

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

The Honorable R. Scott Sprouse, Circuit Court Judge

**RECEIVED**

Case No. 2013-CP-42-4560

SEP 17 2015

Roy James Jenkins,

Respondent,

**S.C. SUPREME COURT**

v.

State of South Carolina,

Appellant.

MOTION FOR BOND PENDING APPEAL

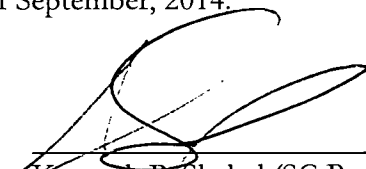
Pursuant to Rule 243(k) of the South Carolina Appellate Court Rules, Roy James Jenkins, the Respondent herein, moves the Court for an order granting him bail in this matter pending the resolution of this Appeal. This motion is based upon the following facts:

1. Respondent was convicted on January 27, 2012 on two counts of Criminal Sexual Conduct with a Minor, Second Degree. He was sentenced to concurrent twenty year terms. He filed a timely notice of appeal, which was affirmed by the Court of Appeals in March of 2013.
2. Respondent filed a Post-Conviction Relief Application on November 8, 2013. The order from his PCR case was filed on July 28, 2015. That Order granted Respondent Post-Conviction Relief.
3. In part, the Order states that “[t]his was a case without any physical evidence to support the allegations.” PCR Order p. 4, lines 21-22.

4. Post-Conviction Relief was granted based upon trial counsel's failure to attempt to introduce an audio recording of the victim which would "have direct exculpatory effects at trial." PCR Order p. 4, lines 23-24.
5. Respondent is informed and believes there is a strong probability that he will prevail on appellate review, thus granting him a new trial in this matter.
6. The undersigned would submit that the Respondent would pose no danger to the community if he is released and will continue to submit himself to the Court's jurisdiction for further proceedings in this case.
7. Respondent has the support of numerous family members in the Spartanburg County area (see "Appendix A" for affidavits).
8. Appellant has no criminal history in South Carolina prior to this arrest. Appellant honored the conditions of his bond while the case was pending. Appellant was out on bond while the case was pending for a period of over three years.

Based upon the above, the Appellant hereby requests that this Court set a reasonable bond in this matter pending the final ruling by the appellate courts of South Carolina. This Motion is supported by the Affidavits attached to (and incorporated into) this Motion as "Appendix A".

Appellant so moves this 10th Day of September, 2014.



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Other Counsel of Record:

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Attorneys for Appellant

## APPENDIX A

Dear Judge,

9/8/2015

My name is Albert Jenkins and I'm writing this letter on behalf of my older brother Roy Jenkins. My brother will be appearing before you for a bond hearing and I was hoping to give you some insight on him. My brother is a very quiet man with a huge heart, there is nothing he loves more than his family. Roy is a very compassionate person always putting others before himself. I believe my brother's record speaks highly of his personality and his willingness and ability to follow rules and procedures before and during incarceration, he was moved to the honor dorm at Liber correctional only after a few months where he remained until he was returned back to Spartanburg for court. My brother has a wife and two sons with several grandkids whom love and miss him dearly. My family knows that Roy will need support if bond is granted and we're willing to do whatever it takes to get him back to being a productive citizen like he was before. Roy has several health issues that are in need of addressing and we're hoping to be able to get those issues resolved if bond is granted. My brother is a family man, a hard worker, and a good parent.

Thank you for your time in reading this and I hope it shares some light on my brother and the love and support he has and the man he is.

