Fine/Costs and Assessments are to be paid to the Clerk of Court within _____ days/months

Restitution	\$
FINE:	\$
	\$
	\$
	\$100
	\$100
	\$12
	\$25
	\$25
	\$150
	\$41
	\$50
	\$40/ea
	TBD
	\$3.75
	\$500
	TBD
	\$
TOTAL	\$128.75

Clerk of Court/Deputy Clerk

2768 Judge Code

2-18-26 Sentence Date

Presiding Judge

SCCA217B 01/27/2025