

ARREST WARRANT

2020A2620604083

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

THE STATE

20-022284

against

Rachene Bernard Hearn

Address:

Phone: SSN: Sex: M Race: B Height: 6 Weight: 170

DL State: DL #:

DOB: Agency ORI #: SC0260600

Prosecuting Agency: Myrtle Beach Police Department

Prosecuting Officer: Lorenzo R Boyles - S00268

Offense: Domestic / Domestic violence of a high and aggravated nature

Offense Code: 3814

Code/Ordinance Sec: 16-25-0065(A)

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 Rachene Bernard Hearn

on 11/29/2020

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

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ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Personally appeared before me the affiant Lorenzo R Boyles

being duly sworn deposes and says that defendant Rachene Bernard Hearn

did within this county and state on or about 11/29/2020

violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Myrtle Beach)

in the following particulars:

DESCRIPTION OF OFFENSE: Domestic / Domestic violence of a high and aggravated nature

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:

SEE ATTACHED AFFIDAVIT

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Affiant's Address 1101 Oak Street

Myrtle Beach, SC 29577-

Affiant's Telephone

ARREST WARRANT

150,000 summary

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 11/29/2020 defendant Rachene Bernard Hearn

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

County/ Municipality of Myrtle Beach

) as set forth below:

DESCRIPTION OF OFFENSE: Domestic / Domestic violence of a high and aggravated nature

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 11/29/2020

Signature of Issuing Judge

Valerie A. Wentz

Judge Code: 6671

Judge's Address 1101 Oak Street

Myrtle Beach, SC 29577-3599

Judge's Telephone (843)918-1356

Issuing Court:

Magistrate

Municipal

Circuit

ORIGINAL

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Form Approved by S.C. Attorney General April 21, 2003 SCCA 616

ORIGINAL

AFFIDAVIT

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )  
MUNICIPALITY OF MYRTLE BEACH  
VS  
RACHENE BERNARD HEARNS

AFFIDAVIT  
2020A2620604083

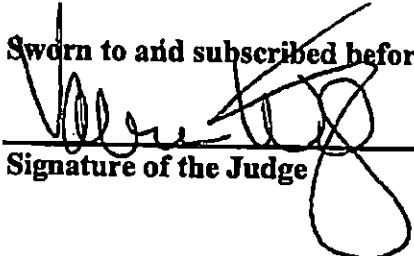
RENEEN ELY  
CLERK OF COURT  
HORRY COUNTY, SC

RECEIVED COPY

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth and that such probable cause is based on the following facts:

On 11/29/2020, affiant responded to a disturbance at 6804 N Ocean Blvd. Rm 731, which is located in the city limits of Myrtle Beach. Affiant spoke with the victim. The victim stated she and the offender have been married for 4 years and living together at the above stated address. The victim stated she and the defendant got into an argument that led to a physical confrontation. The victim stated the defendant grabbed her purse and attempted to throw the purse off the balcony. The victim stated she grabbed the purse from the defendant, which is when the defendant threw her on the balcony floor. The victim stated the defendant got on top of her and begin to choke her. The victim stated she was able to get up and go back inside, to the room. The victim stated as she walking to the room, the defendant grabbed her and threw her on the couch. The victim stated she fell on the room floor and the defendant got on top of her and begin to choke her again. The victim stated the defendant picked up a metal chair and begin to hit her in the head with the chair. The victim stated the victim dropped the chair and started to choke her again, along with punching her in her stomach. The victim did have strangulation marks on her neck, a laceration on the back of her head, scratches and bruising to both of her hands. The victim stated she did not lose consciousness in any of the times the defendant choked her, but she could not breathe. This incident did take place in the presence of a minor. Based on the above evidence, affiant believes that there is enough probable cause to charge the defendant with Criminal Domestic Violence of High and Aggravated Nature. SC Code-16-25-65.

Sworn to and subscribed before me this 29<sup>th</sup> day of November, 2020

  
Signature of the Judge

(L.S.)

