

2024AUG22

STATE VS. Cleveland Jr Stone, Jr. INDICTMENT/CASE#: 2024GS3201754

STATE OF SOUTH CAROLINA )  
COUNTY OF Lexington )  
STATE )  
VS. )  
Cleveland Jr Stone, Jr. )  
INDICTMENT/CASE#: 2024GS3201754

AKA: \_\_\_\_\_ )  
AW#: 2022A3210202445 )  
Date of Offense: 08/25/2022 )  
S.C. Code §: 16-3-10 )  
CDR Code #: 0116 )  
Race: Black Sex: Male Age: 21 )  
DOB: \_\_\_\_\_ )  
SS#: \_\_\_\_\_ )

**RECEIVED**  
**Nov 25 2024**  
**SC Court of Appeals**

Address: \_\_\_\_\_ )  
City, State, Zip: \_\_\_\_\_ )  
DL# \_\_\_\_\_ \* SIL# \_\_\_\_\_ )

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
 Defendant Pro Se  WAS CONVICTED OF or  PLEADS  
In disposition of the above indictment comes now the Defendant who

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 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.

The State's Position is:  
 None  
 Negotiated and Agreed Upon Sentence: \_\_\_\_\_ Years, \_\_\_\_\_ Months, Probation for \_\_\_\_\_ Years, \_\_\_\_\_ Months;  
 Negotiated and Agreed as to Charges Only \_\_\_\_\_  
 Recommended and Agreed Upon Sentence: \_\_\_\_\_ Years, \_\_\_\_\_ Months, Probation for \_\_\_\_\_ Years, \_\_\_\_\_ Months;

ATTEST: [Signature] 72860  
Solicitor 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 48 Hours/ Days/ Months/ Years  Time Served

Home Detention Program(HIP)  MH Evaluation and Compliance  Batterer's Treatment  
 Domestic Abuse Counseling  Drug Court  Drug Program  Alcohol Program  Inpatient Facility  
 Hold Until Bed Space Available  Mental Health Court  Balance Suspended with Drug Court  
 Other: \_\_\_\_\_  
 Judicial Review \_\_\_\_\_ Days/ Months  
 Youthful Offender Act not to exceed \_\_\_\_\_ Days/ Months/ Years

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And/ Or to pay a fine of \$ \_\_\_\_\_ ;  
provided that upon the service of \_\_\_\_\_ Hours/ Days/ Months/ Years  Time Served

- Home Detention Program(HIP)  MH Evaluation and Compliance  Batterer's Treatment
- Domestic Abuse Counseling  Drug Court  Drug Program  Alcohol Program  Inpatient Facility
- Hold Until Bed Space Available  Mental Health Court  Balance Suspended with Drug Court
- Suspended To Batterer's Treatment
- Other: \_\_\_\_\_

And/ Or a payment of \$ \_\_\_\_\_ ; plus costs and assessments as applicable\*

the balance is suspended with probation for \_\_\_\_\_ Months/ Years

- Suspended During Probation  Suspended During Drug Court  Suspended During Batterer's Treatment
- Other: \_\_\_\_\_

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. 727 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. Section 922 and §16-25-30 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.

Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.

**SPECIAL CONDITIONS:**

- PTUP after \_\_\_\_\_ Months/ Years  Home Detention Program(HIP)

**And Other Terms Listed Below:**

- Conditional Discharge
- 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 WE 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: \_\_\_\_\_

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RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

See Attached Restitution Order

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</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</u>
§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)	TBD	\$	_____
Other Costs (As Authorized by Cost Code)*		\$	_____
<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>	\$	_____

Clerk of Court/Deputy Clerk: Jisalomer  
Court Reporter: Stacy Johnson

Presiding Judge: Debra McLartin  
Judge Code: 2769  
Sentence Date: 8/22/24

Specify Other Costs\*

<input type="checkbox"/>	Cost Code	Cost Description	Amount
<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____

STATE OF SOUTH CAROLINA )  
COUNTY OF LEXINGTON )  
THE STATE )  
vs. )  
CLEVELAND STONE JR., )  
Defendant. )  
\_\_\_\_\_ )

**FILED**  
2024 NOV 13 PM 4:11  
DISA M. COMER  
CLERK OF COURT  
LEXINGTON

IN THE COURT OF GENERAL SESSIONS  
FOR THE ELEVENTH JUDICIAL CIRCUIT

Case No. 2024GS3201754

ORDER DENYING MOTION FOR NEW TRIAL

**RECEIVED**

**Nov 25 2024**

**SC Court of Appeals**

This matter comes before the Court on September 3, 2024, by way of the Defendant's Motion for New Trial. A Lexington County jury found the Defendant Guilty of Murder. The Court sentenced the Defendant to 48 years in the South Carolina Department of Corrections.

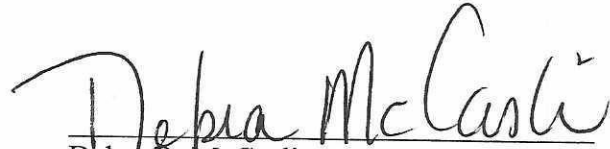
After the sentencing was pronounced, Defendant filed a timely Motion for a New Trial on September 3, 2024. Defendant seeks a new trial based on leading two witnesses under 611(c) without foundation. During the course of the trial, this Court, along with the parties, promptly addressed each situation 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.**

A handwritten signature in black ink, reading "Debra R. McCaslin". The signature is written in a cursive style with a large initial "D".

Debra R. McCaslin  
Presiding Judge  
Eleventh Judicial Circuit

Lexington, South Carolina  
November 13, 2024