

RECEIVED

Dec 10 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Alex Kinlaw, Circuit Court Judge

THE STATE,

RESPONDENT

V.

JONATHAN L. GRAY,

APPELLANT

APPELLATE CASE NO. 2024-001751

RECORD ON APPEAL

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South Carolina Commission on Indigent
Defense
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ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) 2024-GS-23-05799; 05807
 COUNTY OF GREENVILLE)
)
)
)
 STATE OF SOUTH CAROLINA)
) PLAINTIFF)
 vs.) TRANSCRIPT OF RECORD
)
 JONATHAN L. GRAY)
) DEFENDANT)

September 19, 2024
 Greenville, South Carolina

B E F O R E:

THE HONORABLE PATRICK CLEBURNE FANT, III, Judge;
 and a jury.

A P P E A R A N C E S:

JONATHAN L. GRAY, ESQ.
 Attorney for the State

MICHAEL MARTINEZ, ESQ.
 Attorney for the Defendant

APRIL HERRON
 Official Court Reporter

1 There were no witnesses.

2 There were no exhibits.

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5 Certificate of Reporter6

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1 THE CLERK: Your Honor, in the case of
2 2024-GS-23-5746, The State vs. Jonathan Gray,
3 indicted for shoplifting, pleading to the same and
4 this is a waiver. In the case of 2024-GS-23-5747,
5 he's indicted for possession of methamphetamine with
6 intent to distribute, pleading to drugs possession of
7 methamphetamine third offense. And this is a waiver.

8 Please raise your right hand.

9 JONATHAN GRAY, after being duly
10 sworn{,} testified as follows:{F}

11 THE COURT: Is there any kind of recommendation?

12 MS. CASE: There is no recommendation, in this
13 case.

14 THE COURT: Okay. And this is, let's see,
15 Mr. Gray?

16 MS. CASE: Yes, Your Honor.

17 THE COURT: He's got 21 days?

18 MS. CASE: Yes, Your Honor.

19 MR. MARTINEZ: Your Honor --

20 THE COURT: You got more?

21 MR. MARTINEZ: He's been -- I understand The
22 State's position that he doesn't get credit for time
23 when he was on bond previously or has been charged
24 with new offense but he's been in jail for quite some
25 time now.

1 MS. CASE: Based on 24-13-40(c), for the
2 original charge that he was arrested for, The State's
3 understanding is that when he violates his bond, he's
4 not entitled to the credit he gets on the new time
5 that he was in jail. He only receives credit for the
6 original time that he was in jail, which was the 21
7 days.

8 THE COURT: And I agree. Okay.

9 How much time would you say that he has,
10 Mr. Martinez?

11 MR. MARTINEZ: Your Honor, when he got
12 rearrested -- it would be 132 days. And, Your Honor,
13 I understand what the statute says but I believe that
14 implicates due process issues to not provide someone
15 credit for time that they've been incarcerated on
16 something that they have not been convicted of. Even
17 though they were rearrested on something new, I don't
18 believe that is Constitutionally valid to deny them
19 the credit that they've been incarcerated.

20 THE COURT: State?

21 MS. CASE: Your Honor, based on the reading of
22 the statute, he's not entitled to that credit for the
23 rearrest on the original charge. On the new charge,
24 if he were pleading to that, maybe he is, I don't
25 know all facts, be entitled to credit on that

1 specific charge.

2 MR. MARTINEZ: Those charges are being dismissed
3 as --

4 MS. CASE: Then he would not be entitled -- the
5 statute says if you violate bond for any reason,
6 you're not entitled to the new credit.

7 MR. MARTINEZ: I'm not sure that there's been a
8 finding that he's violated bond. He's been -- he was
9 rearrested, that doesn't mean that--

10 THE COURT: Do y'all want to wait to see how all
11 this kind of pans out?

12 MR. MARTINEZ: Yes, Your Honor.

13 THE COURT: All right.

14 MR. MARTINEZ: Thank you, Your Honor.

15 (WHEREUPON, the proceedings were concluded.)
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, APRIL P. HERRON, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 19th day of September, 2024.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

January 6, 2025

APRIL P. HERRON, Court Reporter

I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits introduced.)

