

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions
Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2016-001153

THE STATE,RESPONDENT

v.

KENNETH RAY BOYNTON,APPELLANT.

SUPPLEMENTAL RECORD ON APPEAL

RECEIVED

JUL 07 2017

ROBERT M. PACHAK
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
P.O. Box 11589
Columbia, South Carolina 29211

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Attorney General

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ATTORNEYS FOR RESPONDENT

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ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA)	
)	IN THE GENERAL SESSIONS COURT
COUNTY OF HORRY)	
THE STATE)	MOTION TO RECONSIDER TERMINATION
)	FROM HORRY COUNTY DRUG COURT
)	
v.)	<i>WARRANT</i>
)	INDICTMENT NO.: 2015A2610400139
KENNETH BOYNTON)	<i>Indictment No: 2015 652602379</i>
_____)	

TO: Joshua David Holford, Solicitor's Office

The above named Defendant would, through his counsel, respectfully move to reconsider the termination from Horry County Drug Court in this case which occurred on March 2, 2016 before the Honorable Kathy Ward . This motion is made pursuant to Rule 29 of the South Carolina Rules of Criminal Procedure. The Defendant was sentenced by the Honorable Benjamin Culbertson on September 16 ,2015 to ten years suspended to participation in the Horry County Drug Court. A hearing was held on March 2, 2016 to determine if the Defendant was to be terminated from the Horry County Drug Court for testing positive for drugs and other violations.

The Defendant respectfully requests that the Horry County Drug Court schedule another hearing in this matter in order for the Defendant to present more evidence concerning the reasons he should be allowed to continue in the program and to reiterate the arguments presented on March 2, 2016. The Defendant respectfully requests that this court reconsider the alternatives such as in-patient treatment for the Defendant with a continuation in the Drug Court following this treatment. The Defendant also hereby incorporates the arguments made for the Defendant by Kenneth Blaine Massey, Esquie in the previously filed Motion to Alter or Amend Judgment and Order. Defendant

requests a hearing in this matter.

I SO MOVE:



Robert W. Mills
1728 Main Street
Columbia, SC 29201
803-252-9648

Date: 3-10-16
Columbia, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

IN THE GENERAL SESSIONS COURT


THE STATE)
)
)
v.)
)
KENNETH BOYNTON)
_____)

CERTIFICATE OF SERVICE

WARRANT
~~INDICTMENT~~ NO.: 2015A2610400139
Indictment No: 2015GS2602379

I certify that I have on March 10, 2016 served a copy of the attached Motion to Reconsider Termination from Horry County Drug Court upon the State by depositing it in the U.S. Mail in an envelope with sufficient postage affixed, addressed to:

Mr. Joshua David Holford
Fifteenth Circuit Solicitor's Office
PO Box 1276
Conway, SC 29528



Robert W. Mills
1728 Main Street
Columbia, SC 29201
803-252-9648

Date: 3-10-16
Columbia, SC

ROBERT W. MILLS
Attorney-at-law
1728 Main Street, Suite 213
Columbia, South Carolina 29201
(803) 252-9648
(803) 779-6002 Fax

March 10, 2016

The Honorable Melanie Huggins-Ward
Clerk of Court for Horry County
P.O. Box 677
Conway, SC 29528

Re: State v. Kenneth Boynton
2015A2610400139, *Indictment No. 2015GS2602374*
Motion to Reconsider Sentence
Motion to Reconsider Termination from Horry County Drug Court

Dear Clerk of Court:

Please find enclosed for filing in your office the original motions listed above along with the Certificates of Service for each motion. Thank you.

Sincerely,



Robert W. Mills

cc: Joshua Holford

STATE OF SOUTH CAROLINA)
) IN THE GENERAL SESSIONS COURT
COUNTY OF HORRY)

THE STATE) MOTION TO RECONSIDER SENTENCE
)
)

v.)