Sincerely,

Albert Jenkins



Sworn to before me  
this 8<sup>th</sup> day of September 2015.  
Jewell UMaer  
Notary Public for SC  
my commission expires 8/14/2024

TO WHOM IT MAY CONCERN:

I AM WRITING THIS LETTER TO TELL YOU A LITTLE ABOUT MY BROTHER: ROY JAMES JENKINS, ROY, HAS ALWAYS BEEN A VERY HARD WORKING PERSON, AT THE AGE OF 16 YEARS OLD HE STARTED TO WORK AT A COMPANY CALLED BEVERAGE AIR IN SPARTANBURG JUST OFF FROM NEW CUT ROAD, IT WAS ABOUT 5 MINUTES FROM OUR HOME. ROY WAS THE OLDEST OF THE 5 CHILDREN THAT MY MOM AND DAD HAD, ROY WORKED 2<sup>ND</sup> SHIFT AT BEVERAGE AIR AND WOULD COME HOME AND DO HIS HOMEWORK, I WAS THE ONLY GIRL OUT OF THE 5 AND I WOULD GET UP IN THE MORNINGS AND HAVE TO WAKE HIM UP FROM THE KITCHEN TABLE! TO GET READY FOR SCHOOL, THAT IS ALL ROY HAS EVER KNOWN IS TO WORK AND PROVIDE FOR HIS FAMILY, I HOPE AND PRAY THAT YOU WILL GRANT ROY AN APPEAL TO COME HOME SO HE CAN GO BACK TO WORK

AND DO WHAT HE DOES BEST, AND THAT IS WORK  
SLEEP AND SPEND TIME WITH HIS FAMILY! ROY WOULD  
HAVE ALL THE SUPPORT HE NEEDS WHEN HE COMES  
BACK HOME AND HE IS NOT A FLIGHT RISK AT ALL!  
ROY WAS OUT ON BOND BEFORE HIS FIRST HEARING  
AND ALL HE DID WAS JUST WORK AND SPEND TIME  
WITH HIS FAMILY, HE HAS CHURCH FAMILY AND A LOT  
OF CLOSE FAMILY THAT HE WILL BE SPENDING TIME  
WITH HIM, HE HAS HAD A NEW GRAND DAUGHTER  
THAT HE HAS NEVER SEEN, AND HE HAS HAD TWO  
GREAT NEPHEWS THAT HE HASN'T SEEN EITHER, ROY  
LOVES TO FISH AND COOKOUT SO THAT IS WHAT WE  
WILL BE DOING TO CATCH UP ON LOST TIME, I CAN  
PROMISE YOU THAT HE WILL NOT GO OUT OF THE  
STATE OF SOUTH CAROLINA AT ALL, THIS IS JUST NOT  
HIS NATURE, MY DAD AND ROY WOULD SIT UNDER AN  
OLD OAK TREE

EVERY FRIDAY AND ROY WOULD STAY THERE TILL IT WAS TIME FOR HIS WIFE TO COME HOME AND THEN HE WOULD TELL DAD, THAT IT WAS TIME FOR HIM TO GO HOME, MY DAD HAS WORKED UNDER THAT OLD OAK TREE NOW FOR SOMETIME, WAITING FOR ROY TO COME BACK TO HIM, IT IS HARD TO SEE THE HURT AND PAIN ON MY DAD'S FACE AND I KNOW IT IS HURTING HIS HEART, I SEE IT ON HIS FACE AND I HAVE TO TAKE HIM TO THE DOCTOR FOR HIS VISIT'S WITH ROY BEING HOME, HE COULD HELP ME WITH DADDY AND I KNOW HE WOULD, I JUST NEED HIM HERE TO DO IT, SO PLEASE REACH WAY DOWN IN YOUR HEART AND GRANT THIS BOND! I AM JUST ONE SISTER WANTING TO BE WITH HER BROTHER AND HUG AND KISS AND SQUEEZE HIM, IT'S BEEN 4 YEARS SINCE I HAVE TOUCHED HIM AND IT'S BEEN HARD! ROY DESERVES THIS AS MUCH AS THE NEXT PERSON, HE IS HUMAN AND LOVES HIS FAMILY

AND THAT IS WHERE YOU WOULD FIND HIM, WITH HIS  
FAMILY AND CHURCH FAMILY! HE WAS RAISED IN UNA,  
SOUTH CAROLINA AND HE ATTENDED UNA FIRST BAPTIST  
CHURCH AND IS A MEMBER THERE ALSO! THAT IS  
WHERE THE FAMILY GOES TO CHURCH! SO ROY WOULD  
HAVE A LOT OF SUPPORT FROM US ALL!! GOD BLESS  
AND THANK YOU VERY MUCH.