  
Signature of the Affiant

STATE OF SOUTH CAROLINA )  
COUNTY OF Horry )  
STATE OF SOUTH CAROLINA )  
-VS- )  
RACHENE HEARNS )  
DEFENDANT )

IN THE COURT OF GENERAL SESSIONS  
OF THE FIFTEENTH JUDICIAL CIRCUIT

CERTIFICATE OF REPRESENTATION  
(APPOINTING AS COUNSEL)

NICHOLAS F ONEILL

FILED  
2021 JAN 07 AM 9:38  
NICHOLAS F. ELYS  
CLERK OF COURT  
HORRY COUNTY, SC

FILE NO: 26A20-00004728

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

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, 17th day of December, 2020, regarding the charge(s) of:

FILED  
2021 JAN 07 AM 9:38  
NICHOLAS F. ELYS  
CLERK OF COURT  
HORRY COUNTY, SC

2020A2620604083 Domestic / Domestic violence of a high and aggravated nature

The Defendant's Counsel is **Nicholas F ONeill**. The office of the Public Defender requests on the Defendant's behalf any and all evidence in the possession of you and or your agents pursuant to S.C. Criminal Practice Rule 5, and Brady v. Maryland 373 U.S. 383 (1963). The formal Motion for Discovery is attached.

RONALD W. HAZZARD  
FIFTEENTH CIRCUIT  
PUBLIC DEFENDER

CONWAY, SC  
DATED: January 07, 2021

STATE OF SOUTH CAROLINA)  
COUNTY OF HORRY )  
)

IN THE COURT OF GENERAL SESSION  
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)  
-VS- )  
)

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

**RACHENE B. HEARNS**

**DEFENDANT** )  
)

RECEIVED COPY  
JUL 11 2011  
CLERK OF COURT  
HORRY COUNTY, SC

FILE NO: 26A20-00004728

TO: SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT

YOU WILL PLEASE TAKE NOTICE that unless the prosecution responds to the Defendant's request for disclosure within 30 days, or within such time as may be ordered by the Court, Counsel for the Defendant will move this Court for an Order compelling that the State:

1. Make available for Defendant any and all written and oral statements by the Defendant which are, or may come to be, in the possession of the State.
2. Make available for purposes of inspection, and copying, any and all police reports relating to the investigation and circumstances surrounding the crime which the Defendant is charged with, including any and all statements taken from witnesses and the Defendant.
3. Make available to the Defendant all tangible objects obtained during the investigation of this case, including, but not limited to:
  - (a) All tangible objects obtained from the scene of the crime and
  - (b) All tangible objects obtained from the State's witnesses in this case
  - (c) All tangible objects the State intends to introduce into evidence at Trial which are relevant to the offense charged.
4. Make available any witnesses known to the State who have knowledge of facts which might be favorable to the Defendant.
5. Make available any promises made or actions taken by the State which caused or might have caused any witnesses for the State to testify on behalf of the State.
6. Make available any inconsistent statements made by witnesses for the State or any statements made by witnesses for the State which tend to exculpate the Defendants or to negate participation by the Defendants in the alleged crime.
7. Make available to the Defendant all results of laboratory tests, scientific tests, or physical examinations conducted in connection with this case, including but not limited to:
  - (a) Analysis of handwriting
  - (b) Photographs secured of the scene of the crime
  - (c) Comparison of fingerprints
8. Make available any facts which tend to exculpate the Defendant.

JUL 11 2011  
CLERK OF COURT  
HORRY COUNTY, SC

9. Make available any and all scientific or medical, psychiatric, legal or other information, reports or records which might tend to reflect on the credibility or competence of any of prospective witnesses for the State.

10. Make available to the Defendant the names and addresses of all persons who have knowledge of this case or who have been interviewed by the investigating officers in connection with this case.

11. Make available to the Defendant, the SLED, FBI, and local arrest and conviction records of all persons, including the Defendant, named in connection with this proceeding.

12. Make any chemist, analyst, and all persons within the chain of custody appear in Court for the purpose of personally testifying. Attorney for the Defense thus objects to the introduction of any chemist's or analyst's report pursuant to Rule 6, S.C. Rules of Criminal Procedure.

13. Make available to the Defendant all video and audio recordings and/or notarized affidavits made pursuant to South Carolina Code § 56-5-2953 and any other applicable South Carolina Statute or regulation, including but not limited to:

- (a) Police and booking reports;
- (b) Police logs;
- (c) Alcohol influence reports;
- (d) Accident reports
- (e) Reports dealing with defendant's refusal to submit to testing;
- (f) Notes taken from any recording by Law Enforcement regarding conversations with potential prosecution witnesses
- (g) Any notes taken by Law Enforcement with regards to this case which the officer intends to rely on, or make use of, at trial.
- (h) The names of the officers or other witnesses who were with the Defendant within one hour of the arrest who had the opportunity to observe the appearance and behavior of the Defendant, to include the identity of any officer present at the scene of arrest.
- (i) The time and place where the Defendant was given the Miranda warning and the name of the officer who advised him/her of the same.
- (j) Any reports made by any laboratory or hospital concerning any examination made of any physical (urine, blood, etc.), photographic or written evidence related to the Defendant's case.
- (k) The records of analysis and the results of any chemical, urine, or breathalyzer tests administered to the Defendant.

