

STATE OF SOUTH CAROLINA

COUNTY OF Richland

IN THE COURT OF GENERAL SESSIONS

STATE

Kenneth Ray Gleaton

INDICTMENT/CASE#: 19-GS-40.4077

AW#: DP19116

Date of Offense: October 10, 2017

S.C. Code §: 16-23-0500(A)

CDR Code #: 3434

AKA:

Race: W

Sex: M

Age: \_\_\_\_\_

DOB: \_\_\_\_\_

SS#: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL# \_\_\_\_\_

SID# \_\_\_\_\_

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

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

CONVICTED OF or  PLEADS

TO: Poss. of Firearm by Person Convicted of Violent Felony

In violation of § 16-23-0500(A) of the S.C. Code of Laws, bearing CDR Code # 3434

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS

(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 Presentation to Grand Jury.

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

ATTEST: [Signature] 79921

Solicitor

SC Bar # \_\_\_\_\_

Defendant

Attorney for Defendant

SC Bar # \_\_\_\_\_

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center, for a determinate term of 5 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years 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.

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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, 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.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

PTUP \_\_\_\_\_

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

\_\_\_\_\_ days/hours Public Service Employment

Payment Terms:

Set by SCDPPPS

Obtain GED

Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling

\*Fine:

§14-1-206 (Assessments 107.5%)		\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	
§56-5-2995 (DUI Assessment)	\$12	\$	
§56-1-286 (DUI Breath Test)	\$25	\$	
Proviso (Public Def/Probation)	\$500	\$	
§14-1-212 (Law Enforce. Funding)	\$25	\$	
§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)		\$	

Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly

prmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

\$ \_\_\_\_\_ Paid to Public Defender Fund

Other: \_\_\_\_\_

TOTAL \$ 129.75

Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: Jeanette W. McGee

Court Reporter: [Signature]

Presiding Judge: [Signature]

Judge Code: \_\_\_\_\_

Sentence Date: 11-1-19

SENTENCE SHEET RECEIVED DEC 19 2019

STATE OF SOUTH CAROLINA

COUNTY OF Richland

STATE

Kenneth Ray Gleaton

AKA:

Race: W Sex: M Age: \_\_\_\_\_

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL# \_\_\_\_\_

SID# \_\_\_\_\_

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

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

CONVICTED OF or  PLEADS

TO: Arson

In violation of § 16-11-0110B of the S.C. Code of Laws, bearing CDR Code # 3535

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 Presentation to Grand Jury. \_\_\_\_\_ (def.'s initials)

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

ATTEST: [Signature] 79921

Solicitor

SC Bar # \_\_\_\_\_

Defendant

Attorney for Defendant

SC Bar # \_\_\_\_\_

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center, for a determinate term of \_\_\_\_\_ days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years 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.

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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-195

Pursuant to 18 U.S.C. Section 922, 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.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

PTUP \_\_\_\_\_

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

\_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_

Set by SCDPPPS

Obtain GED

Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling

\*Fine:

§14-1-206 (Assessments 107.5%)	\$ _____	\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ _____
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
Proviso (Public Def/Probation)	\$500	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ _____
§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)		\$ _____

TOTAL \$ 128.75

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

Leannette W. McBride PE

Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

\$ \_\_\_\_\_ Paid to Public Defender Fund

Other: \_\_\_\_\_

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge \_\_\_\_\_

Judge Code: \_\_\_\_\_

Sentence Date 10-1-17

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 18-GS-40-1419

AW#: 2017A4010203611

Date of Offense: October 10, 2017

S.C. Code §: 16-11-0110(B)

CDR Code #: 3535

SENTENCE SHEET

RECEIVED  
DEC 19 2017  
SO Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF Richland

STATE

Kenneth Ray Gleaton

AKA:

Race: W Sex: M Age: \_\_\_\_\_

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL# \_\_\_\_\_ SID# \_\_\_\_\_

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was TO: Murder

In violation of § 16-03-0010 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 Presentation to Grand Jury. (def.'s initials)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: [Signature] 79921  
Solicitor SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center,  Attorney for Defendant SC Bar #

for a determinate term of Life days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years 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.

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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.  
Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20(b) 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

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

Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS

Recipient: \_\_\_\_\_

*Fine:		\$	
§14-1-206 (Assessments 107.5%)		\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	
§56-5-2995 (DUI Assessment)	\$12	\$	
§56-1-286 (DUI Breath Test)	\$25	\$	
Proviso (Public Def/Probation)	\$500	\$	
§14-1-212 (Law Enforce. Funding)	\$25	\$	
§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)		\$	

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: Leannette W. McBride  
Court Reporter: LeBlanc

SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 18 GS 40.1418

AW#: 2017A 4010203610

Date of Offense: October 10, 2017

S.C. Code §: 16-03-0010

CDR Code #: 0116

SENTENCE SHEET

CONVICTED OF or  PLEADS

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DEC 19 2018  
SC Court of Appeals

PTUP \_\_\_\_\_ days/hours Public Service Employment

Obtain GED   
Attend Voc. Rehab. Or Job Corp. Appeals

May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling

Random Drug/Alcohol Testing   
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_  
\$ \_\_\_\_\_ Paid to Public Defender Fund

Other: \_\_\_\_\_

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge: [Signature]  
Judge Code: 2017A  
Sentence Date: 11/14

STATE OF SOUTH CAROLINA

COUNTY OF Richland

STATE

Kenneth Ray Gleaton vs.

AKA:

Race: W Sex: M Age: \_\_\_\_\_

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL# \_\_\_\_\_ SID# \_\_\_\_\_

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

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

INDICTMENT/CASE#: 19-GS-40-4079

AW#: DP19117

Date of Offense: October 10, 2017

S.C. Code §: 16-17-0600(A)

CDR Code #: 0471

SENTENCE SHEET

CONVICTED OF or  PLEADS TO: GRAVES/DESTRUCTION, DESECRATION OR REMOVAL OF HUMAN REMAINS

In violation of § 16-17-0600(A) of the S.C. Code of Laws, bearing CDR Code # 0471

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 Presentation to Grand Jury. (def.'s initials)

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

ATTEST:

[Signature] 79921  
Solicitor SC Bar #

Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center, for a determinate term of 10 days/months/years of  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years 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.

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.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, 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.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

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

Payment Terms:

Set by SCDPPPS.

Recipient: \_\_\_\_\_

*Fine:	\$	_____
§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§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)		\$

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: Jeanette W. Mc Bride, PE  
Court Reporter: LeBlond

SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

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PTUP \_\_\_\_\_ days/months Public Service Employment  
Obtain GED   
Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_

May serve W/E beginning  
Substance Abuse Counseling

Random Drug/Alcohol Testing   
Fine may be pd. in equal consecutive weekly/monthly  
pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_  
\$ \_\_\_\_\_ Paid to Public Defender Fund

Other: \_\_\_\_\_

Appointed PD or appointed other counsel, Proviso requires \$500.00 paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge: [Signature]  
Judge Code: [Signature]  
Sentence Date: [Signature]

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
 )  
State of South Carolina, )  
 )  
vs. )  
 )  
Kenneth Gleaton, )  
 )  
Defendant. )

IN THE COURT OF GENERAL SESSIONS

Indictment Nos.: 2018GS4001418; 19;  
2019GS4004077; 79

**ORDER DENYING MOTION FOR NEW  
TRIAL AND SENTENCING HEARING**

**RECEIVED**  
DEC 19 2019  
SC Court of Appeals

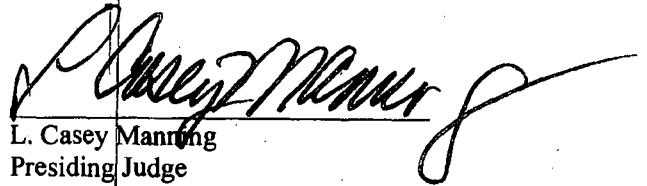
On Friday, November 1, 2019, the above named Defendant, Kenneth Gleaton, was found guilty of trial of murder, arson second degree, desecration of human remains, and possession of a weapon by a violent felon. The Defendant was sentenced to life in prison without the possibility of parole on the murder charge to run concurrently with the sentences on the other charges. The State was represented by Deputy Solicitor April Sampson and Assistant Solicitors Vance Eaton and Stephanie Taylor. The Defendant was represented by Deputy Public Defender Laura Young and Assistant Public Defenders Sarah Jurick and Maisie Osteen.

On November 12, 2019, counsel for the Defendant filed a motion for new trial and sentencing hearing. The Defendant had a fundamentally fair trial that included judicial rulings made in accordance with the law and rules of evidence and is therefore not entitled to a new trial. Much of what is raised by the Defendant is not appropriate for a new trial but rather for collateral proceedings. What the Defendant presents in the way of affidavits is new evidence. A new trial motion cannot be used to raise new arguments. *State v. Holmes*, 320 S.C. 259, 266, 464 S.E.2d 334, 338 (1995).

The Defendant is not entitled to a new trial based on his claim of a chilling effect on his attorney's advocacy. Counsel for the Defendant continued to advocate for their client by way of motions, objections and arguments, when appropriate, throughout the duration of the trial. Furthermore, the cumulative effect doctrine does not apply to this situation as the defendant has failed to show that the cumulative effect of any errors affected the outcome of the trial and, as such, failed to show that they adversely affected his right to a fair trial. *State v. Beekman*, 405 SC 225 (App 2013).

Based upon the foregoing, I conclude the Defendant is not entitled to a new trial or sentencing hearing. Therefore, the Defendant's motion is denied.

**AND IT IS SO ORDERED.**



L. Casey Manring  
Presiding Judge  
Fifth Judicial Circuit

December 9, 2019  
Columbia, South Carolina