

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT  
CASE NO. 2015-002140

STATEMENT OF FACTS  
IN SUPPORT OF ABOVE CITED CASE August 1, 2016

I, Willie Ray Ingram, # 83404, am the individual that does all Mr. Hilton's Legal Work. I have been here over 41-years and been doing legal assistant to some fellow inmates. However, I am not a Penitentiary lawyer. I do not do legal work or assistant to any other inmate, except my Room mate, Mr. Hilton. Ms. Suzzane H. White, the Proper first Attorney of Record, Assistant Attorney General, knows tha I am doing Mr. Hilton's Legal Petitions.

Mr Hilton can't even spell Legal Petition, let alone doing Legal Briefs. He still counts on his fingers, and has an (I-Q) of 50-60. I read and write all his personal Letters to this family.

Best training I could get him to do was to read the claims on the Record, for Judicial Review, because the Judges get very up set, listening to him, and believe me I do to. He has a mind of a 10-12 year old child.

He does know he is not guilty as accused. the only thing he is guilt of trying to buy Sex, in North carolina, Not South Carolina.

He made multiple guilty plea waivers, pleading guilty to issues, that State SLED DNA Lab Reports actually cleared him of. there to a proper guilty plea is Whether the court has found the accused competent before trial, to stand trial. See Ind V. Edwards, 554 U.S. 164 (2008). The Error invalidated his guilty plea, and waivers.

Thanking you for any assistant given to him; He sure need more help than I can Provide.

**RECEIVED**

AUG 04 2016

**[S.C. SUPREME COURT**

Respectfully submitted

*Willie Ray Ingram #83404*  
*Willie Ray Ingram*

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT  
APPELLATE CASE NO. 2015-002140

**RECEIVED**

AUG 04 2016

Kenneth Hilton  
Pro Se

Petitioner

**S.C. SUPREME COURT**

-VS-

State of South Carolina  
State Attorney General

Respondents

CERTIFICATE OF SERVICE  
SCRCP RULE 5 (b)

I Kenneth Hilton Petitioner, in above Action, hereby states under the Penalty of Perjury, that I have on this date 8-1-16, cited hereof. Personally Served upon the State Supreme Court, and cited parties cited herein a true Copies of the Pro-Se Motion Requesting dismissal and Reappointment of Appellate Counsel, and Exhibits A-1 thru D-1 of 6; South Carolina State Law Enforcement, (SLED)'S Factual DNA Lab Reports, and Cherokee County Sheriff's Department investigation Reports; by placing the same in the Prison Institutional Postal Office.

ON THIS 1 DAY OF August 2016  
Columbia, S.C. 29210

Respectfully submitted

I Further Verify that the attached Exhibits, are True Copies, Personally submitted to me by Trial Counsel, Jan. 3, 2013, With other Confidential Documents of (Alleged Victim's North and South Carolina's extensive Prison Record), not included herein.

ON THIS 1 DAY OF August 1016  
COLUMBIA, S.C. 29210

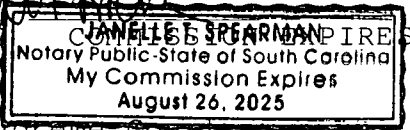
Respectfully Submitted

Pro Se,

Kenneth Hilton, # 354034  
BRCI Wateree UNIT, Rm. 162  
4460 Broad River Road  
Columbia, S.C. 29210

Sworn Subscribed before me  
this day of August 2016

NOTARY PUBLIC



S.C. State Supreme Court  
Clerk Of Court  
P.O. BOX 11330  
Columbia, S.C. 29211

Alica Olive  
Assistant Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211

Robert M. Pachak  
Appellate Counsel  
S.C. Commission on Indigent Defense  
P.O. Box 11589  
Columbia, S.C. 29211-1589

Alan Wilson  
State Attorney General

A-C

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT  
APPELLATE CASE NO. 2015-002140

**RECEIVED**

AUG 04 2016

**S.C. SUPREME COURT**

KENNETH HILTON, Pro Se

PETITIONER

-VS-

STATE OF SOUTH CAROLINA

RESPONDENT

CONSOLIDATED  
NOTICE AND MOTION

FOR ORDER OF DISMISSAL AND RE-APPOINTMENT  
OF A NEW APPELLATE DEFENDER

Kenneth Hilton  
Pro Se Petitioner  
Broad River Corrections  
4460 Broad River Road  
Columbia, S.C. 29210

Alan Wilson  
Attorney General  
  
Alica Olive  
Assistant Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211

Robert M. Pachak  
Appeal Counsel of Case  
S.C. Commission on Indigent Defense  
P.O. Box 11589  
Columbia, S.C. 29211-1589

CONSOLIDATED  
NOTICE AND MOTION

NOTICE AND MOTION, Is respectfully submitted Pro Se in good faith, Requesting the Honorable Court to dismiss the assigned Appellate Defender, Mr. Robert M. Pachak. for the following reasons, and reappoint Appellate Counsel with specific instructions, Counsel is to properly **Raise All Petitioners PCR Claims Presented, Adopted** ,by the Honorable 7th. Circuit Presiding Judge, Roger L. Couch, in above action. To include the Single issue presented.

