

5

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Steven H. John, Circuit Court Judge

CRIMINAL

THE STATE,

RESPONDENT,

v.

ALQI DHIMO,

APPELLANT

RECEIVED

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SC Court of Appeals

APPELLATE CASE NO. 2018-000110

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

**State’s Exhibit #3 (CD of defendant’s interview); State’s Exhibit #12 (CD of 911 call);
State’s Exhibit #16 (DVD from dashboard camera); State’s Exhibit #19 (Photo); State’s
Exhibits #27 – 33 (Photos); State’s Exhibit #36 (DVD bodycam footage)**

State v. Dhimo - 2015-GS-26-4000 and 4001
VERDICT OF THE JURY

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1 to the clerk's representative, please, sir?

2 JUROR 259: Yes, sir.

3 THE COURT: You may publish the verdict.

4 VERDICT OF THE JURY:

5 CLERK: Indictment Number 2015-GS-26-4000, State of South
6 Carolina, County of Horry, versus Alqi Dhimo, on the charge of
7 attempted criminal sexual conduct in the third degree, We, the
8 jury, by unanimous consent, find the defendant guilty. Signed
9 by Joseph Mead, Foreperson, dated January 10th, 2018.

10 Indictment Number 2015-GS-26-4001, State of South
11 Carolina, County of Horry, versus Alqi Dhimo, on the charge of
12 indecent exposure, We, the jury, by unanimous consent, find
13 the defendant not guilty. Signed by Joseph Mead, Foreperson,
14 dated January 10th, 2018.

15 THE COURT: All right. Does the -- I'm sorry. Will you
16 ask the jury to affirm.

17 CLERK: I apologize.

18 Ladies and gentlemen of the jury, if this is your
19 verdict, so signify by raising your right hand?

20 THE COURT: Thank you very much.

21 The jury having affirmed their verdict by the raising of
22 their right hand, does the state wish the jury polled?

23 MS. WALTER: No, Your Honor.

24 THE COURT: Does the Defense wish the jury polled?

25 MR. LONG: Yes, Your Honor.

1 THE COURT: Very good, Madam Clerk, if you'll poll the
2 jury by number only, please.

3 POLLING OF THE JURY:

4 CLERK: Juror 259 -- when I call your number, please
5 stand up.

6 Juror 259, is this your verdict?

7 JUROR 259: Yes.

8 CLERK: Is this still your verdict?

9 JUROR 259: Yes.

10 CLERK: 193. Is this your verdict?

11 JUROR 193: Yes.

12 CLERK: Is this still your verdict?

13 JUROR 193: Yes.

14 CLERK: Number 89. Is this your verdict?

15 JUROR 89: Yes.

16 CLERK: Is this still your verdict?

17 JUROR 89: Yes.

18 CLERK: Number 149. Is this your verdict?

19 JUROR 149: Yes.

20 CLERK: Is this still your verdict?

21 JUROR 149: Yes.

22 CLERK: Number 248. Is this your verdict?

23 JUROR 248: Yes.

24 CLERK: Is this still your verdict?

25 JUROR 248: Yes.

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POLLING OF THE JURY

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1 CLERK: Number 6. Is this your verdict?
2 JUROR 6: Yes, it is.
3 CLERK: Is this still your verdict?
4 JUROR 6: Yes, it is.
5 CLERK: Number 151. Is this your verdict?
6 JUROR 151: Yes.
7 CLERK: Is this still your verdict?
8 JUROR 151: Yes.
9 CLERK: Number 190. Is this your verdict?
10 JUROR 190: Yes.
11 CLERK: Is this still your verdict?
12 JUROR 190: Yes.
13 CLERK: Number 250. Is this your verdict?
14 JUROR 250: Yes.
15 CLERK: Is this still your verdict?
16 JUROR 250: Yes.
17 CLERK: Number 116. Is this your verdict?
18 JUROR 116: Yes.
19 CLERK: Is this still your verdict?
20 JUROR 116: Yes.
21 CLERK: Number 269. Is this your verdict?
22 JUROR 269: Yes.
23 CLERK: Is this still your verdict?
24 JUROR 269: Yes.
25 CLERK: Number 356. Is this your verdict?

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BY THE COURT

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1 JUROR 356: Yes.

