

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Richland County

L. Casey Manning, Circuit Court Judge

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S.C. Supreme Court

BRANDON JONES,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-000605

SECOND SUPPLEMENTAL APPENDIX

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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

John L. Breeden, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRANDON EUGENE JONES,

APPELLANT

FINAL ANDERS BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Did the trial court abuse its discretion, when it refused appellant's request to include appellant's relevant family background to the pre-sentence investigation report, since this information was important to an accurate appraisal of appellant, and an inaccurate pre-sentencing report was more prejudicial to appellant than no report at all?

STATEMENT OF THE CASE

Appellant was indicted by the Richland County grand jury for three counts of criminal sexual conduct with a minor. R. 23 - 28. Appellant appeared before the Honorable John L. Breeden, Jr. on June 27, 2005, to enter a guilty plea, and September 15, 2005, for sentencing. Deborah Aherns and Lauren H. Mobley represented appellant. Erin Gaddy and Vincent D. Smith were the solicitors. R. 1.

Appellant pled guilty to the three counts of criminal sexual conduct with a minor. Judge Breeden sentenced appellant to 30 years imprisonment on each count. R. 20, ll. 22-25.

This appeal follows.

ARGUMENT

The trial court abused its discretion by refusing appellant's request to add the appellant's relevant family background to the pre-sentence investigation. The report was also prepared by a co-worker of the father of one of the victims. An inaccurate, incomplete and potentially biased pre-sentence report was much more prejudicial to appellant than no pre-sentence report at all, and the trial judge erred by reasoning otherwise.

Relevant Facts

On June 27, 2005, appellant pled guilty to three counts of criminal sexual conduct with a minor. R. 7, ll. 14-19. Before appellant's plea of guilty, the trial judge informed appellant that by pleading guilty he was waiving his constitutional right to a jury trial, the right to remain silent, and the right to question any witnesses that would be called against the appellant. R. 5, l. 4 – R. 7, l. 9.

After statements by the solicitor, the victims' families, and appellant, appellant's attorney requested a pre-sentence investigation of appellant. R. 20, ll. 18-21. The trial judge agreed to order such an investigation, and he ordered that the pre-sentence investigation be completed by the beginning of August, 2005. R. 20 ll. 22-24.

When appellant next appeared before the judge on September 15, 2005, his sole remaining attorney, Lauren Mobley, immediately objected to the content of the pre-sentence investigation, and its consideration by the court in the sentencing of appellant. R. 4, ll. 22-25. Defense counsel Mobley asserted that the pre-sentence investigation that was submitted to the court did not provide any new information for the court's consideration. In addition, the investigation, and consequently the report did not include any interviews with appellant's family members. Those family members present in the courtroom informed the

defense attorneys that none of appellant's family members were ever contacted, much less interviewed. In short, the report was incomplete and inadequate. R. 5, ll. 3-15.

Significantly, also, Mobley noted that the pre-sentence investigation report was drafted by an employee of Department of Probation, Parole and Pardon Services, where Allen Miller, the father of one of the victims also works. R. 5, ll. 9-13.

The judge told defense counsel Mobley, that he did not have to order a pre-sentence investigation, and consequently, he apparently reasoned having one could not cause any harm to appellant. R. 5, l. 25 – to R. 6, ll. 1-3. The judge added, “if the facts are as reported in this report or [are] as they are, I can’t imagine anything else that would [could] be said by anyone else that would have any significant influence on my sentence.” R. 6, ll. 7-10. (emphasis added).

The judge then heard victim testimony about how appellant was intelligent and cunning and how that “makes him so dangerous.” R. 7, l. 13 – 25. The judge then sentenced appellant to the maximum sentence -- 30 years in prison -- on each count of criminal sexual conduct with a minor. R. 20, ll. 22-25.

Discussion

The State of South Carolina mandates a pre-sentence investigation only if the judge of the Court of General Sessions has reason to believe that a defendant suffers from a mental disorder. See S.C. Code Ann. § 24-23-120 (2005). In all other cases, a defense motion for a pre-sentence investigation is left to the trial court’s discretion.

The Supreme Court has held that if the trial court has had the opportunity to observe the defendant’s mental ability or mental state, the trial court can still deny the defendant’s

motion for a pre-sentence investigation even if the defense asserts his mental state is at issue.

State v. Moultrie, 283 S.C. 352, 322 S.E.2d 663 (1984).

While South Carolina does not have a statute regulating what must be in a pre-sentence report, some states with such statutes describe what facts must be included in a pre-sentence investigation for the report to be considered accurate. Florida is such a state, and in Ocha v. State, 826 So.2d 956 (Fla. 2002), the court stated:

“To be meaningful, the PSI [pre-sentence report] should be comprehensive and should include information such as previous mental health problems (including hospitalizations), school records, and relevant family background.”

Other states that specify what information is to be contained in a valid pre-sentence investigation include Montana and Texas. Texas requires that the report include “the criminal and social history of the defendant, and any other information relating to the defendant or the offense requested by the judge.” Tex. Code Crim. Proc. Ann. art. 42.12 § 9(a) (2005).

This case is distinguished from the Montana case of State v. Bar-Jonah, 102 P.3d 1229, 1249 (Mont. 2004). In Bar-Jonah the defendant was appealing a motion to strike the pre-sentence investigation because it was prepared with bias; and therefore was incomplete and inaccurate. The court found that the defendant was under an affirmative duty to prove bias or prejudice, and since the defense failed to carry its burden of proof, the court did not err by refusing to strike the report.

This case is readily distinguishable because in Bar-Jonah the defendant was asking for the pre-sentence investigation to be stricken from the record, while here appellant was simply requesting that relevant family information be added to the pre-

sentence investigation in order to make the report complete and accurate. The judge was obviously, as seen above, very struck by the negative information about appellant in the report.

South Carolina, like many other states including Mississippi and Louisiana, does not have any statutory requirements regarding pre-sentence investigations. The courts of these states have found that pre-sentence investigations are merely an aid to the trial court, and not a right of the defendant. State v. Marino, 804 So.2d 47 (La.App. 4 Cir. 2001). The courts have also stated that the ordering of a pre-sentence investigation is not mandatory and is left to the discretion of the trial court. Bell v. State, 797 So.2d 945 (Miss. 2001).

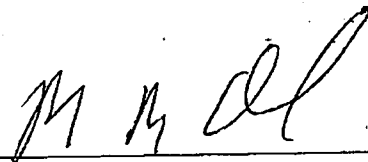
Regardless, the fact is that an inaccurate, incomplete or misleading pre-sentencing report is much more prejudicial than no report at all. It is beyond cavil, that in the present case, the pre-sentence investigation report was incomplete and inadequate. How can an investigation of appellant's background be complete where none of his family was ever contacted, much less interviewed? Moreover, the report was also drafted by a probation officer who worked with a victim's father.

The sentencing judge here abused his discretion here by denying appellant's request that the investigating agent or agents interview appellant's family members, and make an accurate report. While there is no statutory right of the defendant to a pre-sentence investigation, if one is done it should be completed in an accurate and unbiased manner. A pre-sentence investigation about appellant, drafted by a victim's father's co-worker that does not include relevant family information regarding appellant is not complete, accurate and unbiased.

Moreover, the judge here gave appellant the **maximum sentence** even though he pled guilty. The trial judge's apparent reasoning that because he did not even have to have a pre-sentencing report that an inaccurate report could not be prejudicial to appellant was, in a word, erroneous. An accurate pre-sentencing report that in good faith undertook the task of giving the sentencing judge information about who appellant was, and how he got here, had to include family background information.

The judge here abused his discretion in not ordering further information about appellant's family background from the agents conducting the pre-sentence investigation, and by considering an incomplete, inaccurate, and potentially biased pre-sentencing report. Appellant's sentence of thirty years imprisonment should consequently be vacated, and this case remanded to the Richland County Court of General Sessions for re-sentencing.

Respectfully submitted,



Robert M. Dudek
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR APPELLANT

November 6, 2006

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
John L. Breeden, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRANDON EUGENE JONES,

APPELLANT

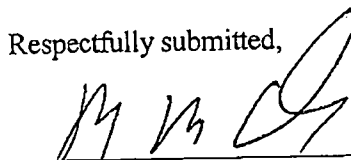
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Brandon Eugene Jones states:

1. He is Deputy Chief Attorney for Capital Appeals for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.
2. He has reviewed the record of appellant's guilty plea before Judge John L. Breeden, Jr., which was held on September 15, 2005, and, in his opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. He has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, he asks the Court to relieve him as counsel for Brandon Eugene Jones.

Respectfully submitted,



Robert M. Dudek
Deputy Chief Attorney for Capital Appeals

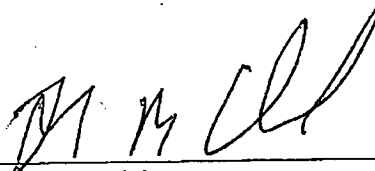
ATTORNEY FOR APPELLANT

November 6, 2006

CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief complies with Rule 211(b), SCACR.

November 6, 2006

A handwritten signature in black ink, appearing to read 'M M Cl', is written over a horizontal line.

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

John L. Breeden, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

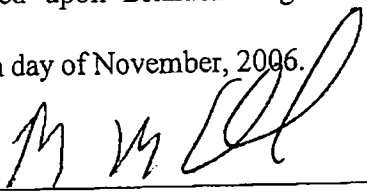
V.

BRANDON EUGENE JONES,

APPELLANT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Final Anders Brief of Appellant in the above referenced case has been served upon Salley W. Elliott, Esquire, Assistant Deputy Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Rm. 519, Columbia, SC 29201, the Final Anders Brief and Record on Appeal have been served upon Brandon Eugene Jones, #311373 at McCormick Correctional Institution this 6th day of November, 2006.



Robert M. Dudek
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

John L. Breeden, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRANDON EUGENE JONES,

APPELLANT

RECORD ON APPEAL

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4)
5 THE STATE,)
6 PLAINTIFF,)
7 -VS-) TRANSCRIPT OF RECORD
8)
9 BRANDON JONES,)
10) SEPTEMBER 15, 2005
11) COLUMBIA, SOUTH CAROLINA
12)
13)
14)
15)
16)
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22)
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24)
25)

B E F O R E:

THE HONORABLE JOHN L. BREEDEN, JR., JUDGE.

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

VINCENT D. SMITH, ESQUIRE,
ASSISTANT SOLICITOR FOR THE FIFTH JUDICIAL CIRCUIT,
ATTORNEY FOR THE STATE,

LAUREN H. MOBLEY, ESQUIRE,
ASSISTANT PUBLIC DEFENDER FOR RICHLAND COUNTY,
ATTORNEY FOR THE DEFENDANT.

ROBBIE KOON DEFREESE
CIRCUIT COURT REPORTER

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>EVD.</u>
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NOTE: NO EXHIBITS INTRODUCED DURING THIS SENTENCING
PROCEEDING.

1 THURSDAY, SEPTEMBER 15, 2005.

2 THE SOLICITOR: YOUR HONOR, THE STATE CALLS
3 BRANDON JONES.

4 THE COURT: YES, SIR.

5 BRANDON JONES,

6 FIRST BEING DULY SWORN, TESTIFIED AS FOLLOWS:

7 THE SOLICITOR: YOUR HONOR, STANDING BEFORE YOU
8 IS BRANDON JONES. HE'S REPRESENTED BY LAUREN MOBLEY OF THE
9 PUBLIC DEFENDER'S OFFICE.

10 YOUR HONOR, WE'RE HERE FOR SENTENCING ON A PLEA
11 THAT TOOK PLACE IN JUNE BEFORE YOU. YOU HAD REQUESTED A
12 PRE-SENTENCE INVESTIGATION BE PERFORMED ON THIS CASE AND, I
13 BELIEVE, YOU'VE HAD AN OPPORTUNITY TO REVIEW THAT.

14 THE COURT: YES, AND I HAVE READ THE REPORT, THE
15 RATHER LENGTHY REPORT. I KNOW MS. MOBLEY HAS INDICATED TO
16 THE COURT IN YOUR PRESENCE THAT SHE OBJECTS TO THIS REPORT.

17 MS. MOBLEY: I DO, YOUR HONOR.

18 THE COURT: LET ME LET YOU PUT YOUR OBJECTION ON
19 THE RECORD, IF YOU WILL, PLEASE, MA'AM?

20 MS. MOBLEY: THANK YOU, YOUR HONOR.

21 MAY IT PLEASE THE COURT.

22 YOUR HONOR, THE DEFENSE AT THIS TIME WILL BE
23 OBJECTING TO THE PRE-SENTENCE INVESTIGATION. I BELIEVE
24 THAT IT IS INCOMPLETE, THAT IT, IN ESSENCE, REHASHES THE
25 CASE AND PROVIDES THE COURT NO NEW INFORMATION ABOUT MR.

1 JONES. WHEN MS. AHRENS, WHO INITIALLY HANDLED THE PLEA AND
2 WAS HIS PRIOR ATTORNEY, REQUESTED THE PRE-SENTENCE
3 INVESTIGATION SHE WAS UNDER THE IMPRESSION THAT IT WOULD
4 GIVE THE COURT AN UNDERSTANDING OF WHAT IS GOING ON WITH
5 MR. JONES AND OF THE ENTIRE CASE.

6 YOUR HONOR, I BELIEVE THAT -- I HAVE TALKED WITH
7 ALL OF THE FAMILY MEMBERS -- SEVERAL OF WHICH ARE ALSO
8 SITTING IN THE FRONT ROW -- NONE OF THEM WERE INTERVIEWED
9 OR CONTACTED BY THE DEPARTMENT OF PROBATION AND, I BELIEVE,
10 MS. CRYSTAL BOYD OUT OF KERSHAW COUNTY IS THE ONE WHO DID
11 THE RECORD, AS ALLEN MILLER IS -- WORKS FOR THE DEPARTMENT
12 OF PROBATION, PAROLE, AND PARDON SERVICES HERE IN RICHLAND
13 COUNTY AND HE IS ONE OF THE VICTIMS' FATHERS.

14 YOUR HONOR, I BELIEVE THAT THE REPORT IS
15 INCOMPLETE AND PROVIDES YOU NO NEW INFORMATION. WE, AT
16 THIS TIME, WOULD BE ASKING THAT THE DEPARTMENT GO BACK AND
17 INTERVIEW THE FAMILY MEMBERS AS THEY SHOULD HAVE DONE WITH
18 THIS REPORT INITIALLY. OBVIOUSLY, THERE WAS PLENTY OF
19 TIME. APPARENTLY, THIS REPORT WAS CONCLUDED AT THE END OF
20 -- ON 7/25/05, YOUR HONOR. SO WE CERTAINLY HAD THE TIME TO
21 INTERVIEW SOME FAMILY MEMBERS AND GIVE YOUR HONOR AN
22 UNDERSTANDING OF WHAT'S GOING ON WITH THIS CASE. AND THAT
23 WAS NOT DONE. SO AT THIS TIME, WE WOULD BE OBJECTING TO
24 THE REPORT AND ITS CONSIDERATION BY THE COURT.

25 THE COURT: I'M NOT GOING TO ASK THAT THEY DO

1 ANYMORE THAN THEY'VE DONE, MS. MOBLEY, WITH ALL DUE
2 RESPECT. I DIDN'T HAVE TO ASK FOR A PRE-SENTENCE
3 INVESTIGATION AT ALL TO BEGIN WITH.

4 MS. MOBLEY: YES, SIR.

5 THE COURT: I DID AND THIS IS WHAT I GOT.

6 MS. MOBLEY: YES, SIR.

7 THE COURT: IF THE FACTS ARE AS REPORTED IN THIS
8 REPORT OR AS THEY ARE, I CAN'T IMAGINE ANYTHING ELSE THAT
9 WOULD BE SAID BY ANYONE ELSE THAT WOULD HAVE ANY
10 SIGNIFICANT INFLUENCE ON MY SENTENCE.

11 MS. MOBLEY: CERTAINLY, YOUR HONOR.

12 THANK YOU.

13 THE COURT: I'LL BE GLAD TO HEAR FROM THE STATE.

14 THE SOLICITOR: THANK YOU.

15 YOUR HONOR, IF IT PLEASE THE COURT, DID YOU NEED
16 A RECITATION OF THE FACTS AGAIN?

17 THE COURT: I DON'T NEED A RECITATION OF THE
18 FACTS---

19 THE SOLICITOR: THANK YOU.

20 WE---

21 THE COURT: ---I'VE SEEN THE FACTS IN THIS.

22 THE SOLICITOR: WE HAVE CHIEF BUCK OF THE IRMO
23 POLICE DEPARTMENT HERE IF THERE'S ANY QUESTIONS AS TO THE
24 FACTS IN THE CASE, YOUR HONOR.

25 WE ALSO HAVE -- WE ALSO HAVE WITH US THE VICTIMS'

1 PARENTS, MR. AND MRS. SPEARE; WE ALSO HAVE MR. AND MRS.
2 MILLER. WE HAVE A FAMILY FRIEND HERE FROM THE MILLERS.
3 ONCE AGAIN, HOW -- I WOULD HAVE BUTCHERED IT.

