

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry
STATE VS.

Kevin J Mckimmon

AKA:

Race: WHITE Sex: M Age: 59

DOB: SS#:

Address:

City, State, Zip: Myrtle Beach, SC 29588-9011

DL#: SID#:

*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 w/ Minor 1st Degree (25-11K)

INDICTMENT/CASE#: 2020GS2601366

A/W#: 2015A2610700846

Date of Offense: 1/1/2013

S.C. Code §: 16-03-0655(A)(1)

CDR Code #: 0385

RECEIVED
OCT 09 2020
SC Court of Appeals

SENTENCE SHEET

CONVICTED OF or PLEADED

in violation of § 16-03-0655(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0385

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. (defendant's initials)

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

ATTEST: Walt 103036 KMK Cory Row 100554
Mary-Elken Walter 72898 Defendant Gregory Cory Row SC009733
SC Bar# SC Bar# Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 35 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. Active Electronic Monitoring Required.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

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.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

Set by SCDPPPS _____

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 (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

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 \$ 2500 beginning 11/2/2020
\$ _____ paid to Public Defender Fund
Other: _____

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

Presiding Judge Renee Elvis
Judge Code: _____
Sentence Date: 10/2/2020

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on March 11, 2020, the Grand Jurors of Horry County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR
FIRST DEGREE

[Signature] CDR: 0385 16-03-0655(A)(1)

That Kevin J Mckinnon did in Horry County, South Carolina, on or about or between the dates of January 1, 2013 and June 20, 2015, willfully and unlawfully commit the crime of Criminal Sexual Conduct with a Minor in the First Degree by engaging in sexual battery on a minor who is less than eleven (11) years of age, to wit: Rylie M., whose date of birth is January 16, 2007, in violation of Section 16-3-655(A)(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.

FILED

[Signature]
JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

RENEE A. BLY
CLERK OF COURTS
HORRY COUNTY, SC

CERTIFIED COPY

WITNESSES

Marcus Rhodes Horry County Police Department

Neague

ARREST WARRANT NUMBER

2015A2610700846

CDR: 0385 16-03-0655(A)(1)

DOA: 8/22/2015

ACTION OF GRAND JURY

MAR 11 2020

TRUE BILL

M. Boyd
Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

The State of South Carolina

County of Horry

C: Leigh Andrew

15H03987

COURT OF GENERAL SESSIONS

MARCH, 2020 TERM

THE STATE

VS.

Kevin J. McKinnon
W/M

Myrtle Beach, SC 29588-9011

DOB:
SSN:

ATTORNEY: M. Gregory McCollum

Indictment for

Criminal Sexual Conduct with a Minor, First Degree

RENEE N. ELVIS
CLERK OF COURT
Horry County, SC
Gregory A. Richardson, II, Solicitor

ORIGINAL
FILED COPY

FILED
2020 MAR 12 PM 2:34

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM
GRAND JURY:

RECEIVED
OCT 09 2020
SC Court of Appeals

ARREST WARRANT

2015A2610700846

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

THE STATE against 15065842

Kevin J Mckinnon

Address:

Myrtle Beach, SC 29588-9011

Phone: SSN: Sex: M Race: W Height: 5 9 Weight: 235

DL State: SC DL #: DOB: Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Marcus Rhodes - 2991

Offense: Sex / Criminal sexual conduct with minor or

Attempt - victim under 11 yrs of age - First degree

Offense Code: 0385

Code/Ordinance Sec: 16-03-0655(A)(1)

This warrant is CERTIFIED FOR SERVICE in the

[] County/ [] Municipality of

The accused is to be arrested and brought before me to be

dealt with according to the law

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant KEVIN J. MCKINNON

on 8-22-15

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions PO Box 677 1301 2nd Avenue Conway, SC 29528

ORIGINAL

ORIGINAL

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ORIGINAL

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ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

Personally appeared before me the affiant Marcus Rhodes

being duly sworn deposes and says that defendant Kevin J Mckinnon

did within this county and state of Horry on about 11/1/2013 violate the criminal laws of the

State of South Carolina (or ordinance of Horry) in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - 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:

The Defendant, Kevin J. McKinnon, did between January 2013 and July 2015, while at 8322 Hwy 814 in the Myrtle Beach section of Horry County, engage in sexual battery against his granddaughter who is under eleven years of age. The victim, identified as Victim One, stated during a forensic interview that the defendant did touch her genitals with his finger and tongue, grope her breasts with his hands and mouth and cause her to fondle his penis. This occurred multiple times and in multiple locations in the residence.