Respectfully, Current Appellate Counsel has refused to Protect my Constitutional Rights to have all my Claims Properly Raised for State and Federal Exhaustion.

Counsel's refusal violated State and Federal Constitutional Rights to effective Appellate Counsel on First Appeal, See Pa. V. Finely, 481 U.S. 551, 555-56 (1987), Citing Ross V. Moffett, 417 U.S. 600, 610-11 (1974), at 556). See also, e.g. Gunter V. Maloney, 291 F. 3d 74,82 (1st. cir. 2000), same Picard V. Connor, 404 U.S. 270, 272 (1971).

Respectfully, find attached, Request to Counsel, and Denial, incorporated, SCRCP Rule 10 (c), in support of Motion hereof. See Duncan V. Henry, (1995), U.S. 130 L. Ed. 2d 865, 115 S.Ct. 887), (Federal Habeas Corpus relief is not available unless claims are properly exhausted).

Respectfully, Petitioner **Never Originally claim Ineffective Assistant Trial Counsel, as an independent Ground for Relief.**, Until PCR Court Put Applicant on the Stand, forcing him to defend him self ,and did an independent investigation, **Creating New evidence** of Petitioner's outside life style, then substituted Court's findings,Retrospectively that Petitioner was Competent at the time of trial, App P-51,lines 1-25; App P 52,Lines 1-13.

Thereafter, PCR Court Rule that Counsel's testimony was credible and that Counsel Conducted a proper investigation throughly Competent in his respresentation), App P-140, (c)

See Attached, incorporated, by reference hereof. Exhibits A-1 through D-6 of 6), **Multiple Possible Defenses Counsel could have presented.** Exhibits establishes Factual State (SLED) DNA Lab Reports, that Counsel in fact failed to investigate the State's Evidence, and told the Honorable Judge (I been explaining to him, that there is no Defense for his offenses) (App-6,L-15-18; "We really have no defense, that I See).

Counsel's lack of Reasonable Professional Assistant, was prejudicial, Provided no Legal Defense, in violation of 6th. & 14th. Amends, USC. S.C. Const. Art 1 § 3.

In Fact Petitioner's entire Trial Process was based upon (alleged Rape Victim, and Cherokee County Deective's Perjury and Conspiracy with Lt. Burgess, to commit an unlawfu (interrogation in Secrecy).

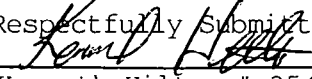
Therefore, Appellate Counsel should have raised all PCR Claims Presented, Adopted, and Ruled on, for State and Federal Judicial Review and Exhaustion.

WHEREFORE Petitioner Respectfully Motions the Honorable Court to Dismiss Current Appellate Counsel, and ReAppoint Effective Appellate Counsel to his Case.

ON THIS 1 DAY OF August 2016  
COLUMBIA, S.C. 29210

S.C. State Supreme Court  
Clerk Of Court  
P.O. BOx 11330  
Columbia, S.C. 29211

Robert M. Pachak  
Appellate Counsel  
S.C. Commission on Indigent Defense  
P.O. Box 11589  
Columbia, S.C. 29211-1589

Respectfully Submitted,  
  
Pro-Se Kenneth Hilton, # 354034  
BRCI Wateree UNit, Rm. 162  
4460 Broad River Road  
Columbia, S.C. 29210

Alan Wilson  
Attorney General  
Alica Olive  
Assistant Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211-1549

TABLE OF CONTENTS  
EXHIBITS 1-OF-3, APPELLATE REQUEST & DENIAL

**EXHIBITS: PERSONAL LETTER FROM TRIAL COUNSEL, DON THOMPSON, SUBMITTING JUDICIAL AND SOUTH CAROLINA STATE, (SLED)'S DNA LAB REPORTS, JANUARY, 3, 2013.**

A-1 & 2, Indictments of Two Offenses, Cherokee County, 7th. Judicial Circuit.

B-1 & 2, Sentencing Sheets of Both Guilty Plea Offenses.

FACTUAL EVIDENCE OF POSSIBLE DEFENSES, REGARDING DEFENDANT, (HILTONO'S INNOCENCE: EXHIBITS A\_1 thru D-6); And Ineffective Assistant of Trial Counsel. CHEROKEE COUNTY SHERIFF'S DEPT. INVESTIGATION REPORT, DATED JULY 11, 2011.

C-1 of 6, Warrant offenses (**Consolidated to one incident**) CSI 1st. Degree, (Rape and Kidnapping, Case Numbers 2011-15013, Warrant entered 1/20/2012, Served 1/23/2012. No Warrant was issued for the Kidnapping offense, Also Detective Owens Committed Perjury to to Magistrate to obtain the Warrant.