4 MR. GERALDO: LUCE GERALDO.

5 THE SOLICITOR: LUCE GERALDO, WHO IS ALSO HERE,
6 YOUR HONOR; AND I KNOW THAT THE VICTIMS IN THIS CASE AND
7 THAT THE PARENTS WOULD LIKE TO SPEAK TO THE COURT AT THE
8 APPROPRIATE TIME.

9 THE COURT: I'LL BE GLAD TO HEAR FROM THEM.

10 THE SOLICITOR: THANK YOU.

11 MR. MILLER, WOULD YOU LIKE TO ADDRESS -- OR, MRS.
12 MILLER, WOULD YOU LIKE TO ADDRESS THE COURT?

13 MRS. MILLER: OUR SOCIETY IS SO CONCERNED WITH
14 THE CRIMINAL'S RIGHTS THAT THEY SOMETIMES FORGET ABOUT OUR
15 VICTIMS, ESPECIALLY THE MOST INNOCENT TRUSTING OF ALL: OUR
16 CHILDREN. WHEN OUR SON AND TWO OTHERS WERE TEN-YEARS-OLD,
17 THEIR INNOCENCE WAS TAKEN AWAY, PART OF THEIR CHILDHOOD,
18 TRUST, AND SO MANY OTHER CRUCIAL THINGS THAT CAN NEVER BE
19 REPLACED.

20 DECEIVINGLY, BRANDON APPEARS TO BE A PASSIVE,
21 WELL-MANNERED, INTELLIGENT, CLEAN-CUT, CALM, STABLE YOUNG
22 MAN. THIS IS WHAT MAKES HIM SO DANGEROUS. HE'S A
23 MASTERMIND AT GETTING PEOPLE TO DO WHAT HE WANTS THEM TO
24 DO. HE IS EXTREMELY CALCULATING, BRILLIANT, INSIGHTFUL,
25 CONVINCING, AND VERY MANIPULATIVE. HE HAS LEARNED THAT

1 SYMPATHY CAN BE A VERY POWERFUL TOOL TO OPEN DOORS.

2 PLEASE, IN THIS CASE, LET THERE BE NO DOUBT WHERE
3 YOUR COMPASSION SHOULD LIE. OUR SON, AS WELL AS OTHERS,
4 HAVE SUFFERED AN IRREVERSIBLE LOSS THAT WILL HAUNT HIM THE
5 REST OF HIS LIFE.

6 THE SOLICITOR: YOUR HONOR, MR. MILLER ALSO WOULD
7 LIKE TO ADDRESS THE COURT.

8 MR. MILLER: THANK YOU, YOUR HONOR.

9 I WOULD LIKE TO TAKE THIS OPPORTUNITY TO THANK
10 THE SOLICITOR'S OFFICE AND THE IRMO POLICE DEPARTMENT,
11 CHIEF BUCK, THE DEPARTMENT OF SOVA FOR ALL THEIR ASSISTANCE
12 AND SUPPORT THROUGH ALL THIS TIME.

13 THANK YOU.

14 I WOULD LIKE TO POINT OUT TO THE COURT THAT WHEN
15 MR. JONES PLED GUILTY TO THIS, THAT NOT ONLY DID HE PLEAD
16 GUILTY, BUT HE ALSO TOLD THE COURT THAT IF GIVEN THE
17 OPPORTUNITY, HE WILL RE-OFFEND. HE SAID HE CAN'T HELP IT;
18 THAT'S HIS IMPULSES AND THAT'S WHAT HE WILL DO.

19 I BEG THE COURT TO PUT HIM AWAY AS LONG AS THEY
20 CAN SO THERE WILL BE NO MORE VICTIMS FOR AS LONG AS IT CAN.
21 THAT'S ALL I HAVE TO SAY.

22 THE SOLICITOR: YOUR HONOR, FOR THE STATE, BASED
23 ON THESE THREE CHARGES, THE STATE IS ASKING THAT YOUR HONOR
24 SENTENCE THE DEFENDANT THE MAXIMUM AMOUNT OF TIME ALLOWED.
25 WE'RE ASKING THE COURT TO SENTENCE HIM TO CONSECUTIVE

1 SENTENCES.

2 THE COURT: YES.

3 MS. MOBLEY: THANK YOU, YOUR HONOR.

4 IF IT PLEASES THE COURT.

5 YOUR HONOR, AT THIS TIME, IF I MAY HAND UP SOME
6 LETTERS FROM FAMILY MEMBERS AND A PROGRAM WHICH WE WILL BE
7 DISCUSSING MOMENTARILY CALLED THE LIGHTHOUSE FOUNDATION.
8 IF I MAY APPROACH THE BENCH AND HAND THAT UP?

9 (WHEREUPON, THE DOCUMENTS ARE
10 HANDED TO THE COURT AT THIS TIME.)

11 MS. MOBLEY: AND I'D ALSO ASK THAT THAT BE MADE A
12 PART OF THE COURT RECORD.

13 YOUR HONOR, I'VE HANDED UP A LETTER FROM DR.
14 JONES FROM CLEMSON UNIVERSITY; A LETTER FROM MARGUERITE
15 MALOY; FROM ERIC VONTAINE(PHONETICALLY), WHO IS HERE; CINDY
16 FRITZ, AND A LETTER, DOCUMENTS FROM THE LIGHTHOUSE.

17 WOULD YOUR HONOR CARE FOR A MOMENT OR WOULD YOU
18 LIKE ME TO CONTINUE?

19 THE COURT: GO AHEAD AND LET ME HEAR YOU AND THEN
20 I'LL LOOK OVER THESE.

21 MS. MOBLEY: THANK YOU.

22 YOUR HONOR, MS. AHRENS HANDLED MOST OF BRANDON'S
23 CASE AND I'VE HAD AN OPPORTUNITY -- I HAVE HAD AN
24 OPPORTUNITY TO SPEAK WITH BRANDON. HE IS DEEPLY REMORSEFUL
25 ABOUT THIS.

1 AND AT THIS POINT, IF YOUR HONOR, PLEASES, I
2 WOULD LIKE TO ALLOW HIS MOTHER AND FATHER AND FOR BRANDON
3 TO ADDRESS THE COURT BECAUSE I BELIEVE THAT THEY -- I CAN'T
4 SAY IT ANY BETTER THAN THEY CAN. THIS IS THEIR SON. THEY
5 KNOW HIM AND THEY CAN GIVE YOU A SMALL SNAPSHOT OF THIS.
6 OBVIOUSLY, THE LETTERS I'VE HANDED UP STATE THAT BRANDON
7 NOT ONLY HAS TRIED TO GET HELP -- HE RECOGNIZES HE HAS A
8 PROBLEM. HE UNDERSTANDS THAT. AND YOU'RE GOING TO HEAR
9 THAT FROM HIM IN A MOMENT IF YOUR HONOR WILL ALLOW HIM TO
10 SPEAK. HE TRIED TO GET HELP. AND HE STILL DESPERATELY
11 WANTS HELP FOR THIS PROBLEM.

12 YOUR HONOR, AT THIS TIME, IF I MAY TURN OVER THE
13 MICROPHONE TO MR. JONES, IF THE COURT PLEASES OR IF YOU
14 WOULD CARE FOR SOME TIME TO READ THE DOCUMENTS.

15 THE COURT: I'LL BE GLAD TO HEAR FROM MR. JONES.

16 MS. MOBLEY: THANK YOU.

17 THE DEFENDANT: I DON'T EVEN KNOW WHERE TO START.
18 I MEAN, I KNOW I MESSED UP. I MESSED UP ROYALLY. I DID.
19 AND I HURT A LOT OF PEOPLE. I HURT THE MILLERS; I HURT THE
20 SPEARES; I HURT MY OWN PARENTS. AND I THINK I OWE AN
21 EXPLANATION -- NOT A JUSTIFICATION. I WANT EVERYONE TO
22 KNOW THAT I RECOGNIZE THAT I WAS VERY, VERY WRONG AND THAT
23 IN NO WAY DO I WANT TO TRY TO JUSTIFY OR MITIGATE WHAT
24 HAPPENED BECAUSE THERE'S NO WAY TO DO THAT. I TOOK AWAY
25 SOMETHING THAT I CAN'T GIVE BACK. I DID SOMETHING THAT

1 CAN'T BE UNDONE. AND THERE ARE NO WORDS ON THIS EARTH THAT
2 COULD EVER -- THAT COULD EVER ALLOW ME TO EXPRESS EXACTLY
3 HOW SORRY I AM. BUT I OWE AN EXPLANATION TO THE PEOPLE
4 THAT I'VE HURT; AND HOWEVER SORRY IT IS, I JUST WANT TO
5 OFFER THE TRUTH. AND THE TRUTH IS SIMPLY THAT, I GUESS,
6 I'VE KNOWN THAT I'VE HAD THIS PROBLEM SINCE I WAS ABOUT 11
7 OR 12-YEARS OLD. MY EMOTIONAL AGE AND MY INTELLECTUAL AGE
8 DON'T SEEM TO BE SAME. I'M ONLY COMFORTABLE AROUND YOUNGER
9 CHILDREN AND THAT'S NOT NECESSARILY FOR SEXUAL PURPOSES AT
10 ALL. I JUST -- I DON'T FEEL RIGHT AROUND OLDER PEOPLE.
11 AND THAT WOULD BE OKAY IF IT WEREN'T FOR THE HORMONES THAT
12 ENTER INTO THE EQUATION AS WELL.

13 THEY STARTED GETTING TOO STRONG, I GUESS, WHEN I
14 WAS ABOUT 14 OR 15 AND SINCE I WAS RAISED IN A RELIGIOUS
15 HOUSE, MY FIRST INSTINCT WAS TO PRAY. I WAS TOLD THAT GOD,
16 YOU KNOW, DOESN'T LIKE THIS SORT OF THING AND THAT THERE'S
17 NO WAY HE WOULD ALLOW IT, SO I FIGURED HE CERTAINLY
18 SHOULDN'T MAKE ME LIKE THAT AND THAT I SHOULD PRAY AND THAT
19 IT WOULD BE HIS WILL TO TAKE IT AWAY. AND I MUST HAVE
20 PRAYED 10,000 TIMES. AND THEN I FINALLY ENDED UP PRAYING
21 FOR GOD JUST TO TAKE ME AWAY. I CONSIDERED SUICIDE, BUT I
22 WAS TOO AFRAID OF HELL.

23 WHEN I WAS AT CLEMSON UNIVERSITY, I FINALLY BROKE
24 DOWN AND TOLD A COUNSELOR IN THE COUNSELING CENTER, ONE OF
25 THE PSYCHOLOGISTS THERE, ABOUT ALL THE TROUBLES THAT I HAD

1 BEEN HAVING AND I SENT MYSELF TO RESEARCH CHEMICAL
2 CASTRATION AND SEVERAL OTHER FORMS OF TREATMENT FOR THIS
3 PARTICULAR DISEASE. I SCoured THE INTERNET FOR MONTHS AND
4 MONTHS. THE DOCTOR REFERRED ME TO A MEDICAL DOCTOR BECAUSE
5 I TOLD HIM I WANTED TO BECOME CHEMICALLY CASTRATED; AND HE
6 SENT ME TO DR. FINLAND. I DISCUSSED CHEMICAL CASTRATION
7 WITH DR. FINLAND AND I BEGGED HIM FOR IT AND HE BASICALLY
8 SAID THAT I KNEW MUCH MORE ABOUT IT THAN HE DID AND THAT HE
9 DIDN'T FEEL COMFORTABLE GIVING A PRESCRIPTION FOR THOSE
10 DRUGS AND HE TRIED TO REFER ME TO A UROLOGIST, BUT I DIDN'T
11 HAVE THE MONEY TO SEE A SPECIALIST. IF I HAD THOUGHT IT
12 WOULD HAVE HELPED, I WOULD HAVE QUIT SCHOOL AND GONE TO
13 WORK FULL-TIME JUST TO COVER THAT; BUT THERE WAS NO WAY.
14 DEPO-PROVERA, THE DOSE THAT I NEEDED BASED ON MY WEIGHT AND
15 HORMONE LEVELS, WOULD HAVE BEEN FAR MORE THAN I COULD HAVE
16 EARNED IN A MONTH. IF I COULDN'T HAVE GOTTEN SOME HELP
17 FROM CLEMSON, THEN THERE WAS NO WAY. I TURNED AWAY FROM
18 THAT AND I ENDED UP MAKING UP SOME FALSE PRESCRIPTIONS TO
19 GET THE DEPO-PROVERA. AND I CONFIDED IN TWO OF MY COLLEGE
20 BUDDIES THAT I NEEDED THEIR HELP WITH THE PRESCRIPTION TO
21 GET THE MEDICINE. IT WAS MOSTLY THE DOCTOR BILLS THAT WERE
22 GOING TO COST; AND THEY TOLD ME THAT I WAS CRAZY AND THAT I
23 SHOULD NEVER DO SUCH A THING AND THEY TOOK THE
24 PRESCRIPTIONS FROM ME AND BURNED THEM. AND THEY TOLD ME
25 THAT IF I EVER TRIED ANYTHING LIKE THAT AGAIN, THEY WOULD

1 TELL MY PARENTS. AND I WAS DESPERATELY MORALLY WRONG WITH
2 ME. I GUESS I DIDN'T KNOW THEN WHAT I KNOW NOW THAT THEY
3 WOULD HAVE STOOD BEHIND ME ANYWAY.

4 BUT I WAS AFRAID. I'VE LIVED ALONE. THIS IS A
5 LONELY, LONELY LIFE AND YOU NEVER HAVE ANY FRIENDS. AND SO,
6 I HAD BEEN AN EXCHANGE STUDENT IN THE TWELFTH GRADE TO
7 ECUADOR AND I HAD SPENT SOME CONSIDERABLE TIME OVER THERE
8 STUDYING THE SAME MEDICINES AND IT'S MUCH CHEAPER OVER
9 THERE. SO, I THOUGHT THAT I WOULD SAVE UP ABOUT \$2,000 AND
10 GO TO ECUADOR. I WAS WORKING AT LIZARD'S THICKET IN IRMO
11 AND LIVING WITH MY DAD WHILE I WAS GETTING UP THAT MONEY
12 AND IT WAS AT THAT TIME THAT I MET THE VICTIMS IN THIS
13 CASE. AND I REALLY, HONEST TO GOD, I JUST WANTED TO BE
14 THEIR FRIEND. I THOUGHT THAT I WAS STRONG ENOUGH TO HANDLE
15 IT.

16 I TOLD YOU IT'S A LONELY LIFE AND THEY WERE
17 REALLY THE FIRST FRIENDS THAT I HAD EVER HAD AND WE RODE
18 BIKES TOGETHER AND WE WOULD SHOOT FIRECRACKERS AND PLAY
19 YU-GI-OH! CARDS AND NINTENDO AND WATCH BASEBALL AND BUILD
20 FORTS IN THE WOODS AND IT WAS JUST -- IT WAS THE MOST
21 WONDERFUL FOUR MONTHS OF MY LIFE. BUT I WASN'T STRONG
22 ENOUGH TO FIGHT OFF WHAT I THOUGHT I WAS AND I DID MESS UP.
23 BUT, PLEASE, PLEASE, UNDERSTAND THAT I MEANT NO HARM TO
24 THESE CHILDREN. I KNOW I HURT THEM. I KNOW I DID, BUT I
25 SWEAR BEFORE GOD ALMIGHTY THAT IF I HAD KNOWN THAT THEY

1 WERE GOING TO BE HURT, I WOULD HAVE SLIT MY THROAT BEFORE I
2 TOUCHED THEM.

3 MS. MOBLEY: YOUR HONOR, IF I MAY.

4 JUST FOR YOUR HONOR'S INFORMATION, I WANT TO
5 BRING TO THE COURT'S ATTENTION THAT THIS -- THAT BRANDON
6 HAS BEEN TALKING ABOUT CHEMICAL CASTRATION BECAUSE I
7 REMEMBER SPEAKING ABOUT IT WITH DEBRA AHRENS BACK WHEN SHE
8 FIRST GOT THE CASE. THIS IS NOT SOMETHING NEW HE HAS COME
9 UP SIMPLY FOR THIS PROCEEDING, YOUR HONOR. HE HAS BEEN
10 EXPLORING THIS AT LENGTH FOR A LONG TIME.

11 YOUR HONOR, IF THE COURT PLEASES, I WOULD LIKE TO
12 ALSO ALLOW A BRIEF PERIOD OF TIME FOR HIS PARENTS TO SPEAK
13 IF YOUR HONOR WILL ALLOW IT.