1 P R O C E E D I N G S

2 THE CLERK: Your Honor, this is case 2024-GS-23-5799,
3 the State vs. Jonathan Lee Gray, indicted for possession of
4 methamphetamine with intent to distribute, pleading to
5 possession of methamphetamine third offense. And it's a
6 waiver.

7 Case number 2024-GS-23-5807, indicted for
8 shoplifting, pleading to the same. And it's a waiver.

9 If you would, raise your right hand.

10 WHEREUPON,

11 JONATHAN LEE GRAY,
12 after first having been duly sworn, testified as follows:

13 THE CLERK: Thank you.

14 THE COURT: All right. You're Jonathan Lee Gray.
15 You're 33 years of age; is that correct?

16 DEFENDANT GRAY: Yes, sir.

17 THE COURT: Are you married?

18 DEFENDANT GRAY: No, sir.

19 THE COURT: Do you have children?

20 DEFENDANT GRAY: Yes, sir.

21 THE COURT: How far did you go in school?

22 DEFENDANT GRAY: Twelfth grade.

23 THE COURT: All right. And you're represented by
24 Mr. Martinez?

25 DEFENDANT GRAY: Yes, sir.

1 THE COURT: You're satisfied with the advice and
2 counsel he's given you?

3 DEFENDANT GRAY: Yes, sir.

4 THE COURT: You don't have any complaints whatsoever
5 to make against your lawyer, the solicitor's office, or
6 anybody?

7 DEFENDANT GRAY: No, sir.

8 THE COURT: All right. This first indictment ending
9 in 5807 charges you with shoplifting. This being a third
10 offense. This indictment alleges that this occurred on or
11 about the 20th day of August of last year at -- while you
12 were at a Hibbett Sports; is that correct?

13 DEFENDANT GRAY: Yes, sir.

14 THE COURT: Did your lawyer tell you I could give you
15 up to 10 years on this offense?

16 DEFENDANT GRAY: Yes, sir.

17 THE COURT: All right. On this indictment ending in
18 5799, also, coming out of Greenville County charging you
19 with possession of -- of methamphetamine, this indictment
20 alleges that this occurred -- allegedly occurred in
21 Greenville County on or about the 18th day of July of last
22 year. That you did have in your possession a certain
23 quantity of methamphetamine.

24 Is that true?

25 DEFENDANT GRAY: Yes, sir.

1 THE COURT: Under this particular statute, I can give
2 you up to 10 years in prison. Did your lawyer -- and a
3 fine. Did your lawyer go over all that with you?

4 DEFENDANT GRAY: Yes, sir.

5 THE COURT: Did he go over the elements of each one
6 of these offenses, as well as the potential penalties with
7 you?

8 DEFENDANT GRAY: Yes, sir.

9 THE COURT: Are you clear minded and do you
10 understand what you're doing?

11 DEFENDANT GRAY: Yes, sir.

12 THE COURT: All right. Did he, also, tell you that
13 once you come in here and plead guilty, you give up
14 certain rights. You give up your right to a trial, right
15 to remain silent, right to confront witnesses, your right
16 to assert any defenses that you may have? All these go
17 out the window when you plead guilty.

18 Is that what you want to do?

19 DEFENDANT GRAY: Yes, sir.

20 THE COURT: That's your opinion -- that's your
21 decision?

22 DEFENDANT GRAY: Yes, sir.

23 THE COURT: Do you have any questions of me regarding
24 anything I just asked you?

25 DEFENDANT GRAY: No, sir.

1 THE COURT: All right. Madam Solicitor is going to
2 tell me about the facts of each one of these cases, your
3 prior record, and whether or not there's a recommendation.
4 There may or may not be one. But if there is one, I don't
5 have to consider it. I can do what I think is
6 appropriate.