D-1 of 6), Testimony of Detective Lt. **Janson Burgess**, was First Official on Crime Scene, dispatched to answer (911-Emergency Call), from a Female Victim Stating she had been "Raped" and forced to give Oral Sex. (**Thus committing Perjury**).

D-2 of 6, Detectives Dispatched to investigate for Factual Evidence, was Jimmy Henson & Billy Anthony. Relevant Evidence discovered was Photograph of Jeep Tire Tracks of Defendant's Jeep, Which had no doors to confine the alleged Rape Victim. Also, Detective's failure to obtain the Defendant's Jeep deprived **Both Parties of factual Evidence of Finger Prints inside the Jeep**, going to the Defendant's innocence. (Defendant was appropriately 300-Hundred Lbs.) He would have had to be (8ft. tall), standing on the ground.

D-3 of 6, Detective Harvey Owens, stated he was at the Crime scene with Jimmy Henson, & Billy Anthony, Personal observed the victim vomiting, **However** Detective Owens failed to obtain a (DNA-Sample) of the Vomite, for Oral Sex (DNA -Testing).

D-4 of 6, Victims's First (911-Call), was made in North Carolina (I-85), in Gaston County, (North Carolina Recording Dis provided a Verbal Assault by Defendant); North Carolina, Assault does not violate S.C. code of Laws:

D-5 of 6, January 17, 2012, Detective Owens, stated he received the South Carolina State Law Enforcement-(SLED)'S Lab Report, that stated a (DNA) Profile Developed from (Saliva), from the (alleged Rape Victim's Bar Matched [Hilton], the defendant, of Shelby North Carolina; CONTINUE

Therefore, The Lack of Factual DNA Evidence, actually Cleared defendant of the Alleged Rape, and the Oral Sex Offense. In Fact Defendant [Hilton]"s entire Case was accomplished through Perjury Testimony S.C. Ann Code § 16-9-10 (a)&(b), from a (Crack-Cocaine) Prosecute, with Multiple Judicial convictions, in North and South Carolina. Capt. Owens provided False / Misleading information to Magistrate to obtain the Warrant). CONTINUE

D-5 of 6, CONTINUE: Couple with above unlawful actions, Captain Owens, and Lt. Burgess, both of Cherokee County Sheriff's Office, Committed Conspiracy to Commit an unlawful Act." When on January 25, 2012 Detectives Owens and Burgess (Interrogated Defendant in secrecy, in absent of an Attorney at (CCDC) Cherokee county Detention center). The interview Report provides, "Hilton was not told of the Factual (DNA) Findings, nor that he was secretly being recorded during the (Interrogation-interview). The 6th Amendment is violated when Police secretly record incriminating conversation without Attorney present. Deliberately elicit incriminating statements from the accused, out of the presence of Counsel. Moran V. Burbin, 475 U.S. 431 (1986). Trial Counsel was appointed (Appropriately Feb. 3, 2012).

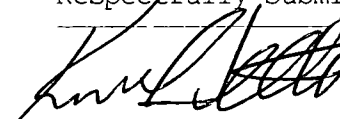
South Carolina State (SLED)'S DNA Lab Report, and Cherokee County Sheriff's Office Detectives, Captain Owens, withheld and submitted fraudulent, misleading information to Magistrate to obtain a Warrant, resulting in Perjury Testimony. Then Committed Conspiracy with Detective L. Burgess, to Commit an "Unlaw Act".

If the Cherokee County Detectives are guilty of the allegation, cited herein, providing False misleading information to the Honorable Magistrate, and conspiracy;

Then the Assistant Solicitor, Kim Leskanic if guilty of Submitting False Probable Cause, Affidavit to the Grand Jury to obtain the true Bill indictments.

WHEREFORE: Defendant's Sentence should be vacated.

Respectfully Submitted



**SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER**

**CLAY T. ALLEN**  
CIRCUIT PUBLIC DEFENDER

CHEROKEE COUNTY OFFICE  
DON A. THOMPSON, CHIEF PUBLIC DEFENDER

310-B N. LIMESTONE ST.  
P.O. BOX 8008  
GAFFNEY, SC 29340



TELEPHONE (864) 487-6201

FAX (864) 487-6200

January 3, 2013

Kenneth Hilton  
Cherokee County Detention Center  
Gaffney, S.C. 29340

Hand Delivered on January 3, 2013

RE: State -vs- Kenneth Hilton

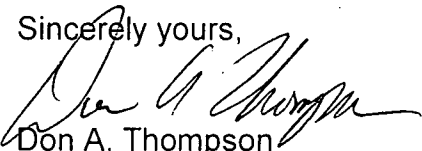
Mr. Hilton:

Enclosed you will find a copy of the NCIC (rap sheet) on Katherine Hawkes.

Should I receive anything further, I will get a copy to you.

You should keep this discovery as secure as possible, and not discuss it with other inmates or let other inmates read it.

