

May 29 2024

SC Court of Appeals

30-LIFE

STATE OF SOUTH CAROLINA

COUNTY OF SALUDA

STATE

VS.

Earl Eugene Valentine, Jr

AKA:
Race: Black Sex: Male Age: 23
DOB: SS#:
Address:
City, State, Zip:
DL#\* SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2024GS410001

AW#: 2022A4110100269
Date of Offense: 11/17/2022
S.C. Code §: 16-3-10
CDR Code #: 0116

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: Murder

In violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116

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.

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

ATTEST:

Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

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

for a determinate term of 55 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

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: 2024GS41002

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. 479 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.

**SPECIAL CONDITIONS:**

PTUP after \_\_\_\_\_ months/years

**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
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ 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  | \$ _____ | Beginning | _____ | \$ _____         |
| §14-1-206 (Assessments 107.5%)  |          |           |       | \$ _____         |
| §14-1-211 (A)(1)(Conv. Surcharge)   |          | \$100     |       | \$ <u>100.00</u> |
| §14-1-211 (A)(2)(DUI Surcharge)   |          | \$100     |       | \$ _____         |
| §56-5-2995 (DUI Assessment)   |          | \$12      |       | \$ _____         |
| §56-1-286 (DUI Breath Test)   |          | \$25      |       | \$ _____         |
| §14-1-212 (Law Enforce. Funding)  |          | \$25      |       | \$ <u>25.00</u>  |
| §14-1-213 (Drug Court Surcharge)  |          | \$150     |       | \$ _____         |
| §34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)   |          | \$41      |       | \$ _____         |
| §50-21-114 (BUI Breath Test Fee)  |          | \$50      |       | \$ _____         |
| §56-5-2942(J) (Vehicle Assessment)  |          | \$40/ea   |       | \$ _____         |
| 3% to County (if paid in installments)  |          | TBD       |       | \$ <u>3.75</u>   |
| <input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees |          | \$500     |       | \$ _____         |
| <input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund   |          | TBD       |       | \$ _____         |
| <b>TOTAL</b>  |          |           |       | \$ <u>128.75</u> |

Clerk of Court/Deputy Clerk:  
Court Reporter:

*Sheri Coleman*  
*Julie Brown*

Presiding Judge:  
Judge Code:  
Sentence Date:

*Dekia Meladi*  
*2769*  
*3/14/24*

ATTEST TRUE COPY

*Sheri C Coleman*  
Clerk of Court  
Saluda, S. C.

May 29 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 COUNTY OF SALUDA )  
 STATE )  
 VS. )  
 Earl Eugene Valentine, Jr )  
 AKA: )  
 Race: Black Sex: Male Age: 23 )  
 DOB: SS#: )  
 Address: )  
 City, State, Zip: )  
 DL#\* SID# )

IN THE COURT OF GENERAL SESSIONS  
 INDICTMENT/CASE#: 2024GS410002  
 A/W#: 2022A4110100268  
 Date of Offense: 11/17/2022  
 S.C. Code §: 16-23-490  
 CDR Code #: 0549

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: Possession of Weapon During Violent Crime

In violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45

(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

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.

Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

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

for a determinate term of 5 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 \_\_\_\_\_

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: 2024BS410001

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.

**SPECIAL CONDITIONS:**

PTUP after \_\_\_\_\_ months/years

**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
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ 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  | \$           | _____ | Beginning _____ |
| §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         | \$    | _____           |
| §14-1-212 (Law Enforce. Funding)  | \$25         | \$    | 25.00           |
| §14-1-213 (Drug Court Surcharge)  | \$150        | \$    | _____           |
| §34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)   | \$41         | \$    | _____           |
| §50-21-114 (BUI Breath Test Fee)  | \$50         | \$    | _____           |
| §56-5-2942(J) (Vehicle Assessment)  | \$40/ea      | \$    | _____           |
| 3% to County (if paid in installments)  | TBD          | \$    | _____           |
| <input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees | \$500        | \$    | _____           |
| <input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund   | TBD          | \$    | _____           |
|   | <b>TOTAL</b> | \$    | 1250.00         |

Clerk of Court/Deputy Clerk: \_\_\_\_\_  
Court Reporter: \_\_\_\_\_

*Sheri Coleman*  
*Julu Brown*

Presiding Judge: \_\_\_\_\_  
Judge Code: \_\_\_\_\_  
Sentence Date: \_\_\_\_\_

*Debra McLain*  
*2769*  
*3/14/24*

**ATTEST TRUE COPY**

*Sheri C Coleman*  
Clerk of Court  
Saluda, S. C.

|                              |                                      |
|------------------------------|--------------------------------------|
| STATE OF SOUTH CAROLINA )    | IN THE COURT OF GENERAL SESSIONS     |
| COUNTY OF SALUDA )           | FOR THE ELEVENTH JUDICIAL CIRCUIT    |
| THE STATE )                  |                                      |
|                              | Indictment Nos.: 2024-GS-41-0001 and |
|                              | 2024-GS-41-0002                      |
|                              |                                      |
| v. )                         | ORDER DENYING                        |
|                              | DEFENDANT'S MOTION                   |
| EARL EUGENE VALENTINE, JR. ) | FOR NEW TRIAL                        |
| _____ )                      |                                      |

This matter comes before the Court on March 21, 2024, by way of Defendant's Motion for a New Trial. On March 14, 2024, a Saluda County jury found the Defendant guilty of Murder and Possession of a Weapon During the Commission of a Violent Crime. The Court sentenced the Defendant to 55 years in the South Carolina Department of Corrections.

After the sentencing was pronounced, Defendant filed a timely Motion for a New Trial on March 21, 2024. Defendant seeks a new trial based on the cumulative-error doctrine. Further, Defendant moves that the evidence as presented was insufficient as a matter of law for the jury to return the verdict that was returned.

During the course of the trial, this Court, along with the parties, promptly addressed each situation that arose.

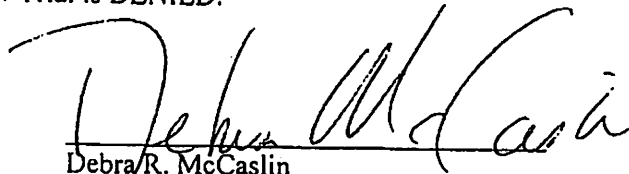
It is well settled that the grant or refusal of a new trial is within the sound discretion of the trial judge. *State v. Simmons*, 279 S.C. 165, 303 S.E.2d 857 (1983). "Where there is no evidence to support a conviction, an order granting a new trial should be upheld." *State v. Smith*, 316 S.C. 53, 55, 447 S.E.2d 175, 176 (1993) (citation omitted). "However, where there is competent evidence to sustain the jury's verdict, the judge may not substitute his judgment for that of the jury." *State v. Prince*, 316 S.C. 57, 63, 447 S.E.2d 177, 181 (1993) (citation omitted). Based on

this standard, the Court stands by its previous rulings and finds that the issues raised do not warrant a new trial.

The Court has considered the record and the various bases put forth in Defendant's Motion for New Trial and finds that the extensive efforts taken in light of the cumulative errors did not deprive Defendant's right to a fair trial.

Therefore, Defendant's Motion for New Trial is DENIED.

**AND IT IS SO ORDERED.**



Debra R. McCaslin  
Presiding Judge  
Eleventh Judicial Circuit

Saluda, South Carolina  
May 23, 2024