7 Doe you understand that?

8 DEFENDANT GRAY: Yes, sir.

9 THE COURT: Do you understand you have 10 days to
10 appeal your guilty plea?

11 DEFENDANT GRAY: Yes, sir.

12 THE COURT: And neither one of these matters have
13 been before the Greenville County Grand Jury. Do you want
14 to waive that and move forward?

15 DEFENDANT GRAY: Yes, sir.

16 THE COURT: All right. Yes, ma'am.

17 MS. FARMER: Thank you, Judge.

18 On July 18th of 2023, law enforcement conducted a
19 lawful traffic stop on a vehicle in which this Defendant
20 was the passenger here in Greenville County. During an
21 inventory search of the vehicle, law enforcement observed
22 in plain sight a white baggy on the passenger floor board
23 that tested positive as 1.19 grams of methamphetamine.

24 As to the second incident, on August 20th of 2023,
25 law enforcement responded to a Hibbett Sports in

1 Greenville County in reference to a shoplifting. Officers
2 found this Defendant on scene. He gave consent for law
3 enforcement to search his vehicle where a shirt that was
4 shoplifted was found behind the passenger seat amongst
5 other items that he stole. In total, this Defendant
6 shoplifted \$195 worth of clothing by passing all points of
7 sale without paying.

8 There is no recommendation in this case.

9 This Defendant has a hold out of Spartanburg County
10 for a probation violation and out of Horry County for a
11 bench warrant.

12 He does have a -- a criminal record. I'm happy to
13 read it for Your Honor.

14 THE COURT: Go ahead.

15 MS. FARMER: From South Carolina, 2018, possession of
16 a stolen vehicle; 2019, shoplifting; 2021, possession with
17 intent to distribute a controlled substance and possession
18 with intent to distribute methamphetamine; 2022, domestic
19 violence in the second degree. In North Carolina, he,
20 also, has a record stemming from 2012, a larceny, breaking
21 and entering; 2013, driving under the influence,
22 possession of marijuana; 2014, breaking and entering,
23 larceny after breaking and entering, larceny two counts,
24 malicious conduct by prisoner; 2015, larceny of motor
25 vehicle, possession of a controlled substance; 2016,

1 motor -- breaking and entering into a motor vehicle and
2 damage to government property.

3 THE COURT: All right. Mr. Gray, you heard the
4 facts -- not -- not your record. You heard the facts
5 about these two cases.

6 Do you agree with the facts as outlined by the State?

7 DEFENDANT GRAY: Yes, sir.

8 THE COURT: All right. I'll go ahead and accept your
9 pleas as being freely and voluntarily entered. You
10 indicated you were satisfied with the services of your
11 lawyer.

12 And I'm assuming that the hold out of Spartanburg and
13 Horry County are for pending charges -- or charges that
14 they have not served him yet, or what?

15 MR. MARTINEZ: One is for a probation violation that
16 is still pending. The Horry County one, I believe, is for
17 a pending shoplifting.

18 THE COURT: Okay. Go ahead. Tell me about it.

19 MR. MARTINEZ: Your Honor, initially, I would -- the
20 State has written up there 27 days of time served.
21 Mr. Gray has been in jail a total of 167 days.

22 Basically, I believe that the State is relying on a
23 -- on a statute that was passed last year, 24-13-40, which
24 says that sentencing -- or I'm sorry -- credit for time
25 served prior to trial and sentencing shall not be given

1 when the Defendant commits a subsequent offense while on
2 bond.

3 THE COURT: Right.

4 MR. MARTINEZ: He was -- these charges occurred last
5 year. And then he was released on bond. He was
6 rearrested for some new charges. Those charges are being
7 dismissed as a result of -- there are some Fourth
8 Amendment issues with respect to that arrest.

9 But he has nonetheless been incarcerated for 140 days
10 since that arrest. Those charges are being dismissed. So
11 I would contend that he did not commit those offenses.

