

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2012CP4205038

DW

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|----------------|-------------------------|
| Jiimmy D Jones | State Of South Carolina |
| PLAINTIFF(S) | DEFENDANT(S) |

| | |
|---------------|---|
| Submitted by: | Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant |
|---------------|---|

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON): Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded; Other: _____

FILED
 CLERK OF COURT
 SPARTANBURG COUNTY
 2013 JUL 10 AM 8:51
 M. HOPE BLACKLEY

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:

- See attached order; (formal order to follow)
- Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk:

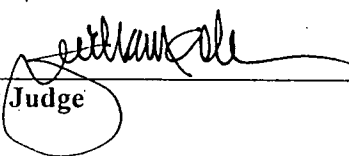
INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

| Judgment in Favor of (List name(s) below) | Judgment Against (List name(s) below) | Judgment Amount To be Enrolled (List amount(s) below) |
|--|--|--|
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| | | |

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**



 Circuit Court Judge

2053
 Judge Code

7/9/13
 Date

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For Clerk of Court Office Use Only

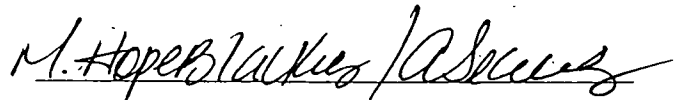
This judgment was entered on _____, and a copy mailed first class or placed in the appropriate attorney's box on _____ to attorneys of record or to parties (when appearing pro se) as follows:

Jimmy D Jones Kershaw Correctional Institution 4848
 Goldmine Hwy Kershaw, SC 29067

Kristin M. Simons Office Of The Attorney General PO Box
 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)



M Hope Blackley - Clerk of Court

Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

Case No. 2012-CP-42-5038

State of South Carolina,

Plaintiff,

vs.

Jimmy Dean Jones, #240330,

Defendant.

ORDER


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SPARTANBURG COUNTY
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This matter came before the Court on April 15, 2013, upon Defendant's Motion for Exclusion from Sexual Offender Registry. Present at the hearing were Assistant Attorney General Kristin M. Simons on behalf of the State of South Carolina, and *pro se* Defendant Jimmy Dean Jones.

Procedural History and Findings of Fact

Mr. Jones was convicted of kidnapping on or about September 26, 2001, for which he is currently serving a 20 year sentence. His projected release date is December 29, 2018. Mr. Jones filed this Motion for Exclusion from the Sexual Offender Registry on September 19, 2012, alleging that the kidnapping did not include a criminal sexual or attempted sexual offense, and seeking an order of this court that he is not required to register as a sex offender. After considering the pleadings filed in this action, the oral arguments of the parties, and applicable law, the Court denies Defendant's Motion for the reasons set forth below.

SCANNED

 Page 1 of 3

Conclusions of Law

The South Carolina Sex Offender Registry Act requires sex offender registry for kidnapping of "a person eighteen years of age or older, except when the court makes a finding on the record that the offense did not include a criminal sexual offense or attempted criminal sexual offense." S.C. Code Ann. § 23-3-430(C)(15) (2011). There is no finding on the record as to whether Plaintiff's kidnapping offense included a criminal sexual offense or attempted criminal sexual offense. Nonetheless, Plaintiff is not entitled to adjudication of whether he will be required to register as a sex offender at this time.

The South Carolina Sex Offender Registry Act has no effect upon Mr. Jones during his incarceration, as he will not be required to register as a sex offender until his release. S.C. Code Ann. §§ 23-3-440, 23-3-450 (2011), *Hazel v. State*, 377 S.C. 60, 63-64, 659 S.E.2d 178,179 (2008). The *Hazel* Court made clear that the statute that governs sex offender registration is the statute in effect "at the time of...release from prison." *Hazel, id.* at 64, 659 S.E.2d at 139. Accordingly, the appropriate time for Mr. Jones to seek relief from the requirements of the Sex Offender Registry is upon his release from incarceration, when registry is required. See *id.*; *Johnson v. Lloyd*, 399 S.C. 470, 732 S.E.2d 198 (Ct. App. 2012) (declaratory judgment action filed after completion of probationary sentence and upon learning that registry was not merely a condition of probation but required for life).

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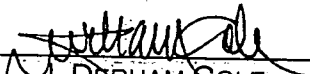
Order

For the reasons set forth above, Defendant's Motion is denied.

AND IT IS SO ORDERED.

Spartanburg, South Carolina

July 9, 2013


J. DERHAM COLE
Presiding Judge

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SPARTANBURG COUNTY
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