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May 27 2025

S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

May 27, 2025

The Honorable Patricia A. Howard
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: The State v. Jerome Jenkins, Jr.
Appellate Case No. 2019-001280

Dear Ms. Howard:

The State is in receipt of your letter of May 15, 2025, directing that a report be filed detailing the status of Mr. Jenkin's capital post-conviction relief action, "including any hearings that have been scheduled or held since the order of continuance" filed December 1, 2023. The State now reports the following:

The State's motion to prohibit *ex parte* funding requests and orders, filed July 10, 2023, remains pending. (Attachment 1). The circuit court's scheduling order filed on July 21, 2023, provided that "[n]o *ex parte* funding requests will be received until a ruling is issued on Respondent's motion." (Attachment 2). Applicant's counsel asserts that an *ex parte* funding procedure is required to avoid "provid[ing] the State with privileged information and attorney work-product." (May 15, 2025 Letter, Jenkins Status Report, ¶ 4 and Exhibit E). Applicant contends that any funding must be received *ex parte*. *Id.* That occasioned the continuance of the previously scheduled December 4, 2023 hearing.¹

After receipt of your letter, the undersigned reached out to Judge Griffin to arrange a status conference so that the State could provide current information. Judge Griffin held a Webex conference with the attorneys on Thursday, May 22, 2025. The undersigned was

¹ The State notes that this *ex parte* funding procedure matter has been raised recently in several capital cases (*Timothy Jones*; *John Richard Wood*; *Anthony Woods*; *Louis Winkler*; *Norman Starnes*, and is being considered in *Abdiyyah Alkebulanyahh* (*Tyree Roberts*)). In *Jones*, *Wood*, *Woods*, *Winkler* and *Starnes*, circuit court judges have allowed the *ex parte* funding procedures and sealed orders. It is likely that this issue will ultimately be back before the Court to address the matter. See *State v. Stanko*, Appellate Case No. 2015-000212 (though denying petition for oversight, noting "the issue of *ex parte* proceedings in PCR matters, which is at the heart of the petition currently before this Court, was addressed in *Thames v. State*, 325 S.C. 9, 478 S.E.2d 682 ... and such proceedings were found to be improper.").

present for the State. E. Charles Grose, Jr., Esq., and John L. Warren, III, Esq., were present for Applicant. Applicant was allowed until close of business on Wednesday, May 28, 2025, to supplement his response in opposing the State's motion to prohibit *ex parte* funding requests and orders. It is anticipated that a ruling will follow soon thereafter. Further, the parties discussed a potential scheduling order, which will include a November 10, 2025 status conference, and a possible January date for a final amended application, and an April 2026 evidentiary hearing. The undersigned drafted a proposed scheduling order on May 22nd which was shared with opposing counsel that same day. Counsel has consented to the proposed provisions and a proposed order has this day been submitted to Judge Griffin.

Respectfully submitted,



Melody J. Brown
Senior Assistant Deputy Attorney General

MJB/abb

cc: The Honorable R. Kirk Griffin (via email only)
E. Charles Grose, Jr., Esquire (via email only)
John L. Warren, Esquire (via email only)