Sincerely yours,

  
Don A. Thompson

*Exhibits*

S.C. Commission on indigent Defense  
Division of Appellate Defense  
P.O. Box 11589  
Columbia, S.C. 29211-1589

July 4, 2016

Re: Hilton V. State, Appellate Case NO. 2015-002140, Filed Jan. 13, 2016

Mr. Robert M. Pachak, Appellate Defender

Dear Mr. Pachak, esq

I Just realized that I over-looked sending you a copy of the Cover Letter with my Request dated July 4, 2016. I truly apologize for the additional burden. Please find enclosed the cover letter, with Specific Factual information going to the Claim of Ineffective Assistant of trial Counsel.

As I stated before I never Specificical Claim ineffective Trial Counsel, as a Ground for Relief. However, PCR Judge Couch, forced me to take the Stand and argue ineffective Trial Counsel. **The issue was heard & ruled on.**

I'm sure you have Read the PCR Hearing Transcripts. It is additional Judicial evidence that I Truly am not Competent enough to represent my self. The inmate assisting me realized this after trying to understand the PCR hearing transcripts. I can read the Claims written on paper, but I truly lack the ability to argue the points of Case Law. I have an (I-Q) of less than (70), which is characterized as Retardation, A Mental Retarded person. I lack the Mental ability of focusing on a specifically subject, and Suffer from difficulty in Speech, and concentration.

I received Therapeutic Psychoplogist Treatment (through 2001-2006), resulting from Prior Sexual Offense. Dr. William M. Tyson, PHD; 17206-504 Lancaster Hwy, Charlotte, N.C. Zip 29720, (Ph. 704-540-4291) COUNSEL, also realized I was Mentaly Retared, and still suffer from (Attention Disorder Problems), See App Pg. 6, lines 1-14). Even though Trial Counsel Advised Plea Judge that (He had been explaining to me that we had no Legal Defense for Offenses. The Trial Judge continue to coerce me for a defense, and I simply lost Mental control, and could not respond. Plea Judge should have stopped the Proceedings and conducted a Competency hearing. Instead the Judge stated, "Let's do it this way. (App Pg. 7, line 7); then continue to coerce me for Defenses, that Cousel had told the Plea Judge, (there was no defense for my Offenses).

Please find inclosed a true copy of the (Table of Contents). Factual Proof, or Possible Defenses Counsel Could have raised, had counsel been effective enough to Represent a Criminal Trial. Exhibits A-1 & 2, thru D-6 of 6).

Again Sir, I apologize for the additioinal Burden; However; I expect to have to seek Federal relief, thererore, I must Protect my claims for Proof of Exhaustion .

Thanking you in advance for your assistant!  
CC: Appellate defndse, MR. Robert M. Pachak, esq.

Respectfully Submitted,  
  
Kenneth Hilton, #354034

Exhibit - 1 of 3

EXHAUSTION OF STATE POST CONVICTION CLAIMS  
AND  
EFFECTIVE ASSISTANT OF APPELLATE COUNSEL

Mr. Robert M. Pachak;

Respectfully Sir; I understand a defendant is entitled to effective assistant of Appellate Counsel on Direct Appeal, Evitt V. Lucy 495 U.S. 387 (1985). I also understand, For Exhaustion of Claims raised in State Courts, The Defendant must raise his Federal Violations in State's lower PCR Court, and in Appellate Court also. Failure to do so does not exhaust the 6th, 8th, and 14th amendments claims, for Federal Habeas Corpus Review. Duncan V. Henry (1995 US) 130 L. Ed. 2d 865, 115 S.Ct. 887; Federal Hebeas Corps Relief is not available unless Claims are properly exhausted "The Writ of Habeas Corpus plays a vital role in protecting constitutional Rights" Holland V. Florida, 560 U.S. \_\_\_, \_\_\_, (2010) at 16), quoting Slack V. McDaniel, 529 U.S. 473, 488 (2000);

The United State Supreme Court stated in Holland V. Jackson "We have made clear that whether a State Court's decision was unreasonable, must be assessed in light of the Record the court has before it" 542 U.S. at 652 Holland V. Jackson, 542 U.S. 649, 6523 (2004).

Respectfully, I never raised ineffective assistant of Trial counsel, as independent grounds for relief, see (App Pg 56, Lines 19-23) and App. Pg. 127, Summation). All my Claims were raised Challenging the Court's Jurisdiction to accept my guilty pleas, without a **Pre-Trial competency Hearing to Determine whether I was Competent enough to make the Guilty Pleas, and Guilty plea Waivers, Ind V. Edwards** 554 U.S. 164 (2008).

Pursuant to Jurisdictional Claims raised, I understand that (although my arguments may not have been Specifically Raised to the PCR Court. Claims may be considered on Appeal, since matters of Subject Matter Jurisdiction may be raised at any time, Carter V. State, 329 S.C. 355, S.E. 2d 773 (1989); Hope V. State 328 S.C. 78, 429 S.E. 76 (1997); U.S. V. Cotton, 535 U.S. 625, 630 (2000), Jurisdictional is never forfeited or waived. Nenna V. New York, 423 61, 63 (N.2) Guilty Pleas does not waive Jurisdictional errors. Mere conclusory assurances from defendant that he understood guilty pleas, were not sufficient to confirm valid waiver, Shaver V. Bowers, 329 F. 3d 637, 647-48 (8th Cir. 2003); Manley V. U.S. 588 F. 3d 78, 81 N-[3] (4th Cir. 1978).

