

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JUL 28 2026

SC Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
The Honorable Charles J. McCutchen, Circuit Court Judge

Case No: 2023-GS-38-1014

The State Respondent

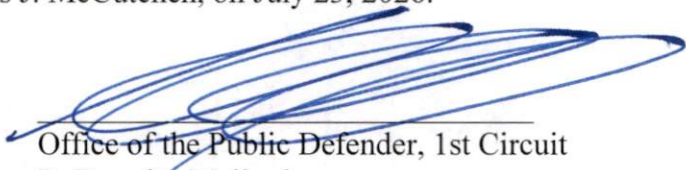
vs.

Marion Andrew Aiken, Jr..... Appellant

NOTICE OF APPEAL

Marion Aiken, Jr. appeals his guilty plea and sentence in this case. The sentence was imposed by The Honorable Charles J. McCutchen, on July 23, 2026.

July 24, 2026



Office of the Public Defender, 1st Circuit
R. Douglas Mellard
Deputy Public Defender
P.O. Box 1112
Orangeburg, SC 29116-1112
(803)536-5682
Attorney for Appellant

Office of the Solicitor, 1st Circuit
Bethany Miles
Assistant Solicitor
P.O. Box 1525
Orangeburg, SC 29115
(803) 533-6252
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
The Honorable Charles J. McCutchen, Circuit Court Judge

Case No: 2023-GS-38-1014

The State Respondent

vs.

Marion Andrew Aiken, Jr..... Appellant

PROOF OF SERVICE

I certify that I have served the Notice of Appeal and Explanation of Appeal on Bethany Miles, Assistant Solicitor for Orangeburg County, by hand delivering a copy of it to the Orangeburg County Solicitor's Office at 151 Docket Street, Orangeburg, South Carolina 29115, on July 24, 2026. The Notice of Appeal and Explanation of Appeal was clocked in the Orangeburg County Clerk of Court's Office on July 24, 2026.

July 24, 2026



Office of the Public Defender, 1st Circuit
R. Douglas Mellard
Deputy Public Defender
P.O. Box 1112
Orangeburg, SC 29116-1112
(803)536-5682
Attorney for Appellant

STATE OF SOUTH CAROLINA,)
)
COUNTY OF ORANGEBURG.)
)
State of South Carolina,)
)
vs.)
)
)
)
Marion Andrew Aiken, Jr.)
Appellant.)

IN THE SOUTH CAROLINA COURT OF
APPEALS

2023-GS-38-1014

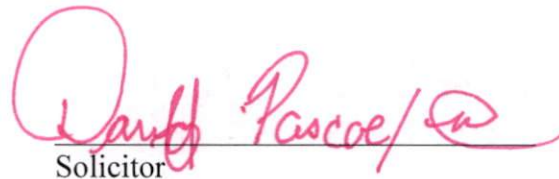
ACCEPTANCE OF SERVICE

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JUL 28 2026

SC Court of Appeals

Due and legal service of the within *Notice of Appeal and Explanation of Appeal* by the attorney for the above defendant, in the above entitled action is hereby accepted and a copy retained by Solicitor, David M. Pascoe, Jr., in Orangeburg, South Carolina, this 24th day of July 2026.


Solicitor

1452 B Boone Hill Road
Summerville, SC 29483
(843) 821-9800
FAX (843) 871-0523



Courthouse, 151 Docket Street, Room 110
PO Box 1112
Orangeburg, SC 29116-1112
(803) 536-4858
FAX (803) 536-9986

July 24, 2026

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JUL 28 2026

SC Court of Appeals

VIA CERTIFICATE OF MAILING

The Honorable Jenny A. Kitchings
Clerk of Court
SC Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: State v. Marion Andrew Aiken, Jr.

Charge(s): Murder / Murder; Weapons / Poss. weapon during violent crime,
if not also sentenced to life without parole or death
Warrant/Ticket No(s): 2023A3810200080; 2023A3810200081

Dear Ms. Kitchings:

Enclosed please find the original *Notice of Appeal, Explanation of Appeal, Acceptance of Service, and Proof of Service*, with two copies. Also enclosed you will find certified true copies of the warrant(s), assignment sheet, sentencing sheet(s), and the indictment(s) in this case.

