

STATE OF SOUTH CAROLINA

COUNTY OF Richland

IN THE COURT OF GENERAL SESSIONS

STATE

Kenneth Ray Gleaton vs

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

§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. (def.'s initials)

Negotiated Sentence,

Recommendation by the State.

The plea is: Without Negotiations or Recommendation,

Negotiated Sentence,

Recommendation by the State.

ATTEST: [Signature]

Solicitor

SC Bar # 79921

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

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

Payment Terms:

Set by SCDPPPS

Recipient: _____

PTUP _____

days/hours 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

prmts. 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: 2069

Sentence Date 11-19

*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: DeBlanc

Jeanette W. Mc Bride, CF

STATE OF SOUTH CAROLINA

COUNTY OF Richland

IN THE COURT OF GENERAL SESSIONS

STATE

Kenneth Ray Gleaton vs

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

AW#: 2017A4010203611

AKA: _____

Race: W Sex: M Age: _____

Date of Offense: October 10, 2017

DOB: _____ SS#: _____

S.C. Code §: 16-11-0110(B)

Address: _____

CDR Code #: 3535

City, State, Zip: _____

DL# _____ SID# _____

SENTENCE SHEET

*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 § 16-11-0110(B) of the S.C. Code of Laws, bearing CDR Code # 3535

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS (CSC w/minor 1st or CSC w/minor 3rd) \$17-25-45

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.

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 40 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 SCDOD.

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: _____

PTUP _____ days/hours 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: _____

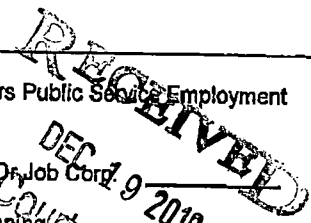
Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge [Signature]
Judge Code: 60091
Sentence Date 10-17-17

*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 Leanne W. McBride/PE
Court Reporter: DeBlanc



STATE OF SOUTH CAROLINA

COUNTY OF Richland

IN THE COURT OF GENERAL SESSIONS

STATE

Kenneth Ray Gleaton vs

INDICTMENT/CASE#: 18-GS-40.1418

AW#: 2017A-4010203610

Date of Offense: October 10, 2017

S.C. Code §: 16-03-0010

CDR Code #: 0116

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:

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 1st or CSC w/minor 3rd)

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.

ATTEST:

VCS 7921
Solicitor SC Bar #

[Signature]
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 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 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. _____

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: _____

*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

Jeanette W. McBride

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: _____

RECEIVED
DEC 19 2019
COURT OF APPEALS

STATE OF SOUTH CAROLINA
COUNTY OF Richland

IN THE COURT OF GENERAL SESSIONS

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

INDICTMENT/CASE#: 19 -GS- 40-4079
A/W#: DP19117
Date of Offense: October 10, 2017
S.C. Code §: 16-17-0600(A)
CDR Code #: 0471

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was 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 1st or CSC w/minor 3rd)
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.
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 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	_____
§56-5-2985 (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
pmts. of \$ _____ Beginning _____
\$ _____ Paid to Public Defender Fund

Other: _____

TOTAL \$ 128.75

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

Clerk of Court/Deputy Clerk Jeanette W. McBrider
Court Reporter: DeBlanc

Presiding Judge _____
Judge Code: _____
Sentence Date _____

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

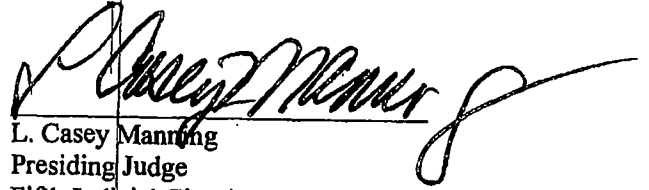
On Friday, November 1, 2019, the above named Defendant, Kenneth Gleaton, was found guilty at trial of murder, arson second degree, desecration of human remains, and possession of a weapon by a violent felon. The Defendant was sentenced to life in prison without the possibility of parole on the murder 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 Manning
Presiding Judge
Fifth Judicial Circuit

December 9, 2019
Columbia, South Carolina