

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from York County

Honorable Frank R. Addy, Circuit Court Judge

IN THE MATTER OF THE CARE AND
TREATMENT OF LEONARD JENKINS,

APPELLANT

APPELLATE CASE NO 2016-000035

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STATE OF SOUTH CAROLINA
COUNTY OF YORK

SIXTEENTH JUDICIAL CIRCUIT
IN THE COURT OF COMMON PLEAS

IN THE MATTER OF THE)
CARE AND TREATMENT OF)
LEONARD JENKINS,)
RESPONDENT.)
_____)

CASE NO.: 2014-CP-46-3261

TRANSCRIPT OF TRIAL

JANUARY 4-5, 2016
YORK, SOUTH CAROLINA

B E F O R E:

THE HONORABLE FRANK R. ADDY, JR., JUDGE, AND A JURY

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

ATTORNEY FOR PLAINTIFF:

JAMES G. BOGLE, JR. , ASSISTANT ATTORNEY GENERAL

ATTORNEY FOR DEFENDANT:

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TARA T. SCOTT, CVR
CIRCUIT COURT REPORTER

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PROFFER IN-CAMERA

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<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
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1 TRIAL DAY 1-01/04/16

2 THE COURT: Ladies and gentlemen of the jury, we're
3 going to begin with jury selection. I'll let you know that
4 the numbers that the lawyers are going to be using to strike
5 are the numbers to the far left of the page. If these
6 numbers happen to correspond with your juror number, these
7 are not, in fact, your juror numbers. So if they say strike
8 juror number four, or strike number four and you happen to
9 be juror number four, those two numbers don't match up.
10 Okay? I'm just mentioning that because I don't want anybody
11 to feel offended or put out if you happen to hear your juror
12 number called.

13 Madam Clerk, if you'll get me a jury, please.

14 MADAM CLERK: Beginning with the Plaintiff I'll take
15 alternating strikes.

16 MR. BOGLE: The State would strike number 9.

17 MS. GOOD: Respondent strikes number 5.

18 MR. BOGLE: The State would strike number 2.

19 MS. GOOD: Respondent strikes number 13.

20 MR. BOGLE: State would strike number 20.

21 MS. GOOD: Respondent strikes number 18.

22 MR. BOGLE: The State would strike number 11.

23 MS. GOOD: Respondent strikes number 3.

24 MADAM CLERK: And I'll receive your alternate strike
25 using numbers 25 through 27.

1 MR. BOGLE: The State would strike number 26.

2 MS. GOOD: Respondent strikes number 25.

3 THE COURT: All right. Reviewing the strikes, I've got
4 the State striking jurors number 2, number 9, number 11,
5 number 20, and alternate 26; is that correct?

6 MR. BOGLE: That's correct, Your Honor.

7 THE COURT: I have the Respondent striking number 3,
8 number 5, number 13, number 18, and alternate number 25; is
9 that correct?

10 MS. GOOD: Yes, sir.

11 THE COURT: Ladies and gentlemen, if your name is
12 called I need you to come forward and bring with you any
13 items that you brought to the courthouse today; purses,
14 pocketbooks, books, et cetera. Again, if your name is
15 called it means you've been picked on a jury. Simply come
16 forward and the bailiff will show you where to sit.

17 Madam Clerk, if you'll seat the jury, please.

18 MADAM CLERK: Yes, sir. Juror number 18, Warren E.
19 Brice. Juror number 37, Jefferson R. Dill. Juror number
20 23, Laura B. Carder. Juror number 123, Michael C. Smith.
21 Juror number 45, Jesika L. Fields. Juror number 25, Kevin
22 E. Clark. Juror number 42, Gloria E. Feemster-sharpe.
23 Juror 51, Michael J. Gleason. Juror number 135, Hoyt W.
24 Terry. Juror number 50, La'Toya N. Gilmore. Juror number
25 30, Jimmy E. Courtney. Juror number 125, John H. Spencer.

1 Serving as alternate, Juror number 15, Ricky D. Bradshaw,
2 Jr.

3 THE COURT: Any issues concerning selection or
4 composition of the jury from the Plaintiff?

5 MR. BOGLE: No, Your Honor.

6 THE COURT: From the Defense?

7 MS. GOOD: No, sir.

8 THE COURT: Ladies and gentlemen of the jury, you've
9 been selected as a jury on this particular case. I'm going
10 to let the bailiff escort you to the back for just a few
11 moments. Okay? Don't get too comfortable, because what I'm
12 going to do is after I release this jury panel I'm going to
13 bring you out here and give you some instructions. Those
14 instructions shouldn't last more than two minutes, and I'm
15 going to let you go to lunch. Okay? But if you would, just
16 adjourn to the back for a few months. Don't talk about the
17 case yet. That should be amazingly simple. You know
18 nothing about this case. I'll have you back out here as
19 soon as possible.

20 (Whereupon, selected jury pool exited the courtroom at
21 12:37 p.m.)

22 THE COURT: The record should reflect that the jury is
23 out. Ladies and gentlemen who were not selected on this
24 particular case, I would say I'm sorry. Seriously though, I
25 know that when you got your jury summons you opened the

1 envelop and you were just so excited to start off 2016 by
2 being summoned to the York County Courthouse and going
3 through this process. Obviously in a few moments I'm going
4 to be able to release you with my thanks and the thanks of
5 your very capable Clerk of Court here.

6 I do want to mention a few things. First of all, you
7 do have a well run county here in York County and your
8 Clerk of Court does an excellent job. I move throughout the
9 state. I go all -- to all 46 counties. Next week I'll be
10 back home in Greenwood and then I'll be in Lexington, and
11 then I'm not even sure. I don't look more than two weeks
12 down the line because that just confuses me. So after that
13 I'll be somewhere else in this state. But I do like coming
14 up here to York because law enforcement, your sheriff here,
15 is fantastic. Your Clerk of Court does a great job. So I
16 want to compliment them on the hard work that they do.