Exhibit - 2 of 2

Respectfully, Sir in Anderson V. State, 342 S.C. 54, 57, 535 S.E.2d 649, 657 (2000) Citing Harres V. Leeke, 282 S.C. 131. 318 S.E. 2d 360 (1984) The Court held in (Relevant part), (When determining issues relating to guilty pleas, the Court Will Consider the entire record, including the Transcripts of the guilty plea, and evidence presented at the post conviction relief hearing. **However, you never raised my Jurisdictional Claims, Raised in PCR Court, For Judicial Review, Thus my Claims, is not exhausted for Review.**


Respectfully, The South Carolina Supreme Court has recognized that PCR Proceedings are unlike other Civil Proceedings in that they are "Rooted in criminal Case" which means important Constitutional Protections and criminal Law Concepts are regularly implicated citing Sutton V. State 606 S.E. 2d 779, 781 (S.C. 2004), overruled on other grounds by Bray V. State 620 S.E. 2d 743 (S.C. 2005), PCR cases are treated differently from traditional Civil Cases, requiring for example, Appellate Counsel brief all argument issues despite Counsel's belief the appeal is frivolous, SCACR RULE 243 (g)....."

**WHEREFORE:** I am specifically requesting you to file a Jurisdictional Supplemental Jurisdictional Application Briefing the Jurisdictional Claims Raised and Ruled on by the Honorable Judge Couch, Sept. 24, 2015.

Thanking you in advance for your understanding, that you have duty to raise meritorious issues on Appeal. Simpkins V. State, \_\_\_ S.C. \_\_\_, 401 S.E. 2d 142 (1991); Strickland V. Washington, 477 U.S. 865, 104 S.Ct. at 2068. 6th. 8th. 14th Amends. USCA.

ON THIS 4 DAY OF July, 2016  
COLUMBIA, S.C. 29210

Respectfully Submitted,



C: Files

Copies reserved for Judicial Review

-----  
Kenneth Hilton, #354034  
BRCI Wateree Unit, Rm 162  
4460 Broad River Road  
Columbia, S.C. 29210

Exhibit - 3 of 3



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

7/11/2016

Kenneth Hilton, #354034  
Broad River Correctional Institution  
4460 Broad River Road  
Columbia, SC 29210

Re: Your Case

Dear Mr. Hilton:

I raised the strongest issue I could find in your case. As your attorney, I have the responsibility to determine what issues to raise or not to raise. I hope this letter better explains my position.

Sincerely,

Robert M. Pachak  
Appellate Defender

RMP/ccf

*Exhibit*

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee
STATE VS.
Kenneth Lee Hilton

INDICTMENT/CASE#: 2013-GS-11-0017
A/W#: Direct Indictment
Date of Offense: 7/11/2011
S.C. Code §: 16-03-0656, 16-3-653
CDR Code #: 0254

SENTENCE SHEET

AKA:
Race: WHITE Sex: M Age: 50
DOB: 09-15-1962 SS#:
Address: 600 ST.
City, State, Zip: SHELBY NC 28150
DL#: SID#:

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Assault with Intent to Commit Criminal Sexual Conduct Second Degree [0-20y]

in violation of § 16-03-656, 16-3-653 of the S.C. Code of Laws, bearing CDR Code # 0254
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: LESKANEK, KIM SC Bar# 16837 Defendant K. Lee Hilton Attorney for Defendant D. A. Thompson SC Bar# 5545

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 20 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.
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 PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS
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 \$ beginning
paid to Public Defender, et al

Recipient:

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) \$35, § 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) \$ 3.90, TOTAL \$133.90

Clerk of Court/ Deputy Clerk: Brandi McBoe
Court Reporter: Nick Potts
SCCA/217 (03/2011)

Presiding Judge: [Signature]
Judge Code: 2053
Sentence Date: 1/23/13

Exhibit - A!

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHEROKEE )

INDICTMENT


At a Court of General Sessions, convened on JAN 22 2013, the

Grand Jurors of Cherokee County present upon their oath:

**ASSAULT WITH INTENT TO COMMIT**  
**CRIMINAL SEXUAL CONDUCT, 2ND DEGREE**

That Kenneth Lee Hilton, did in Cherokee County on or about July 11, 2011, willfully and unlawfully commit an Assault With Intent to Commit Criminal Sexual Conduct, Second Degree, in that the Defendant did assault the victim, by using aggravate coercion to attempt the sexual battery, all in violation of §16-3-656 and §16-3-653, in violation of THE 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.

  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee  
STATE VS.