14 THE COURT: I'LL BE GLAD TO HEAR FROM THEM.

15 MS. MOBLEY: THANK YOU.

16 MR. JONES: I'M BRANDON'S -- I'M BRANDON'S
17 FATHER; AND I JUST WANT YOU TO KNOW THAT BRANDON IS VERY
18 LOVED. IF WE HAD KNOWN THAT HE HAD A PROBLEM, WE WOULD
19 HAVE STOOD BEHIND HIM AND HELPED HIM IN ANY WAY. HE HAS
20 THE SUPPORT OF HIS FAMILY AND MANY FRIENDS, A LOT OF THEM
21 WHO COULDN'T BE HERE TODAY BECAUSE THE DATE WAS CHANGED.

22 HE RECOGNIZED HIS PROBLEM, BUT, IN ORDER NOT TO
23 HURT ME AND HIS MOTHER, HE OPTED TO TRY AND DO IT ALONE AND
24 HE FAILED. AND -- BUT HE DOES HAVE US BY HIS SIDE NOW.

25 ONCE HE LOST THAT BATTLE AND WE FOUND OUT ABOUT

1 IT, WE WERE DEVASTATED ALSO. AND WE APOLOGIZE TO THE
2 MILLERS AND THE SPEARES FOR ANYTHING THAT WE MIGHT HAVE
3 MISSED AS BRANDON WAS GROWING UP.

4 WE HAVE LOCATED A PROGRAM AND YOU HAVE THE
5 LETTERS IN FRONT OF YOU THAT HAS IMPECCABLE CREDENTIALS AND
6 A VERY IMPRESSIVE SUCCESS RATE.

7 SHOULD THE COURT DECIDE THAT REHABILITATION
8 EFFORTS ARE AS IMPORTANT AS A PUNITIVE SENTENCE, WE ASK
9 THAT BRANDON BE ALLOWED TO PARTICIPATE IN THE LIGHTHOUSE
10 PROGRAM AFTER HIS PUNITIVE SENTENCE. HIS MOTHER AND I WILL
11 COVER THE EXPENSES OF THE PROGRAM; AND, AS YOU WILL SEE IN
12 THE LETTERS UP THERE, THEY WILL NOTIFY THE COURT OF ANY
13 PROBLEMS WHATSOEVER WITH BRANDON. AND WE BEG THE COURT'S
14 MERCY ON OUR SON.

15 MS. CRUMP: YOUR HONOR, I'M PATRICIA CRUMP AND
16 I'M BRANDON'S MOTHER.

17 I FIRST WANT TO SAY TO THE MILLERS AND THE
18 SPEARES THAT I AM SO INCREDIBLY, INCREDIBLY SORRY. I HAD
19 NO IDEA. I HAVE WEPT MANY, MANY, MANY TEARS FOR THEIR
20 FAMILIES AND FOR THEIR CHILDREN AND FOR THE OTHER PEOPLE
21 BESIDES OUR FAMILY THAT HAVE BEEN HURT BY THIS. IT'S BEEN
22 A NIGHTMARE. TRULY, WE COULD NOT IMAGINE.

23 WE KNEW BRANDON WAS DIFFERENT. BRANDON WAS
24 ALWAYS IMMATURE. HE REPEATED KINDERGARTEN, NOT BECAUSE OF
25 ACADEMICS, HE SCORED VERY HIGH ON FIRST-GRADE READINESS.

1 HE REPEATED KINDERGARTEN BECAUSE HE WAS NOT EMOTIONALLY OR
2 SOCIALLY THERE AND HE CONTINUED TO -- THE PEOPLE AROUND HIM
3 CONTINUED TO GROW OLDER AND HE DIDN'T.

4 IF WE HAD KNOWN, WE WOULD HAVE DONE ANYTHING THAT
5 IT TOOK TO GET HIM THE HELP.

6 I WANT YOU TO KNOW ABOUT BRANDON THAT HE WAS ONCE
7 SOMEBODY'S LITTLE BABY. HE WAS OURS. WE BROUGHT HIM HOME
8 FROM THE HOSPITAL AND WE LOVED HIM AND WE DID THE VERY,
9 VERY BEST THAT WE COULD AND WE MADE A LOT OF MISTAKES. AND
10 WE'RE SO SORRY TO BRANDON FOR ALL THE MISTAKES THAT WE
11 MADE. WE STILL DID THE BEST THAT WE COULD.

12 I WANT YOU TO UNDERSTAND ABOUT BRANDON THAT -- I
13 KNOW THIS IS A TERRIBLE, TERRIBLE, TERRIBLE SICKNESS AND HE
14 DID NOT WANT IT. HE DID PLEAD, I'M SURE, MANY TIMES WITH
15 GOD TO TAKE IT AWAY FROM HIM. I WANT YOU TO UNDERSTAND
16 THAT BRANDON IS THE KIND OF PERSON THAT ONCE HE GETS
17 SOMETHING, BRANDON IS A TEACHER AND A LEADER IN THAT TYPE
18 OF THING. I BELIEVE THAT THROUGH LIGHTHOUSE MINISTRIES AND
19 THEY HAVE A HIGH RATE OF SUCCESS WITH MEN WITH -- THIS
20 FALLS UNDER THE CATEGORY OF COURSE OF SEXUAL ADDICTION --
21 AND I BELIEVE THAT THEY CAN HELP HIM. THEY ALSO OFFER
22 STATE COUNSELING FOR -- AND WE ARE MORE THAN WILLING TO PAY
23 FOR THAT IN ADDITION TO EVERYTHING ELSE. BUT, I BELIEVE,
24 THAT PEOPLE LIKE BRANDON ARE THE ONLY PEOPLE THAT CAN HELP
25 PEOPLE LIKE BRANDON AND OUR SOCIETY HAS A LOT OF PROBLEMS

1 WITH THIS. AND BRANDON COULD MAKE A DIFFERENCE FOR PEOPLE
2 IN THE FUTURE IF HE'S ALLOWED TO GO TO A FACILITY WHERE HE
3 CAN BE HELPED. THE LIGHTHOUSE WILL KEEP HIM AS LONG AS
4 YOUR HONOR WOULD SAY FOR THEM TO DO SO. THEY WILL KEEP HIM
5 AND HE COULD CONTINUE TO REPEAT THEIR PROGRAM.

6 OUR PRISON SYSTEM DOES NOT TURN OUT GENERALLY
7 MODEL CITIZENS. LIGHTHOUSE HAS A HIGHER SUCCESS RATE OF
8 DOING THAT.

9 I PLEAD YOUR MERCY; I PLEAD WITH YOU TO PLEASE
10 GIVE BRANDON THIS OPPORTUNITY.

11 THE LIGHTHOUSE DIRECTOR SAYS THAT THEY HAVE
12 SHIPPED PEOPLE BACK TO THEIR STATE IF THEY RESIST TREATMENT
13 OR THEY ARE UNCOOPERATIVE IN ANY WAY, SHAPE, OR FORM. THEY
14 SHIP THEM RIGHT BACK TO THE STATE WHERE THEY CAME FROM TO
15 SERVE THEIR TIME. I PLEAD WITH YOU. WE LOVE BRANDON SO
16 MUCH AND WE BELIEVE THAT HE CAN BE A LEADER IN A GOOD
17 DIRECTION.

18 HE WAS -- HE RECEIVED THE PALMETTO FELLOW
19 SCHOLARSHIP. HE WAS A NATIONAL MERIT SCHOLAR AND HE ALSO
20 GOT A SCHOLARSHIP FROM CLEMSON, AND RECEIVED AN INVITATION
21 TO THE HONOR'S PROGRAM THERE. WITH HIS FIRST YEAR OF
22 COLLEGE, HIS ONLY YEAR, HE WAS GRANTED \$6700 -- \$8700 IN
23 SCHOLARSHIP MONEY. BRANDON IS INTELLIGENT AND I BELIEVE
24 THAT HE COULD DO SOMETHING TO HELP OUR WORLD, OUR COUNTRY,
25 AND OUR SOCIETY IF HE'S ALLOWED TO BE HELPED FIRST.

1 PLEASE. THANK YOU.

2 MS. MOBLEY: THANK YOU, YOUR HONOR, FOR HEARING
3 THEM AND JUST VERY BRIEFLY.

4 BRANDON, IN SENTENCING, WE WOULD ASK THAT YOU
5 TAKE INTO CONSIDERATION THAT HE HAS ABSOLUTELY NO PRIOR
6 RECORD. WE WOULD ASK THAT YOU TAKE INTO CONSIDERATION THAT
7 HE WAS ATTEMPTING TO BE A CITIZEN, TO GO TO SCHOOL, TO
8 WORK, WHAT HAVE YOU. AND HE HAS A PROBLEM AND HE KNOWS
9 THAT AND HE WANTS HELP.

10 SO WE'RE RESPECTFULLY REQUESTING THAT THE COURT
11 -- HE UNDERSTANDS THAT HE HAS TO PAY FOR WHAT HE DID --
12 WE'RE RESPECTFULLY REQUESTING THAT THE COURT CONSIDER AN
13 ACTIVE SENTENCE SOMEWHERE IN THE RANGE OF THREE TO FIVE
14 YEARS, FOLLOWED BY SOME SORT OF SUPERVISED RELEASE, EITHER
15 ORDERED INTO THE LIGHTHOUSE PROGRAM OR SOME OTHER FORM OF
16 COUNSELING.

17 I DISCUSSED WITH HIM THE FACT THAT HE WILL BE
18 EVALUATED FOR THE SEXUALLY VIOLENT PREDATOR PROGRAM AND
19 THAT IS AN OPTION THAT THE STATE HAS TO COME AFTER HIM
20 CIVILLY FOR THAT PROGRAM; AND, I BELIEVE, UNDER THE
21 STATUTE, THAT IS MANDATORY THAT HE BE EVALUATED FOR THAT.
22 BUT, I BELIEVE, THAT BRANDON IS RECEPTIVE TO ANY HELP THAT
23 HE MAY BE GIVEN AND WITH THAT IN MIND, YOUR HONOR, WE WOULD
24 ASK THAT YOU CONSIDER THAT WHILE HANDING DOWN A SENTENCE.

25 THANK YOU.

1 THE COURT: THANK YOU.

2 THE SOLICITOR: YOUR HONOR, IF IT PLEASE THE
3 COURT.

4 EVERYONE IN THIS COURTROOM IS A VICTIM BASED ON
5 WHAT HAPPENED IN THIS CASE, BUT THE THREE VICTIMS THAT WERE
6 ABUSED BY THE DEFENDANT ARE NOT HERE, YOUR HONOR. IT WAS
7 THREE CHILDREN THAT ARE NOT HERE TO SPEAK FOR THEMSELVES.

8 YOUR HONOR, SENTENCING IN THIS CASE GOES TO
9 PUNISH THE DEFENDANT. IT ALSO CAN BE USED AS A DETERRENT;
10 AND, IN THEIR OWN WORDS, THAT PROGRAM HAS A HIGH SUCCESS
11 RATE. IT DOESN'T HAVE A PERFECT SUCCESS RATE; IT DOESN'T
12 HAVE A 100 PERCENT SUCCESS RATE.

13 WE ASK THAT THIS DEFENDANT BE LOCKED UP FOR AS
14 LONG AS POSSIBLE SO THAT THESE CHILDREN CAN SLEEP AT NIGHT
15 KNOWING THAT HE'S BEHIND BARS.

16 THANK YOU, YOUR HONOR.

17 THE COURT: LET ME TELL YOU ONE OF THE THINGS
18 THAT CONCERNS ME MOST ABOUT THIS OTHER THAN THE OBVIOUS. IS
19 LEAVING AND GOING TO ECUADOR AT A CRUCIAL MOMENT. HIS
20 EXPLANATION WAS THAT I WAS GOING THERE TO SEEK DEPO-
21 PROVERA AND I WAS GOING TO COME BACK WHEN I GOT IT.

22 BUT WHILE THERE, HIS VISA EXPIRED, THERE WAS NO
23 MONEY TO BUY A TICKET TO RETURN HOME. THAT WAS HIS
24 EXPLANATION.

25 THE CONCERN THAT THE PARENTS HAVE AND THE CONCERN

1 THAT THE COURT HAS THAT HE HAD NO INTENTION TO COME BACK TO
2 THIS COUNTRY. HE RECOGNIZED THAT -- AND WHAT HE SAID HE
3 TOLD THE YOUNG BOY THAT IF THEY TOLD, THAT HE WOULD BE IN
4 DEEP TROUBLE. AND HE RECOGNIZE THAT FACT. HE KNEW THAT
5 FACT.

6 THIS IS AS SERIOUS AS THIS TYPE OF CRIME GETS.
7 THE UNFORTUNATE PART AND THE REAL UNFORTUNATE ASPECT OF
8 THIS PARTICULAR CASE IS THAT THE DEFENDANT IN THIS CASE IS
9 A VERY INTELLIGENT PERSON, A MERIT SCHOLARSHIP FINALIST, A
10 VERY INTELLIGENT PERSON, BILINGUAL, AND IT'S SUCH A WASTE
11 OF INTELLIGENCE.

12 THE SENTENCE OF THE COURT IN THIS MATTER IS AS
13 FOLLOWS -- AND I AM CONSIDERING HIS AGE AND THE THINGS YOU
14 MENTIONED, MA'AM; ALSO CONSIDERING THE THREE YOUNG MEN
15 INVOLVED HERE.

16 MS. MOBLEY: YES, SIR.

17 THE COURT: I'M TAKING INTO CONSIDERATION THE
18 FACT THAT, THAT HE WILL BE, WHEN HE'S RELEASED FROM PRISON,
19 THAT HE WILL BE SUBJECTED TO THE CRIMINAL SEXUAL VIOLENT
20 PREDATOR STATUTE AND THAT -- AND THE RAMIFICATIONS OF THAT
21 CIVIL ACTION.

22 THE SENTENCE OF THE COURT HERE -- AND THEY ARE TO
23 RUN CONCURRENTLY -- IS THAT YOU BE COMMITTED TO THE
24 DEPARTMENT OF CORRECTIONS FOR A PERIOD OF THIRTY (30)
25 YEARS. THAT'S ON EACH TO RUN CONCURRENTLY.

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GOOD LUCK TO YOU.

THE SOLICITOR: THANK YOU, YOUR HONOR.

MS. MOBLEY: THANK YOU, YOUR HONOR.

** ** * * * * * * * * * *

1 STATE OF SOUTH CAROLINA)

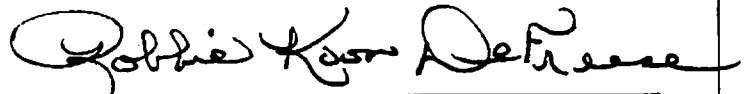
2 C E R T I F I C A T E

3 COUNTY OF RICHLAND)

4
5
6 I, THE UNDERSIGNED ROBBIE KOON DEFREESE, OFFICIAL
7 COURT REPORTER FOR THE FIFTH JUDICIAL CIRCUIT OF THE STATE
8 OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS
9 A TRUE, ACCURATE, AND COMPLETE TRANSCRIPT OF RECORD OF ALL
10 THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE TRIAL OF
11 THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE GENERAL
12 SESSIONS COURT FOR RICHLAND COUNTY, SOUTH CAROLINA, ON THE
13 15TH DAY OF SEPTEMBER, 2005.

14 I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
15 COUNSEL NOR INTEREST TO ANY PARTY HERETO.

16
17 NOVEMBER 21, 2005

18 

19 ROBBIE KOON DEFREESE
20 CIRCUIT COURT REPORTER
21
22
23
24
25

WITNESSES

(S) Brian Buck, Immo PD

2

ARREST WARRANT NUMBER

I-205453

ACTION OF GRAND JURY

TRIE BILL

Foreperson of Grand Jury

DEC 15 2004

Date:

VERDICT

Foreperson of Petit Jury

Date:

38

DOCKET NO. 2004-GS-40-8462

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

DECEMBER TERM 2004

103

THE STATE

vs.

BRANDON JONES

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Brandon Jones

Witness:

C.C.C. PLS. AND G.S.

Indictment for

CRIMINAL SEXUAL CONDUCT
WITH A MINOR 1st

SC Code: 16-3-655(1)
CDR Code: 0385
Class: FEL(A/V)

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on December 15, 2004 the Grand Jurors of Richland County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR 1ST DEGREE

That Brandon Jones (DOB: 6/3/83), did in Richland County on or between September – December 2003 engage in a sexual battery upon Minor 1 (DOB: [REDACTED] who at the time was less than eleven (11) years of age, and defendant being older than said minor. To wit: performed fellatio on said victim. All in violation of SC Code of Laws § 16-3-655(1) (1976 as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Warren B. Giese
Warren B. Giese, SOLICITOR

WITNESSES

(S) Brian Buck, Immo PD

ARREST WARRANT NUMBER

I-205454

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

DEC 1 5 2004

VERDICT

Foreperson of Petit Jury

Date:

40

DOCKET NO. 2004-GS-40-8463

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

DECEMBER TERM 2004

103

THE STATE

vs.

BRANDON JONES

Witness:

C.C.C. PLS. AND G.S.