12 THE COURT: Was he on bond when those crimes were
13 allegedly committed?

14 MR. MARTINEZ: He was on bond.

15 THE COURT: He posted bond?

16 MR. MARTINEZ: Yes.

17 THE COURT: All right. And part of his bond was --
18 terms of his bond was to be on good conduct; right?

19 MR. MARTINEZ: Yes, Your Honor.

20 THE COURT: Isn't that part of his bond?

21 MR. MARTINEZ: Yes, Your Honor.

22 THE COURT: So the violation -- not necessarily that
23 the cases were dismissed, the fact is that he violated the
24 good conduct provision of his bond.

25 MR. MARTINEZ: But the statute does not state that

1 they are to be deprived of credit for time served as a
2 result of a violation of the bond. It says that, If
3 commits subsequent offense while on bond.

4 THE COURT: But the statute is a little unclear.

5 MR. MARTINEZ: I would agree with that, Your Honor.
6 And just for purposes of the record, I would argue to the
7 Court that this statute violates the double jeopardy
8 clauses of both the South Carolina and the United States
9 Constitutions.

10 THE COURT: I didn't write the statute.

11 MR. MARTINEZ: I -- I understand that, Your Honor.
12 But the -- this constitutes multiple punishments for the
13 same offense by forcing him to spend time in jail for a
14 double amount of time.

15 So I would just --

16 THE COURT: I think the appellate courts would love
17 to hear your argument, Mr. Martinez.

18 MR. MARTINEZ: And that's -- that's precisely why I'm
19 making the point here, Your Honor.

20 Your Honor, I would ask the Court to consider a -- a
21 one-year sentence with credit for 167 days of time served.

22 Jonathan is a -- is an addict. He has struggled with
23 addiction for quite some time. He has some other things
24 that he needs to go deal with, including the probation
25 violation and the -- the Horry County charge.

1 I would ask Your Honor to consider that short --
2 relatively that -- a sentence of one year with that credit
3 for time served. I believe he has served the necessary
4 amount of time for the conduct that he's pleading to
5 today, Your Honor.

6 THE COURT: Anything that you want to tell me
7 regarding the -- the --

8 MS. FARMER: Just for clarification, Your Honor,
9 there were 21 days of jail credit that were in between
10 these two incidents. And according to the statute
11 Mr. Martinez referenced, it is our position that he has 21
12 days of jail credit. And that he is not entitled to the
13 132 days.

14 THE COURT: All right. Mr. Martinez, and, Mr. Gray,
15 I'm going to do it this way. And I'll -- and I'll tell
16 you that I think that probably Horry County and
17 Spartanburg County -- it's a probation violation. And
18 he's on probation in Spartanburg County. He has a pending
19 shoplifting in Horry County. I would -- I would bet money
20 that both of those circuits are waiting to see what
21 happens here in Greenville. And what happens in
22 Greenville is going to dictate what they do. And they're
23 not going to do a one year in those counties.

24 So there's no benefit for me to even follow that
25 recommendation, Mr. Martinez. So I'm going to do it this

|

1 way.

2 On indictment ending in 5807 and 5799, the sentence
3 of the Court is three years. I'm going to -- I'm going to
4 give him credit for the 21 days. I'm going to run those
5 sentences concurrent.

6 So either one of those jurisdictions can come get
7 him, or however they want to do it.

8 MR. MARTINEZ: And, Your Honor, just -- I understand
9 the Court's not granting him the -- the 167 days credit --

10 THE COURT: No. I'll grant him 21 days.

11 MR. MARTINEZ: The -- the board says 27 days, Your
12 Honor.

13 THE COURT: I can't read that. It looks like a one
14 to me.

15 But you say it's 27?

16 MR. MARTINEZ: Yes, Your Honor. And -- and I -- I
17 would continue to -- to lodge my objection and, also, just
18 to put on the record that it, also, violates the due
19 process clauses.

20 THE COURT: All right. Thank you, sir.

21 *****END OF TRANSCRIPT OF RECORD*****

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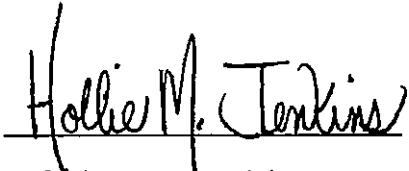
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 26th day of September, 2024.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

January 16, 2025


Hollie M. Jenkins, Court Reporter

THE STATE OF SOUTH CAROLINA
In the Appellate Court

RECEIVED

OCT 16 2024

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

SC Court of Appeals

Alex Kinlaw Jr, Circuit Court Judge

24 OCT 11 AM 10:40
Brice Barrett CJC GVL SC

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

The State,

Respondent.

v.