INDICTMENT/CASE#: 2012GS1100226

Kenneth Lee Hilton

A/W#: MI33967

AKA:  
Race: WHITE Sex: M Age: 50

Date of Offense: 7/11/2011

DOB: 09-15-1962 SS#:

S.C. Code §: 16-03-0910

Address: 620 ST  
City, State, Zip: SHELBY N.C. 28150

CDR Code #: 0095

DL#: SID#:  
\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was TO: Kidnapping [0-30y]

CONVICTED OF or  PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC w/minor 1st or Lewd Act)  §17-25-45

The charge is:  As Indicted,  Lesser Included Offense.  Defendant Waives Presentment to Grand Jury. (defendant's initials)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: [Signature] LESKANYC, KIM SC Bar# 116837 [Signature] Defendant [Signature] Attorney for Defendant [Signature] SC Bar# 5515

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 25 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.  
 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     

PTUP      days/hours Public Service Employment  
[Signature] A TRUE COPY  
Obtain GED   
Attend Voc. Rehab. or Job Corp.       
May serve W/E beginning      CLERK OF COURT  
Substance Abuse Counseling  CHEROKEE COUNTY, S.C.

Recipient:     

|  |           |
|--|-----------|
| *Fine:                                 | \$        |
| § 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 (DUI Breath Test Fee)      | \$50      |
| § 56-5-2942(J) (Vehicle Assessment)    | \$40/ea   |
| Proviso 90.5 (SCJA Surcharge)          | \$5       |
| 3% to County (if paid in installments) | \$ 3.90   |
| TOTAL                                  | \$ 133.90 |

Random Drug/Alcohol testing   
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$      beginning       
\$      paid to Public Defender Fund  
Other:     

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

Clerk of Court/ Deputy Clerk [Signature] Presiding Judge [Signature]  
Court Reporter: [Signature] Judge Code: 2053  
Sentence Date: 1/23/13

Exhibit - B1

STATE OF SOUTH CAROLINA )  
COUNTY OF CHEROKEE )

INDICTMENT

At a Court of General Sessions, convened on MAR 22 2012, the  
Grand Jurors of Cherokee County present upon their oath:

KIDNAPPING

That Kenneth Lee Hilton, did in Cherokee County on or about July 11, 2011,  
willfully and unlawfully with criminal intent seize, confine, inveigle, decoy, kidnap,  
abduct or carry away one \_\_\_\_\_s without authority of law, all  
in violation of §16-03-910, THE 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.

  
Assistant Solicitor

ENTERED 1-20-2012

ARREST WARRANT SERVED

M-133968 1-23-2012

ORIGINAL

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

STATE OF SOUTH CAROLINA

County/  Municipality of

Cherokee

THE STATE

against

Kenneth Lee Hilton

Address: Gold Street

Shelby, NC 28150-

Phone: \_\_\_\_\_ SSN: \_\_\_\_\_ 5

Sex: M Race: W Height: 5 8 Weight: 235

DL State: \_\_\_\_\_ DL #: \_\_\_\_\_

DOB: \_\_\_\_\_ Agency ORI #: SC0110000

Prosecuting Agency: Cherokee County Sheriff

Prosecuting Officer: Harvey Owens - 0033

Offense: Sex / Criminal sexual conduct - First degree

STATE OF SOUTH CAROLINA )

County/  Municipality of )

Cherokee )

Personally appeared before me the affiant Harvey Owens who

being duly sworn deposes and says that defendant Kenneth Lee Hilton

did within this county and state on or about 07/11/2011 violate the criminal laws of the

State of South Carolina (or ordinance of  County/  Municipality of Cherokee )

In the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal sexual conduct - First degree

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.

That on July 11, 2011 in the county of Cherokee, one Kenneth Lee Hilton did engage in sexual battery by forcing the victim to perform sex acts while the victim was also a victim of kidnapping. Incident occurred in the 500 Block of Quarry Road, Blacksburg Warrant based on the investigation of the CCSO and incident report # 2011-15013.

Offense Code: 0160

Code/Ordinance Sec: 16-03-0652

This warrant is CERTIFIED FOR SERVICE in the

County/  Municipality of

The accused to be

is to be arrested and brought before me dealt with according to the law

(L.S.)

Signature of Judge

Date: \_\_\_\_\_

RETURN

A copy of this arrest warrant was delivered to

defendant Kenneth Lee Hilton

on 1-23-12

Signature of Constable/Law Enforcement Officer 33110

RETURN WARRANT TO:

General Sessions

100 E. Floyd Baker Blvd

Signature of Affiant

STATE OF SOUTH CAROLINA )

County/  Municipality of )

Cherokee )

Affiant's Address

312 E. Frederick St.  
Gaffney, SC 29340-

Affiant's Telephone

(864)489-4722

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 7/11/2011 defendant Kenneth Lee Hilton

did violate the criminal laws of the State of South Carolina (or ordinance of Cherokee ) as set forth below

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct - First degree

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 01/20/2012 (L.S.)