14. Make available to the Defendant following information regarding the person(s) who administered the Defendant's chemical/breathalyzer tests:

- (a) The person's name and the name of his/her employer;
- (b) The date of his/her original certification to give chemical/breathalyzer tests and the grade he/she received on the exam;
- (c) The date of his/her most recent certification to give said tests; And his/her compliance with statutes and regulations providing for standards of training for person(s) administering such tests.

15. If the Defendant's blood alcohol concentration was determined on the basis of a test involving the use of any machine, provide the following information:

- (a) The type of machine used and the make, model, and serial number of particular machine;

- (b) The manufacturer and the date of manufacture of the machine;
- (c) The owner's manual and the instruction manual;
- (d) The software program used in said machine;
- (e) The date of purchase by the agency owning the machine;
- (f) The location of machine;
- (g) The number of prior tests conducted on the machine;
- (h) All maintenance information for the last two years, including all repairs done and all calibrations made on the machine;
- (i) The results of all tests performed in the thirty (30) days prior to the date of the Defendant's arrests, including any tests in which the machine malfunctioned;
- (j) Any checklist to be used by the operator of the machine, either before, during, or after the admission of a test.

This information is requested pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure. This information is further requested pursuant to Brady vs Maryland, 373 U.S. 383, 10 L. Ed. 2d 215, 83 S. Ct. 1194 (1963), U.S. vs Agurs, 427 U.S. 97, 49 L. Ed. 2d 342, 96 S. Ct. 2392 (1976), State vs Mixon 274 S.E. 2d 406 (1981), City of Rock Hill vs Suchenski, 374 S.C. 12, 646 S.E.2d 879 (2007). Further this information is requested on the grounds that it is essential to insure the Defendant's right to a fair trial, right to confrontation of witnesses, the right to effective Counsel and due process of law guaranteed by the South Carolina Constitution, and the United States Constitution.


**ADDITIONALLY DEFENDANT REQUESTS A SPEEDY TRIAL:**

The Defendant requests and asserts his / her right to a speedy trial in General Sessions Court in this County pursuant to the United States and the South Carolina Constitutions and under the relevant South Carolina Code of Laws

WHEREFORE, Defendant prays:

- (a) That the Solicitor be Ordered to produce all information described herein and allow the Defendant the right to examine, inspect, copy and photograph, such materials and information at a specific time and place to be fixed by the Court.
- (b) That the information be provided no later than 30 days from the date of this request, as reflected by the Clerk of Court's time-stamp appearing on the face of this Document.
- (c) That the Court enter an Order requiring the Solicitor's Office to make continuing disclosure of all matters requested herein up to and during the Trial of the charges against the Defendant.

RESPECTFULLY SUBMITTED

  
 \_\_\_\_\_  
 RONALD W. HAZZARD  
 FIFTEENTH CIRCUIT  
 PUBLIC DEFENDER

CONWAY, SOUTH CAROLINA  
 DATED: January 07, 2021

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY  
STATE VS.

INDICTMENT/CASE#: 2021GS2601752

Rachene Bernard Hearn

A/W#: 2020A2620604083

AKA: \_\_\_\_\_

Date of Offense: 11/29/2020

Race: BLACK Sex: M Age: 40

S.C. Code § : 16-25-0065(A)

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

CDR Code #: 3814

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL#: \_\_\_\_\_ SID#: \_\_\_\_\_

\*CDL  CMV  Hazmat

In disposition of the said indictment comes now the Defendant who was  
TO: Domestic / Domestic Violence, 2nd degree (0-3 years and/or \$2,500-\$5,000)

CONVICTED OF or  PLEADED

in violation of § 16-25-0020(A)(C) of the S.C. Code of Laws, bearing CDR Code # 3812

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS (CSC

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Prosecution to Grand Jury. R.H. (defendant's initials)

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

ATTEST: Kaitlin Cook SC Bar# 104109 Rachene Bernard Hearn Defendant Nicholas O'Neill Attorney for Defendant SC Bar# SCB104784

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 18 day/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 18 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 SCDDC.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-133.