17 I also want to encourage you that if at some point in
18 the future you have the opportunity to serve on a jury,
19 please, please do try to take advantage of that opportunity.
20 Okay? It's a bad joke that, you know, we have to summon
21 people in here. We have to force them to come in here to do
22 their civic duty. But I've often remarked that we live in a
23 truly great country because there are only three things that
24 this government, or our government, can force us to do
25 against our will. If we happen to go to war and they need

1 us, they can draft us and put a gun in our hands, and maybe
2 some of you all have served in uniform so you know how
3 pleasant that experience is. They can make you show up on
4 April 15th and pay your taxes, and we all know how pleasant
5 that experience is. And they can force you to serve on a
6 jury. Okay? I've come to believe that maybe jury service,
7 taking into account how unpleasant the other two things that
8 our government can force us to do against our will, how
9 unpleasant those things are, maybe jury service isn't so bad
10 after all. And quite honestly, I've spoken to people who
11 have served as jurors and they loathed the idea of coming
12 in, but ultimately when they had the chance to serve they
13 really, really enjoyed the experience. So I do hope that
14 that's something that you get to do at some point in your
15 life if you haven't already.

16 The Clerk of Court informs me that you do get paid the
17 whopping sum of \$10 a day plus 35 cents per mile.

18 MADAM CLERK: Thirty-six.

19 THE COURT: Thirty-six. Okay.

20 UNKNOWN MALE SPEAKER: Don't cheat them out of that
21 penny.

22 THE COURT: I'm not going to try to cheat you all out
23 of that penny. As they say, the check is in the mail. It
24 will not be a lot of money. Cash it and blow it on a
25 pedicure or a new part for your car or something like that.

1 Don't just put it in the bank and use it to pay the electric
2 bill.

3 I'm not going to keep you any further except to say
4 that you do get that three year get out of jury service free
5 card. So make a mental note, in January of 2016 you came in
6 here for Common Pleas court, and if you're summoned any time
7 in the next three years for either General Sessions or
8 Common Pleas you can probably let your Clerk of Court know
9 and I imagine he'll check his records and just let you go on
10 your way. You won't even have to come in here on Monday.
11 Okay? If you're summoned for Magistrate's⁹ court or Federal
12 court, or City court, sorry. I can't help you. You got to
13 show up.

14 With that, I won't keep you any longer. Thank you very
15 much for your attention. Thank you for your efforts and
16 your willingness to be here today. I hope you all have a
17 great week. Take care of yourselves. You are free to go.

18 (Whereupon, non-selected jury pool was released.)

19 THE COURT: While they're filing out, if you want to
20 bring the jury in.

21 (Whereupon, the jury entered the courtroom at 12:42
22 p.m.)

23 THE COURT: The record should reflect the jury is back
24 and seated. Ladies and gentlemen of the jury, I spoke
25 briefly to the attorneys and there are a few matters that I

1 need to take up that don't involve you before we begin the
2 trial of the case. So instead of just keeping you back
3 there, what I'm going to do is go ahead and release you for
4 lunch. I'm going to ask that you report back here at the
5 courthouse, let's say, about 2:15. That should give me
6 enough time to address these preliminary matters and also
7 grab some lunch for myself and for the court personnel.

8 Anytime that we're on break, of course, please don't
9 talk about the case with anyone. Ultimately when you come
10 back from lunch I'll give you further instructions on this
11 point. But your job basically is going to be to judge this
12 case based upon the facts and the law as I instruct you.
13 And obviously you cannot go making up your mind at any point
14 in time prior to my instruction to you on the law that will
15 take place at the conclusion of the trial. Okay? So
16 anytime we take a break, whether it's for lunch or this
17 evening, please don't talk about the case with anyone. Not
18 even your fellow jurors. All right? You can talk about
19 anything else. Talk about Clemson's chances a week from
20 now, but do not talk about the case while we're on break.

21 With that, go ahead and take your lunch break. Enjoy
22 your lunch. And if you would, just be back here at the
23 courthouse at 2:15.

24 Yes, ma'am. Do you have a question?

25 JUROR: About how late in the evening is it going to

1 run?

2 THE COURT: I'm thinking probably 5:30 to 6:00 at the
3 latest. If we go -- if we go late at any point in this
4 trial it's probably going to be today. There is one witness
5 that we do need to get done today. So I'm thinking 5:30 or
6 6:00 at the latest. Okay? I forgot where I was.

7 Go ahead and enjoy your lunch break, just be back --
8 oh, do wear those badges back. They'll help identify you as
9 jurors and the bailiffs will -- it'll help the bailiffs get
10 you to the correct place. Okay? With that, thank you.

11 (Whereupon, the jury exited the courtroom at 12:42
12 p.m.)

13 THE COURT: I think there were a few preliminary
14 matters that we needed to address. Mr. Bogle, I think you
15 were going to talk to the doctor about the other offenses?

16 MR. BOGLE: Right. The -- if I may, we're agreed, I
17 think, on the first -- on the State's motion in limine. But
18 first we're going to talk about where he's going to go,
19 prison, death row, behind the wire, things like this.
20 That's not going to come in. The one about future
21 treatment. No talk about that. He will be -- we're both
22 going to talk about the fact that he's going to be -- we're
23 trying to commit him for long-term controlled treatment, but
24 he will be confined for treatment. But as far as the
25 details and the type of treatment, that's -- that's not

1 going to be done.

2 Now, we talked about motions in limine that Ms. Good
3 had.

4 MS. GOOD: Hold on just for those, Your Honor.

5 THE COURT: Go ahead and put them on the record.

6 MS. GOOD: After that, the one regarding where he would
7 be housed, we have no objection to that. We don't plan to
8 talk about that he will be in a prison. And also as to
9 treatment, we just ask that it we be able to go to the
10 inpatient versus outpatient. I believe that's what we
11 agreed to.

12 MR. BOGLE: Right. We're both going to mention -- I'm
13 going to argue for inpatient treatment, they're going to say
14 outpatient.

15 THE COURT: Very good. The last one, you said that
16 there were certain offenses, Ms. Good, that were uncharged
17 or did not result in conviction. I think that's the crux of
18 what Mr. Bogle's about to address. Do you want to make that
19 motion just for the record?

