

THE STATE OF SOUTH CAROLINA
In the Appellate Court

RECEIVED

OCT 16 2024

SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Alex Kinlaw Jr, Circuit Court Judge

Case No(s).: 2023A2320400393, 2023A2330206246,
2023A2330206247, 2024A2320601408,
2024A2320601407, 2024A2320601407

The State,

Respondent.

v.

Jonathan Lee Gray,

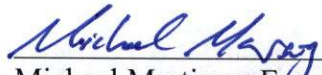
Appellant.

Rule 203 Explanation of Issue

As required by Rule 203(d)(1)(B)(iv), SCACR, undersigned counsel submits the following explanation of the issue that may be raised on appeal. Mr. Gray contends the circuit court erred in denying him credit for time served prior to sentencing pursuant to Section 24-13-40(3) of the South Carolina Code, which provides that "credit for time served prior to trial and sentencing shall not be given: . . . when the prisoner commits a subsequent crime while out on bond."

Mr. Gray argues that the statute violates the Double Jeopardy and Due Process Clauses of both the United States and South Carolina Constitutions. By depriving Mr. Gray of credit for pretrial detention toward his sentence, the statute constitutes multiple punishments for the same offense. Furthermore, Mr. Gray cannot be deemed to have "*commit[ted]* a subsequent crime while out on bond" when the subsequent charges were dismissed. *See id.* (emphasis added).

Date: October 11, 2024


Michael Martinez, Esq.
13th Circuit Public Defender
305 E North Street
Greenville, SC 29601
Attorney for Appellant

WITNESSES

Simpsonville Police Dept

8/21/2023

ARREST WARRANT NUMBER

2023A2320400393

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2024-GS-23-

KMA

56.05

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2024

THE STATE

vs.

JONATHAN LEE GRAY

Indictment for

✓ 2877

SHOPLIFTING
(SENTENCING PURSUANT TO § 16-01-0057)

VIOLATION § 16-13-0110

ENTERED ACCT

RW

RECEIVED

OCT 16 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
SHOPLIFTING
(SENTENCING PURSUANT TO § 16-01-0057)

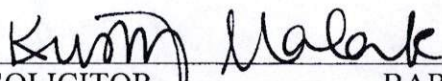
At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That JONATHAN LEE GRAY did in Greenville County, on or about the 20th day of August, 2023, willfully and unlawfully take possession of, carry away, transfer to another person or from one area of a store to another area; alter, transfer, or remove the label or price tag or any other marking which aids in determining value affixed to any merchandise; transfer from its container to another container; and or willfully conceal certain merchandise to wit: various clothing items valued at Two Thousand Dollars or less displayed, held, stored, or offered for sale by Hibbett Sports, with the intent of depriving said merchant of the possession, use, or benefit of such merchandise without paying the full retail value. This is in violation of § 16-13-0110 and § 16-01-0057 of the South Carolina 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.


SOLICITOR BAR # 105926

RECEIVED

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

OCT 16 2024

IN THE COURT OF GENERAL SESSIONS

STATE

VS.

SC Court of Appeals

INDICTMENT/CASE#: 24-5907

Jonathan Lee Gray

A/W#: 2023A2320400393

AKA:

Date of Offense: 8/20/2023

Race: WHITE Sex: M Age: 33

S.C. Code § 16-13-0110

DOB: SS#:

CDR Code #: 2877

Address:

City, State, Zip:

DL#: SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

0-10 years.

In disposition of the above indictment comes now the Defendant who was

CONVICTED OF or PLEADS

TO: Shoplifting/ Enhancement (3rd Property Offense)

in violation of § 16-13-0110 of the S.C. Code of Laws, bearing CDR Code # 2877

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. JG (def.'s initials)

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

ATTEST:

Kristy Malak
Abd-El-Malak, Kristy 105926
SC Bar #

[Signature]
Defendant

Michael Martinez
MARTINEZ, MICHAEL 101800
Attorney for Defendant
SC Bar#

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

for a determinate term of 3 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:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOD. 29 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.