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [] Municipality of

Horry

Affiant's Address 2560 N. Main Street

Conway, SC 29526-

Affiant's Telephone (843)915-5350

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 11/1/2013 defendant Kevin J Mckinnon

did violate the criminal laws of the State of South Carolina (or ordinance of

[X] County/ [] Municipality of Horry) as set forth below.

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - 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 8/19/2015

Signature of Issuing Judge

Bradley Dwyer Mayers

Judge Code: 5881

Judge's Telephone (843)915-5290

Issuing Court: [X] Magistrate [] Municipal [] Circuit

ORIGINAL

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

CERTIFIED COPY AFFIDAVIT

CLERK OF COURT HORRY COUNTY, SC

RECEIVED OCT 09 2020 SC Court of Appeals

62-8-14-8-29 (L.S.)

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

State of South Carolina,)

Plaintiff,)

vs.)

Kevin J. McKinnon,)

Defendant.)

IN THE COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT

NOTICE OF REPRESENTATION


2015 SEP 24 PM 1:09
Horry County, SC

TO: MELANIE HUGGINS-WARD, HORRY COUNTY CLERK OF COURT:

The Defendant, Kevin J. McKinnon, was charged with CSC w/a Minor, 1st Degree, Warrant No.: 2015A2610700844; Disseminating Obscene Material to a Minor, Warrant No.: 2015A2610700845; CSC w/a Minor, 1st Degree, Warrant No.: 2015A2610700846 and Disseminating Harmful Material to Minors, Warrant No.: 2015A2610700849.

You will please take notice that I have been retained as counsel to represent the Defendant regarding this charge.

CERTIFIED COPY
-RENEE M. ELYS
CLERK OF COURT
HORRY COUNTY, SC


Greg McCollum
Complete Legal Defense Team
1012 38th Avenue North, Suite 202
Myrtle Beach, South Carolina 29577
(843) 626-5480

ATTORNEY FOR DEFENDANT

September 21, 2015
Myrtle Beach, South Carolina

STATE OF SOUTH CAROLINA)
 COUNTY OF HORRY)
 State of South Carolina,)
 Plaintiff,)
 vs.)
 Kevin J. McKinnon,)
 Defendant.)

IN THE COURT OF GENERAL SESSIONS
 FIFTEENTH JUDICIAL CIRCUIT

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

2011 SEP 24 PM 1:09
 Horry County, SC

TO: JIMMY RICHARDSON, SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT:

YOU WILL PLEASE TAKE NOTICE, as Counsel for the Defendant will move this Court for an Order compelling the State to:

1. Make available for the 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; and
 - 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 not 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 Defendant or to negate participation by the Defendant in the alleged crime.
7. Make available to the Defendant all results of laboratory tests, scientific tests, or

RENEE N. ELVIS
 CLERK OF COURT
 HORRY COUNTY, SC

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physical examinations conducted in connection with this case, including but not limited to:

- a. Analysis of handwriting
- b. Photographs secured of the crime scene
- c. Comparison of fingerprints
- d. Hair samples
- e. Body fluids (blood, semen, urine, etc.)

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 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, the FBI, and local authorities arrest and conviction records of all persons named in connection with this proceeding, including the Defendant; and further make available:

- a. Any and all consideration or promises or consideration given or made on behalf of State's witnesses;
- b. Any and all prosecutions, investigations, or possible prosecutions pending which could be brought against the witness and any probationary parole or deferred prosecution status of the witness;
- c. Any and all records and information revealing convictions attributed to each State's witness;
- d. Any and all records and information showing prior misconduct or bad acts committed by the State's witnesses;
- e. Any information tending to show that other persons, excluding the accused were involved in the crime; consumed alcohol and/or drugs prior to the commission of the offense;
- f. Any information that any of the State's witnesses had consumed alcohol and/or drugs prior to witnessing the events that gave rise to their respective testimony;
- g. Any statements of witnesses which conflict either internally or with another statement of the same witness;

RENEE MELVIS
CLERK OF COURT
FORRY COUNTY, S.C.