Jonathan Lee Gray,

Appellant.

NOTICE OF APPEAL

Jonathan Lee Gray appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Alex Kinlaw Jr., on September 26, 2024. The computation of time for filing and service of this Notice of Appeal is extended by Orders of the South Carolina Supreme Court dated September 30, 2024, October 1, 2024, and October 4, 2024. *See Orders*, Hurricane Helene and the Computation of Time (declaring Friday, September 27, 2024; Monday, September 30, 2024 through Friday, October 4, 2024; and Monday, October 7, 2024 through Wednesday, October 9, 2024 to be "additional statewide filing 'holidays' for the purpose of computing time")

Date: October 11, 2024


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

Other Counsel of Record:

Kristy Abd-El-Malak
Thirteenth Circuit Solicitor Office
305 E. North Street
Suite 325
Greenville, SC 29601
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In the Appellate Court

RECEIVED

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

OCT 16 2024
SC Court of Appeals

Alex Kinlaw Jr, Circuit Court Judge

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

The State,

Respondent.

v.

Jonathan Lee Gray,

Appellant.

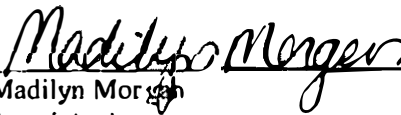
PROOF OF SERVICE

I certify that I have served the Notice of Appeal and Rule 203 Explanation on the below listed respondents by depositing a copy of it in the United States Mail, postage prepaid, on October 11, 2024, addressed to:

Kristy Abd-El-Malak
Thirteenth Circuit Solicitor Office
305 E. North Street
Suite 325
Greenville, SC 29601

Alan Wilson, Esq.
Attorney General
P.O. Box 11549
Columbia, SC 29211

Date: October 11, 2024


Madilyn Morgan
Legal Assistant
Thirteenth Circuit Public Defender
305 East North Street, Suite 123
Greenville, SC 29601

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,

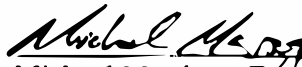
Appellant.

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

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
- 2. Trial (Guilty)
- 3. Trial (Not Guilty)
- * 4. Dism/Nol 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: 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).

[Signature]
 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/NoI 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 #: 10.926

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).

[Signature]
Clerk of Court C.P. & G.S.
Greenville, SC
Dated 10-11-24

J

General Sessions Tracking Sheet
Indictment # 0000GS23

Name: Gray, Jonathan Lee

Warrant/Ticket #: 2023A2330206247

AKA:

Date of Arrest: 07/18/2023

Addr:

Date of Offense: 07/18/2023

Date Rev by Clerk: 07/27/2023

Magistrate: Fisher, Darrell Scott

SSN#

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

Sex: M Race: W

DOB:

DL#

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
 - 9. Failure to Appear
 - 10. Other

Explain: 04D

Explain: _____

Explain: _____

Explain: _____

Explain: _____

Explain: _____

Judge: _____

Court Reporter: _____

Defense Atty: _____

Solicitor: KMT 105926

Counts: _____ Code: _____

Sentence: _____

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

[Signature]

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

Date: 10-11-24

DOCKET NO. 2024-GS-23-
KMAA **5777**
The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS
TERM 2024

THE STATE

vs.