2 CLERK: Is this still your verdict?

3 JUROR 356: Yes.

4 THE COURT: The jury having been polled and affirmed
5 their verdict, is there anything further as to the jury itself
6 from the state?

7 MS. WALTER: No, Your Honor.

8 THE COURT: From the defense?

9 MR. LONG: No, Your Honor.

10 BY THE COURT:

11 THE COURT: Ladies and gentlemen of the jury, I want to
12 thank you for your service in this particular case. You did
13 exactly what the Court asked you to do, that is to examine the
14 facts and evidence in this case and arrive at a unanimous
15 verdict based upon the facts and the evidence.

16 I understand, the parties here understand, we you ask you
17 to do a difficult thing. If any of you are in a relationship,
18 you understand, figuring out where you go to dinner is a
19 difficult thing. So, to get 12 people to agree in any matter
20 is difficult, but we understand and I appreciate the attention
21 that y'all paid to the evidence, the diligence that you
22 exhibited during the course of this trial, and I appreciate
23 that very much and thank you on behalf of your fellow citizens
24 of Horry County.

25 Since you served in this particular case, even though the

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MOTIONS

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1 panel as a whole is not being excused, I am going to excuse
2 the 12 of you from further jury service for this week. Your
3 jury service has ended with my thanks. Thank you very much.
4 (REPORTER'S NOTE: Jury exits courtroom. The following takes
5 place outside the presence of the jury.)

6 THE COURT: All right. Motions on behalf of the Defense?
7 MOTIONS:

8 MR. LONG: Yes, sir, Your Honor, two motions. First, the
9 Motion for judgment notwithstanding the verdict; I move to
10 have the verdict set aside.

11 THE COURT: All right. In this particular matter,
12 regarding the motion for a new trial in this particular
13 matter, there's no corresponding motion as there is in civil
14 court for a judgment notwithstanding the verdict, but in a
15 criminal trial, it's a motion for new trial.

16 MR. LONG: Yes, sir.

17 THE COURT: In this particular matter, I find that there
18 has been competent evidence presented by the State of South
19 Carolina. The jury was properly charged as to their
20 responsibilities regarding direct and circumstantial evidence.
21 Finding that the jury found him guilty of the crime of
22 attempted criminal sexual conduct third degree and so finding
23 that there was more than sufficient evidence, if that evidence
24 was believed by the jury, which they must have to have found
25 that verdict. I will not overturn the verdict in this matter

1 and the motion for new trial is denied.

2 Further matters?

3 MR. LONG: One further motion, Your Honor, I believe
4 you've already explained your ruling, but the motion that you
5 act as the 13th juror, that the verdict is not consistent with
6 the evidence that was presented.

7 THE COURT: All right, sir. In this particular matter,
8 again, the Court respectfully declines to grant such a motion.
9 I do find that there was more than sufficient evidence in this
10 particular matter to sustain the jury's verdict. I do find
11 that there was proper evidence presented by the state. I do
12 find that credibility is attached to that -- to that evidence
13 that the state carried its burden of proof beyond a reasonable
14 doubt in the presentation of direct and circumstantial
15 evidence regarding the elements of criminal sexual conduct
16 third degree and therefore respectfully decline to grant your
17 motion.

18 MR. LONG: Yes, sir.

19 BY THE COURT:

20 THE COURT: All right. With that then is the state ready
21 to proceed with sentencing?

22 MS. WALTER: We are, Your Honor.

23 THE COURT: Very good.

24 MS. WALTER: The victim's mother would like to address
25 the Court at the appropriate time.

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BY THE COURT

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1 THE COURT: Certainly.

2 MS. WALTER: I'm sorry, Your Honor, we just had the wrong
3 sentencing sheet.

4 THE COURT: That's all right. That's not a problem.

5 MS. WALTER: May I step out to ---

6 THE COURT: Yes, ma'am.

7 **(RECESS.)**

8 *******OFF THE RECORD*******

9 **(On the Record.)**

10 MS. WALTER: May I approach, Your Honor?

11 THE COURT: Yes, ma'am, please.

12 Madam Bailiff, would you go in my office and tell my
13 Clerk to bring her computer in the courtroom, please.

14 Unless you have it otherwise, the information I have,
15 Solicitor, is this is listed as a felony, but it is not --
16 they do not have it listed as a serious or most serious
17 offense; do you have information otherwise? First and second
18 degree are, but third degree is I find is not so classified.