Signature of Issuing Judge Robert HOWEN

Judge's Address

Cherokee Magistrate's Court  
Gaffney, SC 29342

Judge's Telephone

(864)487-2533

Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL

# VOLUNTARY STATEMENT

PAGE \_\_\_\_ OF \_\_\_\_

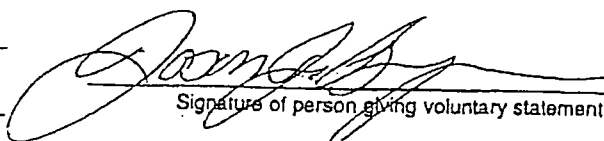
NAME: Jason Burgess

|             |
|-------------|
| CASE NUMBER |
| 2011-15013  |

On July 11, 2011 (I) was dispatched out to Quarry Rd. in reference to a Female calling 911, advising them she had been Raped. (I) observed a Female run out to the edge of the Roadway, wearing a white shirt, she was about the 500 block of Quarry Rd. The Female advised (me) that a guy named Bobby gave her a ride in a newer model Jeep Wrangler, to go a cash a check. Clv states subject #1 picked her up while she was walking down the road, in Gaston County. Clv states; the subject brought her down here, <sup>(SJK)</sup> ~~approximately~~ and forced her to give him oral sex. Clv states subject #1 then forced himself on her and raped her. Clv state the subject did not wear a condom, Clv state she was able to get away and hide in the woods, and call 911. Clv states the sexual assault happened "in the graveyard." Female name was  
white Female, Brown hair, Brown Eyes.  
DOB 12-28-73

WITNESS: \_\_\_\_\_

WITNESS: \_\_\_\_\_

  
Signature of person giving voluntary statement



**CHEROKEE COUNTY SHERIFF'S OFFICE**  
**INVESTIGATIVE REPORT**

**CASE NUMBER : 2011-15013**

**INCIDENT TYPE : CSC 1<sup>ST</sup> / KIDNAPPING**

**VICTIM : E. ....**

**SUSPECT : KENNETH LEE HILTON**

On July 11, 2011 Cherokee County 911 received a call from the victim stating that she had been taken from Gastonia N.C. against her will, brought to Cherokee County and sexually assaulted by an unknown male. The victim was not familiar with the area and could not provide the operator with her exact location. Through the victim providing landmarks to the operator, deputies located the victim in a cemetery in the 500 block of Quarry Road in the Blacksburg area of Cherokee County. The victim was discovered nude from the waist down only wearing a shirt covering the top half of her torso. Detective Harvey Owens responded to the scene as well as crime scene investigators Jimmy Henson and Billy Anthony. Detective Owens observed the victim to be visibly shaken and vomiting. EMS was called to the scene. While waiting on medical personnel, the victim stated to Detective Owens that she was walking down Franklin Blvd. in Gastonia when a white male driving a white in color jeep pulled into the parking lot of Badcock Furniture store and offered her a ride. The victim stated that she thought the individual had given her and her dad a ride in the past and that he told her his name was "Bobby". The victim stated that the suspect was driving a white jeep with a soft top. The victim described the suspect as a white male with short faded red hair, blue/green eyes, red freckled skin, and 6'00 tall approximately 250 pounds (SEE DETECTIVE OWENS INVESTIGATIVE NOTES). The victim was transported by EMS to Upstate Carolina Medical Center where a sexual assault kit and examination was performed. While at UCMC Detective Owens interviewed the victim further and took a formal statement. The victim stated that after the suspect picked her up on Franklin Blvd. that he was supposed to take her to a Checking Advance to cash her father's benefit check. The victim stated the suspect took a wrong turn and merged on to I-85. It was at this time, the victim dialed

~~911 on her cell phone while it remained in her purse. The victim stated that suspect~~  
would not let her out of the vehicle. She stated that while traveling down the interstate  
that the suspect began grabbing between her legs and punching her in the side. The victim  
stated that the suspect told her "I have already been to prison", "You gonna give me some  
pussy whether you want to or not". The victim stated that she kept looking back thinking  
help was coming because of her 911 call but never saw anyone. The victim stated she  
asked the suspect to stop at the store for her and she would cooperate thinking she could  
escape. The victim stated the suspect pulled into the cemetery by a little tree and stump  
and began jerking off her shorts. The victim stated the suspect made her "go down" on  
him. The victim stated that the suspect made her lay down and got mad because "she  
wasn't wet enough". At one point during the sexual assault the suspect reached into the  
center console and the victim ran away and fled into the wood line (SEE

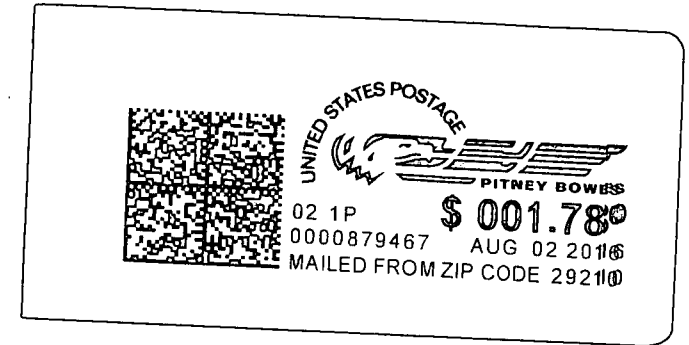
STATEMENT). The crime scene was processed by C.S.I. Anthony and  
Henson. Recovered from the crime scene, were the victim's blue jean shorts and contents  
from her purse (SEE CRIME SCENE REPORT AND PHOTOS). The following  
morning, July 12, 2011 Detective Owens contacted Jennie Hyman with the Gaston  
County 911 Center in reference to attempting to locate a possible 911 call made by the  
victim while she was in the vehicle with the suspect. Ms. Hyman e mailed Detective  
Owens an audio file containing a 15 minute and 4 second audio of the victim being  
assaulted by the suspect (SEE GASTON COUNTY 911 DISK). Detective Owens also  
was provided an audio disc from Cherokee County 911 of a second 911 call made by the  
victim after she escaped from the suspect (SEE CHEROKEE 911 DISK). Detective  
Owens spoke with the victim again on July 12, 2011 over the phone. The victim wanted  
the detective to know that she remembered the suspect was wearing prescription eye  
glasses with gold/black/brown frames. On that same date Detective Owens also spoke  
with the manager of Badcock furniture located on Franklin Blvd. Detective Owens was  
advised that there was no video footage covering the parking lot. Detective Owens was  
told by the victim that she was possible picked up in the Aaron's rental Store parking lot  
beside Badcock Furniture in Gastonia. On July 18, Detective Owens and Burgess viewed  
video footage from Aaron's rental but were not able to obtain suitable footage covering  
the parking lot. Detective Owens also sent audio files of abduction and assault to Joe

~~West of the State Law Enforcement Division for enhancement.~~ Mr. West advised if an arrest is made in this matter that he could provide audio equipment to enhance the recording for court purposes. On July 22, 2011 the victim met with Debbie Golf, a forensic artist with the State Law Enforcement Division. After the meeting, Detective Owens was provided a sketch of the suspect based off the victim's description. The victim was asked to grade the sketch on a scale of 1 to 10, 1 being that the sketch looked nothing like the suspect and 10 being the sketch looks identical to the suspect. The victim stated that she felt the sketch was an 8 of out 10 (SEE SUSPECT SKETCH). Detective Owens sent the sketch with the case information to the surrounding agencies in an attempt to identify the suspect (SEE CASE BULLETIN). Detective Owens did not receive any tips or information pertaining to the case. On January 17, 2012 Detective Owens received a lab report from S.L.E.D. that stated that a DNA profile developed from *saliva on Bra* the victim's bra matched Kenneth Lee Hilton in CODIS (SEE LAB REPORT). Detective *LACK OF DNA* Owens contacted authorities in North Carolina and was provided Hiltons photo and *Cleared Hilton of the Alleged Rape* information off of that states sex offender registry. On January 23, 2012 Detective Owens placed Hilton in a line up for the victim. The line up was presented 6 months after the attack. The victim was unable to pick out the suspect in the line up. Detective Owens signed warrants for kidnapping and sexual assault on the suspect based on the CODIS match as well as the physical description provided by the victim of the suspect on the evening of the attack as well as the following days. On January 25, 2012 Detectives Owens and Burgess interviewed the suspect at the CCDC. The suspect was told of neither the DNA match nor the audio recording during the interview. The suspect was asked if he remembered being on Franklin Blvd in Gastonia in July of last year. The suspect stated that he was driving home in his white jeep with a black soft top when he saw a white female with brown hair, wearing blue jean shorts thumbing a ride. The suspect stated that he was having a conversation with the female about her family and that everything was fine, no arguments. The suspect stated that he was instructed to get off the interstate by the woman and was told how to get to a grave yard. The suspect stated that the woman propositioned him to have sex with her for \$40. The suspect stated he refused, told the woman to have a nice day and left her standing behind his vehicle (SEE KENNETH HILTON STATEMENT). The suspect did state to detectives that he sold his white jeep

due to fuel cost and now owns a Ford truck. Detective Owens is currently attempting to obtain a vehicle history from North Carolina. On January 30, 2012 Detective Owens met with representatives of the Solicitor's Office informing them that an order would be needed to obtain the suspect DNA for confirmation of the CODIS match.

The day following the incident involving the victim, a second non related sexual assault occurred in Blacksburg involving a subject named Robbie Peterson. Peterson has similar characteristics as the suspect in this case (red hair/freckled skin) and was placed in a line up and shown to the victim on July 17, 2011. The suspect stated that all the individuals in line up were too skinny and too young compared to her assailant (SEE PETERSON LINE UP).

Kenneth Hilton, # 354034  
BRCI Wateree Unit, Rm. 162  
4460 Broad River Road  
Columbia, S.C. 29210



South Carolina Supreme Court  
Clerk of Court  
P. O. Box 11330  
Columbia, S.C. 29211

**RECEIVED**

AUG 02 2016

BRCI  
MAILROOM

LEGAL MAIL