Handwritten mark

Handwritten mark

24-5807

STATE VS. Jonathan Lee Gray INDICTMENT/CASE#: _____

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)			\$
§14-1-211(A)(2) (DUI Surcharge)		\$100	\$ 100.00
§56-5-2995 (DUI Assessment)		\$100	\$
§56-1-286 (DUI Breath Test)		\$12	\$
§14-1-212 (Law Enforce. Funding)		\$25	\$
§14-1-213 (Drug Court Surcharge)		\$25	\$ 25.00
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$150	\$
§50-21-114(BUI Breath Test Fee)		\$41	\$
§56-5-2942(J) (Vehicle Assessment)		\$50	\$
3% to County (if paid in installments)		\$40/ea	\$
<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.		TBD	\$ 3.75
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		\$500	\$
		TBD	\$

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk:
Court Reporter:

Brian Coates
Thomas Jenkins

Presiding Judge:
Judge Code:
Sentence Date:

[Signature] AW
2799
9-19-24 SEP 26 2024

WITNESSES

Greenville County Sheriff's Office

7/18/2023

ARREST WARRANT NUMBER
2023A2330206246

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2024-GS-23-
KMA

5777

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2024

THE STATE

vs.

JONATHAN LEE GRAY

Indictment for

3200

**POSSESSION OF METHAMPHETAMINE WITH
INTENT TO DISTRIBUTE**

VIOLATION § 44-53-0375(b)(3)

ENTERED ACCT

AW

RECEIVED

OCT 16 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
**POSSESSION OF METHAMPHETAMINE WITH INTENT TO
DISTRIBUTE**

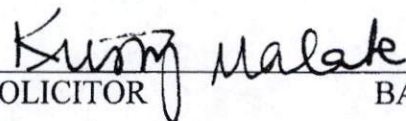
At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That JONATHAN LEE GRAY did in Greenville County, on or about the 18th day of July, 2023, distribute, dispense, deliver, or aid abet, or conspire to distribute, dispense or deliver to an undercover operative a quantity of Methamphetamine, a schedule II controlled substance, such distribution not having been authorized by law. This is in violation of § 44-53-375 of the South Carolina 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.


SOLICITOR BAR # 105926

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE

VS.

Jonathan Lee Gray

AKA:

Race: WHITE Sex: M Age: 33

DOB: _____ SS#: _____

Address: _____

City, State, Zip: _____

DL#: _____ SID#: _____

RECEIVED

OCT 16 2024

SC Court of Appeals

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 24-5793

A/W#: 2023A2330206246

Date of Offense: 7/18/2023

S.C. Code § 44-53-0375(b)(3)

CDR Code #: 3200

SENTENCE SHEET

0-10 years + /w \$12,500

*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: DRUGS/POSSESSION METHAMPHETAMINE 3rd offense

in violation of § 44-53-0375(a) of the S.C. Code of Laws, bearing CDR Code # 3016

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. JK (def.'s initials)

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

ATTEST:

Kristy Malak 105926
Abd-El-Malak, Kristy SC Bar #

Michael Martinez 101800
MARTINEZ, MICHAEL SC Bar#
Attorney for Defendant

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

for a determinate term of 3 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: _____

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. 270 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.

Dr

J

STATE VS. Jonathan Lee Gray INDICTMENT/CASE#: 20-3794

SPECIAL CONDITIONS:

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

- 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 pmnts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5 %)				\$ _____
§14-1-211(A)(1) (Conv. Surcharge)				\$ _____
§14-1-211(A)(2) (DUI Surcharge)		\$100		\$ <u>100.00</u>
§56-5-2995 (DUI Assessment)		\$100		\$ _____
§56-1-286 (DUI Breath Test)		\$12		\$ _____
§14-1-212 (Law Enforce. Funding)		\$25		\$ _____
§14-1-213 (Drug Court Surcharge)		\$25		\$ <u>25.00</u>
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$150		\$ <u>150.00</u>
§50-21-114(BUI Breath Test Fee)		\$41		\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$50		\$ _____
3% to County (if paid in installments)		\$40/ea		\$ _____
<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.		TBD		\$ <u>8.25</u>
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		\$500		\$ _____
		TBD		\$ _____

TOTAL \$ 283.25

Clerk of Court/ Deputy Clerk:
Court Reporter:

Eric Cott
Lawrence Jenkins

Presiding Judge:
Judge Code:
Sentence Date:

[Signature]
277
9-19-24 SEP 26 2024 *276.3*

GENERAL SESSIONS DOCKET TRACKING SHEET

Name: JONATHAN LEE GRAY

Indictment # : _____

Address: _____

Warrant/Ticket # 2024A2320601407

City: _____ State: SC ZIP : _____

No Warrant: _____

SS#: _____ Sex: M Race: W

Offense Code: 3468

Date of Birth: _____

Offense Name: Poss. of a Stolen Vehicle

State: _____ Driver's License #: _____

Date of Arrest: May 10, 2024

FILED

DATE OF DISPOSITION: _____

OCT 01 2024

Clerk of Court
Greenville County

DISPOSITION:

____ 1. Guilty Plea

* ____ 7. Remanded

____ 2. Trial (Guilty)

____ 8. Dismissed at Prelim

____ 3. Trial (Not Guilty)

____ 8. No Bill

* 4. Dism/Nol Pros/Pros Ended

* ____ 9. Failure to Appear

* ____ 5. Judicial Commitment

* ____ 10. Other

____ 6. Judicial Dismissal

* Explain: MD

Judge: _____

Ct. Reporter: _____

Defense Attorney: MICHAEL MARTINEZ

Solicitor: Kristy Abd-El-Malak *KMA*

Bar #: 105926

Offense Code: 3468

Offense Name: Poss. of a Stolen Vehicle

Sentence: _____

I certify this and any attachments to be complete, exact, and true copy(s) of the original document(s).

Eric Coates
Clerk of Court C.P. & G.S.
Greenville, SC

Dated 10-11-24

J

GENERAL SESSIONS DOCKET TRACKING SHEET

Name: JONATHAN LEE GRAY

Indictment #: _____

Address: _____

Warrant/Ticket # 2024A2320601408

City: _____ State: SC ZIP _____

No Warrant: _____

SS#: _____ Sex: M Race: W

Offense Code: 3017

Date of Birth: _____

Offense Name: DRUGS/POSSESSION OF LESS

State: _____ Driver's License #: _____

Date of Arrest: May 10, 2024

FILED

DATE OF DISPOSITION: _____

OCT 01 2024

Clerk of Court
Greenville County

DISPOSITION:

____ 1. Guilty Plea

* ____ 7. Remanded

____ 2. Trial (Guilty)

____ 8. Dismissed at Prelim

____ 3. Trial (Not Guilty)

____ 8. No Bill

* 4. Dism/Nol Pros/Pros Ended

* ____ 9. Failure to Appear

* ____ 5. Judicial Commitment

* ____ 10. Other

____ 6. Judicial Dismissal

* Explain: OD

Judge: _____

Ct. Reporter: _____

Defense Attorney: MICHAEL MARTINEZ

Solicitor: Kristy Abd-El-Malak *KMA*

Bar #: 105926

Offense Code: 3017

Offense Name: DRUGS/POSSESSION OF LESS

Sentence: _____

I certify this and any
attachments to be complete,
exact, and true copy(s)
of the original document(s).

Eric Coates
Clerk of Court C.P. & G.S.
Greenville, SC

Dated 10-11-24

J

General Sessions Tracking Sheet
Indictment # 0000GS23

Name: Gray, Jonathan Lee

AKA:

Addr:

SSN#

Sex: M Race: W

DOB:

DL#

Warrant/Ticket #: 2023A2330206247

Date of Arrest: 07/18/2023

Date of Offense: 07/18/2023

Date Rev by Clerk 07/27/2023

Magistrate: Fisher, Darrell Scott

Counts: Code: 3418/DNA / Destroying, altering, concealing, or tampering with physical evidence or biological material

Indictment # 0000GS23

Disposition Information

- 1. Transmitted to SOL & SCCA:
- 2. Disp Received by Clerk:
- 3. Date of Disposition:

FILED

OCT 03 2024

Clerk of Court
Greenville County

- Disposition
- 1. Guilty plea
 - 2. Trial -- guilty
 - 3. Trial -- not guilty
 - 4. Dism/Not Pros/Pros Ended
 - 5. Judicial Commitment
 - 6. Judicial Dismissal
 - 7. Remanded
 - 8. Dismissed at Prelim
 - 8. No Bill
 - 9. Failure to Appear
 - 10. Other

Explain: 04D

Explain: _____

Explain: _____

Explain: _____

Explain: _____

Explain: _____

Judge: _____

Court Reporter: _____

Defense Atty: _____

Solicitor: KMA 105926

Counts: _____ Code: _____

Sentence: _____

I certify this and any attachments to be complete, exact, and true copy(s) of the original document(s).

Eric Greer

Clerk of Court, C.P. & G.S.
Greenville, SC

Dated: 10-11-24