SINCERELY YOURS!

DEBORAH LYNN JENKINS NEWMAN  
SEPTEMBER 7, 2015



Sworn to before me  
this 7th day of September 2015.  
Jewell E. White  
Notary Public for 8/14/2024

TO WHOM IT MAY CONCERN

WE ARE THE PARENTS OF ROY JAMES JENKINS,  
OUR NAME IS FRANK AND SHIRLEY JENKINS OF  
UNA, SOUTH CAROLINA. WE WAS BLESSED TO  
HAVE HAD ROY AS OUR FIRST BORN SON,  
DECEMBER 25, 1962. HE HAS BEEN A BLESSING  
TO US EVER SINCE THEN. ROY HAS ALWAYS  
BEEN A VERY GOOD CHILD GROWING UP AND  
ALWAYS THOUGHT OF OTHERS BEFORE HIMSELF.  
ROY WAS RAISED WITH 3 BROTHERS AND 1  
SISTER. THEY WERE VERY CLOSE GROWING UP  
AND STILL TO THIS DAY THEY ALL ARE VERY  
CLOSE. I AM IN BAD HEALTH AND I CAN'T WALK  
WITHOUT THE ASSISTANCE OF A CANE OR  
WHEEL CHAIR, AND MY HUSBAND IS IN THE FIRST

STAGES OF ALZHEIMERS AND HE GETS CONFUSED  
AT TIMES. BUT HE MAKES THE TRIP EVERY WEEK-  
END DOWN TO RIDGEVILLE TO SEE ROY, WITH  
MELANIE ROYS WIFE, FRANK CRIED LIKE A BABY  
WHEN ROY WAS TAKEN FROM HIM AND HE HAS  
NOT BEEN RIGHT SINCE, THEY WOULD SIT UNDER  
AND OLD OAK TREE IN THE FRONT YARD EVERY  
FRIDAY AND WHEN ROY WOULD COME AND SEE  
HIS DADDY, THIS HAS TAKEN A BIG TOLL ON  
FRANK AND MYSELF! ROY WOULD HAVE ALL THE  
SUPPORT THAT HE WOULD NEED WHEN HE CAME  
BACK HOME, HE HAS HIS BROTHERS AND SISTER  
AND HIS GRAND CHILDREN AND GRAT NEPHEWS  
TO KEEP HIM COMPANY, ROY LOVED TO FISH  
WITH HIS FIRST GREAT NEPHEW WHICH IS 6 NOW

AND ROY BOUGHT HIM HIS FIRST FISHING ROD,  
AND THAT CHILD STILL HAS THAT ROD AND HE  
FISHES WITH IT, AND YOU CAN ASK HIM WHO  
BOUGHT THAT FOR YOU, AND HE WILL SAY MY  
UNCLE ROY! THIS IS ALL ROY HAS EVER WANTED  
WAS TO ENJOY HIS FAMILY AND FISH AND COOK!  
ROY IS A MEMBER OF UNA FIRST BAPTIST  
CHURCH, AND THE PASTOR IS PHILLIP RAINES SR,  
AND THE ASSIST PASTOR IS BILLY FOWLER. ROY  
WOULD HAVE ALL THE SUPPORT HE NEEDED  
WHEN HE COMES HOME, HE WILL HAVE 3 GRAND  
DAUGHTERS THAT WOULD KEEP HIM BUSY, ONE  
HE HAS NEVER LAID EYES ON, ROY ALSO HAS A  
BABY BROTHER WHO HAS STAGE 4 COLON  
CANCER AND THEY DOCTORS HAVE TAKEN OUT