Defendant

Brandon Jones

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

hereby appear in my own proper person and ple guilty to the within indictment or to

Indictment for

CRIMINAL SEXUAL CONDUCT
WITH A MINOR 1ST

SC Code: 16-3-655(1)
CDR Code: 0385
Class: FEL(A)(V)

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on December 15, 2004 the Grand Jurors of Richland County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR 1ST DEGREE

That Brandon Jones (DOB: 6/3/83), did in Richland County on or between September – December 2003 engage in a sexual battery upon Minor 2 (DOB: [REDACTED] who at the time was less than eleven (11) years of age, and defendant being older than said minor. To wit: performed fellatio on said victim. All in violation of SC Code of Laws § 16-3-655(1) (1976 as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Warren B. Giese
Warren B. Giese, SOLICITOR

WITNESSES

(s) Brian Buck, Irmo PD

DOCKET NO. 2004-GS-40-8464

The State of South Carolina

County of Richland

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Brandon Jones
Defendant

Witness:

C.C.C. PLS. AND G.S.

ARREST WARRANT NUMBER

I-205455

ACTION OF GRAND JURY

TRIPLE BILL

Foreperson of Grand Jury

DEC 15 2004

Date:

VERDICT

COURT OF GENERAL SESSIONS

DECEMBER TERM 2004

103

THE STATE

vs.

BRANDON JONES

Indictment for

CRIMINAL SEXUAL CONDUCT
WITH A MINOR 1ST

SC Code: 16-3-655(1)

CDR Code: 0385

Class FEL(A)(V)

Foreperson of Petit Jury

Date:

42

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on December 15, 2004 the Grand Jurors of Richland County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR 1ST DEGREE

That Brandon Jones (DOB: 6/3/83), did in Richland County on or between September – December 2003 engage in a sexual battery upon Minor 3 (DOB: [REDACTED]) who at the time was less than eleven (11) years of age, and defendant being older than said minor. To wit: performed fellatio on said victim. All in violation of SC Code of Laws § 16-3-655(1) (1976 as amended).

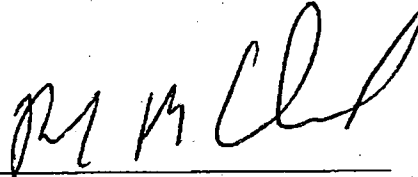
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Warren B. Giese
Warren B. Giese, SOLICITOR

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.

October 16th, 2006



Robert M. Dudek
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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(803) 734-1343

ATTORNEY FOR APPELLANT.

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

John L. Breeden, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRANDON EUGENE JONES,

APPELLANT

SUPPELEMENTAL
RECORD ON APPEAL

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Attorneys for Respondent

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	)	COURT OF GENERAL SESSIONS
COUNTY OF RICHLAND	)	04-GS-40-8462
	)	04-GS-40-8463
	)	04-GS-40-8464
THE STATE,	)	
	)	GUILTY PLEA ONLY
VS.	)	TRANSCRIPT OF RECORD
	)	
BRANDON JONES,	)	
	)	
DEFENDANT,	)	

JUNE 27TH, 2005
COLUMBIA, SOUTH CAROLINA

BEFORE:

THE HONORABLE JOHN L. BREEDEN, JUDGE.

APPEARANCES:

ERIN GADDY, ASSISTANT SOLICITOR
ATTORNEY FOR THE DEFENDANT

DEBORAH AHRENS, ESQ.
ATTORNEY FOR THE DEFENDANT

KAREN TRACY
OFFICIAL COURT REPORTER

C O N T E N T S

INDEX OF EXHIBITS:

(THERE WERE NO EXHIBITS INTRODUCED.)

INDEX OF WITNESSES:

(THERE WERE NO WITNESSES CALLED.)

1 BRANDON JONES, AFTER BEING DULY SWORN,
2 TESTIFIED AS FOLLOWS:

3 THE COURT: YOU'RE BRANDON JONES?

4 THE DEFENDANT: YES, SIR.

5 THE COURT: YES, MA'AM.

6 MS. GADDY: YOUR HONOR, MAY IT PLEASE THE COURT.

7 BRANDON JONES STANDS BEFORE YOU REPRESENTED BY HIS
8 ATTORNEY, DEBORAH AHRENS, OF THE PUBLIC DEFENDER'S OFFICE;
9 ERIN GADDY FOR THE STATE.

10 EACH OF THE VICTIMS' FAMILIES ARE WITH ME, AND I'LL
11 INTRODUCE THEM AT THE APPROPRIATE TIME. THE DEFENDANT IS
12 PLEADING GUILTY TO THREE COUNTS OF CRIMINAL SEXUAL CONDUCT
13 WITH A MINOR IN THE FIRST DEGREE, AND THERE ARE NO
14 NEGOTIATIONS OR RECOMMENDATIONS.

15 I WILL STATE FOR THE COURT THAT THE DEFENSE HAS
16 INDICATED TO ME THAT THEY ARE GOING TO REQUEST A
17 PRE-SENTENCE INVESTIGATION, SO I WILL NEED GUIDANCE FROM
18 THE COURT AS TO HOW MUCH OF A FACTUAL BASIS YOU WOULD LIKE
19 ME TO LAY AT THIS TIME.

20 THE COURT: WELL, LET ME QUALIFY HIS PLEA FIRST, AND
21 THEN WE CAN GET AROUND THAT.

22 MS. GADDY: YES, SIR.

23 THE COURT: THIS IS BRANDON JONES?

24 THE DEFENDANT: YES, YOUR HONOR.

25 THE COURT: MR. JONES, YOU ARE REPRESENTED BY MS.

1 AHRENS?

2 THE DEFENDANT: YES, YOUR HONOR.

3 THE COURT: ARE YOU SATISFIED WITH HER
4 REPRESENTATION?

5 THE DEFENDANT: EXTREMELY.

6 THE COURT: DO YOU HAVE ANY COMPLAINTS ABOUT HOW SHE
7 HAS REPRESENTED YOU?

8 THE DEFENDANT: NONE AT ALL.

9 THE COURT: HOW OLD ARE YOU, SIR?

10 THE DEFENDANT: TWENTY-TWO, SIR.

11 THE COURT: YOU'RE CHARGED IN THESE INDICTMENTS WITH
12 THREE COUNTS OF CRIMINAL SEXUAL CONDUCT WITH A MINOR IN
13 THE FIRST DEGREE, AND I'M TOLD YOU WANT TO PLEAD GUILTY TO
14 THOSE OFFENSES; IS THAT CORRECT?

15 THE DEFENDANT: YES, YOUR HONOR.

16 THE COURT: NOW, IS ANYONE MAKING YOU PLEAD GUILTY,
17 MR. JONES?

18 THE DEFENDANT: NO, YOUR HONOR.

19 THE COURT: HAS ANYONE THREATENED YOU, INTIMIDATED
20 YOU, OR DONE ANYTHING TO YOU TO MAKE YOU FEEL LIKE YOU HAD
21 TO PLEAD GUILTY OR YOU WERE EXPECTED TO PLEAD GUILTY?

22 THE DEFENDANT: NO, SIR.

23 THE COURT: BECAUSE YOU'RE NOT. YOU UNDERSTAND THAT,
24 DO YOU NOT?

25 THE DEFENDANT: YES, SIR.

1 THE COURT: YOU HAVE A RIGHT TO A TRIAL BY JURY ON
2 THESE MATTERS. DO YOU KNOW WHAT A TRIAL BY JURY IS?

3 MS. GADDY: YES, SIR, YOUR HONOR.

4 THE COURT: THAT'S AN IMPORTANT AND A SUBSTANTIAL
5 RIGHT THAT YOU HAVE. AT ANY TRIAL THAT YOU WOULD HAVE,
6 YOU WOULD HAVE ADDITIONAL RIGHTS. YOU WOULD HAVE, FOR
7 INSTANCE, THE RIGHT TO REMAIN SILENT. THAT MEANS YOU
8 DON'T HAVE TO SAY A WORD AT ANY TRIAL THAT YOU WOULD HAVE,
9 BECAUSE YOU HAVE NOTHING TO PROVE.

10 THE STATE HAS THE BURDEN TO PROVE YOUR GUILT. TO
11 PROVE THAT GUILT TO THE JURY BEYOND A REASONABLE DOUBT,
12 NOW, THAT HAS BEEN DEFINED AS MEANING THAT THEY MUST --
13 THEY, THE STATE, MUST PROVE TO THE JURY TO THEIR
14 SATISFACTION THAT YOU ARE GUILTY BEYOND A REASONABLE
15 DOUBT; THAT THEY BE FIRMLY CONVINCED OF YOUR GUILT BEFORE
16 THEY COULD RETURN A GUILTY VERDICT AGAINST YOU.

17 DURING THAT TRIAL, YOU DON'T HAVE TO SAY A WORD. YOU
18 HAVE THE RIGHT TO REMAIN SILENT, AND THE JURY WILL BE TOLD
19 BY THE JUDGE AND INSTRUCTED THAT THEY CANNOT HOLD YOUR
20 SILENCE AGAINST YOU.

21 WHEN I SAY YOU HAVE THE RIGHT TO REMAIN SILENT, THAT
22 GENERALLY CONSTRUES TO ME THAT YOU DON'T HAVE TO TAKE THE
23 STAND AND EXPLAIN YOURSELF. THE JURY, AS I SAY, WILL BE
24 TOLD THAT THEY CAN'T HOLD YOUR DECISION NOT TO TAKE THE
25 STAND OR YOUR DECISION TO REMAIN SILENT AGAINST YOU.

1 THAT'S YOUR PREROGATIVE. THAT'S YOUR RIGHT.

2 FURTHER, THE JURY WILL BE TOLD THAT WHEN THEY RETIRE
3 TO THEIR JURY ROOM TO DELIBERATE YOUR VERDICT OR
4 DELIBERATE YOUR GUILT OR INNOCENCE, THAT THEY CAN'T EVEN
5 BRING THE FACTS OF YOUR SILENCE UP FOR DISCUSSION.

6 THEY CAN'T SAY WELL, YOU KNOW, MR. JONES DIDN'T TAKE
7 THE STAND. THAT MUST MEAN THAT -- THEY CAN'T EVEN TALK
8 ABOUT IT TO FURTHER ENSURE THAT YOUR SILENCE WON'T BE HELD
9 AGAINST YOU. NOW, THAT'S A RIGHT THAT YOU HAVE, AND
10 THAT'S A SUBSTANTIAL RIGHT.

11 YOU HAVE A RIGHT TO BE FREE FROM SELF-INCRIMINATION.
12 THAT MEANS SHOULD YOU DECIDE AT ANY TRIAL THAT YOU WOULD
13 HAVE, YOU MAY REFUSE TO ANSWER QUESTIONS ON THE GROUND
14 THAT IT MAY TEND TO INCRIMINATE YOU. YOU DON'T HAVE TO
15 TESTIFY AGAINST YOURSELF.

16 YOU HAVE THE RIGHT TO AN ATTORNEY IF YOU CAN'T AFFORD
17 ONE. YOU HAVE THE RIGHT TO CONFRONT THE PEOPLE OR THE
18 PERSONS THAT ARE ACCUSING YOU OF THESE CRIMES. YOU HAVE
19 THE RIGHT TO CROSS-EXAMINE THE WITNESSES THAT THE STATE
20 WOULD PUT ON THE STAND IN AN EFFORT TO CONVICT YOU, TO
21 HAVE YOUR ATTORNEY TEST THEIR CREDIBILITY BY ASKING THEM
22 QUESTIONS ON CROSS-EXAMINATION.

23 YOU HAVE THE RIGHT TO USE THE COURT'S POWER OF
24 SUBPOENA TO SUBPOENA WITNESSES THAT YOU THINK WOULD BE
25 FAVORABLE TO YOU IN THE CASE TO HELP YOU GET YOUR

1 WITNESSES HERE TO COURT.

2 ALL OF THESE RIGHTS THAT I TELL YOU ABOUT IN AND OF
3 THEMSELVES ARE RATHER SUBSTANTIAL RIGHTS, BUT WHEN THEY
4 COME ALONG WITH YOUR RIGHT TO A TRIAL BY YOUR PEERS OR A
5 JURY TRIAL, THAT MAKES THAT RIGHT A VERY IMPORTANT RIGHT
6 THAT YOU HAVE. IT'S A RIGHT THAT YOU GIVE UP WHEN YOU
7 PLEAD GUILTY AS YOU'RE ATTEMPTING TO DO TODAY. YOU CAN'T
8 PLEAD GUILTY AND HAVE A TRIAL. DO YOU UNDERSTAND THESE
9 THINGS I'M TELLING YOU?

10 THE DEFENDANT: YES, YOUR HONOR.

11 THE COURT: UNDERSTANDING THESE THINGS, DO YOU STILL
12 WANT TO GO FORWARD WITH YOUR PLEA?

13 THE DEFENDANT: YES, YOUR HONOR.

14 THE COURT: HOW DO YOU PLEAD TO THESE CHARGES OF
15 CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE,
16 MR. JONES?

17 THE DEFENDANT: GUILTY, YOUR HONOR.

18 THE COURT: ARE YOU GUILTY?

19 THE DEFENDANT: YES.

20 THE COURT: ARE YOU UNDER THE INFLUENCE OF ANY
21 SUBSTANCE THAT WOULD MAKE YOU NOT UNDERSTAND WHAT YOU'RE
22 DOING?

23 THE DEFENDANT: NO, YOUR HONOR.

24 THE COURT: I TAKE IT THEN THAT YOU DO UNDERSTAND
25 WHAT YOU'RE DOING?

1 THE DEFENDANT: I DO.

2 THE COURT: HOPEFULLY YOU'RE DOING WHAT YOU THINK IS
3 IN YOUR BEST INTEREST; IS THAT CORRECT?

4 THE DEFENDANT: YES, YOUR HONOR.

5 THE COURT: VERY WELL. THE COURT WILL ACCEPT
6 MR. JONES' PLEA. I FIND HE PLEADS GUILTY FREELY AND
7 VOLUNTARILY, AND HE DOES SO AFTER THE ADVICE AND COUNSEL
8 OF AN ATTORNEY HE'S SATISFIED WITH, AND HE'S MADE AN
9 INFORMED AND A VOLUNTARY DECISION ON EACH OF THESE COUNTS
10 TO GIVE UP HIS RIGHT TO A JURY TRIAL AND TENDER HIS PLEA
11 OF GUILTY, AND THE COURT WILL ACCEPT HIS PLEA.

12 YES, SIR. I WANT YOU -- YES, MA'AM, RATHER. I WANT
13 YOU TO TELL ME AS MUCH ABOUT THIS FACTUAL SITUATION AS YOU
14 THINK THE COURT NEEDS TO KNOW.

15 MS. GADDY: YES, YOUR HONOR.

16 YOUR HONOR, IN THESE CASES THERE ARE THREE MINOR
17 VICTIMS. EACH OF THE VICTIMS IS NAMED IN ONE INDICTMENT
18 FOR A TIME SPAN FROM SEPTEMBER THROUGH DECEMBER OF 2003.
19 TWO OF THE BOYS WITH THE SAME LAST NAME ARE TWIN YOUNG MEN
20 WHO WERE APPROXIMATELY TEN YEARS OLD AT THE TIME OF THE
21 OFFENSE. THEY HAD THEIR BIRTHDAY IN JUNE.

22 THE OTHER YOUNG MAN IS A FRIEND OF THEIRS, AS WELL.
23 THE THREE YOUNG MEN WERE TYPICALLY TOGETHER AT THE HOUSE,
24 AND HE'S ALSO APPROXIMATELY TEN YEARS OLD AT THE TIME OF
25 THE OFFENSE. HE'S ACTUALLY TEN-AND-A-HALF.

1 THE ALLEGATIONS IN EACH CASE ARE REPEATED INCIDENTS
2 OF FONDLING, OF ORAL SEX, AND OF MASTURBATION, BOTH ON THE
3 CHILDREN AND BY THE CHILDREN ON THE ADULT.

4 THE CHILDREN IN THIS CASE DISCLOSED -- FIRST, THE
5 YOUNG MAN WHO IS A SINGLE CHILD DISCLOSED TO HIS PARENTS,
6 AND HE WAS THE ONE WHO INITIALLY OPENED THE INVESTIGATION.

7 MR. MILLER IS STANDING HERE BESIDE ME. HE IS THE
8 FATHER OF THE CHILD NAMED IN THE INDICTMENT. ONCE THAT
9 WAS BROUGHT TO LIGHT, THEN THE OTHER TWO YOUNG MEN WERE
10 THEN ALSO INTERVIEWED AND IMMEDIATELY DISCLOSED, AS WELL,
11 AT THE ASSESSMENT RESOURCE CENTER, WHICH IS A CHILD
12 ADVOCACY CENTER HERE IN COLUMBIA.