Please file the original and have the copies clocked in and returned to me in the enclosed, stamped, self-addressed envelope. As you can see, the defendant is indigent and accordingly there should be no docketing fee.

Should you have any questions, please do not hesitate to contact my office.

Sincerely,

ORANGEBURG COUNTY PUBLIC DEFENDER

R. Douglas Mellard, Esq.
Deputy Public Defender

RDM/lvb

Enclosures: As stated.

Office of the Public Defender
First Judicial Circuit
150 Gibson Street Room 110
PO Box 1112
Orangeburg, SC 29116-1112

CERTIFIED MAIL®



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Retail



RDC 99



29211

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ORANGEBURG, SC 29115
JUL 24, 2026

\$13.05

S2324P501840-65

7/27

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SC Court of Appeals

The Honorable
Jenny A. Kitchings
Clerk of Court
P.O. Box 11629
Columbia, SC 29211



ARREST WARRANT

2023A3810200080

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Orangeburg

137 6 89

THE STATE
against

20230003862

Marion Andrew Aiken, Jr

Address:

Orangeburg, SC 29115-6365

Phone: SSN:

Sex: M Race: B Height: 5 11 Weight: 130

DL State: SC DL #:

DOB: Agency ORI #: SC0380000

Prosecuting Agency: Orangeburg County Sheriff

Prosecuting Officer: Robert K Davis, Jr - S00760

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010

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 Marion Andrew Aiken Jr.

on 03-04-2023

Donald L. Hoke
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
151 Docket Street
P. O. Box 9000
Orangeburg, SC 29116

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Orangeburg

Personally appeared before me the affiant Robert K Davis, Jr

who

being duly sworn deposes and says that defendant Marion Andrew Aiken, Jr

did within this county and state on or about 3/27/2023

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Orangeburg

in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

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:BASED ON AN INVESTIGATION BY THE OCSO, THE DEFENDANT, MARION ANDREW AIKEN JR., DID VIOLATE
SECTION 16-3-10 OF THE SC CODE OF LAWS, MURDER. ON MARCH 27, 2023, AT APPROXIMATELY 03:10:00 PM,
WITH MALICE AND AFORETHOUGHT, AIKEN SHOT THE VICTIM, DARRYL HOLLOWAY, ABOUT HIS BODY
CAUSING HIS DEATH. THIS INCIDENT WAS WITNESSED BY COHLEN DAVIS, WHO WROTE A STATEMENT TO THESE
FACTS. THIS INCIDENT OCCURRED IN THE YARD OF 2088 MURIEL ST., WHICH IS IN THE COUNTY OF
ORANGEBURG, SC.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Orangeburg

Affiant's Address Post Office Box 9000
Orangeburg, SC 29116-

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 3/27/2023

defendant Marion Andrew Aiken, Jr

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

☒ County/ ☐ Municipality of Orangeburg

) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

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 3/31/2023

Derrick F. Dash
Signature of Issuing Judge 3-31-23

Derrick F. Dash

Judge Code: 5909

Judge's Address Post Office Box 9000

Orangeburg, SC 29116-

Judge's Telephone (803)533-5848

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

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ORIGINAL

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

AFFIDAVIT

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SC Court of Appeals

FILED FOR RECORD
WINIFRED B. CLARK
2023 APR 17 AM 8:39
CLERK OF COURT
ORANGEBURG, SC

BAIL set by

Judge _____
 on _____
 Type and Amount: _____
 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: _____
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 Name: _____
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 Name: _____
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CODEFENDANTS



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 SC Court of Appeals

*Arraignment Only
 per request from the state.
 NO BOND SET
 8/1/23
 4/4/2023*

FILED FOR RECORD
WINNIE B. CLARK
2023 MAY 31 PM 12:04
CLERK OF COURT
ORANGEBURG, SC

THE STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)
THE STATE)

IN THE COURT OF GENERAL SESSIONS
FIRST JUDICIAL CIRCUIT

Charge(s): Murder, Pass,
weapon during Viol. crime

Warrant/Indictment Nos.:
2023 A 3810200080
2023 A 3810200081
ORDER

Marion Andrew Aiken, Jr.

DEFENDANT.

THE DEFENDANT, Marion A. Aiken, Jr., contends that he is indigent and in need of services of an attorney as contemplated by law.

