

ARREST WARRANT

2021A2610202338

STATE OF SOUTH CAROLINA

County/ Municipality of

Horry

THE STATE

HCPD2021102346

against

Kenny Kon Duiva Holden

Address: [REDACTED]

Phone: [REDACTED] SSN: [REDACTED]

Sex: M Race: B Height: 6 Weight: 230

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORJ #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Sandie J Jones - S01490

Offense: Domestic / Domestic Violence, 1st degree

Offense Code: 3811

Code/Ordinance Sec: 16-25-0020(B)

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 Kenny Kon Duiva Holden

on 10/8/21

Jones #633
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

214

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Horry

Personally appeared before me the affiant Sandie J Jones who

being duly sworn deposes and says that defendant Kenny Kon Duiva Holden

did within this county and state on or about 10/8/2021 violate the criminal laws of the

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

in the following particulars:

DESCRIPTION OF OFFENSE: Domestic / Domestic Violence, 1st 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:

On 10-8-21 at the location of [REDACTED] the defendant did strike the victim with a closed fist hitting her top lip leaving a visible cut. The defendant also pointed a loaded 12 gauge shotgun at the back of the victims head during an argument. The shotgun was located beside the residence leaning on a fence where it was recently placed in an attempt to hide it. The victim and defendant have cohabitated at the residence for five years. R/O M. Tindall HCPD

Signature of Affiant

Sandie Jones

STATE OF SOUTH CAROLINA

County/ Municipality of

Horry

Affiant's Address 2560 North Main Street

Conway, SC 29526-

Affiant's Telephone _____

RENEE M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
IDENTIFIED COPY

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 believe that

on or about 10/8/2021 defendant Kenny Kon Duiva Holden

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

County/ Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Domestic / Domestic Violence, 1st 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 his execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 10/8/2021

Aaron C. Butler (L.S.)

Signature of Issuing Judge

Aaron C. Butler

Judge Code: 5022

Judge's Address J. Ruben Long Detention Center

Conway, SC 29526-1071

Judge's Telephone (843)365-9222

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

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RECEIVED
APR 26 2022
SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

CERTIFICATE OF REPRESENTATION
(APPOINTING AS COUNSEL)

-VS-

KENNY HOLDEN

NICHOLAS F ONEILL

DEFENDANT)

FILE NO: 26A21-00004443

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

HORRY COUNTY
2021 DEC 20 P 3:41
PENELE H. ELVIS
CLERK OF COURT
HORRY COUNTY, SC


This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, 18th day of November, 2021, regarding the charge(s) of:

2021A2610202338 Domestic / Domestic Violence, 1st degree

CERTIFIED COPY
PENELE H. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

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.

CONWAY, SC
DATED: December 20, 2021


RONALD W. HAZZARD
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

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APR 26 2022

SC Court of Appeals

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

KENNY K. HOLDEN

DEFENDANT)
)

RECEIVED

APR 26 2022

SC Court of Appeals

FILE NO: 26A21-00004443

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.

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APR 26 2022
SC Court of Appeals
KERRY COURT
CLERK
COUNTY OF Horry
SOUTH CAROLINA
CENTRAL COPY

STATE OF SOUTH CAROLINA

COUNTY OF Horry

STATE

VS.

Kenny Kon Duiva Holden

AKA:

Race: BLACK Sex: M Age: 45

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021GS2605264

AW#: 2021A2610202338

Date of Offense: 10/8/2021

S.C. Code §: 16-25-0020(A)

CDR Code #: 3812

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APR 26 2022
SC COURT OF APPEALS
SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Domestic / Domestic Violence, 1st degree

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

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (def.'s initials)

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

ATTEST: [Signature] SCB76142 Kenny Holden Defendant [Signature] O'Neill, Nicholas SC Bar # 104784 Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Correction, County Detention Center,

for a determinate term of 2 days/months/years/Time Served Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 5

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run 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. days/months To include time spent on monitored house arrest prior to trial and sentencing. The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

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2022 APR 18 P 12:00
Horry County
CLERK OF COURT
Horry County, SC

SPECIAL CONDITIONS:

PTUP after 2 months ^(years) if completed Anger Management
 And Other Terms Listed Below:

- Substance Abuse Counseling
- Completion of GED
- Random Drug/Alcohol Testing
- Attend Voc. Rehab. or Job Corp
- No Contact with Victim
- Domestic Violence Intervention Program
Anger Management
- Mental Health Counseling
- May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430
- Public Service Employment 0 days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 25.00 Beginning 5/13/2022

- §14-1-206 (Assessments 107.5 %)
- §14-1-211(A)(1) (Conv. Surcharge)
- §14-1-211(A)(2) (DUI Surcharge)
- §56-5-2995 (DUI Assessment)
- §56-1-286 (DUI Breath Test)
- §14-1-212 (Law Enforce. Funding)
- §14-1-213 (Drug Court Surcharge)
- §34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)
- §50-21-114(BUI Breath Test Fee)
- §56-5-2942(J) (Vehicle Assessment)
- 3% to County (if paid in installments)

- Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.
- § 17-3-30(B) Unpaid Application: Fee to be paid to the Public Defender Fund

Horry County
 2022 APR 13 P 12:07
 RENEE N. ELVIS
 CLERK OF COURT
 HORRY COUNTY, SC

\$100	\$	100.00
\$100	\$	100.00
\$12	\$	
\$25	\$	
\$25	\$	25.00
\$150	\$	
\$41	\$	
\$50	\$	
\$40/ea	\$	
TBD	\$	18.75
\$500	\$	500.00
TBD	\$	
TOTAL	\$	643.75

Clerk of Court/ Deputy Clerk: Renee Elvis
 Court Reporter: Julie Lewis

Presiding Judge: Steven DeBevoise
 Judge Code: 2771
 Sentence Date: 4/13/2022

PLEA DISPOSITION WORKSHEET

Defendant: Holden, Kenny K.

Def. Atty: O'Neill, Nicholas F

Asst. Sol: Livesay, Nancy

Plea _____
Judge: _____

Plea Date: _____

Indict. No.	Warrant No.	Original Charge	Plea Charge
	2021A2610202338	Domestic / Domestic Violence, 1st degree	

Sentence: _____

REBEKAH ELMIS
CLERK OF COURT
HORRY COUNTY, SC

CERTIFIED COPY

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)
-VS-)

KENNY HOLDEN)
DEFENDANT)

RECEIVED
APR 26 2022
SC Court of Appeals
RULE 203 (B) (iv)
WRITTEN EXPLANATION OF
NO
BASIS FOR APPEAL

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 H. Steven Deberry on April 13, 2022 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
22 day of April, 2022

[Signature]
Notary Public for South Carolina
My Commission expires: 3/03/2031

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

FILED
HORRY COUNTY
2022 APR 22 A 11:08
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
FILED
HORRY COUNTY
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CLERK OF COURT
HORRY COUNTY, SC