13 ALL THREE YOUNG MEN DID GIVE COMPELLING DISCLOSURES
14 IN THE TERMINOLOGY AT THE ASSESSMENT RESOURCE CENTER. ALL
15 THREE DISCLOSED THAT IN RETURN FOR THESE SEXUAL ACTS THAT
16 THEY WERE PAID SMALL AMOUNTS OF MONEY. AT SOME POINT IT'S
17 \$5, \$6, \$7, THAT KIND OF THING.

18 THE DEFENDANT, DURING THE INVESTIGATION, LEFT FOR
19 ECUADOR. IN ALL CONDOR WITH THE COURT, THIS WAS A
20 SCHEDULED TRIP. HE WAS ON AN EXCHANGE PROGRAM. HIS
21 FATHER --

22 THE COURT: WHAT KIND OF PROGRAM?

23 MS. GADDY: I'M SORRY, YOUR HONOR. I DO HAVE THE
24 NAME HERE.

25 (PAUSE).

1 THE COURT: I JUST DIDN'T HEAR WHAT YOU SAID.

2 MS. GADDY: I'M SORRY. IT WAS AN EXCHANGE PROGRAM.

3 THE COURT: AN EXCHANGE PROGRAM. OKAY. I'M SORRY, I
4 JUST DIDN'T HEAR WHAT YOU SAID.

5 MS. GADDY: YES, YOUR HONOR, I'M SORRY.

6 THE COURT: LIKE A STUDENT EXCHANGE PROGRAM?

7 MS. GADDY: YES, SIR. HE HAD BEEN THERE ONCE BEFORE
8 APPROXIMATELY TWO YEARS BEFORE THIS INCIDENT AND WAS
9 RETURNING THERE ON A SCHEDULED TRIP.

10 WHILE HE WAS AWAY, HIS PARENTS TRIED TO MAKE CONTACT
11 WITH HIM VIA E-MAIL AND IN FACT, WERE SUCCESSFUL IN
12 ALERTING HIM THAT THE POLICE WERE LOOKING FOR HIM; THAT
13 THE POLICE WANTED HIM TO RETURN TO THE STATES, AND
14 ARRANGING FOR HIM TO ACTUALLY BE TURNED IN WHEN HE
15 RETURNED TO THE STATES.

16 THE FIRST OF THOSE ATTEMPTS DID NOT GO SUCCESSFULLY.
17 THE DEFENDANT DID NOT GET ON THE PLANE IN ECUADOR AND DID
18 NOT RETURN TO THE STATES AS SCHEDULED. AT THAT TIME,
19 BECAUSE THE PARENTS WERE COOPERATING WITH LAW ENFORCEMENT,
20 THEY REMOVED HIS FUNDS FROM HIS BANK ACCOUNT, LEFT HIM
21 WITH JUST ENOUGH, BASICALLY, TO GET BACK TO THE STATES.
22 HE STILL DID NOT RETURN.

23 THEY INITIATED EXTRADITION PAPERS THROUGH THE U.S.
24 MARSHAL SERVICE, AND THOSE WERE EVENTUALLY SERVED ON THE
25 DEFENDANT WHEN HE RETURNED TO THE U.S. I BELIEVE THOSE

1 WERE INITIATED IN MIAMI, YOUR HONOR.

2 THE DEFENDANT IN THIS CASE HAS NEVER ACTUALLY BEEN
3 INTERVIEWED BY LAW ENFORCEMENT IN THE IRMO AREA. HOWEVER,
4 HE WAS INTERVIEWED IN CONNECTION WITH ANOTHER CASE IN
5 NORTH CAROLINA WHERE HE GAVE A FULL AND COMPLETE
6 CONFESSION TO THE NORTH CAROLINA CHARGES. THAT'S BEEN MY
7 CONFUSION WITH THIS CASE, YOUR HONOR.

8 HE HAS, AS WELL, SEEMINGLY ACKNOWLEDGED SOME OF HIS
9 CONDUCT WITH HIS PARENTS. BOTH HIS MOTHER AND HIS FATHER
10 HAVE BEEN SUPPORTIVE OF THE DEFENDANT BUT HAVE ALSO BEEN
11 INTERESTED IN HAVING HIM RECEIVE JUSTICE.

12 ON HIS PRIOR TRIP TO ECUADOR, AS I MENTIONED, THERE
13 DOES APPEAR TO HAVE BEEN SOME SORT OF A SEXUAL
14 RELATIONSHIP WITH A YOUNG MAN THAT DID DEVELOP WHILE HE
15 WAS IN ECUADOR, SO WE'RE LOOKING AT THE POSSIBILITY OF THE
16 ECUADORIANS DOING SOMETHING. HOWEVER, I HAVE BEEN
17 INFORMED BY DEFENSE COUNSEL THAT IN ECUADOR THE
18 RELATIONSHIP WOULD HAVE BEEN LEGAL, SO THAT MAY NOT COME
19 TO FRUITION, BUT THERE ARE AT LEAST TWO OTHER
20 JURISDICTIONS WITH THE POSSIBILITY OF CHARGES ON THIS
21 YOUNG MAN, YOUR HONOR.

22 THE STATE HAS FELT QUITE STRONGLY ABOUT THIS CASE,
23 YOUR HONOR, FROM THE VERY BEGINNING. CHIEF BUCK, THE
24 CHIEF OF IRMO WAS THE INVESTIGATOR ON THE CASE AND THEN
25 BECAME THE CHIEF OF POLICE. HE IS NEXT DOOR IN JUDGE

1 LLOYD'S COURTROOM RIGHT NOW PICKING A JURY ON A SHAKEN
2 BABY CASE OR HE WOULD BE PRESENT IN THIS COURTROOM. HE
3 FEELS VERY STRONGLY ABOUT THIS CASE, AS DOES SCOTT
4 FRANKLIN WITH THE IRMO POLICE DEPARTMENT. BOTH OF THEM
5 WANTED TO BE HERE DURING THIS PLEA AND JUST DUE TO COURT
6 SCHEDULING WAS THE ONLY REASON THEY ARE NOT HERE, BUT THEY
7 ARE PRESENT IN THE BUILDING.

8 YOUR HONOR, THIS DOES INVOLVE TWO SEPARATE FAMILIES.
9 THE MILLERS ARE PRESENT, AND THE SPEARS ARE PRESENT BEHIND
10 THEM.

11 THE COURT: I'LL BE GLAD TO HEAR FROM THEM.

12 MS. GADDY: THANK YOU, YOUR HONOR. I THINK
13 MR. MILLER HAS A PREPARED A STATEMENT. HE WOULD LIKE TO
14 ADDRESS THE COURT.

15 THE COURT: MR. MILLER?

16 MR. MILLER: THANK YOU, YOUR HONOR. MY NAME IS ALAN
17 MILLER. I AM THE FATHER OF ONE OF THE VICTIMS AND A GOOD
18 FRIEND OF THE FAMILY OF BOTH THE VICTIMS.

19 SOCIETY DEFINES ITSELF NOT ONLY BY THE LAW, BUT ALSO
20 BY HOW IT ENFORCES THOSE LAWS. OUR LAWS ARE ON THE BOOKS
21 TO PROTECT SOCIETY, AS WELL AS PUNISH THOSE WHO BREAK
22 THEM.

23 THIS MAN HAS CHOSEN TO IGNORE NOT ONLY OUR LAWS BUT
24 THE LAWS OF GOD. HE HAS SEXUALLY ABUSED THE MOST INNOCENT
25 IN OUR SOCIETY AND THOSE FAMILIES, AS WELL. THAT WILL

1 AFFECT THEIR LIVES, AS WELL AS THE LIVES OF THEIR FAMILIES
2 FOREVER.

3 GONE IS THE INNOCENCE OF THREE YOUNG BOYS THAT WE
4 KNOW OF. THERE ARE PROBABLY MORE WE DON'T KNOW OF, BOTH
5 IN THE STATES AND IN ECUADOR.

6 IF MR. JONES IS ALLOWED TO GO FREE, THERE WILL BE
7 MORE VICTIMS, AND IF THE FUTURE TELLS US ANYTHING, IT
8 TELLS US THAT THIS MAN WILL BECOME MORE AND MORE DANGEROUS
9 AS HE TRIES TO LIVE OUT HIS SICK FANTASIES.

10 THE PREDATOR, A PEDOPHILE, CANNOT CHANGE HIS BEHAVIOR
11 ANY MORE THAN A LEOPARD CAN CHANGE HIS SPOTS. THAT'S WHO
12 HE IS. NO AMOUNT OF THERAPY CAN CHANGE HIM AND KEEP HIM
13 FROM VICTIMIZING OTHER INNOCENT BOYS IF HE IS ALLOWED TO
14 GO FREE.

15 WHAT HE HAS DONE HAS CAUSED CONTINUOUS PAIN AND FEAR
16 FOR HIS VICTIMS AND TO THE PARENTS. ALL OF THIS HAS
17 AFFECTED MY SON, AND IT HAS PLACED FEAR IN HIS HEART. HE
18 HAS TAKEN AWAY THE TRUST OF ADULTS. HE HAS HAD DIFFICULTY
19 SLEEPING. HE HAS HAD NIGHTMARES, AND HE IS AFRAID OF
20 MR. JONES AND OF MR. JONES' FATHER.

21 THIS HAS AFFECTED MY WIFE. IT'S BROKEN HER HEART, AS
22 WELL AS MINE. IT HAS AFFECTED MY MARRIAGE. I HAVE
23 COMPASSION FOR THIS YOUNG MAN WHO HAS THROWN AWAY HIS LIFE
24 LIKE THIS, BUT I HAVE NO COMPASSION FOR A PART OF HIM THAT
25 WOULD MANIPULATE OTHERS IN ORDER TO SEXUALLY ABUSE THE

1 INNOCENT FOR HIS OWN SICK FANTASIES.

2 I BEG THE COURT TO PUT THIS PREDATORY PEDOPHILE AWAY
3 FOR AS LONG AS POSSIBLE SO HE WILL NOT BE ABLE TO MOLEST
4 ANYONE ELSE -- OR AT LEAST WHILE HE'S LOCKED UP.

5 THANK YOU.

6 THE COURT: WOULD ANYONE ELSE LIKE TO SPEAK?

7 (THERE WAS NO RESPONSE).

8 MS. GADDY: YOUR HONOR, THIS WILL BE SUFFICIENT.

9 THANK YOU.

10 THE COURT: YES, MA'AM.

11 MS. AHRENS: THANK YOU, YOUR HONOR.

12 MR. JONES, WHO STANDS BEFORE YOU, IS 22 YEARS OLD.

13 AT THE TIME OF THESE INCIDENTS, HE WAS 20. HE WAS
14 ORIGINALLY A CLEMSON UNIVERSITY STUDENT. HE WAS ATTENDING
15 MIDLANDS TECH FOR A LITTLE WHILE, HE WAS AT THE TIME THIS
16 ALL OCCURRED.

17 HIS FATHER IS HERE TODAY IN THE COURTROOM. MR. JONES
18 WAS REPRESENTED FORMERLY BY NED LONGSHORE FROM OUR OFFICE.
19 I REPRESENTED MR. JONES SINCE FEBRUARY OF THIS YEAR, SPENT
20 QUITE A BIT OF TIME WITH HIM, EXPLAINED TO HIM THAT THE
21 STATE WAS NOT MAKING AN OFFER.

22 IF HE PLEADED GUILTY, IT WOULD BE STRAIGHT UP TO
23 CHARGES THAT CARRY UP TO 30 YEARS. THEY ARE MOST SERIOUS
24 OFFENSES. THEY ARE VIOLENT OFFENSES, AND MR. JONES
25 BASICALLY WOULD NEVER ENTERTAIN THE NOTION OF TAKING THIS

1 CASE TO TRIAL, YOUR HONOR. HE HAS ALWAYS TAKEN
2 RESPONSIBILITY FOR WHAT HE DID. HE HAS ALWAYS
3 ACKNOWLEDGED THE WRONGFULNESS OF HIS ACTIONS.

4 PRIOR TO ANY OF THIS TAKING PLACE, MR. JONES WAS
5 TRYING TO SEEK TREATMENT. HE CONTINUES AND HAS CONTINUED
6 THROUGHOUT MY REPRESENTATION OF HIM TO WISH TO SEEK
7 TREATMENT, EVEN UNDERSTANDING IT WAS NOT GOING TO AFFECT
8 HIS SENTENCE.

9 I HAVE SHARED WITH THE STATE, AND IF I MAY APPROACH,
10 YOUR HONOR --

11 THE COURT: YOU MAY.

12 MS. AHRENS: -- I'D LIKE TO HAND UP TO THE COURT A
13 FEW LETTERS FROM FRIENDS OF MR. JONES AND HIS FAMILY, AS
14 WELL AS THE PROGRAM THAT MR. JONES HAS SOUGHT TO TRY TO
15 ENTER IN ORDER TO ADDRESS HIS PROBLEM.

16 I'VE SPOKEN TO MR. JONES ABOUT THIS EXTENSIVELY, AND
17 HE UNDERSTANDS THAT THE COURT IS NOT GOING TO GIVE HIM A
18 SENTENCE THAT WOULD HAVE AS A COMPONENT GOING TO THAT
19 PROGRAM OR ANYTHING TO THAT EFFECT, YOUR HONOR.

20 I THOUGHT IT WAS IMPORTANT TO PUT ON THE RECORD HIS
21 ONGOING AND CONTINUING ATTEMPTS TO TRY TO GET HELP FOR HIS
22 SITUATION. HE IS A YOUNG MAN WHO DOES NOT HAVE A PRIOR
23 CRIMINAL HISTORY.

24 I THINK THAT IF HE DOES RECEIVE TREATMENT AT SOME
25 POINT, HE IS GOING TO BE ABLE TO HAVE A VERY PRODUCTIVE

1 LIFE. HE'S A VERY SMART YOUNG. HE'S A VERY CAPABLE YOUNG
2 MAN, AND THE DEMEANOR YOU SEE IN COURT TODAY IS THE
3 DEMEANOR HE HAS ALWAYS EXHIBITED.

4 AT THE APPROPRIATE TIME, HE DOES WISH TO ADDRESS THE
5 COURT, AND I DON'T KNOW IF YOU WOULD LIKE TO GO AHEAD AND
6 HEAR FROM HIM AT THIS POINT, YOUR HONOR.

7 THE COURT: I'LL BE GLAD TO.

8 MS. AHRENS: PARDON?

9 THE COURT: I'LL BE GLAD TO.

10 MS. AHRENS: THANK YOU, YOUR HONOR.

11 THE DEFENDANT: YOUR HONOR, I DON'T EVEN KNOW WHERE
12 TO START. THERE'S SO MANY THINGS THAT I FEEL LIKE I NEED
13 TO SAY, AND THEY ARE ALL SO IMPORTANT.

14 I GUESS I WANT TO START WITH YOU GUYS. I KNOW
15 THERE'S NOTHING I CAN SAY TO MAKE YOU UNDERSTAND. I KNOW
16 THERE IS NOTHING I CAN SAY TO TAKE BACK WHAT I DID. I
17 KNOW THAT AN APOLOGY IS LIKE A BAND-AID OVER A GUNSHOT
18 WOUND. I KNOW IT'S INSULTING TO THE SITUATION, BUT I AM
19 SORRY.

20 I WANT YOU TO KNOW THAT IT WAS NEVER MY INTENTION TO
21 HURT YOU OR TO BETRAY YOU AND CERTAINLY NOT YOUR CHILDREN.
22 I FEEL LIKE I'M ALMOST ASKING FOR THE IMPOSSIBLE, BUT I
23 PRAY THAT SOMEDAY YOU'RE GOING TO BE ABLE TO FORGIVE ME.
24 I KNOW IT PROBABLY WON'T BE RIGHT AWAY. THAT'S OKAY. I
25 UNDERSTAND THAT YOU'RE ANGRY AT ME. I WOULD BE, TOO.

1 MAYBE THE ONLY WAY I CAN GIVE YOU SOME SORT OF
2 CLOSURE IS TO LET YOU KNOW WHAT HAPPENED. THIS HAS BEEN
3 GOING ON SINCE I WAS PROBABLY TEN YEARS OLD. WHEN I WAS
4 TEN, MY MOM TOOK ME OUT OF PUBLIC SCHOOL, AND I STARTED
5 HOME SCHOOLING. SINCE THAT TIME, I DON'T EVER RECALL A
6 SINGLE FRIEND THAT I KEPT THROUGHOUT THAT TIME, A SINGLE
7 PERSON THAT I COULD TELL ANYTHING TO OR WHO WOULD ACCEPT
8 ME FOR WHO I WAS.

9 FOR SOME REASON, I DON'T KNOW WHY, THIS IS JUST MY
10 SPECULATION: IT FROZE MY EMOTIONAL DEVELOPMENT.
11 EMOTIONALLY, I'M ABOUT TEN YEARS OLD. I PREFER VIDEO
12 GAMES TO GOING TO THE MALL. I PREFER NINTENDO TO GIRLS.
13 I WOULD RATHER BUILD FORTS IN THE WOODS THAN GO RACE CAR
14 DRIVING OR WHATEVER.

15 THE FRIENDS THAT I SEEK ARE ALSO ABOUT THAT AGE. NOW
16 BEING TEN YEARS OLD EMOTIONALLY, I DON'T KNOW WHERE THE
17 HORMONES CAME IN, BUT THEY DID. THEY DON'T GO ON IN A TEN
18 YEAR OLD EQUATION BECAUSE THEY'RE NOT SUPPOSED TO BE THERE
19 WHEN YOU'RE TEN YEARS OLD.

20 FOR SOME REASON, THE COMBINATION OF THIS AGE IDENTITY
21 DISORDER AND THE HORMONES, THEY SEEMED TO PRODUCE
22 PEDOPHILIA. IT'S SOMETHING THAT UNLESS YOU HAD IT, YOU
23 CAN'T EVEN BEGIN TO UNDERSTAND WHAT A HORRENDOUS TERRIBLE
24 PAIN IT CAUSES THE PERSON THAT HAS IT BECAUSE IT CAUSES
25 YOU TO CONSTANTLY SEEK AND WANT SOMETHING THAT YOU KNOW

1 YOU CANNOT HAVE.

2 IF I COULD HAVE CHOSEN TO HAVE BEEN BORN WITH
3 ANYTHING ELSE, I WOULD HAVE. I WOULD HAVE RATHER BEEN
4 BORN WITH MULTIPLE SCLEROSIS OR AIDS, OR I WOULD HAVE
5 RATHER NOT BEEN BORN.

6 IF THERE WERE A PILL I COULD TAKE THAT WOULD CURE ME
7 BUT KILL ME IN A YEAR, I WOULD HAVE TAKEN IT YEARS AGO. I
8 FOUGHT THIS SINCE I KNEW WHAT IT WAS. FOR YEARS I SCoured
9 THE INTERNET LOOKING FOR TREATMENT PROGRAMS, FOR HELP, FOR
10 INFORMATION ON CHEMICAL CASTRATION, ON SURGICAL CASTRATION
11 EVEN, ANYTHING THAT WOULD HELP ME.

12 UNFORTUNATELY, THERE ARE NOT REALLY ANY RESOURCES ON
13 THE WEB THAT ARE AVAILABLE TO PEOPLE LIKE ME, SO WHEN I
14 WENT AWAY TO CLEMSON, I WENT TO A COUNSELOR THERE. I TOLD
15 HIM EVERYTHING. I SAID, "PLEASE, YOU HAVE GOT TO HELP
16 ME." HE REFERRED ME TO A MEDICAL DOCTOR.

17 AT THAT TIME I HAD BEEN EXTENSIVELY STUDYING CHEMICAL
18 CASTRATION, AND I KNEW A LOT ABOUT THE DIFFERENT DRUGS AND
19 THERAPIES, AND I KNOW THAT IT WAS EXPENSIVE BUT I WAS
20 WILLING TO DO ANYTHING.

21 I BEGGED THAT DOCTOR TO PLEASE GIVE ME A PRESCRIPTION
22 FOR DEPO PROVERA ON MULTIPLE OCCASIONS AND HE WOULD NOT.
23 I SAID, "PLEASE, IF YOU DON'T, SOMEDAY I'M GOING TO END UP
24 IN JAIL." HE STILL WOULDN'T DO IT, SO I FALSIFIED SOME
25 PRESCRIPTIONS. I WAS GOING TO TURN THOSE IN WHEN A COUPLE

1 OF FRIENDS OF MINE FOUND THEM AND FIGURED THAT I WAS GOING
2 TO USE THEM TO GET DEPO PROVERA FOR MAYBE A GIRLFRIEND OR
3 SOMETHING AND MADE ME THROW THEM AWAY AND PROMISE THAT I
4 WOULD NEVER DO ANYTHING LIKE THAT AGAIN.

5 MY DEPRESSION OVER THESE FAILED ATTEMPTS CAUSED ME TO
6 BASICALLY LOSE MY SCHOLARSHIPS, AND I COULD NO LONGER
7 ATTEND CLEMSON SO I WENT TO MIDLANDS TECH. IT WAS THERE
8 THAT I MET THE VICTIMS, BUT IT WASN'T A PREDATORY
9 RELATIONSHIP. AT FIRST IT WAS A FRIENDSHIP.

10 IT WAS -- THERE IS NO WAY TO DESCRIBE WHAT IT FEELS
11 LIKE FOR FINALLY SOMEONE, FINALLY, TO WANT TO COME TO YOUR
12 DOOR AND ASK YOUR DAD IF YOU CAN COME OUT TO PLAY OR SAY
13 "LET'S GO PLAY VIDEO GAMES" OR "LET'S GO BUILD FORTS IN
14 THE WOODS OR SHOOT SOME FIREWORKS." I NEVER HAD FRIENDS
15 LIKE THAT.

16 SOMETHING HAPPENED, AN OPPORTUNITY PRESENTED ITSELF
17 THAT I SIMPLY DIDN'T HAVE THE CONSTITUTION TO RESIST, AND
18 I'M SORRY.

19 THE COURT: ANYTHING FURTHER?

20 THE DEFENDANT: I WOULD JUST LIKE TO SAY ALSO THAT
21 THE LAWS OF THIS STATE DON'T PERMIT IT, BUT I HAVE ASKED
22 REPEATEDLY TO BE CASTRATED POSSIBLY AS AN ALTERNATIVE FOR
23 PUNISHMENT OR EVEN JUST SOMETHING EXTRA AS TO PUNISHMENT.

24 I'VE ASKED ALSO TO BE CHEMICALLY CASTRATED. I'VE
25 BEEN TOLD THAT IS SOMETHING THAT CAN BE DONE, SO THAT'S

1 SOMETHING I HOLD HOPE OUT FOR. EVEN IF I'M NOT ORDERED TO
2 DO IT BY THE COURT, IT'S SOMETHING THAT I WILL GIVE. I
3 WILL STOP AT NOTHING TO DO.

4 BEFORE I DIDN'T HAVE THE SUPPORT OF MY PARENTS
5 BECAUSE I COULDN'T TELL THEM ABOUT THIS. I WAS TOO AFRAID
6 OF REJECTION.

7 IT'S SOMETHING THAT NO MATTER WHAT I INTEND TO SEEK
8 NOW, AND I WILL FIND IT. THIS IS NOT SOMETHING I'M PROUD
9 OF OR ANYTHING LIKE THAT. THIS IS -- I KNOW IT'S WRONG.
10 I COULDN'T HELP IT AND I'M SORRY.

11 THERE'S ONE OTHER THING, JUST ONE. AT THE BOND
12 HEARING, MR. MILLER WAS THERE AND HE SAID SOMETHING ABOUT
13 THAT IF I WAS LET OUT, THEY WOULD BE AFRAID OF ME. I
14 DON'T KNOW WHERE THAT CAME IN OR WHAT, BUT YOUR HONOR, I
15 NEVER THREATENED THEM. THOSE ARE MY BEST FRIENDS, THEY
16 WERE, AND THE THING THAT HURTS ME THE MOST ABOUT THIS
17 WHOLE THING IS THAT I'VE LOST THEM. I'M SORRY.

18 MS. AHRENS: YOUR HONOR, NOTHING FURTHER FROM THE
19 DEFENSE. THE ONLY THING I WOULD ADD IS THAT -- AS THE
20 STATE MENTIONED, WE WOULD REQUEST PRE-SENTENCING
21 INVESTIGATION OF MR. JONES.

22 THE COURT: I AM GOING TO ORDER A PRE-SENTENCE
23 INVESTIGATION. I UNDERSTAND I WILL BE BACK IN THIS
24 JURISDICTION THE FIRST PART OF AUGUST, I BELIEVE.

25 I'LL FIND OUT WHAT EFFECT THE PRE-SENTENCE

1 INVESTIGATION MAY HAVE ON MY SENTENCE, HOW IT WILL IMPACT
2 WHAT MY SENTENCE WILL BE, BUT THE FACTS OF THE CASE I
3 THINK WARRANT A PRE-SENTENCE INVESTIGATION. I'LL
4 ENTERTAIN THAT PRE-SENTENCE INVESTIGATION. YOU WILL BE
5 NOTIFIED, MR. MILLER, AND THE REST OF THE FAMILY MEMBERS,
6 WHEN THE SENTENCING WILL TAKE PLACE IN ADVANCE OF THAT SO
7 YOU WILL HAVE TIME TO MAKE YOUR ARRANGEMENTS AND BE HERE
8 IF YOU WISH TO BE HERE.

9 MS. AHRENS: YES, SIR.

10 THE COURT: I DON'T KNOW IF A PRE-SENTENCE
11 INVESTIGATION WILL INVOLVE INTERVIEWING YOU FOLKS. IT
12 MIGHT VERY WELL INVOLVE THAT. IF IT DOES, YOU CAN
13 COOPERATE WITH THEM TO THE EXTENT THAT YOU THINK IS
14 NECESSARY.

15 IF YOU DON'T WANT TO TALK TO THEM, YOU DON'T HAVE TO.
16 IF YOU WOULD LIKE TO TALK WITH THEM, IF ASKED, DO SO.
17 THANK YOU.

18 MS. GADDY: THANK YOU, YOUR HONOR.

19 MS. AHRENS: THANK YOU, YOUR HONOR.

20 (WHEREUPON, THE PROCEEDINGS WERE CONCLUDED.)
21
22
23
24
25

CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

I, KAREN TRACY, OFFICIAL COURT REPORTER FOR THE 5TH
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
RICHLAND COUNTY, SOUTH CAROLINA, ON THE 27TH DAY OF JULY,
2005.

NOVEMBER 23RD, 2005

Karen Tracy

KAREN TRACY, COURT REPORTER

MY COMMISSION EXPIRES: 04/01/14

State of South Carolina
Department of Probation, Parole and Pardon Services

MARK SANFORD
 Governor



SAMUEL B. GLOVER
 Director

Pre-Sentence Investigation

Name: Brandon Eugene Jones

DOB/Age: 6/1/1991

Social Security Number: 1-1-1

Address:

Presenting Offense: Criminal Sexual Conduct with a Minor, First Degree; 3 Counts

Facts of Offense:

Defendant's Version:

In June 2003, Mr. Jones states that he was sitting at home, playing on his computer when he observed a car in his driveway. There was a woman in the car along with two young boys. He states that the woman said something to the boys and then left the two boys in the driveway. The boys then came up to his door and stated that they had found his lost dogs and that they knew where his other dog was. They offered to show him. According to Mr. Jones, this was the beginning of his friendship with ^{Minor 2} and ^{Minor 1}, two 10 year old twin boys. The next day, ^{Minor 2} and ^{Minor 1} came over to Mr. Jones house to "play". Mr. Jones states that he never had friends like that before and that he and the twins "hit it off." A few days later, ^{Minor 2} and ^{Minor 1} introduced Mr. Jones to ^{Minor 3} another 10 year old boy. Mr. Jones states that the four of them became really close and began to "play" with each other as 10 year olds would do. Mr. Jones likens himself to a 10 year old during his friendship with the 3 adolescent boys. He states that the four of them did everything that 10 year olds would do such as building forts, playing video and computer games, shooting off fireworks, playing Yu-Gi-Oh Cards, riding bicycles, etc. Mr. Jones stated that it was the "coolest thing" that had ever happened to him. Mr. Jones says that he and the three boys had an open relationship and could talk about anything, including sex. He states that sex was

Pre-Sentence Investigation: Brandon E. Jones

occasionally a topic of conversation but no more so than anything else they discussed. He describes a time when he and ^{Minor 1} were at his house and ^{Minor 1} asked him if he'd ever done anything with a boy. Mr. Jones replied that he had and that if ^{Minor 1} had then there was nothing wrong with this behavior and that it did not mean that he was gay. He says he told ^{Minor 1} that boys his age sometimes did that sort of thing. Mr. Jones states that he sensed that ^{Minor 1} had done something with a boy before. He then goes on to say that the first time anything ever happened with the boys was at ^{Minor 3}'s house. It was in September 2003. He and the boys were playing Nintendo 64. ^{Minor 3}'s father was home mowing the lawn, but his mother was at work. He says that the boys suggested that they all go upstairs. Mr. Jones says that he knew there was a computer upstairs and that he figured that they would be playing on the computer. However, he states that the boys said, "Let's go upstairs to (made a motion with his hand)." Mr. Jones said the motion was used to reflect masturbation. He also points out that he did not think the boys knew what it was called at this time. He states that there was a part of him that knew he was going to participate in the behavior since he had been longing to do it all of his life but another part of him that knew it was wrong and that he should not be engaging in this type behavior. Mr. Jones says that there was only ever oral sex involved. Mostly he performed the act on the boys. He says there was only one time where they performed the act on him. In the first incident, Mr. Jones states that it was him, ^{Minor 3}, and ^{Minor 1}. ^{Minor 2} was on the computer. Mr. Jones states that he guesses that ^{Minor 2} did not want to participate. He also goes on to say that ^{Minor 2} and ^{Minor 3} had participated in the behavior before, but not with him. Mr. Jones states that he was dissociated from reality at the time of the first incident and did not realize that there would be consequences for his actions. He states that after the first time, he and the boys remained friends. The boys would come over to his house and sometimes sexual acts would occur as well as the four playing as before. Mr. Jones states that sometimes he would start the sexual acts but the boys engaged it more times than he did. He states that he did not trick nor manipulate the boys into doing anything that they did not want to do. Mr. Jones admits that he gave the boys money and bought them things, but never in exchange for sex. He states that sometimes he and the boys would watch pornographic videos. Some of the videos were those which his father had made. There was one that he brought from Ecuador. Mr. Jones says that this behavior went on for about four (4) months. He says that at this time he began to carry on with his original plan of going back to Ecuador and obtaining Depo Provera. The Depo Provera would be used to suppress his sexual urges. Although he did not want to leave the boys, his original plan included saving up enough money to get the Depo Provera. He states that it was around December when he decided to carry on with his plan. He was out of school and he had the money. He felt that it would be best for him. Mr. Jones states that he thought that once he was better, then he could continue his friendship with the boys. He states that

he never forced or threatened the boys and he wanted to make sure that they never felt guilty about what had happened between them. Mr. Jones states that a few days before he left, he spoke to the boys and asked them if they ever felt guilty about what they had done, i.e. oral sex. He states that the boys told him that they did not. He states that he told them that if anyone ever found out that they would not be in trouble and that no one would blame them for what happened. He says he told them that if anyone ever found out that he would be in serious trouble. Mr. Jones states that he also told them that if they ever felt the need to tell anyone then it was okay and that he would not blame them for it. He states that the boys assured him that they would never tell anyone. He felt as if that conversation was the end of it. He states that he does not know why they told and why they waited until after he was gone. He states that he had only been in Ecuador for one week when he received an e-mail from his father stating that the police were looking for him. Mr. Jones says that initially he found out that there was one victim and he knew that it was Minor 3. Then he learned that there were three victims. He states that his bank accounts were frozen and he could not purchase a plane ticket to return. He states that at the time he had a six (6) month Visitor's Visa and that he was "deported" due to his Visa's expiration. He was taken into custody two (2) months after his Visa expired.

Facts of Offense:
Official Version:

On December 13, 2003, Minor 3 reported to his father that he had been sexually assaulted by Brandon Jones several times over the summer. The approximate time frame is between September 2003 and December 2003. A forensic interview at ARC (attached) revealed that Minor 3 and two other victims, Minor 2 and Minor 1 had several acts performed on them by Brandon Jones. They further stated that he had asked them to perform sexual acts on him as well. Minor 3 stated that he, Minor 2 and Minor 1 were sometimes given money for the acts they performed. Minor 3 and Minor 2 and Minor 1's statements were consistent with each other during independent interviews. An investigation was completed by the Irmo Police Department.

Prior Record:

Mr. Jones has no prior record.

Supervision History:

Mr. Jones has never been supervised by the Department of Probation, Parole, and Pardon Services.

Employment:

Mr. Jones reports being employed at Lizard's Thicket during the time of the incident. He was a waiter making approximately \$2.13 per hour plus tips. This translates into \$1200-\$1800 per month according to Mr. Jones. He left this job before leaving for Ecuador in December 2003.

Income:

Mr. Jones reported earnings of approximately \$1200-\$1800 per month. He held the sole responsibility for his education, which he reports was roughly \$800 per month which included gas, food, and books. His other expenses totaled to approximately \$350 per month. These expenses include the telephone, food, and an automobile loan payable to his parents.

Education:

Mr. Jones reported that he attended Fort Mill Elementary School up until his 3rd grade year at which time he was removed from public school to be home schooled. He was home schooled until his 12th grade year (2001-2002) at which time he spent his last year of high school in Ecuador as an exchange student. For the academic year of 2002-2003, Mr. Jones attended Clemson University in Clemson, South Carolina. He states that his major was Computer Science. At the end of his freshman year, Mr. Jones says that he lost his scholarships. At this time he opted to attend Midlands Technical College in Columbia, South Carolina for the school year of 2003-2004. His major was General Purposes Education. He attended for one semester.

Special Needs:

Mr. Jones reports seeing a psychiatrist as a child for Attention Deficit Disorder (ADD) and to deal with his parent's divorce. His parent's were divorced when he was three (3) years old. Mr. Jones reports that he has begun taking Thorazine and Benadryl for case-related stress. He started this medication on July 15, 2005 and it is administered by the Alvin S. Glenn Detention Center Medical Staff.

Residence:

During the time of the incident, Mr. Jones resided in a home in Irmo, South Carolina with his father, Randy Jones. He spent a period before his incarceration in Ecuador, South America. Mr. Jones has stated that he does not know where he will live once released but hopes to be accepted into a program in Indiana that helps sex offenders.

Victim Input:

A response is attached from Alan Miller, ^{Minor 3}'s father.

Law Enforcement Input:

A response is attached from Chief Brian Buck of the Irmo Police Department. At the time of this incident, Chief Buck was the Investigating Officer.

Recommendations:

THE DEPARTMENT RESPECTFULLY RECOMMENDS THAT THE DEFENDANT BE:

1. Sentenced to SCDC for a period of incarceration.
2. Ordered to attend and successfully complete sex offender treatment while incarcerated.
3. Ordered to undergo screening for the Sexual Violent Predator Program.

Crystal D. Boyd/487

07/25/2005

Investigating Agent/Badge #

Date

Disposition:

RECEIVED

State of South Carolina
 Department of Probation, Parole and Pardon Services

AUG 01 2005

KERSHAW COUNTY

MARK SANFORD
 Governor



SAMUEL B. GLOVER
 Director

The State of South Carolina)
)
) Statement of Chief Brian Buck
) In Re: The State of South Carolina vs. Brandon Jones
 Town of Irmo)

Brandon Jones is a sexual predator who targets 10 year-old boys. In the case that brought him before the court, Jones groomed three, ten year-old boys into committing sex acts with him. He used video games and money as enticements to the boys. When the crime started to unravel around him, he threatened the boys by saying he would harm their families. These facts of the case are well known since Jones has indicated that he will plead guilty. At issue to the Irmo Police Department is Jones' attitude toward his crimes and possible rehabilitation. It is the position of the Irmo Police Department that Jones is not a candidate for rehabilitation and should not be in any type of alternative sentencing environment.

The offenses before the court are not the acts of a confused young man who is experimenting with his sexuality. They are the actions of a sexual predator. Jones committed a similar offense while in Charlotte, North Carolina prior to moving to Irmo. He approached a 10 year-old boy at a church function and attempted to sexually assault him. The incident was documented and investigated by the Charlotte-Mecklenburg Police Department and resulted in criminal charges brought by the District Attorney. The District Attorney dropped those charges when the present case was brought by the Irmo Police Department. Clearly, Jones knew what he was doing when he enticed the victims in the case before the court because he had already been successful in North Carolina with the same type of victim.

At no point in the investigation did Jones offer an apology or show remorse. When he left for Ecuador, he let his visa and return ticket expire, which indicates that he had no intention of returning to the United States to face the charges against him. The Irmo Police Department and the United States Marshal's Office both attempted to contact him and he refused to talk to them. When Jones was apprehended and returned to the United States, he refused to give a statement or offer an apology. Jones has shown neither remorse for his actions nor any inclination to change his behavior. According to Elijah Hunter, Jones' cellmate at the Alvin S. Glenn Detention Center, Jones showed no feelings of guilt, expressed no desire to change his behavior and wants nothing more than to flee the country again to be with another young boy in Ecuador who goes by the name of "Junior". Jones admitted to Hunter that he has molested upwards of 20 kids in the Charlotte-Mecklenburg area and that he has found nothing wrong with his actions by claiming he is guilty of nothing but, "love in the first degree."

It is my belief that anything less than a substantial prison sentence is a disservice to the victims in this case and exposing the public to an unnecessary risk of an unrepentant sexual predator.

ALAN MILLER



July 27, 2005

Agent Crystal Boyd
SC Probation and Parole
Kershaw County Office
703 Lafayette Avenue
P.O. Box 896
Camden, SC 29020

Re: The State vs Brandon Jones

Dear Agent Boyd:

This letter is in response to your letter of July 25, 2005, which I received yesterday. I trust it will be helpful to the Court.

I first met Mr. Jones when I came home from work one day to find him in my house talking with my wife, Shirley, about South America and speaking Spanish. My wife has gone on several missions trips to Iquitos, Peru and speaks some Spanish and is very interested in mission work in Latin America. Mr. Jones speaks Spanish fluently and told us that he had been to Ecuador as an exchange student already. He presented himself as a Christian young man who had been home schooled for most of his education and had few friends. I thought one of the reasons he was at my house was I have a daughter approximately his age and thought he may be interested in her. After talking with him and observing his interaction with my son and his friends, it became clear to me that Mr. Jones was socially and emotionally immature. It was obvious he preferred to hang out with the young boys, and there was a large group of them in the neighborhood at that time that played together everyday.

Mr. Jones told us he had come to stay with his father, Randy Jones, for a while before he went back to school or perhaps back to Ecuador. We knew that his father has many women and men over to his house and that he makes pornographic films there. He had a privacy fence put around his backyard to that they could be nude in the backyard as well. When this was going on, Brandon would come over to our house and hang out with the boys playing Yu-Gi-Oh, Pokemon, army or hide and go seek. He was always polite and seemed to be nice although immature and it was pretty obvious he had no interest in kids his own age.

RECEIVED

AUG 01 2005

KERSHAW COUNTY

I also took my son and his friends aside and told them never to be alone with Mr. Jones, go into his house or go into the woods with him. I did not trust him but thought that if the kids stayed in a group in my yard, in my house with my wife there, or in the neighborhood where they were easily watched by many different parents while they played, there would be no problems. Obviously, I was wrong.

Mr. Jones came to our house numerous times and had conversations with my wife mostly and he played Yu-Gi-Oh cards with the boys in the den and living room. I came home from work one day and the boys were in the yard and my wife was in the kitchen. I found Brandon in my son's room upstairs. He apologized and said something about looking for something and went downstairs and outside immediately. He pretty much avoided me from then on.

The Friday before Mr. Jones left for Ecuador, I came home to find my son's bicycle, and ^{Minor 2} and ^{Minor 1} bicycles in the front yard of Brandon's house. I backed out of my drive and drove down the street to the house and knocked on the door. Brandon came to the door and he was, as usual, very polite. I told the boys they needed to come on home so they left. Later that evening, I talked with my son again about why I did not want him in Brandon's house or to ever be alone with him. That weekend my son told me what had been going on. He told me Brandon had touched him where he shouldn't have and had shown him how "to make sperm" and shown him naked pictures on his computer in our house that day. He said Brandon had done the same thing with ^{Minor 2} and ^{Minor 1}. My son told me he was afraid of Brandon and wanted to make sure Brandon wasn't going to hurt him or us. I called the police and gave them all the information I had. I also called Alex Speare, ^{Minor 2} and ^{Minor 1} father, and told him what ^{Minor 3} had told me.

Since that time, ^{Minor 3} has gone thru over thirty therapy sessions mostly paid for by SOVA but much at my expense as well. He has done fairly well but this has affected his behavior, his sense of security and has stolen his innocent childhood. ^{Minor 3} has always been all boy and all about having fun. Playing army, playing hide and go seek, going to Cub Scout and Boy Scouts, and just hanging out with his friends was everything he looked forward to. He was all about fun and that's why so many of the neighborhood kids came to his house to play. They all had a good time. Brandon took that away from all those kids. Five of them have moved out of the neighborhood since this happened.

Last year in school was the most difficult for ^{Minor 3} so far. He barely squeaked by. He has lost trust of adults and has expressed fear of being alone at night on many occasions. He constantly wants assurance that Brandon is locked up.

^{Minor 2} and ^{Minor 1} have been ^{Minor 3}'s friends since they arrived here from Germany when they were five years old. Both of them have been good friends to me and to ^{Minor 3}. I am an assistant scoutmaster and I take them to scouts every week, camping trips once a month, scout camp once a year and any other scout activity that our troop has. ^{Minor 2} and ^{Minor 1} have always spent a lot of time at my house. Since this has come to light I have noticed behavioral problems with these boys, especially ^{Minor 1}. He is obviously struggling with this. I have shared this with his parents as well.

My wife, Shirley, has been totally devastated by this. It has affected our marriage very negatively. She went thru counseling as well.

As for me, it has been a struggle. I am in counseling and have been for a while. I was brought up in a large family and we were taught to be courteous to everyone and to accept everyone as a friend. That worked for my parents and their generation but it did not work for me. This has shown me that I need to follow my gut instinct sometimes instead of just being accepting. I should have told Brandon not to come around my family or my house as my gut told me he was disturbed, to say the least. In reality, he is a continuing threat. A threat you do not see until it is too late. He comes across as a nice guy that would not hurt anyone. Harmless. In reality he is a master manipulator that goes after the innocent for his own perverted sexual satisfaction. If you are a young boy, he is a threat to you.

Mr. Jones told the Court that he knows he is a pedophile and that he cannot stop his impulses. He just can't help himself. Basically, he said if given the opportunity, he will offend again. There will be more victims. Because of his arrest on these charges, he has learned that if he doesn't shut his victims up, he will go to jail. I fear for his future victims because they may not live to tell their story.

I also understand that there was some kind of investigation or charges in North Carolina just before he came to Irmo. Our system let us down by not notifying us that this predator was now in our neighborhood. I do not know the status of those charges but I do know the result of sweeping them under the rug. It should be a crime, in my opinion, not to prosecute a pedophile, and not to notify the community in which he lives.

We lock people up in our society to punish them and other times to keep them from harming others or themselves. Sometimes we release them in hopes that they can be rehabilitated. The Court knows pedophiles cannot be rehabilitated. They are who they are just as a rattlesnake is a rattlesnake. Mr. Jones will always be a pedophile. He will never change no matter how much therapy he gets or how much he professes to have changed. He will say or do whatever he can to gain his freedom and to molest more children. That is who he is.

I ask the Court to keep Mr. Jones off of the streets for as long as the law will allow and give him whatever help is available for him in prison. As I said in court, I have compassion for the young man that has thrown his life away. But I have no compassion for the part of him that is a pedophile. I only have compassion for his past victims and fear for his future victims.

Sincerely,



Alan Miller



**ASSESSMENT & RESOURCE CENTER
FORENSIC INTERVIEW SHORT FORM**

CHILD'S NAME: Minor 3 I.D.#: 10059255
 DATE OF ADMISSION: 12/18/03 SEX: Male
 DATE OF BIRTH: _____ AGE: 10
 REFERRAL SOURCE/AGENCY/PHONE: Scott Franklin/Irmo Police Department/781-8088

INVOLVED AGENCIES: Enter specific personnel and agency name.

☒ Law Enforcement Scott Franklin, Irmo PD

☐ DSS _____

☐ GAL _____

☐ Other _____

TYPE OF ABUSE SUSPECTED (Check):

☒ Sexual Abuse

☐ Physical Abuse

☐ Physical Neglect

☐ Emotional Abuse

☐ Unknown

☐ Other _____

REASON FOR INTERVIEW

Taken from ARC intake form:

Minor 3 disclosed to his father on Saturday night that an 18 year old neighbor down the street has fondled him and masturbated him. He also says he was shown home made pornographic movies made by the 18 year old's father. In addition there may be two more victims/witnesses. They are 10 year old twin boys who live nearby and were present for these incidents.

INTERVIEW SUMMARY

1. Did the child make a disclosure?

☒ Y ☐ N

2. If yes, how did the child demonstrate the alleged abuse?

☒ Verbally ☐ Drawing ☐ Dolls ☒ On Self ☐ Writing

3. Were there any problematic elements identified in disclosure or non-disclosure?
If yes, describe:

☐ Y ☒ N

4. This interview is considered:

☒ *Compelling*

☐ *Problematic*

For the following:

For the following:

☐ No abuse
☒ Sexual Abuse
☐ Physical Abuse
☐ Psychological Abuse
☐ Physical Neglect
☐ Medical Neglect
☐ Other _____

☐ No abuse
☐ Sexual Abuse
☐ Physical Abuse
☐ Psychological Abuse
☐ Physical Neglect
☐ Medical Neglect
☐ Other _____

5. Comments:-

Narrative account of abuse, taken from review of DVD recording.

Interviewer completed semi-structured interview protocol known by its acronym, RATAC.

After some initial rapport building and discussion about his family, interviewer asked ^{Minor 3} is he knew why he was at the ARC, ^{Minor 3} indicated that he did and says initially that it is "kind of hard to explain." He then says that a guy who is 20 years old "did something." When asked what he did, ^{Minor 3} says he "showed us videos, and starting showing us things." He says "us" meant "me, ^{Minor 2} and ^{Minor 1} (referring to friends he had previously mentioned). He says it was just those three that were shown the videos, and says that whenever his other friends, "Brent and Perry" came over, this 20 year old would shut off the videos. ^{Minor 3} identifies the 20 year as "Brandon" and says he lives on the same road as Matthew, but Matthew does not know his name. ^{Minor 3} says, right now Brandon is in Ecuador. ^{Minor 3} says he first met Brandon "during the summer I think." And clarifies that it was this summer. ^{Minor 3} says when he met Brandon, Brandon had said that he plays with ten year olds.

Asked about the videos, ^{Minor 3} says there was an "Ecuador" video and videos that Brandon's dad made. ^{Minor 3} says he does it to make money. When asked what the videos were, ^{Minor 3} says it is hard to talk about. After some reassurance, ^{Minor 3} says that "he makes sex videos." ^{Minor 3} says Brandon's dad's name is Randy. ^{Minor 3} says these were "only adults" in the movies. ^{Minor 3} says in the movies the people would take their

6 Copy of videotape to be provided to:

☒ Law Enforcement
☐ DSS
☐ Other (specify):

Interviewer's Signature:

[Handwritten Signature]

Date:

January 2, 2004

Appendix: Narrative Summary Page

clothes off and then they would "start to have sex." He says there were men and women and one movie that was just women and they had a "dildo."

Minor 3 says Brandon's dad would keep the movies right under the television in the computer room upstairs by the bathroom. Minor 3 says there would be names on the movies but he doesn't know what they were, saying he did not really pay attention. He says Brandon showed him one of these movies "the first day that we met." Asked how many times he was shown movies like this, Minor 3 says he has no idea, but says it was more than once and maybe five times.

When asked what would be happening when the movies were playing, Minor 3 says "he would be showing us how to make it feel good." Minor 3 says "he showed us how to make this feel good by doing that" (see video for hand gestures). He says Brandon said "you have to do it really fast." Using the anatomy drawings, Minor 3 identifies the part as the "dick" and points to it on the drawing. He says first Brandon pulled down his pants and did it and then "we pulled down our pants and did it." Minor 3 said "it felt good and we were confused so we just did it." He says Brandon was touching his own "dick" and that is how he was showing them. Minor 3 adds "and he did mine sometimes." Minor 3 says that "sperm" came out of Brandon's "dick" while he was touching himself.

He says it went on his stomach and then he would stop and say he did not want to do it anymore. Minor 3 says this stuff started that very first day that they met also. He says this would happen every time he showed them the movies. He says Brandon said that it "made it easier for it to come out." Minor 3 says that nothing came out of his or Minor 2 or Minor 1 he says this may be because they were too young or something. He says when Brandon would do that to him he would "do it a lot faster than I could." Asked how many times Brandon did that to him,

Minor 3 says he has no idea but thinks it was every time. He says it would feel good on his "dick" when Brandon would do that. Minor 3 says that Brandon would tell him to "not tell anybody, please." He says he was never threatened. Minor 3 says he did the same thing to Minor 2 and Minor 1 Minor 3 then says that "he would also give us money for doing that." Asked to explain, Minor 3 says that he would give them five dollars if they did that to themselves while Brandon was in the room and says "and if we sucked his dick then he would give us six, maybe seven." Asked what "sucked" meant, Minor 3 says "put your mouth on it." Minor 3 says he did it because he "just wanted the money." He says he, Minor 2 and Minor 1 all did that, and says he did it twice. Minor 3 says that nothing came out of Brandon's "dick" when he did that and says that Brandon told him he would tell him before that happened. Minor 3 says it would come out, "but not when we were sucking it." He says it would go on his shirt and on his stomach. He says Brandon would give them the money "right after, he had this big box." He says he got money both times he sucked Brandon's "dick" and says it was a five dollar bill and a one dollar bill.

Minor 3 says that the three of them would all be witness to each other sucking on Brandon's "dick." Minor 3 also says that Brandon put his mouth on their "dicks." He says that Brandon said "he liked doing it." Minor 3 says that it felt "good." Asked more about the semen that would come out of Brandon's "dick," Minor 3 says that he would wipe it up with a "towel or a napkin." Minor 3 says that Brandon would "do a countdown" before the semen came out so that they would know when it was going to come out.

Asked about being shown stuff on a computer, Minor 3 says that Brandon showed him stuff on Brandon's laptop at Minor 3 house. Minor 3 said he was shown the same kind of movies, only with different people. Minor 3 says there was a time at his house where Brandon was touching himself and Minor 3's dad walked in and Brandon pulled his pants back up. Minor 3 denies that Brandon ever took any pictures or videos of him or any of this stuff that went on, but acknowledges that there might have been a camera he did not know about.

Minor 3 then talks about seeing Randy making a sex video in his backyard. He says he saw Randy standing away from the camera and the people were having sex in the grass and there were two women and one man. Minor 3 says they were watching from the woods by the Post Office.

Asked to clarify about the towel Brandon would use to clean up the semen with, Minor 3 says he would get the towel from the bathroom that was right next to the computer room. Minor 3 says he would put the towel back on the rack in the bathroom when he was done. In talking more about the sex stuff that he was shown on the laptop

Evaluator's Signature:

Date:

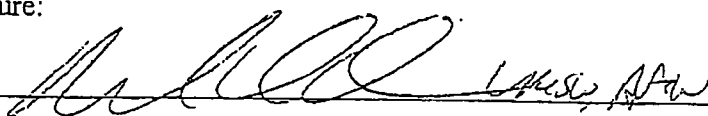
January 2, 2004

[Signature] Lucas Alsu

Appendix: Narrative Summary Page

computer, Minor 3, says that Brandon turned it off when Minor 3's mother came into the room. He says this was in the dining room and that his mom has seen the laptop in question. Brandon now indicates that Minor 2 and Minor 1 met Brandon first and they introduced Minor 3 to Brandon. Minor 3 says that Minor 2 and Minor 1 had come up to him and said "this is Brandon and he'll suck your dick." Minor 3 thinks the last time he saw Brandon was the Friday before he left to go to Ecuador. Minor 3 says on this day Brandon put his hand under his shirt and touched his stomach while Minor 3 was lying on the bed not feeling well. Minor 3 then discusses a time that Brandon kept asking him to please "suck his duck" so Minor 3 says he finally did and that Brandon had promised him an extra ten minutes to play monopoly. Minor 3 says this happened in the den at his house in front of the big screen TV. He says his family was in the other room watching TV. Minor 3 says he thinks this was on Wednesday, maybe after Thanksgiving. Minor 3 talks about another time in his room at his house where they were touching each other, he says they did not do the "sucking" yet because they had not gotten to it yet. Minor 3 then says that maybe Brandon got some semen on the carpet in his room. Minor 3 also clarifies that he would also put his hand on Brandon's "dick" but that Brandon would not ejaculate when Minor 3 had his hand on Brandon's "dick."

Evaluator's Signature:



Date:

January 2, 2004



**ASSESSMENT & RESOURCE CENTER
FORENSIC MENTAL HEALTH EVALUATION**

CHILD'S NAME: ^{Minor 1}

I.D.#: 10060100

DATE OF ADMISSION: 1/08/04

SEX: Male

DATE OF BIRTH:

AGE: 10

REFERRAL SOURCE/AGENCY/PHONE: Scott Franklin/ Irmo PD/ 781-8088

INVOLVED AGENCIES: Enter specific personnel and agency name.

☒ Law Enforcement Scott Franklin/ Irmo PD☐ DSS☐ GAL☐ Other

TYPE OF ABUSE SUSPECTED (Check):

☒ Sexual Abuse☐ Physical Abuse☐ Physical Neglect☐ Emotional Abuse☐ Unknown☐ Other

REFERRAL QUESTION(S) / PRESENTING NEED(S):

^{Minor 1} and his twin brother ^{Minor 2} as well as their friend ^{Minor 3} were allegedly shown pornographic movies by an adult male neighbor, Brandon Jones (20). During the movies, Jones would allegedly masturbate the victims and perform oral sex on them. These activities allegedly took place sometime between summer 2003 and mid-December 2003, when Mr. Jones left for Ecuador, where he has been an exchange student in the past. ^{Minor 3} was interviewed at the ARC on 12/18/03 and gave a compelling disclosure, naming ^{Minor 1} and ^{Minor 2} as additional victims.

SECTION I: INFORMANT QUESTIONNAIRE PART I

INFORMANT NAME(S): Alexander Speare

RELATIONSHIP TO CHILD: Father

CHILD'S PRESENT LOCATION: _____

1. Describe the family makeup (family members, care giver data, housing info, etc.):

Minor 1 and Minor 2 live with their parents and their 13 year old sister in a home in Irmo. They have lived there for the past 5 years, before which time the family lived in Germany. Mr. Speare works for the Defense Department.

2. Does the child have any current, or historical, significant medical problems?

If yes, describe:

☐ Y ☒ NR

3. Developmental and mental health history:(pregnancy/birth, milestones, traumas, counseling history)

FT C-section delivery; normal development; no prior counseling history.

4. Has the child experienced any difficulties at school?

If yes, describe:

☒ Y ☐ NR

Minor 1 has some academic difficulties and has resource help with reading. He is in the 5th grade and has good peer relationships.

5. Brief family history:(psychiatric problems, substance abuse, domestic violence, legal problems)

No psychiatric history, substance abuse, domestic violence, or legal problems reported for either parent.

6. Previous child maltreatment investigations in family?

If yes, describe:

☐ Y ☒ NR

SECTION I: INFORMANT QUESTIONNAIRE PART II
Account of Allegation

1. Identity of alleged perpetrator (include full name, age, race): Brandon Jones, 20, White

2. Relation to child: Son of neighbor

3. What else is known about alleged perpetrator?

Currently in Ecuador; reportedly returning to U.S. to turn himself in on January 14th, 2004.

4. Allegation of maltreatment, course of discovery (include time frame, how did suspicions arise?):

Minor 1 friend Minor 3 disclosed to his father that Brandon Jones had shown Minor 3, Minor 2 and Minor 1 pornographic movies and performed oral sex on them. Mr. Jones sometimes gave the boys money in exchange for their cooperation. The contact between the boys and Mr. Jones is alleged to have begun over the summer of 2003. Mr. Jones left for Ecuador (where he has been an exchange student in the past) on 12/14/03. The allegations surfaced on 12/15/03. Minor 1 and Minor 2 confirmed Minor 3's allegations when questioned by their father.

5. Current symptoms: indicate source (care giver, child, observed, standardized measure)

Minor 1 reports being fearful of Brandon Jones and states that he is having difficulty sleeping. He fears that Mr. Jones will kill him as retribution for having told, particularly if he has to go to prison as a result. Minor 1 TSCC was invalid due to hyperreporting. He endorsed suicidal ideation in response to fear of the alleged perpetrator, but reported no plan, attempts, or actual intent.

6. Child's Understanding of the Assessment:

Told he was coming to talk to someone about what happened with Brandon Jones.

7. Have previous interviews been conducted?

If yes, describe:

☐ Y ☒ NR

SECTION II: CHILD INTERVIEW and SUMMARY OF DATA

1. Truth v. Lie / Moral Imperative *(option for younger or delayed*

☐ Reviewed ☒ Not Reviewed

If reviewed, child's performance indicated

☐ Competence ☐ Competency Problems

2. Other child interview characteristics:

Cooperative and forthcoming.

3. Did interviewer review confidentiality with child?

If yes, describe:

☒ Y ☐ N

Camera, purpose, and limits of confidentiality all reviewed.

4. Did the child make a disclosure?

If yes, how did the child demonstrate the alleged abuse?

☒ Y ☐ N

☒ Verbally ☐ Drawing ☐ Dolls ☐ On Self ☐ Writing

5. List any records reviewed:

ARC intake, police report, TSCC

6. Has the child been examined by a physician?

If yes, describe:

☐ Y ☒ N

7. Is the child sexually active?

If yes, describe:

☐ Y ☒ N

8. Were there any implausible/fantastic elements identified in disclosure?

If yes, describe:

☐ Y ☒ N

9. Are there any apparent motives for false allegation?

If yes, describe:

☐ Y ☒ N

10. Are there any apparent motives for false denial/minimization/retraction?

If yes, describe:

☒ Y ☐ N

Although ^{Minor 1} disclosure was compelling and consistent with that of the other two victims, it is conceivable that if he felt himself to be in imminent danger from the alleged perpetrator, he might falsely recant in an effort to protect himself.

11. Did any of the following child factors affect the child's ability to respond in the interview?

- ☐ Linguistic issues ☐ Developmental level ☐ Psychiatric disorder
☐ Emotional state ☐ Other: _____

☐ Y ☒ N

If yes, describe:

12. Did the child's interview appear to be affected by any of the following factors?

- ☐ Coaching ☐ Injunctions not to tell ☐ Family response
☐ Problems with rapport ☐ Multiple interviews ☐ Other: _____

☐ Y ☒ N

If yes, describe:

13. DSM-IV Diagnoses (include code and supporting symptoms)

Axis I: 995.53 Sexual abuse of a child

Axis II: Deferred

Axis III: Deferred

Axis IV: Sequelae of abuse and investigation; fear of perpetrator

Axis V: GAF = 70

14. Recommendations (e.g., treatment, placement, visitation issues, etc.)

1. Minor 1 and his twin brother are referred for therapy to process sexual abuse issues. ARC will contact to arrange intake or provide a referral.

2. No contact with alleged perpetrator in person or by telephone or mail.

15. Given all available data, this assessment is considered:

☒ *Compelling*

☐ *Problematic*

For the following:

For the following:

- ☐ No abuse
☒ Sexual Abuse
☐ Physical Abuse
☐ Psychological Abuse
☐ Physical Neglect
☐ Medical Neglect
☐ Other _____

- ☐ Sexual Abuse
☐ Physical Abuse
☐ Psychological Abuse
☐ Physical Neglect
☐ Medical Neglect
☐ Other _____

16. Narrative account of abuse (see video for complete interview: copy available to investigators by request)

Minor 1 was interviewed using a semistructured protocol known by its acronym, RATAC. Interviewer introduced camera. When asked why he was here to talk with interviewer, Minor 1 replied "Because Brandon was touching us on wrong parts." He explained that Brandon lives 3 houses away from Minor 3 and that Minor 3 and Minor 1 twin brother Minor 2 had been touched by Brandon. Minor 1 could not recall Brandon's last name, but knew where he lived and that he had worked at lizard's Thicket, his father's name is Randy, he has a car and is "about 23." The boys met him when they returned a dog they found to Randy's house. Randy wasn't home, but Brandon was and he invited the boys to come over. "He wanted us to come over. Then he started touching us on wrong spots and showed us movies." Minor 1 said the dog incident took place "5 or 6 months ago--I'm not sure--on a Saturday or Sunday." Brandon asked if they could play later. "He told us he had a problem. He liked boys. He did it with 2 other boys in Ecuador. He started showing movies and touching us. Minor 3 Minor 2 and me." The first thing that happened was that Brandon told them about the other 2 boys. One of them told and Brandon said his mom got mad and Brandon was grounded for a long time. Minor 1 stated that he and Minor 2 started playing with Brandon. They told Minor 3 that he was nice and 2 days after Minor 3 met Brandon, Brandon took them into his house and showed them movies. In the movie, the people started having sex. Brandon asked the boys "Do you want to have it?" They declined. A couple of days later, Brandon said he would pay them. Minor 3 agreed, "so we did." This went on for "about 2 weeks." Brandon would also take them to the Yugioh store and buy them cards. Asked by interviewer what they were getting paid for, Minor 1 replied "Watching movies." Asked where Brandon got the movies, Minor 1 stated "His dad makes them." The people in the movies were adult men and women. Brandon paid the boys one or two dollars each. Minor 1 estimated that they watched movies "3 or 4 times." The touching started after Brandon asked "Do you want to do that?" Minor 3 agreed. "Brandon just started touching us in wrong spots." Minor 1 indicated on an anatomical drawing that the parts Brandon touched were their chests, penises, and buttocks. Brandon touched on skin with his hand and with his mouth. He did this to all three boys; all three were there at the same times. Brandon put his mouth on their penises and touched with his hand on their chests and buttocks. Minor 1 estimated that this happened "6 or 7 times." "He kept asking us to come over. We were scared he would hurt us." Asked if Brandon said anything, Minor 1 stated that he told them never to tell anybody or he'd have to go to jail. Minor 1 stated that Minor 3 became scared that if they told, Brandon would kill them when he got out of jail. After about 7 times, they stopped playing with him. Minor 1 thinks this was "Spring break." "Minor 3 couldn't sleep and he was crying, so he confessed to his dad." After 3 days of not being able to sleep because he was scared, Minor 3 told. The last time Minor 1 saw Brandon was the last day of "spring break". Brandon asked them to come over one last time because he was leaving for Ecuador that day at 4. "We knew he wanted us to watch the movie one more time. We didn't want to." Brandon told them he was going to Ecuador to live with his mother because his father wanted him to. Minor 1 denied that Randy ever saw any of what happened between his son and the three boys. After Minor 3 told his father, Allan, Allan told Randy and the police came. Interviewer asked Minor 1 to tell about one time. "He would ask us to pull our pants down. I didn't want to, but after Minor 3 did, I just did

Evaluator Signature: _____

Date: _____

Narrative Summary Continuation Page

it. Interviewer asked if Brandon ever made him do anything to his body. "He asked us to suck his penis. We said no. We said we had to go home. Then we didn't play with him anymore. He tried to make us--he kept on begging us." Minor 1 stated that Brandon told the boys he would pay the \$3 if they would suck his penis. "Everybody said no. Minor 1 denied knowledge of other victims except for the two boys in Ecuador that Brandon told them about. Minor 1 does not know their names. The movies were watched on a t.v. upstairs. It was a computer room next to Brandon's bedroom. Activity took place in the computer room, Brandon's bedroom, and at Minor 3's house in his bedroom. "I don't know why I said yes." Asked about what happened at Minor 3's house, Minor 1 said that his brother Minor 2 would play pinball to distract Allan "so he wouldn't find out." The distraction was Brandon's idea, Brandon's and Minor 3's, he added. This happened 2 or 3 times at Minor 3's house. Minor 1's dad asked him after Minor 3 told his dad, and Minor 1 told his dad, too. Minor 1 denied any other perpetrators, past or present, and denied that anyone has ever taken pictures of him without clothes on. "At first, Brandon was a nice friend. After he showed us the movies, we didn't like him anymore." Minor 1 stated that Randy has a girlfriend whose children were sometimes at the house. Minor 1 never saw Brandon touch them. Brandon bought them Yugioh cards "4 or 5 times." Asked why Brandon bought them cards, Minor 1 stated that Brandon said "If you watch the movie and let me suck your penis, I'll take you to the store and let you buy some cards." Asked if he has any worries, Minor 1 said that he is worried that "He'll come back and hurt us." He has talked to his dad about this, but he is still worried. "Some times at night when I'm alone and it's dark, I think about Brandon. That he's gonna come back.." Interviewer took a brief break to check in with investigator who observed interview. During that break, Minor 1 said "I wish I never did this. I hate Brandon. I wish i could beat him up." He then covered his face with his jacket, then pantomimed punching his own head several times. Interviewer returned and ended the interview. Minor 1 then completed a TSCC per standard procedures.

Evaluator Signature:

Alicia Benedetta, Ph.D.

Date:

1/13/04

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

November 1, 2007



Robert M. Dudek
Deputy Chief Appellate Defender for Capital Appeals

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ATTORNEY FOR APPELLANT.

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 239(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

The State, Respondent,

v.

Brandon Eugene Jones, Appellant.

Appeal From Richland County
John L. Breeden, Circuit Court Judge

Unpublished Opinion No. 2008-UP-175
Submitted March 3, 2008 – Filed March 13, 2008

APPEAL DISMISSED

Deputy Chief Attorney for Capital Appeals Robert M.
Dudek, of Columbia, for Appellant.

Attorney General Henry Dargan McMaster, Chief
Deputy Attorney General John W. McIntosh, Assistant
Deputy Attorney General Salley W. Elliott, and Solicitor
Warren Blair Giese, all of Columbia, for Respondent.

PER CURIAM: Brandon Eugene Jones pled guilty to three counts of first-degree criminal sexual conduct with a minor. Jones appeals his concurrent sentences of thirty years on each charge. Jones' counsel attached to the brief a petition to be relieved as counsel, stating that he had reviewed the record and concluded this appeal lacks merit. Jones filed a separate pro se brief. After a thorough review of the record, counsel's brief, and Jones' pro se brief pursuant to Anders v. California, 386 U.S. 738 (1967) and State v. Williams, 305 S.C. 116, 406 S.E.2d 357 (1991), we dismiss^[1] the appeal and grant counsel's petition to be relieved.

APPEAL DISMISSED.

HUFF, KITTREDGE, and WILLIAMS JJ., concur.

^[1] We decide this case without oral argument pursuant to Rule 215, SCACR.