19 MS. WALTER: We're just trying to reach someone that has
20 an up-to-date red book. I know that ---

21 THE COURT: No, and I appreciate that, but I'm looking --
22 I'm looking it up through the Judicial Department under
23 statute and CDR codes.

24 MS. WALTER: And I have no reason to doubt, Your Honor.

25 THE COURT: It has no -- usually they put in there and

1 what I'll -- well -- all right. I'm looking at and just so
2 that we are all on the same page. Again, through the search
3 on the statute of violent crimes to find 16-1-60 and for the
4 purposes of definition under South Carolina Law, a violent
5 crime is -- includes the offenses of -- and it's got obviously
6 a laundry list of offenses. It has here criminal sexual
7 conduct in the first and second degree, criminal sexual
8 conduct with minors, first, second, and third degree, and
9 looking through it -- and then it says attempt to commit any
10 of the above offenses. So they've listed the ones that are
11 violent and it is not so listed. Criminal sexual conduct in
12 the third degree is not so listed. So with that -- I mean, do
13 you have -- who was it you were trying to communicate with?

14 MS. WALTER: I believe Ms. Walker is actually on her way
15 up whereas looking it up for us.

16 THE COURT: Okay. All right. Very good. Well, we'll
17 wait. I'm just saying what I've found doesn't so indicate,
18 but I'll be glad for you to continue to look.

19 MS. WALTER: Your Honor, I haven't necessarily found
20 anything different. It just is classified as a sexually
21 violent offense.

22 THE COURT: Well, the sex offender registry is required.
23 There's no question about that.

24 MS. WALTER: Right. It says sex offender registry,
25 sexually violent offense and that child abuse registry, DNA

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SENTENCING

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1 database and no foster care or adoption.

2 THE COURT: Right.

3 MS. WALTER: And the statute for sexually offense appears
4 to be 44-48-30, Subsection 2.

5 THE COURT: Okay. And again, and I appreciate that. I
6 don't -- I have not been able to see anything that would
7 classify it then as a serious or most serious offense.

8 MS. WALTER: I don't either in that book, Your Honor.

9 THE COURT: All right. Very good. All right.

10 So, with that, I'll be glad to hear any presentation from
11 the state as to sentence?

12 MS. WALTER: Would Your Honor prefer to hear from me
13 first or the victim's mother first?

14 THE COURT: Either way you would like to do it, ma'am.

15 And could you move the microphone to the end of the
16 table. You can just stand right there at the end of the
17 table. Right there is fine. You can just stand there.
18 That's fine. And you don't have to lean down, it'll pick you
19 up. Just tell me your name and then I'll be glad to hear from
20 you.

21 SENTENCING:

22 MS. SHILOH: My name is Justine Shiloh, I'm

23 J.K. 's mother.

24 THE COURT: Yes, ma'am.

25 MS. SHILOH: I believe Mr. Dhimo to be a predator and

1 used his cab to prey on young girls. Also my daughter was
2 never the same after this incident. It destroyed her. It
3 destroyed my family. And, I believe he's a danger for the
4 community.

5 THE COURT: Thank you, ma'am.

6 Yes, Solicitor?

7 MS. WALTER: Your Honor, you are, at this point, well
8 familiar with the facts of this case and while we said that
9 Ms. J.K. 's death by overdose was an unrelated death, in
10 reality, the events of June 22nd, 2015 and what the defendant
11 did to her had a very lasting and tragic impact on her life.
12 Mr. Stephenson, as you may recall, testified that prior to
13 this day, she'd had issues with alcohol, I think that's clear
14 based on the facts of the case, but that after this event, she
15 took it to another level, I believe is the way that he
16 described it. This assault was on June 22nd, 2015 and quite
17 frankly, assault doesn't really seem to do it justice, what
18 Ms. J.K. suffered from, but from June 22nd to only November
19 11th of the same year and she died of an overdose because she
20 was medicating herself to get over what had happened. And,
21 Your Honor, knows from Your Honor ruling on the fact that Ms.
22 J.K. wasn't here, that we didn't get a chance to hear what
23 she said, but what's important to note is that she did tell
24 the detectives that she had been assaulted. She did tell the
25 detectives that she fought back. She told the nurse at the

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SENTENCING

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1 hospital that she bit him, that she fought back. And it must
2 have been in some brief period of consciousness, but I would
3 ask Your Honor in considering sentence to keep in your mind
4 that the last view of J.K. curled in a ball,
5 unresponsive on the sand. And even after having tried to
6 assault her or actually assaulting her, which we'll never know
7 at this point, the defendant still did nothing to get her
8 help. And, I won't mention his other cases that's just an
9 arrest and not a conviction, but the state agrees with the
10 victim's mother that the defendant is a predator and that he
11 does use his cab to trap unsuspecting women and we are asking
12 that you sentence him to the maximum of 10 years.

13 THE COURT: Thank you, ma'am.

14 All right, Mr. Long, I'll be glad to hear from you, sir.

15 MR. LONG: Mr. Dhimo is 53 years old. He's been married
16 for 34 years to Alexandria Dhimo. They have two grown sons.
17 His wife relies on him as a major source of income. She works
18 two jobs, but also Mr. Dhimo contributes to the household
19 income. Together they raised their young, very young, four or
20 five-year-old granddaughter with the two of them. Mr. Dhimo
21 plays a very large role in raising their granddaughter. He
22 has no prior record. He made a mistake the night that we have
23 in question, but there is no evidence that he's a predator.
24 Not speaking badly of the victim, I'm sorry that she's passed
25 away, but she was involved in dangerous activity before,

1 during and after this incident. Mr. Dhimo has a very serious
2 heart condition. He had surgery for it about a year and a
3 half ago. He takes medication on a daily basis. Since this
4 event occurred, his life has been turned upside down. He
5 spent or served 115 days in the J. Reuben Long Detention
6 Center and, since being released -- I have the exact date but
7 it should be around August of 2015 -- he has been on GPS
8 monitoring, and he has been restricted from working as a cab
9 driver, which before that was his primary income. So, we ask
10 that he have credit for the time that he served both on GPS
11 monitoring and with the time in J. Reuben Long Detention
12 Center.

13 Your Honor, before I close, Mrs. Dhimo would like an
14 opportunity to address the Court.

15 THE COURT: Yes, sir.

16 Yes, ma'am, just tell me your name and then I'd be glad
17 to hear from you, ma'am?

18 MS. DHIMO: Alexandria Dhimo.

19 THE COURT: Yes, ma'am.

20 MRS. DHIMO: Me and my husband, we met when we are 20
21 years old, Your Honor. We came to America 20 years ago with
22 two little kids. We work hard for this country and we provide
23 our kids and we made our living and we work our self up to get
24 a citizenship to believe of this country. My husband is
25 hardworking and he never been in trouble in all my life. That

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SENTENCING

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1 night was terrible night for my husband. He got the lady on
2 the car. He tried to help her and I know in my heart he did
3 not touch her. I know what happened on the car. I know he
4 was drunk because I can tell. He don't drink. He have one
5 part of his body is taken away and he's not allowed to drink
6 alcohol. So, we both of us never drink and never smoke in our
7 lifetime because his health. It's the way I raised my boys,
8 too. But that night, he got in the car and tried to help that
9 young lady. She stopped and she said, you have to take me to
10 the Jimmagan's because I have to take a couple of shots. It's
11 a big mistake. His foot got -- Jimmagan because he's not
12 drinker. One drink he can carry out, he can have no control
13 at all. And I see the video. It's not because I'm
14 embarrassed because my husband, that he was out of control. I
15 could tell he was out of control at the drinking. So, my
16 point, I know what he would have -- on the beach, I know he
17 don't touch that woman. I know my husband for all these
18 years, even with me, it will be 34 years, he never touched me
19 without asking me if I want it or not. That bite is from me,
20 Judge, I bite my husband. Everybody can know.

21 THE COURT: Please just talk to the Court.

22 MRS. DHIMO: I did bite my husband on the left arm. It
23 was before Father's Day on a Saturday morning, 4 o'clock in
24 the morning. He worked all day on that car, because he change
25 alternator in one of the cars and already have a big scratch

1 in here on the front and the right and on the left side is my
2 bite and I was already ready to tell everybody, I'm not shame.
3 I bite my husband. You can see he have more on his body today
4 because we have our ways. We are not all same way humans and
5 we have different ways to do it in our lifetime, but we are
6 good people. I believe to come in here not to destroy or
7 predator anybody. Not me, not my kids, not my husband. It's
8 the way I trained my family. And all that my kids stays with
9 me today at age 30, because I don't want them to be out there
10 by theirselves and make wrong decision in their life. We do
11 have a granddaughter, our granddaughter we're raising because
12 her mother is drug head and she using drugs, and my son is
13 hard worker, but from the police department he's not allowed
14 now to drive anymore because they're making our life hell.
15 We've been for four years our family is no more family.

16 Judge, I beg you, this is a good man I had for 34 years.
17 I met when he was 20 and I was 21 ---

18 (REPORTER'S NOTE: Inaudible statement by Defendant.)

19 MRS. DHIMO: I know he don't do it.

20 THE COURT: All right. Thank you, ma'am. Thank you.
21 Anything further, Mr. Long?

22 MR. LONG: Briefly, Your Honor, just society will not be
23 better served by Mr. Dhimo being incarcerated. He'll be a sex
24 registry and that, if there's any question whatsoever, even
25 though he's not a predator and there's no legal basis to

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1 conclude that he's a predator, that's not even a part of the
2 statute. No prior record, so he will be, if there's any
3 concern about society, the GPS monitor and the sexual registry
4 will take care of that concern.

5 THE COURT: All right, sir. Thank you.

6 MR. LONG: Your Honor, the defendant would like to make a
7 brief statement.

8 THE COURT: Yes, sir.

9 MR. DHIMO: I'm sorry everybody. I'm sorry, Judge. I
10 know we -- time together, we were in court together one time.
11 I remember that. I'm just -- I'm sorry for this family for
12 their daughter -- it's not my that she died; it's not me.
13 It's not me. I tried to help her. I just like -- I was
14 drunk. I never drank in my life; I never smoked in my life; I
15 didn't do anything in all my life, ever in my life, even one
16 cigarette I can smoke. That night there I don't know what
17 happened. Somebody gave me something even in the bottle --
18 they give me something very strong and I be felt it, I felt it
19 and I don't know what happened after that. I don't even
20 remember anything what happened. This is true. I love my
21 wife. Thirty-four years we're together. We've grown up
22 together. I came this country to build this life. To get the
23 reputation and drive from zero, Judge. We came from zero,
24 from nothing, and kept -- communists were just destroyed life
25 over there. We came here to get our life and get liberty, not

1 to go to jail. To go for what?

2 THE COURT: Thank you.

3 MR. DHIMO: I'm sorry, Judge.

4 THE COURT: That's all right, sir. Thank you.

5 MR. LONG: That's all, Your Honor.

6 THE COURT: Thank you. Regarding this particular matter,
7 the Court has heard the facts and evidence in this case and I
8 am basing my decision on the facts and evidence as presented
9 in this matter. The defendant, while he has charges, the
10 Court is not considering those in this matter. Based on the
11 fact that he has no current record, I understand the state's
12 argument, the feelings of the victim's mother, but there is no
13 factual evidence of the defendant being classified as a sexual
14 predator. That is not evidence before this Court. What I'm
15 doing is making my decision on the facts and evidence as to
16 what occurred in this particular matter, the jury finding him
17 guilty of the crime of attempted criminal sexual conduct third
18 degree.

19 Therefore -- Mr. Dhimo, you need to stand up, sir. 2015-
20 GS-26-4000, the State of South Carolina, County of Horry
21 versus Alqi Dhimo regarding criminal sexual conduct in the
22 third degree attempted, criminal sexual conduct in the third
23 degree, the sentence of the Court is the defendant is
24 committed to the state Department of Corrections for a
25 determinate term of eight years. The defendant is required to

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1 register as a sex offender once he is released. The defendant
2 is given credit for the time that he has spent in jail and on
3 GPS monitoring. Thank you very much.

4 MR. LONG: Thank you, Your Honor.

5 (ADJOURNED - 6:00 P.M.)

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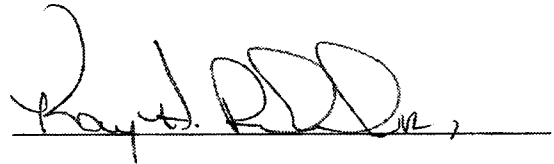
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C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the hearing held in the case of State of South Carolina versus Alqi Dhimo, held in the Court of General Sessions for Horry County, Horry County Courthouse, Conway, South Carolina, on January 8-10, 2018, as reported by Dixie C. Eubank.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.



Kay H. Richardson
Official Court Reporter

April 10, 2018.

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

Tony Humes
Myrtle Beach Police Department
1101 Oak Street
Myrtle Beach, SC 29577

DNA ANALYSIS
August 08, 2016
SLED LAB: L15-10948
Your Case No: 15013220
Incident Date: 06/22/2015
[V] J.K.
[S] Alqi Dhimo

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

DNA ANALYSIS

ITEMS ANALYZED:

- 1.6 Buccal swabs from J.K.
- 2.1.1 Dried blood standard from Alqi Dhimo
- 1.3.1 Left hand fingernail scrapings
- 1.3.2 Right hand fingernail scrapings
- 1.5 Miscellaneous collections swabs - hands

EXAMINATIONS

DNA analysis was performed on the items above using Short Tandem Repeat (STR) PCR DNA analysis. The results of the analysis are shown in the following table(s).



AN ASCLD/LAB-*International* ACCREDITED TESTING LABORATORY SINCE 09/19/2014



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

RESULTS

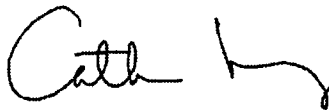
The DNA profile developed from item 1.3.1 is a mixture of at least two individuals. The DNA profile developed from the major contributor to this mixture is attributable to J.K. The partial DNA profile developed from the minor contributor to this mixture is insufficient for interpretation.

The DNA profile developed from item 1.3.2 is a mixture of at least two individuals. The partial DNA profile developed from the major contributor to this mixture matches the DNA profile of Alqi Dhimo and has been entered into the Combined DNA Index System (CODIS). The probability of randomly selecting an unrelated individual having a DNA profile matching the major contributor to this mixture is approximately 1 in 670 trillion. DNA types attributable to J.K. are present in this mixture.

The DNA profile developed from item 1.5 is a mixture of at least two individuals. The DNA profile developed from the major contributor to this mixture is attributable to J.K. Due to the inability to calculate a statistic, the partial DNA profile developed from the minor contributor to this mixture is not suitable for comparison.

Note: Any remaining evidence and/or packaging will be returned to the requesting agency.

This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.



Catherine Leisy
Forensic Scientist



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Table 1 - Identifier Plus

Case Items	D8S1179	D21S11	D7S820	CSF1PO	D3S1358	TH01	D13S317	D16S539	D2S1338	D19S433	vWA	TPOX	D18S51	D5S818	FGA	AMEL
1.6 J.K.	11,13	29,30	9,10	11,12	15,19	7,9,3	8,13	11,13	20	14	16,19	10,11	12	12,13	20,22	X
2.1.1 Alqi Dhimo	12,13	31,2	10,12	11	15,17	9,9,3	13	12,13	17,23	14	18	8,10	12,16	12,13	21,25	XY
1.3.1 Left hand fingernail scrapings	11,13	29,30	9,10	11,12	15,19	7,9,3	8,13	11,(12), 13	20	14	16,(18), 19	10,11	12	12,13	20,22	X
1.3.2 Right hand fingernail scrapings	11,12, 13	29,30, 31,2	9,10, 12	11,12	15,17, 19	7,9, 9,3	8,13	11,12, 13	17,20, 23	14	16,18, 19	8,10, (11)	12,16	12,13	20,21, (22),(24), 25	XY
1.5 Miscellaneous collections swabs - hands	10,11, (12),13	29,30, (31,2)	9,10	11,12	15,(16), (17),19	7,9, 9,3	8,13	11,(12), 13	(17),20	14	16,18, 19	(8),10, 11	12,(16)	12,13	20,(21), 22	X(Y)

() = stochastic range Bold = major contributor



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WITNESSES

H Jones Myrtle Beach Police Department

The State of South Carolina

County of Horry

Martin D. Spratlin

15H02917

FILED
2015 SEP 18 PM 1:13

WFLA...
CLERK OF COURT

COURT OF GENERAL SESSIONS

SEPTEMBER, 2015 TERM

DATE RECEIVED FROM
GRAND JURY

ARREST WARRANT NUMBER

✓ 2015A2620601387

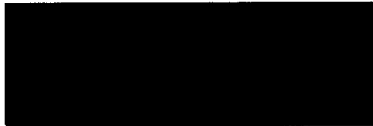
CDR: 0162 16-03-0654

DOA: 6/23/2015

THE STATE

vs.

✓ Alqi Dhimo
W/ M



ACTION OF GRAND JURY

TRUE BILL

ATTORNEY: John Reuben Long, II

Jacob Smith
Foreperson of Grand Jury
Date: SEP 17 2015

Indictment for

ATTEMPTED CRIMINAL SEXUAL CONDUCT,
THIRD DEGREE

VERDICT

Jimmy A. Richardson, II, Solicitor

ORIGINAL

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT


At a Court of General Sessions, convened on September 17, 2015, the Grand Jurors of Horry County present upon their oath:

ATTEMPTED CRIMINAL SEXUAL CONDUCT – THIRD DEGREE

CDR: 0162 16-03-0654,16-01-0080

That Alqi Dhimo did in Horry on or about June 22, 2015, attempt to engage in sexual battery with the victim, J.K. , when the defendant knew or had reason to know that the victim was mentally defective, mentally incapacitated or physically helpless, in violation of Section 16-03-0654, 16-01-0080, S. C. Code of Laws, 1976, as amended and the common law.

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

COUNTY OF Horry
STATE VS.
Alqi Dhimo
AKA: Alqi Dhimo
Race: WHITE Sex: M Age: 53
DOB: _____ SS#: _____
Address: _____
City, State, Zip: _____
DL#: _____ SID#: _____

INDICTMENT/CASE#: 2015GS2604000
A/W#: 2015A2620601387
Date of Offense: 6/22/2015
S.C. Code § : 16-03-0654
CDR Code #: 0162

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SC Court of Appeals

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Criminal Sexual Conduct - 3rd Degree - Attempted Up to 10 yrs.

CONVICTED OF or PLEADS

in violation of § 16-03-0654 of the S.C. Code of Laws, bearing CDR Code # 0162
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS (SC §17-25-45 w/minor 1st or Lewd Act)

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: Walter, Mary-Ellen SC103036 Defendant J.R. [Signature] 73831 Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 8 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 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

Sex Offender Registry Required
15 days in jail and credit for all time on GPS
priority to because of slitting

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

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 2-10-2026
\$ _____ paid to Public Defender Fund
Other: _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75
TOTAL		\$ 128.75

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

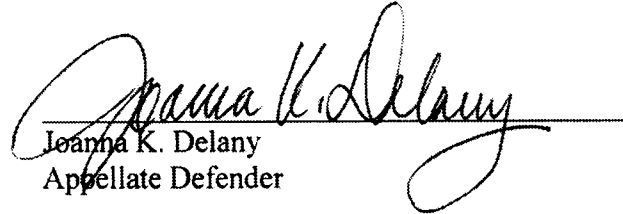
Clerk of Court/ Deputy Clerk Renee N. Elvis
Court Reporter: Dixie Eubank
SCCA/217 (07/2016)

Presiding Judge [Signature]
Judge Code: _____
Sentence Date: 1/10/16

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

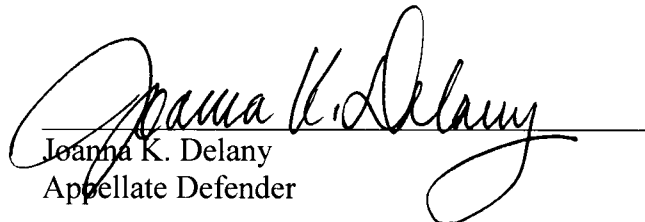
ATTORNEY FOR APPELLANT

This 19th day of February, 2019.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,


Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 19th day of February, 2019.

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FEB 19 2019

SC Court of Appeals