AT LEAST  $\frac{3}{4}$  OF HIS LIVER AND THOUGHT THEY  
GOT IT ALL, BUT IT CAME BACK! THE CANCER  
AFFECTED HIS LIVER, HIS COLON AND KIDNEY'S  
AND HE HAS HAD A LOT OF SURGERY'S. ROY  
COULD BE USED TO HELP WITH HIS BABY  
BROTHER, ALL OF MY CHILDREN ARE VERY  
CLOSE AND WHEN ONE HURTS THEY ALL HURT!  
I HAVE HAD SOMEONE TELL ME BEFORE THAT  
THEY HAVE NEVER SEEN A FAMILY LOVE EACH  
OTHER LIKE MY FAMILY, BUT THAT IS THE WAY  
I RAISED THEM, TO LOVE EACH OTHER AND TO BE  
THERE FOR EACH OTHER. SO WITH YOU ALLOW-  
ING HIM TO BE BONDED OUT WOULD BE A BLESS-  
ING TO OUR FAMILY! HELP MAKE A MOM AND  
DAD'S WISH COME TRUE, I SHIRLEY HAVE ONLY

BEEN ABLE TO GO AND SEE ROY A FEW TIMES,  
DUE TO ME HAVING TO USE THE WHEELCHAIR  
AND MY HUSBAND FRANK HAVING TO GET IT  
FOR ME, HE HAS LOST A LOT OF HIS MUSCLES  
DUE TO HIS MEDICINE AND IS NOT IN THE GREAT-  
EST HEALTH HIMSELF, SO JUST TO BE ABLE TO  
TOUCH OUR SON AND SPEED TIME WITH HIM  
WOULD BE GREAT. THANK YOU FOR LETTING  
ME TELL YOU THIS ABOUT MY FAMILY, BUT REST  
ASSURE, ROY WOULD HAVE ALL THE SUPPORT HE  
REALLY NEEDS, IF HE IS BONDED BACK OUT  
AGAIN, VERY PROUD OF ROY, HE HELPED PAY FOR  
HIS SCHOOLING AND BOUGHT HIS OWN HIGH  
SCHOOL RING AND HIS GRADUATION STUFF.  
HE ALSO BOUGHT HIS FIRST VAN, WHICH HE

LOVED VERY MUCH!

THANK YOU VERY MUCH,

MR. FRANK JENKINS SR

&

MRS. SHIRLEY JENKINS

SEPTEMBER 7, 2015

*Mr. Frank Jenkins*  
*Mrs. Shirley Jenkins*

Sworn to before me  
this ~~10~~ 7<sup>th</sup> day of September 2015.  
Jewell E. Umoren  
My Commission expires 8/14/2024

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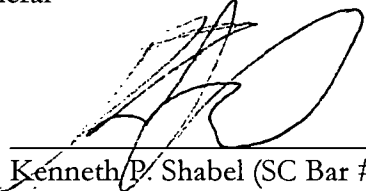
Appellant.

PROOF OF SERVICE

I hereby certify that a copy of the foregoing Motion for Bond Pending Appeal was served upon all counsel of record and/or unrepresented parties by hand delivery to the offices listed as follows:

ALAN WILSON  
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Attorneys for Appellant

September 10, 2015

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# Campbell & Shabel

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OF COUNSEL:  
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Thursday, September 10, 2015

**RECEIVED**

**VIA Regular Mail**

The Honorable Daniel E. Shearouse, Clerk  
Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211

SEP 17 2015

**S.C. SUPREME COURT**

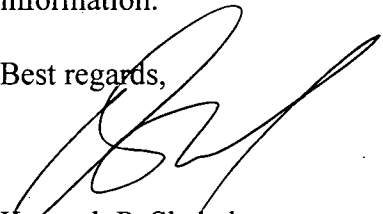
**Re: Roy James Jenkins v. State of South Carolina**  
*Appellate Case No. 2015-001769*

Dear Mr. Shearouse:

Enclosed you will also find an original and six (6) copies of our Motion for Bond Pending Appeal, along with Proof of Service of the same and the required filing fee.

Do not hesitate to contact me if you have further questions or need additional information.

Best regards,

  
Kenneth P. Shabel  
Attorney for Roy James Jenkins

cc: Alan Wilson, Attorney General  
Karen C. Ratigan, Senior Assistant Attorney General