20 MS. GOOD: Yes, sir. We are asking at this time a
21 motion for Dr. Swann not to be able to go into several
22 charges that Mr. Jenkins has on his rap sheet. Specifically
23 there's a charge in 1996 where he was found not guilty
24 during a trial of two assault and batteries. In 1999
25 there's an assault and battery where the disposition is

1 unknown. 1999 there's a trespassing where the disposition
2 is unknown. In 2001 there was an ABHAN that was dismissed.
3 In 2004 there was a simple assault that was dismissed. And
4 again in 2004 there's an ABHAN that was dismissed. We
5 believe, Your Honor, that they can't be used as charges or
6 arrests. Even though he was arrested it wasn't proven that
7 he's broken any rule in any way. These were not dismissed
8 or nol prossed as part of plea agreements. They were just
9 charges that were brought and dismissed either by the
10 solicitor, or by law enforcement or a judge later as there
11 was not enough evidence to prove that he did anything wrong.
12 We don't believe those should be brought into evidence. It
13 would be prejudicial to the jury. Especially in the sense
14 that he has all those charges, yet he's never been convicted
15 of any of them.

16 THE COURT: Mr. Bogle, do you want to speak to that?

17 MR. BOGLE: Yes, Your Honor. I've got Dr. Swann right
18 here with me who can explain it probably better than I. In
19 this type of case we're required to prove a mental
20 abnormality or a personality disorder. In this case we've
21 got both. The type of personality disorder is called other
22 personality disorder with antisocial features. In order for
23 Dr. Swann to justify the basis for that type of diagnosis
24 she will have to testify about the number of times -- is it
25 14 or 15 times?

DR. AMY SWAN-IN CAMERA DIRECT EXAMINATION

14

1 DR. SWANN: Fourteen.

2 MR. BOGLE: Fourteen times that he's been arrested.

3 She'll be glad to concede that he was -- some were dropped,

4 he was acquitted, some were let -- were dismissed or

5 something like that. The problem is, to make that

6 diagnosis, as I understand the science, you look for a

7 person getting into trouble over and over and over again, to

8 show whether or not they have just an indication of not

9 obeying rules and just get in trouble. So the antisocial

10 feature is part of that diagnosis. It will be necessary for

11 her to justify the reason behind that diagnosis to explain

12 to the jury how she got there, and how she got there is

13 looking at the number of times he's been arrested. Even if

14 he wasn't convicted for different charges. And I can put

15 her on the stand and she can explain this better than me,

16 but that's basically what it is. Is that where we're coming

17 from?

18 THE COURT: Let's go ahead and proffer that testimony

19 then just so the record exists.

20 MS. GOOD: Your Honor, one other one I think we agreed

21 upon. There's some allegations regarding an investigation

22 for a child named Daughter where there's no conviction, no

23 arrests or anything. And I believe Mr. Bogle agrees that

24 that should not be able to come in.

25 MR. BOGLE: Yeah, I talked to her. It's on page 13 of

DR. AMY SWAN-IN CAMERA DIRECT EXAMINATION

15

1 her report. An investigation in 2012. Allegations about a
2 step-daughter . We're not going to go into that.
3 Right?

4 DR. SWAN: That's correct.

5 MR. BOGLE: So that's out.

6 MS. GOOD: Thank you, Your Honor.

7 THE COURT: Doctor, would you raise your right hand.

8 DR. AMY SWAN, having been first
9 duly sworn, testified as follows:

10 MR. BOGLE: Just to make this quick, I'm going to
11 assume that she's been qualified as an expert for the
12 purposes of this examination, if I may?

13 MS. GOOD: No objection.

14 THE COURT: Very good.

15 PROFFER IN-CAMERA

16 DIRECT EXAMINATION

17 BY MR. BOGLE:

18 Q Your name, please.

19 A Amy C. , S-w-a-n.

20 Q Dr. , you're a forensic psychologist; is that correct?

21 A That's correct.

22 Q Have you testified before in these types of cases?

23 A Yes, I have.

24 Q Now, looking at Leonard Jenkins, were you ordered by
25 the Court to conduct an investigation of him pursuant to

DR. AMY SWAN-IN CAMERA CROSS-EXAMINATION

16

1 this case we're here about today?

2 A Yes, I was.

3 Q Was one of the diagnosis that you came up with
4 something called other specified personality disorder with
5 antisocial features?

6 A Yes, it was.

7 Q Okay. Now, were you required to make this diagnosis --
8 well, let me ask you this. To make this type of diagnosis
9 what are you looking for?

10 A Well, the definition of antisocial personality
11 disorder, one of the phrases in the DSM-5 says that by --
12 "As evidenced by repeatedly performing acts that are grounds
13 for arrest." So the definition doesn't say he has to be
14 convicted, it just says repeatedly arrested.

15 Q And when you say DSM you're talking about the
16 Diagnostic and Statistical Manual Edition 5, the current
17 latest version?

18 A That is correct.

19 Q In this particular case how many -- approximately how
20 many times was this man arrested for crimes? I'm not even
21 talking sexual crimes, but other types of arrests?

22 A He was arrested 11 times for other arrests.

23 Q Okay. And then the three he had on this kind?

24 A Yes.

25 Q Now, on some of these other arrests was he -- did the

DR. AMY SWAN-IN CAMERA CROSS-EXAMINATION

17

1 charges get dropped or was he let go or not convicted?

2 A Yeah. Some were dropped, some were disposition
3 unknown.

4 Q Okay. But is it still necessary for you to look at
5 those arrests in making this diagnosis?

6 A Yes, it is.

7 Q And why is that?

8 A We know that certain types of acts like violent acts,
9 if he's convicted for those types of acts then it
10 increases his risk for another sexual offense. But
11 just being repeatedly arrested, loads on my diagnosis
12 of the other specified personality disorder, and
13 without those repeated arrests I wouldn't be able to
14 make that diagnosis.

15 Q That's the basis for your diagnosis?

16 A Yes.

17 Q And the diagnosis is defined in the Diagnostic and
18 Statistical Manual?

19 A That's correct.

20 MR. BOGLE: Thank you, Your Honor. Please answer any
21 questions Counsel may have or the Court may have.

22 THE COURT: Ms. Good.

23 MS. GOOD: Thank you.

24 CROSS-EXAMINATION

25 BY MS. GOOD:

DR. AMY SWAN-IN CAMERA CROSS-EXAMINATION

18

1 Q And you stated that there's evidence by repeatedly
2 performing acts that are grounds for arrest, that's for the
3 anti-personality disorder, correct?

4 A That's for antisocial personality disorder. The only
5 thing that keeps him from having the antisocial personality
6 disorder is that you have to have evidence of conduct
7 disorder prior to the age of 15. I don't have any records,
8 any that would show that he had problems prior to the age of
9 15. He told me about a few things, but I don't think that
10 was sufficient to give him the full diagnosis of antisocial
11 personality disorder.

12 Q So that phrase is for anti-personality disorder --

13 A Yes.

14 Q -- is that correct? And you did not find him with
15 antisocial personality disorder, correct?

16 A Right. He -- if you don't have evidence of conduct
17 disorder prior to the age of 15, then you have the other
18 specified personality disorder with antisocial features.
19 It's essentially antisocial personality disorder without the
20 conduct disorder. And I can't prove that he didn't have
21 conduct disorder, I just didn't have any evidence that he
22 did either.

23 Q And how many -- I guess when you have antisocial
24 personality disorder in the DSM, about how many different
25 features are there potentially?

DR. AMY SWAN-IN CAMERA REDIRECT EXAMINATION

19

1 A There are eight.

2 Q And you just testified that these repeated arrests were
3 the only basis you had for the antisocial?

4 A No, ma'am. He had all eight.

5 Q Okay. But you just testified this was your only basis
6 with Mr. Bogle.

7 A Well, I think it was in response to his question.
8 That's not what I intended. And if I said that, I
9 apologize. There are eight different features and he has
10 all eight different features.

11 Q And do you not take into account the fact that over
12 half of those 11 arrests he was found not guilty or
13 dismissed -- or they were dismissed?

14 A As I said, some of them were dismissed. But the
15 definition says by repeatedly performing acts that are
16 grounds for arrests, and he was arrested for those acts.

17 Q Even if ultimately it was found he didn't do anything
18 wrong?

19 A That's correct.

20 MS. GOOD: No further questions, Your Honor.

21 MR. BOGLE: One question.

22 REDIRECT EXAMINATION

23 BY MR. BOGLE:

24 Q Doctor, is -- are these the type of bases for a
25 diagnosis that are typically and reasonably used by experts

DR. AMY SWAN-IN CAMERA REDIRECT EXAMINATION

20

1 in your field --

2 A Yes, it is.

3 Q -- in making this diagnosis?

4 A Yes, it is.

5 MR. BOGLE: Your Honor, thank you.

6 THE COURT: Thank you, Doctor.

7 (Whereupon, the witness steps down from the witness
8 stand.)

9 THE COURT: Anything further?

10 MS. GOOD: Your Honor, I just argue that these are
11 small offenses. Over half of them he was found not guilty
12 or they were dismissed and he was found not to even be in
13 trouble at all while he was arrested. I don't believe those
14 should come in as they'd be prejudicial to the jury the fact
15 that he's arrested 11 times when over half of those he's not
16 even found guilty of them. In fact, one of them, I believe
17 the jury at the trial he was found not guilty on. The two
18 1996 assault and batteries.

19 THE COURT: Attorney General, anything else you want to
20 add?

21 MR. BOGLE: No, Your Honor. We do have a matter of law
22 which I made part of my packet that was emailed to everybody
23 that talks about this, and it talks about the probative
24 values of details behind the sexual crimes. But basically
25 we're looking at criminal history right here. And the Court

1 held in a case called *Matter and Treatment of Corley* in 2003
2 that past criminal history is directly relevant to
3 establishing what we have to prove the mental abnormality or
4 personality disorder. And I think what the doctor said, and
5 this is also consistent with Rule 703 of your Rules of
6 Evidence, that the basis for her expert opinion is
7 committing the type of things, type of things that get you
8 arrested over and over again. And that was the basis for
9 her diagnosis. It's accepted diagnosis as in the DSM-5.

10 So I think she can go into the number of arrests that
11 she's talking about. The fact that some were acquitted,
12 some were dismissed, that certainly goes to their weight and
13 that'll be, I'm sure, asked on cross-examination. But as a
14 basis for her diagnosis as an expert witness I think it
15 should be allowed to come in for that reason.

16 MS. GOOD: And, Your Honor, one more thing for the
17 record. Sorry. When she testified on cross-examination she
18 testified there was eight different features for antisocial
19 personality disorder and he had all eight of those. This
20 was just one of them. I believe that if you were to rule
21 that these would not come in, she still has these seven
22 other ones that she had antisocial features on and that this
23 is not probative for that issue.

24 THE COURT: All right. Mr. Bogle, you intend to ask
25 her in your direct when she's giving this opinion, do you

1 intend to go through all 14, this one, this one, this one,
2 this one, or was this going to be sort of passing reference,
3 or how were you planning on eliciting this testimony with
4 regard -- to begin, we're only dealing with one of the eight
5 elements for this diagnosis. Have you given any thought to
6 how you were intending to elicit this testimony?

7 MR. BOGLE: In this particular case I'm going to ask
8 her did you diagnosis a personality disorder, what was it,
9 what are the features for that disorder and how do you reach
10 that disorder. I'm not going to go through each individual
11 crime one by one. That's not necessary. She can testify
12 that there were this many crimes, and she can also admit
13 that some were found not guilty or were dismissed. The
14 question is, does he have the eight features. She says he
15 does and she'll identify them without going through each
16 individual crime.

17 Is that pretty much where we are?

18 DR. SWAN: Yes, sir.

19 THE COURT: Very good. I think that's totally
20 appropriate. I think that obviously the State has an
21 obligation, they have the burden of proof in this case to
22 prove this case beyond a reasonable doubt. We are dealing
23 with one of the eight elements for this particular
24 diagnosis. And certainly for a diagnosis of antisocial
25 personality disorder, even though that's not strictly the

1 diagnosis that she testified a few moments ago. Couldn't
2 find any incidents before age 15. I think it's perfectly
3 fair for the State to be able to go into that and then the
4 prejudicial effect is not outweighed by the probative value.
5 And at the same time, I'm assuming that the Defense can
6 bring up the fact that many of these prior contacts with law
7 enforcement, several of the prior incidents, did not result
8 in a conviction. So as long as the State's not intending to
9 dwell on items that were not the result of conviction, I
10 don't see where -- where this information or this evidence
11 is overly prejudicial. That's where we are.

12 MR. BOGLE: Thank you, Your Honor.

13 THE COURT: Anything else before we go to lunch?

14 MS. GOOD: No, sir.

15 THE COURT: Good enough. That didn't take long. I'll
16 see you all back here around 2:15. Thank you.

17 (Whereupon, a lunch break was held from 12:59 p.m. to
18 2:23 p.m.)

19 THE COURT: We'll go back on the record. The record
20 should reflect, of course, that Mr. Jenkins is present along
21 with Counsel. Anything before we bring the jury back in?
22 Anyone?

23 MR. BOGLE: Nothing from the State, Your Honor.

24 MS. GOOD: No, sir.

25 THE COURT: Bring them in, please.

1 (Whereupon, the jury entered the courtroom at 2:23
2 p.m.)

3 THE COURT: The record should reflect that the jury is
4 back and seated. Ladies and gentlemen of the jury, we're
5 about to begin the trial of the case in the matter of the
6 care and treatment of Leonard Jenkins. And the first order
7 of business for the Court is to appoint a foreperson of the
8 jury. Who is Mr. Dill? Jefferson Dill?

9 (Whereupon, Juror raises hand.)

10 THE COURT: Mr. Dill, if it's okay with you, I'd like
11 to appoint you the -- make you the foreperson. I'll tell
12 you that this does not require a great deal of heavy
13 lifting. Your primary responsibility will be to preside
14 over the jury deliberations and obviously make sure that
15 everybody has an opportunity to have their fair say when it
16 comes to time for you all to start deliberating. Is that
17 okay with you, sir?

18 JUROR: Yes, sir.

19 THE COURT: Very good. After we take a break, you'll
20 end up occupying the seat that's currently being used by the
21 gentlemen in the red sweater. The rest of you can feel free
22 to move about as needed. The alternate is Mr. Bradshaw. Is
23 that you? I think you're in the right seat, Mr. Bradshaw.
24 Again, those are the only two designated seats. If anyone
25 has any difficulty hearing any of the testimony while the

1 case is going on I would simply ask that you raise your
2 hand. Okay? That will be my cue to ask the witness, or
3 whoever it is that's testifying or speaking, that will be my
4 cue to ask them to speak up a little bit. So if you can't
5 hear what's going on just raise your hand and I'll ask them
6 to talk a little bit louder. Additionally, if during the
7 trial you need any sort of bathroom break or whatever, just
8 sort of wave your hand, get my attention, and we'll take a
9 brief break. Okay?

10 Ladies and gentlemen, before I have the clerk
11 administer your oath to you I want to let you know that
12 obviously this case is going to be a bit different from what
13 you've seen from TV or in the movies or reading about them
14 in books. From what we see in popular culture, and I love
15 watching TV shows or movies about trials, but from what we
16 see in popular culture we often get the perception that
17 trials are filled with riveting drama and intense
18 circumstances and things are neatly wrapped up in an hour or
19 two hours, and certainly sometimes that is the case. But
20 more often than not trials take a lot longer than the hour
21 or the two hours depicted on TV or in the movies. And
22 obviously, ladies and gentlemen, what you're doing here
23 today is performing a very, very important public service.
24 You're fulfilling your obligation as citizens and doing your
25 civic duty so that this dispute can be resolved. Okay?

1 I want to thank you at the outset for your willingness
2 to come in here. I know none of you volunteered to come in
3 here. But I want to thank you at the outset for your
4 willingness to come in here in this process and help the
5 Court resolve this case or this dispute between the State
6 and Mr. Jenkins.

7 With that, I'm going to ask that you stand up where you
8 are and go ahead and raise your right hand while the Clerk
9 administers your oath to you as jurors, please.

10 (Whereupon, the jury is sworn in.)

11 THE COURT: Ladies and gentlemen, what I now say to you
12 is meant to serve just as an overview or introduction to the
13 trial of this case, And these instructions are not a charge
14 or an instruction on the law. I'm going to instruct you on
15 the law before you retire to deliberate your verdict.
16 Again, this is just an overview of the procedure that we're
17 going to use going forward so that you can understand what's
18 going to be taking place.

19 While the trial is going on, ladies and gentlemen, if
20 you need to take any notes, that's perfectly fine. The
21 bailiff can arrange for a notepad for you. If you do take
22 notes, two basic rules about notes. First of all, notes are
23 your own personal property. They are for your eyes only.
24 Additionally, don't let the taking of notes distract you
25 from any of the testimony that's being presented. Okay? So

1 some people are note takers. I'm a note taker. Some people
2 are not. If you feel the need to take notes, just as the
3 bailiff for a tablet when we take a break and we'll make a
4 point of getting that to you.

5 Now, ladies and gentlemen, you've been selected as 13
6 fair and impartial jurors whose purpose it is to find and
7 determine the facts in this case. You're the sole judges of
8 the facts. So if at any time I make any comment concerning
9 the facts you must disregard the comment that I make.
10 You'll determine the facts from the testimony that you hear
11 and the other evidence which is presented. You cannot be
12 influenced by any opinions or statements you may have heard
13 outside this courtroom.

14 Now, ladies and gentlemen, it's especially important
15 that you perform your duty of determining the facts
16 diligently and conscientiously, because ordinarily there is
17 no way to correct an erroneous determination of facts by a
18 jury. When you comply with your oath to impartially
19 determine the facts you will have fulfilled your duty as
20 jurors and no one will have the right to criticize your
21 verdict.

22 Now, ladies and gentlemen, the same law that makes you
23 the judge of the facts makes me the judge of the law. The
24 law as given by the Court is the only law that you can
25 consider. You'll have to accept it and apply it even though

1 you may disagree with it. Again, I'm not permitted to tell
2 you what the facts are, and you're legally not permitted to
3 disagree with me about what the law is or what the law ought
4 to be. Your job will be to take the law as I give it to
5 you, apply it to the facts that you find them to be from the
6 testimony and the other evidence presented, and thus render
7 a true and just verdict under the oath that you've just
8 taken as jurors.

9 Now, as I mentioned before lunch, until I advise you to
10 begin your deliberations please don't discuss the case with
11 anyone, not even your fellow jurors. You can't talk about
12 the case with family members or anyone outside the
13 courtroom. After the case is submitted to you, you can
14 discuss it only in the jury room in the presence of all 12
15 of your fellow jurors.

16 Now, the lawyers and the parties in this case have been
17 told that they're to have nothing to do with you while the
18 case is going on. So if you happen to see one of the
19 lawyers coming or going to the courtroom when you take a
20 break today or this evening and they don't say hello to you,
21 understand they're not being rude. They're simply following
22 my instruction to have nothing to do with you while the case
23 is progressing. The reason for this is obvious. If one of
24 -- if somebody were to see you having a conversation with
25 one of the parties or one of the attorneys it could easily

1 be misinterpreted as jury tampering even though it's just an
2 innocent discussion about the weather or what have you.
3 Okay? So the easiest way to keep that from coming up is
4 just to say the jurors are off limits while the case is
5 going on.

6 Now, while the case is going on, ladies and gentlemen,
7 please do not perform any sort of independent research about
8 the case. Don't Google the parties' names, don't go online,
9 don't look or do any kind of research. The reason for this
10 I'm sure you can appreciate. Ladies and gentlemen, the laws
11 of evidence, or the rules of evidence, have been designed
12 over hundreds and hundreds of years and they're designed to
13 try and give you the best information possible. Okay? The
14 same cannot be said for what is in the media. There's no
15 filter. There's nothing keeping somebody from putting
16 something online or in the newspaper or what have you. So
17 again, while the case is going on I'm telling you that it
18 would be a violation of your oath as jurors to impartially
19 decide this case if you were to perform any sort of
20 independent research. You don't need to. You'll get the
21 information that you need from the evidence presented during
22 the course of the trial.

23 Now, from time to time during the trial, ladies and
24 gentlemen, we might take a break because one of the lawyers
25 has said something like, Judge, we have an issue of law for

1 the Court or we need to take up an issue of law, and I'll
2 ask that you leave the Court while I discuss that issue of
3 law with the attorneys on the record. The reason that I'm
4 asking you to leave the courtroom is that sometimes in
5 ruling on a particular issue of law it's necessary for me to
6 have a discussion with the lawyers about what facts have
7 been presented or have not been presented, and because I'm
8 having to comment on the record about the facts, I don't
9 want anything that I say about the facts to influence what
10 you ultimately find those facts to be. That's why I ask you
11 -- ask you to leave the courtroom during those breaks so
12 that I can have a candid discussion with the attorneys and I
13 can be certain that any comment I make has no bearing or no
14 influence or no affect on what you find the true facts to
15 be.

16 Now, ladies and gentlemen, determining what the true
17 facts are you have to decide whether or not the testimony of
18 the witnesses is believable or not. It's my responsibility
19 to rule as a matter of law as to whether certain testimony
20 is admitted. Once that testimony is admitted, however,
21 whether or not you choose to believe is solely up to you.
22 In deciding whether to believe a witness you have the right
23 to consider whether the witness has an interest in the
24 result of the trial, whether the witness is prejudiced
25 towards either of the parties involved in this case. You

1 can consider the opportunity for the witness to have seen
2 the matters and things about which the witness testifies,
3 and you can consider the way the witness acts on the witness
4 stand. You have the right to consider anything that's in
5 the record in this case which will help you evaluate the
6 testimony of the witnesses. That means it's your duty to
7 pay close attention to them, listen to them, observe them,
8 watch them, and pay close attention to the attorneys and the
9 Court. Try and keep your thoughts from wondering but give
10 strict attention to the testimony so that at the conclusion
11 of the trial you'll be in as good a position possible as to
12 determine what the true facts are and thus render a true and
13 just verdict.

14 Now, ladies and gentlemen, in order to preserve
15 everyone's rights I'll give the parties an opportunity to
16 object to anything that I've said to you during these
17 opening remarks and then we'll proceed with opening
18 statements.

19 Any objections from the State, Mr. Bogle?

20 MR. BOGLE: No, Your Honor.

21 THE COURT: From the Defense?

22 MS. GOOD: No, Your Honor.

23 THE COURT: Very good. We'll begin the trial. Mr.
24 Bogle, you're recognized for your opening, sir.

25 MR. BOGLE: Thank you. May it please the Court.

1 THE COURT: Yes, sir.

2 OPENING STATEMENT

3 BY MR. BOGLE: Ladies and gentlemen, I introduced
4 myself earlier. My name is Jim Bogle. I live in Columbia.
5 I'm with the Attorney General's Office. Sometimes when
6 people hear about cases like this they wonder why isn't our
7 Solicitor or the county attorneys presenting them. The
8 reason is, when the legislature passed this law it gave the
9 job to the Attorney General's Office. So me and one other
10 guy, Cam Morrow, we have the state divided in half and we
11 travel around presenting these cases to juries in different
12 parts of the states, just like here.

13 I'd like to say a word about the case. And as I was
14 reading Dr. Swan's report this came up, "Nothing has
15 intervened." Nothing has intervened. Think about that.
16 Because you're going to hear about it again from me, you're
17 going to hear about it from her. From 2001 to 2013, the
18 period of conduct that involves Mr. Jenkins began in 2001.
19 It ends, for your purposes, in 2013 and nothing has
20 intervened in between to stop it.

21 Let's catch up. Here's where we are. When you got
22 assigned to jury duty you might have thought you'd be
23 hearing cases about, say, medical malpractice, a car wreck,
24 a contract dispute or something like that. Well, that's not
25 going to be today. This is called a sexually violent

1 predator law case. What that means is the general assembly
2 passed this law back in 1998 and it applies in the Court of
3 Common Pleas. Civil court, right here. Not criminal
4 court. This is a civil commitment process. What the State
5 is saying to you, what we're going to present to you by way
6 of the evidence, that Leonard Jenkins has a mental condition
7 that makes him likely to re-offend again in a sexually
8 violent manner. And because of that, he needs to be civilly
9 committed to a facility run by the Department of Mental
10 Health for what they call long-term control, care and
11 treatment.

12 Here's what the legislature looked back in 1998. They
13 said that they found a mentally abnormal and extremely
14 dangerous group of sexually violent predators exist who
15 require involuntary civil commitment in a secure facility
16 for long-term control, care and treatment. The General
17 Assembly further finds that the likelihood these sexually
18 violent predators will engage in repeated acts of sexual
19 violence if not treated for their mental condition is
20 significant. And that's what we have here.

21 Now, when they wrote this law I'd like to think they
22 knew there were going to be -- that you might be taking away
23 a person's liberty. Because Mr. Jenkins, he committed these
24 crimes. He served his time. The question now is does he go
25 home or do you commit him to a secure facility for long-term

1 control, care and treatment. And because of that, there's a
2 stronger burden of proof. The State has to prove its case
3 to you beyond a reasonable doubt. And the Judge will
4 explain to you at the end of the case, he'll explain to you
5 the law that is to be applied to the facts you hear from
6 this witness stand and the documents you look at that are
7 introduced into evidence. And he'll explain better than I
8 can, or even try, what that means. We have to prove to you
9 beyond a reasonable doubt. Now, here's what we've got to
10 prove. Number one, has Leonard Jenkins been convicted of
11 what's called a sexually violent crime. And he has.
12 There's no dispute about that. He was convicted of a lewd
13 act on a minor child here in York County back in 2013. He
14 has other crimes we'll talk about against young girls, but
15 this is the primary one. What's called a sexually violent
16 crime. And to do that on a child, the date it happened, is
17 a sexually violent crime in South Carolina law. So that's
18 the first step.

19 The next step is does he have a mental abnormality or a
20 personality disorder, or both, that makes him likely to
21 commit the same type of crimes again unless he's confined
22 for treatment. Outpatient treating is not going to work for
23 this guy. And our position is the Court ordered him to be
24 evaluated. Dr. Amy Swan, in the black and white sitting
25 right behind me, she is a psychologist. A forensic

1 psychologist. She works with the Department of Mental
2 Health. Her job is to evaluate these guys, and she was
3 appointed by the Court to do that, and she did it. She met
4 with Mr. Jenkins. She interviewed him at length. She
5 looked at all his records. She administered certain tests
6 that she'll talk about. And the bottom line is she came up
7 with a diagnosis. He has what's called pedophilic disorder.
8 What that means is he's sexually attracted to young girls.
9 Prepubescent, younger than puberty, young girls. He has
10 also got a personality disorder that involves antisocial
11 features. Breaking the law over and over again. And the
12 question now is because of these two things, and the type of
13 crimes he's been convicted of, it makes him have difficulty
14 in controlling his behavior, so much that it's not safe for
15 him to be at large. He needs to be committed to a secure,
16 place for treatment. That's what the case is about. That's
17 what we have to prove to you beyond a reasonable doubt. And
18 all anyone asks you, me and Ms. Good, listen to what you
19 hear. All the testimony, both from the State and from the
20 Defense. Look at any documents that are introduced into
21 evidence and use your common sense. After you hear this
22 testimony take those facts, apply them to the law the Judge
23 will explain to you, and render a verdict. We will submit
24 to you the proper verdict in this case will be that, yes,
25 Leonard Jenkins is a sexual violent predator. Thank you.

1 Your Honor.

2 THE COURT: Thank you, Mr. Bogle. You are recognized,
3 ma'am.

4 OPENING STATEMENT

5 BY MS. GOOD: Good afternoon. You just heard from Mr.
6 Bogle words like lewd act, sexually violent predator,
7 assaults on young girls, and I submit to you, ladies and
8 gentlemen, we're not disputing any of that. He did have
9 assault on young girls. He had done it a time. But that's
10 not what we're here today for. They're going to use those
11 details and those past offenses to try to scare you into
12 giving a verdict of a sexual violent predator. What you
13 need to focus on, and the main thing I want you to listen to
14 when you hear evidence from that stand from Dr. Swan is the
15 words "likely to re-offend." What are the odds of being
16 likely to re-offend.

17 To kind of put it in perspective -- and I want to make
18 very clear before I say this, this is not a game by any
19 means. This is a courtroom. It's somebody's liberty. But
20 to put it in perspective you may be able to understand
21 outside of the courtroom, we have the Clemson National
22 Championship coming up. As soon as Clemson won and as soon
23 as Alabama won the other day they immediately put out the
24 odds. And despite the fact that Clemson is number one in
25 the nation, they're considered the underdog. It's based just

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1 what people think on the odds. You look at is it 50 percent
2 they're going to win, 80 percent they're going to win.
3 Eighty percent they're going to lose, 20 percent they're
4 going to lose. Look at the odds. You heard Mr. Bogle
5 explain that they have to prove beyond a reasonable doubt
6 that he is a sexually violent predator. And the Judge will
7 give you instructions on that. But beyond a reasonable
8 doubt says basically are you firmly convinced that he is
9 likely to re-offend if he were to be released and not put in
10 long-term care and control.

11 So as you listen to Dr. Swan, and you listen to the
12 statistics she gives you, how she came to her diagnosis and
13 what she used to do that, I want you to pay attention to
14 those odds and those statistics. And at the end of this
15 we're going to come back up here and talk to you, and I'm
16 going to come up here and submit to you that based on the
17 evidence that is presented to you, that Mr. Jenkins is not a
18 sexually violent predator.

19 THE COURT: Thank you, Ms. Good. Attorney General,
20 call your first witness.

21 MR. BOGLE: Thank you, Your Honor. May it please the
22 Court, the State would call Dr. Amy Swan.

23 DR. AMY SWAN, having been first
24 duly sworn, testified as follows:

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1 BY MR. BOGLE:

2 Q Would you please state your full name and county of
3 residence -- state of residence, please.

4 A All right. Amy C. Swan, and I'm from Florida.

5 Q What is your occupation, Dr. Swan?

6 A I'm a forensic psychologist.

7 Q Could you tell the jury briefly what is it that we're
8 talking about when you say forensic psychology?

9 A Psychology is the study of the mind and behavior.

10 Q And, Doctor, what advanced degrees do you have?

11 A I have a doctorate in clinical psychology from Nova
12 Southeastern University in Fort Lauderdale, Florida.

13 Q Now, you said that you live in Florida. Are you
14 employed by the Department of Mental Health, South Carolina
15 Department of Mental Health, to conduct evaluations in cases
16 like this? Sexually violent predator cases?