KENNETH BOYNTON)
_____)

WARRANT
INDICTMENT NO.: 2015A2610400139
Indictment No. 2015GS2602379

TO: Joshua David Holford, Solicitor's Office

The above named Defendant would, through his counsel, respectfully move to reconsider the sentence in this case. This motion is made pursuant to Rule 29 of the South Carolina Rules of Criminal Procedure. The Defendant was sentenced by the Honorable Benjamin Culbertson on September 16, 2015 to ten years suspended to participation in the Horry County Drug Court. A hearing was held on March 2, 2016 to determine if the Defendant was to be terminated from the Horry County Drug Court for testing positive for drugs and other violations. The Defendant respectfully moves that the original sentence be reconsidered and amended. The Defendant also hereby incorporates the arguments made for the Defendant by Kenneth Blaine Massey, Esquire in the previously filed Motion to Alter or Amend Judgment and Order. Defendant requests a hearing in this matter.

I SO MOVE:



Robert W. Mills
1728 Main Street
Columbia, SC 29201
803-252-9648

Date: 3-10-16
Columbia, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

IN THE GENERAL SESSIONS COURT

THE STATE)
)
)

CERTIFICATE OF SERVICE

v.)

WARRANT)

~~INDICTMENT~~ NO.: 2015A2610400139)

KENNETH BOYNTON)
_____)

Encl No. 2015GS2602379)

I certify that I have on March 10, 2016 served a copy of the attached Motion to Reconsider Sentence upon the State by depositing it in the U.S. Mail in an envelope with sufficient postage affixed, addressed to:

Mr. Joshua David Holford
Fifteenth Circuit Solicitor's Office
PO Box 1276
Conway, SC 29528



Robert W. Mills
1728 Main Street
Columbia, SC 29201
803-252-9648

Date: 3-10-16
Columbia, SC

The Supreme Court of South Carolina

Re: Horry County Adult Drug Court Program

ORDER

Pursuant to the provisions of S.C. CONST. Art. V, §4,

IT IS ORDERED that commencing on February 1, 2015, the Honorable Kathy Ward, Judge-Elect of the Probate Court for Horry County, shall be assigned to preside over the Horry County Adult Drug Court Program. Pursuant to this assignment, the Honorable Kathy Ward may preside over probation revocations, motions and other proceedings related to a defendant's participation in the Horry County Adult Drug Court Program for the Fifteenth Judicial Circuit. Additionally, she may impose sanctions for violations of the conditions of the Adult Drug Court Program. Sanctions may include, but are not limited to, public service work, additional treatment, issuance of a bench warrant, or termination of participation in the Adult Drug Court Program.

IT IS FURTHER ORDERED that the prior order dated October 14, 2014, assigning Sanford Graves, Esquire, to preside over the Horry County Drug Court Program for the Fifteenth Judicial Circuit shall remain in effect until February 1, 2015. Subsequent to that date, Sanford Graves may preside over the Horry County Adult Drug Court Program in the absence of the Honorable Kathy Ward. Pursuant to this assignment, Sanford Graves may preside over probation revocations, motions and other proceedings related to a defendant's participation in the Horry County Adult Drug Court Program for the Fifteenth Judicial Circuit, and may impose sanctions for violations of the conditions of the Adult Drug Court Program.

IT IS FURTHER ORDERED that the Order dated July 19, 2005, assigning the Honorable Deirdre W. Edmonds to preside over the Horry County Adult Drug Court Program is hereby rescinded.

This Order takes effect immediately and remains in effect unless amended or rescinded by the Chief Justice.

s/Jean H. Toal

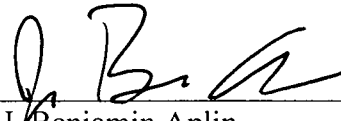
Jean H. Toal

Chief Justice of South Carolina

Columbia, South Carolina
November 19, 2014

CERTIFICATE OF COUNSEL

Counsel for Respondent certifies that this Supplement Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

BY: 

J. Benjamin Aplin
S.C. Bar No: 8729

July 7, 2017

RECEIVED

JUL 07 2017

SC Court of Appeals