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  DeL. Waives Hearing  Ordered PTUP

Total: \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_ days/hours Public Service Employment: \_\_\_\_\_

Payment Terms: \_\_\_\_\_ Obtain GED

Set by SCDPPPS \_\_\_\_\_ Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_ May serve W/E beginning \_\_\_\_\_

\*Fine: \_\_\_\_\_ Substance Abuse Counseling

§14-1-206 (Assessments 107.5 %) \_\_\_\_\_ Random Drug/Alcohol testing

§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00 Fine may be pd. in equal, consecutive weekly/monthly

§14-1-211(A)(2) (DUI Surcharge) \$100 \$ \_\_\_\_\_ pmts. of \$ 25.00 beginning 5/12/21

§56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_ \$ \_\_\_\_\_ paid to Public Defender Fund

§56-1-286 (DUI Breath Test) \$25 \$ \_\_\_\_\_ Other: \_\_\_\_\_

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(I) (Vehicle Assessment) \$40/vea \$ \_\_\_\_\_

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75 + 40.00 = 168.75

Clerk of Court/ Deputy Clerk Benee Elvis

Court Reporter: Natalie Dahl

SCCA/217 (04/2018)

Presiding Judge Terrell Cotton

Judge Code: 21614

Sentence Date: 4-12-21

RECEIVED BY CLERK OF COURT HORRY COUNTY S.C. \$17-25-45  
FILED  
APR 12 AM 3:37  
CLERK OF COURT

CENTRIFIED COPY

**WITNESSES**

Lorenzo R Boyles Myrtle Beach Police  
Department

DOCKET NO. 2021GS2601752

**The State of South Carolina**  
**County of Horry**

Kaitlin Cook

20H05604

**COURT OF GENERAL SESSIONS**

**April, 2021 TERM**

FILED  
HORRY COUNTY  
2021 APR 12 P 2:42  
RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

COURT DATE  
PLED GUILTY /TRIAL

**ARREST WARRANT NUMBER**

2020A2620604083  
CDR: 3814 16-25-0065  
DOA: 11/29/2020

**THE STATE**

**vs.**

**Rachene Bernard Hearn**  
**B/ M**

**DOB:** [REDACTED]  
**SSN:** [REDACTED]

**ATTORNEY: Nicholas O'Neill**

**Indictment for**

**Domestic Violence Second Degree**

**Jimmy A. Richardson, II, Solicitor**

RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

**ORIGINAL**

**ACTION OF GRAND JURY**

*Foreperson of Grand Jury*  
Date:

**VERDICT**

*Foreperson of Petit Jury*  
Date:

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

INDICTMENT

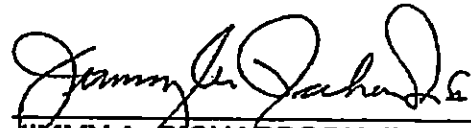
At a Court of General Sessions, convened on April 21, 2021, the Grand Jurors of Horry County present upon their oath:

**Domestic Violence in the Second Degree**

CDR: 3812 §16-25-0020(C)

That, Rachene Bernard Hearn, did in Horry County on or about November 29, 2020, cause physical harm or injury to his own household member, Amanda Hearn, or did offer or attempt to cause physical harm or injury to Amanda Hearn with the apparent present ability under the circumstances to do so reasonably creating fear of imminent peril, and Rachene Hearn committed the offense by impeding Amanda Hearn's breathing/airflow, in violation of Section 16-25-0020(C), S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II  
FIFTEENTH CIRCUIT SOLICITOR

RENEE B. ELYS  
CLERK OF COURT  
HORRY COUNTY, SC  
SERIALIZED COPY

STATE OF SOUTH CAROLINA )  
COUNTY OF Horry )  
STATE OF SOUTH CAROLINA )

-VS-

RACHENE HEARNS

DEFENDANT )  
\_\_\_\_\_ )

**RULE 203 (B) (iv)**  
**WRITTEN EXPLANATION OF**  
**NO**  
**BASIS FOR APPEAL**

RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

FILED COPY

PERSONALLY appeared before me Nicholas F O'Neill, who being duly sworn,  
deposes and says :

1. I represented the above named defendant before The Honorable Ferrell Cothran on April 12, 2021 at which time the defendant enter a guilty plea to his/her pending charges.
2. No issues of law or fact, were raised before the Judge at that time that could be the basis for an Appeal in this matter.
3. The defendant requested this appeal be filed based on the language used by the plea judge informing the client he has the right to appeal his guilty plea within ten (10) days.
4. I informed defendant that there were no issues to appeal.
5. Defendant requested the Appeal be filed.

Sworn to and Subscribed before me  
\_\_\_\_\_ day of April, 2021

[Signature]  
Notary Public for South Carolina  
My Commission expires: MARCH 3, 2031

[Signature]  
Signature of Attorney for Defendant  
Nich O'Neill  
Print name of Attorney for Defendant

FILED  
HORRY COUNTY  
2021 APR 21 A 9:16  
RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC