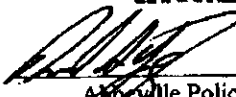
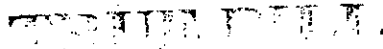


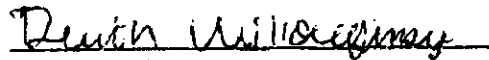
WITNESSES


Abberville Police Department

WARRANT NUMBER

2020A0120100198

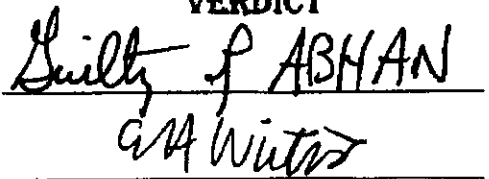




Foreman of the Grand Jury

Date: 4-12-21

VERDICT


GA Winter

Foreman

9-28-2023

THE STATE OF SOUTH CAROLINA

COUNTY OF ABBEVILLE

COURT OF GENERAL SESSIONS

April Term, 2021

Indictment # 2021GS01-0214

THE STATE

vs.

KENDRICK MONTREZ LEE

INDICTMENT FOR

ASSAULT & BATTERY OF A HIGH AND

AGGRAVATED NATURE

SC Code: § 16-03-0600(B)(1)

CDR: 3411

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

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Nov 28 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

COUNTY OF ABBEVILLE

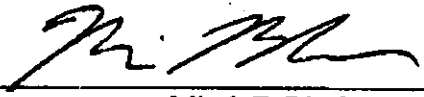
INDICTMENT FOR

**ASSAULT & BATTERY OF A HIGH AND
AGGRAVATED NATURE
§16-03-0600(B)(1)**

At a Court of General Sessions, convened on the 19th day of April, 2021, the Grand Jurors of Abbeville County present upon their oath:

The defendant, Kendrick Montrez Lee, did on or about October 6, 2020, in Abbeville County, South Carolina, unlawfully injure Tobias Hikeem Hughey and did accomplish that injury by means likely to produce death or great bodily injury or cause great bodily injury. All in violation of 16-03-0600(B)(1), Code of Laws of South Carolina, (1976, as amended).

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



Micah E. Black
Assistant Solicitor

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Nov 28 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF ABBEVILLE

STATE

VS.

KENDRICK MONTREZ LEE

AKA: KENDRICK MONTREZ LEE

Race: Black Sex: M Age: 41

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Abbeville, SC 29620

DL#* [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021GS01-0214

A/W#: 2020A0120100198

Date of Offense: 10/06/2020

S.C. Code §: 16-03-0029

CDR Code #: 3410

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 And Aggravated Nature NMT 20 years

In violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

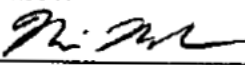
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

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

ATTEST:

 101119

Micah E. Black, Deputy Solicitor

SC Bar #

Defendant

Attorney for Defendant

66063

SC Bar #

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

for a determinate term of life imprisonment per 17-25-45 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years

and/or to 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 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:

☒ 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.

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 _____ 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	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5%)			\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)		\$100	\$ _____
§14-1-211 (A)(2)(DUI Surcharge)		\$100	\$100
§56-5-2995 (DUI Assessment)		\$12	\$ _____
§56-1-286 (DUI Breath Test)		\$25	\$ _____
§14-1-212 (Law Enforce. Funding)		\$25	\$25
§14-1-213 (Drug Court Surcharge)		\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)		\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea	\$ _____
3% to County (if paid in installments)		TBD	\$3.75

- ☐ 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

TOTAL \$128.75

Clerk of Court/Deputy Clerk:
Court Reporter:

Shandal Rogers
Shanna Puckett, DCP

Presiding Judge:
Judge Code:
Sentence Date:

2159
10-19-2023

STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE

) THE COURT OF GENERAL SESSIONS
) CASE NO. 2021-GS-01-214
)

RECEIVED

Nov 28 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA,

vs.

KENDRICK MONTREZ LEE,

Defendant.

) ORDER DENYING MOTION FOR A
) NEW TRIAL AND
) RECONSIDERATION OF SENTENCE
)
)
)
)

Addy, J.

THIS MATTER IS BEFORE THE COURT on Defendant's motion for a new trial and reconsideration of the sentence imposed. At trial, Mr. Lee was represented by Charles Grose, Esq., and the State was represented by Deputy Solicitors Micah Black and Yates Brown. Having reviewed the grounds as laid out in Mr. Lee's motion, the Court finds as follows:

1. Concerning jury qualification and seating of the alternate juror, the Court reiterates its initial finding that the State exercised its peremptory challenge in a racially neutral manner. Although the Court would have allowed the prospective alternate juror to serve after the State withdrew their peremptory challenge to the prospective alternate, the Court found that, unbeknownst to all prior to jury selection, the alternate juror was extremely hard of hearing. Because of this obvious issue, the Court lacked the necessary assurance that the individual had, in fact, heard and responded appropriately to the Court's *voir dire* during jury qualification. Accordingly, as a matter of practical necessity, the Court excused the prospective alternate juror. The Court also notes that, concerning the issue raised in footnote 6, the Court made its strike sheet and detailed juror list a court's exhibit, so that information should be reflected in both the physical record and the transcript of the proceedings.
2. The Court stands by its opening remarks to the jury. As a practical matter, the use of the adjective "true" to modify the noun "facts" in the Court's instruction as to the role

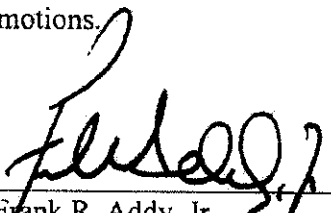


of the jury adds little to the noun and does not rise to the level of instructing a jury to "seek the truth" per State v. Beaty, 423 S.C. 26, 813 S.E.2d 502 (2018). Put another way, even absent the use of the adjective, a jury would still understand that their role is to determine what the "true" facts are, because it would be quite nonsensical for a jury to believe that their duty is to determine what the "false" facts are.

3. Concerning the verdict form and request for a *King* instruction, the Court is satisfied that such an instruction was not warranted and that Mr. Lee was not prejudiced by the structure of the verdict form.
4. Regarding sentencing, the Court delayed sentencing for roughly two (2) weeks and did review the recorded statements of the victim, Mr. Hughey, prior to imposing sentence. However, by operation of law, the Court had no discretion in the sentence imposed regardless of Mr. Hughey's or his mother's request for leniency.

WHEREFORE, the Court denies Mr. Lee's motions.

IT IS SO ORDERED.



Frank R. Addy, Jr.
Circuit Court Judge
Eighth Judicial Circuit

November 21, 2023
Greenwood, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE
Filed 11/21 A.D. 2023
at 2:25 o'clock P M
Shandai Boggs
Clerk of Court