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- h. Any polygraph tests taken and not passed which raise some doubt as to any State's witness's credibility;
- i. Any psychiatric, psychological, or mental evaluations taken by a State's witness or any evidence of psychiatric, psychological, or mental treatment of any State's witness;
- j. Any hypnosis given to any State's witness to assist that witness's memory for investigative or trial preparation purposes;
- k. Any internal documents or other evidence of any law enforcement official's misfeasance, malfeasance or negligence whether by acts of omission or commission, in the performance of his/her duties, concerning this specific case;
- l. Any training guides, manuals or other similar materials which give information relative to an investigation or arrest which were not used in this particular arrest or investigation;
- m. In the case of any scientific evidence, textbooks, data, manuals, guides or other similar materials which suggest alternative methods to the one used;
- n. Any evidence of the periodic destruction of any evidence such as a police department retention policy;
- o. The names and addresses of any individuals who were considered at any time during the case as possible suspects and the evidence that led to this conclusion;
- p. "Mugshots", photographs or other physical evidence used but eliminated during the course of the investigation and the reasons for their discontinuance;
- q. The names and addresses of other individuals who may have confessed to this crime or crimes with a similar *modus operandi*;
- r. Any statement of a witness or other individual which presents or indicates a doubt as to the identity of the accused, the location of the crime, or the description of any tangible item relevant to the charge.

REC'D
 CLERK OF COURT
 HENRY COUNTY, SC

CERTIFIED COPY

This information is requested pursuant to Rule 5, 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. v. Agurs, 427 U.S. 97, 49 L.Ed. 2d 342, 96 S.Ct. 2393

(1976), State v. Mixon, S.C. 274 S.E. 2d 406 (1981).

Further, this information is requested on the grounds that it is essential to insure the Defendant's right to a fair trial, the right to confrontation of witnesses, the right to effective Counsel and due process of law guaranteed by the South Carolina Constitution.

WHEREFORE, Defendant prays:

1. 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.

2. That the information be provided at a reasonable time before the term in which the case is to be tried pursuant to United States v. Elmore, 423 F.2d 775 and United States v. Deutsch, 373 F. Supp. 289.

3. That the Court enter an Order requiring the Solicitor's Office to make disclosure of all matters presently within their possession and knowledge concerning the matter set forth in this Motion and to make such Order requiring a continuing disclosure of all matters requested herein up to and during the trial of the charges against the Defendant(s).

Respectfully submitted,

Greg McCollum

Greg McCollum
Complete Legal Defense Team
1012 38th Avenue North, Suite 202
Myrtle Beach, South Carolina 29577
(843) 626-5480

ATTORNEY FOR DEFENDANT

September 21, 2015
Myrtle Beach, South Carolina

Warrant No.: 2015A2610700844
Warrant No.: 2015A2610700845
Warrant No.: 2015A2610700846
Warrant No.: 2015A2610700849

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing pleadings has been served upon opposing counsel by mailing a copy properly addressed with sufficient postage affixed thereto this

21st Day of September, 2015
Muhelle Schmalzfeldt

Greg McCollum
Complete Legal Defense Team
1012 38th Ave. N., Ste 202
Myrtle Beach, SC 29577

2015 SEP 22 PM 1:09
RENEE N. BASS
CLERK OF COURT
Horry County
Myrtle Beach, SC

CERTIFIED COPY

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN THE COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT
2020-GS-26-01366, 2016-GS-26-02823

THE STATE

v.

KEVIN J. MCKINNON,
Defendant.

RECEIVED
OCT 09 2020
SC Court of Appeals
VERDICT FORM

I. CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE

On the charge of Criminal Sexual Conduct with a Minor in the First Degree, we, the Jury, by unanimous consent find the Defendant. (*Check only one of the following spaces*):

FILED

2020 OCT -2 PM 5:

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

Not Guilty

OR

Guilty.

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

October 2, 2020
Conway, South Carolina.

Mary J. Kealey
FOREPERSON'S SIGNATURE

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN THE COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT
2020-GS-26-01366, 2016-GS-26-02823

THE STATE

v.

KEVIN J. MCKINNON,
Defendant.

VERDICT FORM **RECEIVED**
OCT 09 2020
SC Court of Appeals

Having found the Defendant guilty of Criminal Sexual Conduct with a Minor in the First Degree, did the conduct of the Defendant that committed the sexual battery involve sexual or anal intercourse either by the Defendant or by an intrusion of an object by the Defendant? (Check only one of the following spaces):

FILED
2020 OCT 22 PM 14
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

Yes

OR

No

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

October 2, 2020
Conway, South Carolina

Mary J. Kelley
FOREPERSON'S SIGNATURE