

STATE OF SOUTH CAROLINA

COUNTY OF Horry VS. Kenneth Antonio Rich
AKA:
Race: Sex: M Age: 29
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS2603583
A/W#: 2014A2610201611
Date of Offense: 6/17/2014
S.C. Code § : 44-53-0370(b)(1)
CDR Code #: 0185

FILED Horry County
CLERK OF COURT
MELANIE HUGGINS-WARD
2014 DEC 4 PM 5:08

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Poss. of Heroin/LSD/Schedule I(b),(c), & Schedule narcotics, 3rd offense

CONVICTED OF or PLEADS 0-5 yrs. 5/1 up to \$10,000

in violation of § 44-53-0370(d)(1) of the S.C. Code of Laws, bearing CDR Code # 0178
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.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Hyman, M. Travis SC100285 Kenneth Rich Defendant Attorney for Defendant 78439 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 3 days/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 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.

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. 170 days
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
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS
Recipient:

PTUP days/hours Public Service Employment
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 \$ 25.00 beginning 1/9/18
\$ paid to Public Defender Fund

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, § 56-1-286 (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 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$8.40, TOTAL \$288.40.

Other: SCDC to test for GED up hour. daily

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

Clerk of Court/ Deputy Clerk: Melani Huggins-Ward
Court Reporter: Ruth Mott

Presiding Judge: Diane J. Gordon
Judge Code: 2112
Sentence Date: 12-4-2014

DOCKET NO. 2014-GS-26-03583

The State of South Carolina

County of Horry

14H02733

M. Travis Hyman

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HORRY CO. N.

2014 SEP 15 PM 1:50

MELANIE HUGGINS-WARD
CLERK OF COURT

DATE RECEIVED FROM
GRAND JURY

COURT OF GENERAL SESSIONS

September, 2014 TERM

THE STATE

vs.

Kenneth Antonio Rich
/ M

ATTORNEY: Catherine Owens

Indictment for

POSSESSION WITH INTENT TO DISTRIBUTE

HEROIN

Jimmy A. Richardson, II, Solicitor

ORIGINAL

WITNESSES

Paul Vescovi Horry County Police Department

2014 SEP 11:55

DATE

MELANIE HUGGINS-WARD
CLERK OF COURT

ARREST WARRANT NUMBER

2014A2610201611

CDR: 0185 44-53-0370(b)(1)

DOA: 6/18/2014

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: SEP 11 2014

VERDICT

Foreperson of Petit Jury

Date:

CERTIFIED COPY

2014 DEC 11 AM 11:58

Melanie Huggins-Ward

CLERK OF COURT
HORRY COUNTY

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT
POSSESSION WITH INTENT TO DISTRIBUTE HEROIN

At a Court of General Sessions, convened on September 11, 2014, the Grand Jurors of Horry County present upon their oath:

POSSESSION WITH INTENT TO DISTRIBUTE HEROIN

CDR: 0185 44-53-0370(b)(1)

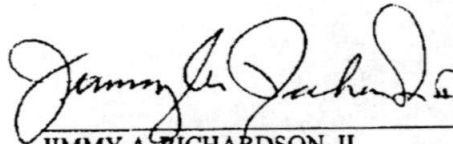
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DEC 12 2014

SC Court of Appeals

That Kenneth Antonio Rich did in Horry County on or about June 17, 2014, possess with intent to distribute, dispense or deliver, or did aid, abet, attempt or conspire to distribute, dispense, or deliver a quantity of Heroin, a Schedule I controlled substance under the provisions of Section 44-53-110, et. seq., S. C. Code of Laws, 1976, as amended, such possession not having been authorized by law, in violation of Section 44-53-0370(b)(1), 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.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

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HORRY COUNTY
2014 DEC -4 PM 5:08
MELANIE HUGHES-WALK
CLERK OF COURT
PLED GUILTY/TRIAL
COURT DATE

CLERK OF COURT
HORRY COUNTY

Melanie Hughes-Walk

2014 DEC 11 AM 11:58

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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-

KENNETH RICH

DEFENDANT)

CATHERINE D. OWENS
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DEC 12 2014

SC Court of Appeals

FILED
HORRY COUNTY
2014 JUL -8 AM 11:46
CLERK OF COURT

FILE NO: 26A14-00001857

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

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, 2nd day of July, 2014, regarding the charge(s) of:

2014A2610201611 Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II (Cocaine)- 3rd or sub. offense

The Defendant's Counsel is **Catherine D. Owens**. 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.



ORRIE E. WEST
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

CONWAY, SC HORRY COUNTY
CLERK OF COURT
DATED: July 2, 2014

2014 DEC 11 AM 11:58

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STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSION
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

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

-VS-)

KENNETH RICH)
DEFENDANT)

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DEC 12 2014

SC Court of Appeals

FILED
HORRY COURT
2014 JUL -8 AM 11:46

FILE NO: 26A14-00001857

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
8. Make available any facts which tend to exculpate the Defendant.
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 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;
 - (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;

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- (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.

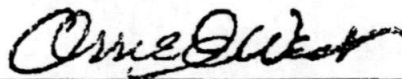
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This information is requested pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure. This information is further requested pursuant to Brady v Maryland, 373 U.S. 383, 10 L. Ed. 2d 215, 83 S. Ct. 1194 (1963), U.S. vs Aguilar, 427 U.S. 97, 49 L Ed 2nd 342, 96 S. Ct. 2392 1976, State vs Mixon 274 S.E. 2nd 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.

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,



ORRIE E. WEST
 FIFTEENTH CIRCUIT
 PUBLIC DEFENDER

DATED: July 21, 2014
 CONWAY, SOUTH CAROLINA

2014 DEC 11 AM 11:59

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