JONATHAN LEE GRAY

WITNESSES

Greenville County Sheriff's Office

7/18/2023

ARREST WARRANT NUMBER
2023A2330206246

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

3200

Indictment for

POSSESSION OF METHAMPHETAMINE WITH
INTENT TO DISTRIBUTE

VIOLATION § 44-53-0375(b)(3)

Foreperson of Petit Jury

Date:

ENTERED ACCT **MB**

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

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

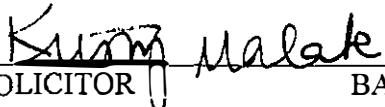
At a Court of General Sessions, convened on

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: [REDACTED]-1991 SS#: [REDACTED])
 Address: [REDACTED] Case Ave)
 City, State, Zip: Spartanburg, SC 29301-1700)
 DL#: 105795085 SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 24-5793

AW#: 2023A2330206246
 Date of Offense: 7/18/2023
 S.C. Code § 44-53-0375(b)(3)
 CDR Code#: 3200

SENTENCE SHEET

0-10 years + 1M \$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. JG (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
 Defendant MARTINEZ, MICHAEL
 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 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.

JV

J

STATE VS. Jonathan Lee Gray INDICTMENT/CASE#: 2019-00000

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	\$ <u>150.00</u>
§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>8.25</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	\$
TOTAL			\$ <u>283.25</u>

Clerk of Court/ Deputy Clerk: Brian Coates
 Court Reporter: Jenkins

Presiding Judge: [Signature]
 Judge Code: 877
 Sentence Date: 9-19-24 SEP 26 2024 8263

58-115

DOCKET NO. 2024-GS-23-
KMA

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2024

THE STATE

vs.

JONATHAN LEE GRAY

WITNESSES

Simpsonville Police Dept

8/21/2023

ARREST WARRANT NUMBER

2023A2320400393

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

✓ 2877

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

VIOLATION § 16-13-0110

Foreperson of Petit Jury

Date:

ENTERED ACCT

6/26

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

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

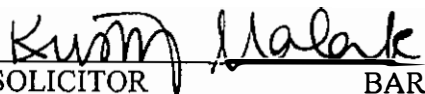
At a Court of General Sessions, convened on

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

STATE OF SOUTH CAROLINA)
 COUNTY OF Greenville)
 STATE)
 VS.)
 Jonathan Lee Gray)
 AKA:)
 Race: WHITE Sex: M Age: 33)
 DOB: [REDACTED]-1991 SS#: [REDACTED])
 Address: [REDACTED] Case Ave)
 City, State, Zip: Spartanburg, SC 29301-1700)
 DL#: 105795085 SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE #: 24-5507
 AW#: 2023A2320400393
 Date of Offense: 8/20/2023
 S.C. Code § 16-13-0110
 CDR Code #: 2877

SENTENCE SHEET

0-10 years.

*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: 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 105926 SC Bar # Defendant
 Abd-El Malak, Kristy
Michael Martinez 101800 SC Bar#
 MARTINEZ, MICHAEL
 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. 24 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:

Table with 3 columns: Description, Amount, Total. Rows include various court fees and assessments such as §14-1-206, §14-1-211(A)(1), §14-1-211(A)(2), §56-5-2995, §56-1-286, §14-1-212, §14-1-213, §34-11-70(b)and(c), §50-21-114, §56-5-2942(J), and §17-3-30(B).

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: Court Reporter:

Handwritten signatures of court officials.

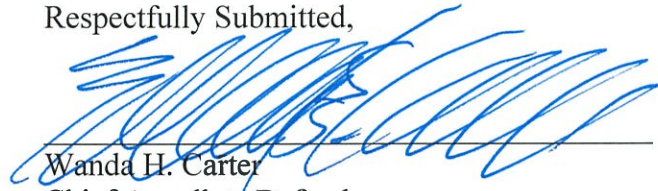
Presiding Judge: Judge Code: Sentence Date:

Handwritten signature and date: SEP 26 2024

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”

Respectfully Submitted,



Wanda H. Carter
Chief Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 10th day of December, 2025.

RECEIVED

Dec 10 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Alex Kinlaw, Circuit Court Judge

THE STATE,

RESPONDENT

V.

JONATHAN L. GRAY,

APPELLANT

APPELLATE CASE NO. 2024-001751

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Joshua A. Edwards, Esquire, at the primary email address listed within the Attorney Information System (AIS), this 10th day of December, 2025.



Wanda H. Carter
Chief Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT