

DOB:

☒ Recommendation

SC Bar #

SCCA217B
01/27/2025

WITNESSES

Paul L. Naples, Horry County Police
Department
HCPD2026004498

K. Kelly

ARREST WARRANT NUMBER

2026A2610200668

DOA: 03/17/2026

ACTION OF GRAND JURY

TRUE BILL

Dallas Janner

Foreperson of Grand Jury
Date: MAY 27 2026

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2026-GS-26-02828

The State of South Carolina

County of Horry

Anthony J. DiChiara

0388835

COURT OF GENERAL SESSIONS

May 2026 TERM

THE STATE

V.

KIRK DEVONDRE COTTON

B/ M
DOB
SSN

Indictment for

**ASSAULT ON A POLICE OFFICER
WHILE RESISTING ARREST**

CDR: 0256

Statute: 16-09-0320(B)

ORIGINAL

FILED
HORRY COUNTY

2026 MAY 28 P 4:04

BERNEE M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM
GRAND JURY

RECEIVED

AUG 31 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on May 27, 2026, the Grand Jurors of Horry County present upon their oath:

Assault On a Police Officer While Resisting Arrest

CDR: 0256 16-09-0320(B)

The defendant, Kirk Devondre Cotton, did in Horry County, on or about March 16, 2026, knowingly and willfully assault, beat or wound Paul L. Naples with the Horry County Police Department while Paul L. Naples was engaged in serving, executing, or attempting to serve or execute a legal writ or process; or did assault, beat, or wound Paul L. Naples when resisting an arrest being made by Paul L. Naples and knew or reasonably should have known Paul L. Naples was a law enforcement officer, all in violation of Section 16-9-320(B), *Code of Laws of South Carolina* (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

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SC Court of Appeals

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

ARREST WARRANT

2026A2610200668

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

THE STATE

2026004498

against

Kirk Devondre Cotton

Address:

Phone: [REDACTED] SSN: [REDACTED]
Sex: M Race: B Height: [REDACTED] Weight: 160

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Brady M Wells - S02698

Offense: Resisting / Assault, beat, or wound police officer
serving process or while resisting arrest

Offense Code: 0256

Code/Ordinance Sec: 16-09-0320(B)

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 Kirk Cottonon 3-17-2026Sp1 G-7 [Signature] D348
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

☒ County/ ☐ Municipality of

Horry

Personally appeared before me the affiant Brady M Wells who,being duly sworn deposes and says that defendant Kirk Devondre Cottondid within this county and state on or about 3/16/2026

violate the criminal laws of the

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

in the following particulars:

DESCRIPTION OF OFFENSE: Resisting / Assault, beat, or wound police officer serving process or while resisting arrest

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:

On March 16, 2026 at [REDACTED] which is located in the Myrtle Beach section of Horry County, the defendant, Kirk Devondre Cotton, did carry away multiple grocery items and pass all points of sale without attempting to provide payment. The value of the groceries knowingly and willfully oppose and resist arrest by attempting to flee on foot, use personal weapons by pushing away from officers and attempt to reach for the officers holster. The defendant did cause visible injuries to the left cheek and left eyebrow area. This being stated, the defendant did violate South Carolina Code of Laws, Resisting / Assault wound police officer while resisting arrest, 16-09-0320. R/O P. Naples, report #: 2026004498.

Signature of Affiant

[Signature]

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Affiant's Address 2560 North Main StreetConway, 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 3/16/2026 defendant Kirk Devondre Cotton

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

☒ County/ ☐ Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Resisting / Assault, beat, or wound police officer serving process or while resisting arrest

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 3/17/2026[Signature]
Signature of Issuing Judge

M. Angela Brown

Judge Code: 7558Judge's Address J. Reuben Long Detention CenterConway, SC 29526-Judge's Telephone (843)915-5145Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

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Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 516

AFFIDAVIT

Horry County
Circuit Court
P. 1:47

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SC Court of Appeals

BAIL set by

Judge

A. Brown

on

3.17.26

Type and Amount:

10,000.00

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:

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Name:

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CODEFENDANTS



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AUG 31 2026

SC Court of Appeals

CERTIFIED COPY
RENEE N. ELVIS
CLERK OF COURT
Horry County, SC

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-

KIRK COTTON

LISA DEITLE

DEFENDANT)

FILE NO: 26A26-00001445

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

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AUG 31 2026

SC Court of Appeals

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, 1st day of April, 2026, regarding the charge(s) of:

2026A2610200668 Resisting / Assault, beat, or wound police officer serving process or while resisting arrest

2026A2610200669 Shoplifting / Value \$2000 or less (Enhancement per 16-01-0057)

2026A2610400077 Drugs / possession of cocaine, 1st offense

The Defendant's Counsel is **Lisa Deitle**. 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: April 02, 2026

RONALD W. HAZARD
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

IN THE COURT OF GENERAL SESSION
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

-VS-

KIRK D COTTON

DEFENDANT

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

FILE NO: 26A26-00001445

TO: SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT

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 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
 - (d) DNA analysis
8. Make available any facts which tend to exculpate the Defendant.

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AUG 31 2026

SC Court of Appeals

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;

CERTIFIED COPY

- (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.E. 2d 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 6th Amendment to the United States Constitution, as well as Article I, Section 14 of the South Carolina Constitution, and under relevant case law.

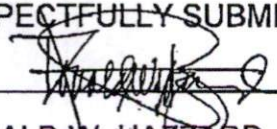
WHEREFORE, Defendant prays:

(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: April 02, 2026

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STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

THE STATE,)

-vs-)

KIRK DEVONDRE COTTON)

Defendant.)

IN THE COURT OF GENERAL SESSIONS

VERDICT FORM

Case Number: 2026-GS-26-02828

1. AS TO THE CHARGE OF ASSAULTING A POLICE OFFICER WHILE
RESISTING ARREST:

WE, THE JURY, UNANIMOUSLY FIND THE DEFENDANT [CHECK ONE]:

[☒] GUILTY.

OR

[☐] NOT GUILTY.

Lodena Aya

Foreperson

Conway, South Carolina

August 25, 2026

FILED
HORRY COUNTY
2026 AUG 25 P 5:35
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

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AUG 31 2026

SC Court of Appeals

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CLERK OF COURT
HORRY COUNTY, SC