THEREFORE, Doug Mellard, Esquire, is appointed as counsel for the Defendant.

FURTHER, as a condition of appointment, the Defendant must pay his \$40.00 application fee to the Clerk of Court no later than _____.

FURTHER, as a condition of appointment, the Defendant's income must be reviewed at the conclusion of his case to ascertain if an additional fee must be paid to the First Circuit Public Defender's Office for his representation; and,

IT IS SO ORDERED.

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SC Court of Appeals

Date: May 31, 2023
Orangenburg, SC


Presiding Judge 2775

STATE OF SOUTH CAROLINA

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

County of Orangeburg

State

VS.

Marion Andrew Aiken, Jr

AKA: SSN: _____

RACE: Black SEX: Male DOB: _____

) INDICTMENT/CASE#: 2023GS38-1014

) AW#: 2023A3810200080

) Date of Offense: 03/27/2023

) S.C. Code §: 16-3-10

) CDR Code #: 0116

) Range of Offense: 30-life

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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: Voluntary Manslaughter Range of Offense Pled: 2-30

In violation of § 16-3-50 of the S.C. Code of Laws, bearing CDR Code #0217

☐ 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 SEC REC. ☐ Recommendation: 30 suspended to 25 yrs

Bethany Miles 78212
Solicitor, Bethany Miles SC Bar #
78212

Douglas Mellard 13521
Attorney for Defendant Robert SC Bar #
Douglas Mellard 13521

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program
for a determinate term of 30 days/months/years/Time Served ☐ YOA NTE _____ years and/or shall pay a fine

of \$ _____; provided that upon the service of 25 days/months/years/Time Served and or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 5 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.

1207 days/month ☐ To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

- ☐ PTUP
☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
☐ Other: _____

☐ 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

Restitution \$
FINE: \$

\$100 \$100

\$100 \$

\$12 \$

\$25 \$25

\$25 \$

\$150 \$

\$41 \$

\$50 \$

\$40/ea \$

TBD \$3.75

\$500 \$

TBD \$

TOTAL \$128.75

Clerk of Court/Deputy Clerk

Johnny Shaw
Court Reporter

2782
Judge Code

7-23-26
Sentence Date

Douglas Mellard
Presiding Judge

SCCA217B
01/27/2025

WITNESSES

Robert K Davis Jr

Orangeburg County Sheriff

20230003862

ARREST WARRANT NUMBER

2023A3810200080

Arrested: 4/4/2023

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date: June 14, 2023

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2023GS38-1014

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

June 19, 2023 TERM

**THE STATE
vs.**

Marion Andrew Aiken Jr

Indictment for

MURDER

SC Code: 16-3-10

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

Defendant

I Marion Aiken
hereby appear in my own proper person
and plead guilty to the within indictment or
to

Voluntary Manslaughter
16-3-50 CR 217

Defendant

Witness:

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

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STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2023GS38-1014

At a Court of General Sessions, convened on June 19, 2023 the Grand Jurors of
Orangeburg County present upon their oath:

MURDER

That in Orangeburg County on or about March 27, 2023, with malice aforethought,
the defendant, Marion Andrew Aiken Jr did kill one Darryl Holloway by means of
shooting the victim. 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.

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

Bethany Miles
Phil Giese, Solicitor
Bethany Miles

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
The Honorable Charles J. McCutchen, Circuit Court Judge

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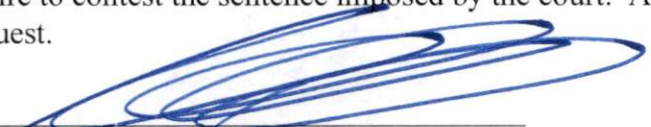
vs.

Marion Andrew Aiken, Jr. Appellant

EXPLANATION OF APPEAL

Marion Aiken, Jr. appeals his guilty plea and sentence in the aforementioned case. Mr. Aiken called my office and expressed his desire to contest the sentence imposed by the court. As his attorney, it is my duty to carry out his request.

July 24, 2026



Office of the Public Defender, 1st Circuit
R. Douglas Mellard
Deputy Public Defender
P.O. Box 1112
Orangetburg, SC 29116-1112
(803)536-5682
Attorney for Appellant

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Attorney for Respondent

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