17 A Yes, I am.

18 Q What states are you licensed to practice psychology in?

19 A I'm licensed in Missouri, Florida and South Carolina.

20 Q Do you have any memberships in any organizations
21 related to your profession?

22 A I do. I was appointed to the Board of Psychology in
23 the state of Florida by Governor Jeb Bush, and that's the
24 part of the government that regulates the practice of
25 psychology. I served on that board for 10 years, and I'm

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1 currently Chairman of the Probable Cause Committee. And
2 what that means is that I evaluate any complaint that comes
3 in and out of a psychologist who has done something that he
4 shouldn't do. I'm also a member of the Association for the
5 Treatment of Sexual Abusers, which is a large international
6 organization devoted to the study of sex offenders. I'm a
7 member of the Florida chapter. I'm a member of the American
8 Psychological Association, the International Association of
9 Forensic Nurses and also the Association of State and
10 Provincial Psychology Boards.

11 Q Have you ever been qualified as an expert witness in
12 the courts of different states and testified as such
13 regarding sexually violent predator cases?

14 A Yes, I have. Over 200 times.

15 Q What about in South Carolina? The South Carolina
16 Circuit courts. How many times have you been qualified as
17 an expert witness in the field of forensic psychology
18 regarding cases like this one here in South Carolina?

19 A I believe that I am approaching -- let me just find
20 that. I wrote it down somewhere. I think it's
21 approximately 30 times now.

22 Q Now, Doctor, do you have experience working directly
23 with sex offenders?

24 A Yes, I do. I've worked with sex offenders for over 27
25 years.

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1 Q Can you tell us briefly about your experience in
2 dealing with the evaluation and treatment of sex offenders?

3 A Yes. Between 1989 and 1991 I set up a sex offender
4 program at a small psychiatric hospital in Florida, and I
5 ran that program for about two years. Between 1993 and 1995
6 I worked at a community mental health center evaluating
7 victims and perpetrators of sexual violence. Between 1996
8 and 1997 I worked with incarcerated adolescent sexual
9 offenders. From 1997 to 1999 I worked in Court Psychology
10 of Broward County in Florida and I evaluated victims and
11 perpetrators of sexual abuse. And then in 1999 I was the
12 first psychologist hired at the Florida Civil Commitment
13 Center where we provided treatment to individuals detained
14 under the law in Florida that is similar to the one here in
15 South Carolina. And beginning in the year 2000 I went into
16 private practice and I contract with different states to do
17 their evaluations.

18 Q Doctor, how many evaluations have you done regarding
19 sexually violent predators overall?

20 A Seven hundred and 12 so far.

21 Q Have you had additional specialized training regarding
22 the field of psychology and your doctorate degree -- beyond
23 your doctorate degree?

24 A Yes, I have. It's really hard to get information on
25 sex offenders in your standard college courses or graduate

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1 school. And so, I've done 895 hours since I received my
2 doctorate in the area of sexual offenders. And
3 approximately 287 of those hours are specifically in the
4 area of assessing the risk that a sex offender would commit
5 another sexual crime.

6 Q Now, Doctor, have you testified before on behalf of
7 people being considered for commitment to a sexually violent
8 predator program like the one here?

9 A Yes, I do. When I determine that an individual does
10 not meet criteria for commitment then I would testify on
11 behalf of that individual.

12 Q What about people who have already been committed to a
13 program like South Carolina has or like Florida might have?
14 Have you ever testified on their behalf? On behalf of
15 people already committed?

16 A Yes. I've testified about 30 times in trials
17 recommending release for individuals after they've completed
18 treatment.

19 MR. BOGLE: Your Honor, at this time I would recommend
20 Dr. -- I would ask the Court to approve Dr. Amy C. Swan as
21 an expert witness in the field of forensic psychology.

22 THE COURT: Any objection?

23 MS. GOOD: No objection.

24 THE COURT: All right. Ladies and gentlemen of the
25 jury, normally when a witness testifies they have to testify

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1 about something they observe with one of their five senses.
2 Something they heard or smelled or saw. An exception to
3 this rule exists for individuals who are qualified as expert
4 witnesses. In such cases they can give opinion testimony.
5 They are not limited to something that they merely observed
6 with one of their senses. So they can give opinion
7 testimony and also state the reasons for that opinion.

8 Ladies and gentlemen, of course, this is merely an
9 expert's opinion. It's evidence that you may use as you
10 deem appropriate. Okay? But in short, this witness is
11 allowed to give opinion testimony.

12 Attorney General, you may continue.

13 MR. BOGLE: Thank you, Judge.

14 Q Dr. Swan, how did you become involved in this case?

15 A I was appointed by the Court to do an evaluation of Mr.
16 Jenkins as a potential sexually violent predator.

17 Q What type of evaluation did you do?

18 A I did an evaluation to determine if he meets the
19 criteria designated under the South Carolina law regarding
20 sexually violent predators.

21 Q Now, earlier we qualified you -- the Judge qualified
22 you as a forensic psychologist. You talked about
23 psychology. When you use the word forensic in connection
24 with psychology what does the word forensic mean?

25 A Forensic means apply them to the legal system. So a

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1 forensic psychologist works on cases that are involved in
2 the legal system in some way.

3 Q Dr. Swan, what are the criteria in South Carolina to be
4 considered a sexually violent predator, or an SVP for short?

5 A The individual must have -- he must have been convicted
6 of a sexually violent offense as designated in statute, and
7 they must have a mental abnormality or personality disorder
8 that makes them likely to engage in future acts of sexual
9 violence if not confined in a secure facility for long-term
10 care control and treatment.

11 Q As part of your evaluation did you meet with and
12 interview Leonard Jenkins?

13 A Yes, I did. I met --

14 Q Is -- go ahead. Is the man present -- the man you
15 interviewed present in the courtroom today?

16 A Yes, he is. It's the man in the blue shirt sitting by
17 the Defense attorney.

18 Q Now, as part of the interview, when did you meet with
19 him and for how long?

20 A I met with him on January 12th, 2015 for three hours.

21 Q In addition to interviewing Mr. Jenkins did you receive
22 documentary written information about Mr. Jenkins that you,
23 looked at in performing your evaluation?

24 A Yes, I did.

25 Q Would you tell the jury what type of information --

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1 what type of documented information that you got in order to
2 do your -- in order to do your evaluation?

3 A I received arrest warrants, court documents,
4 indictments, police reports, the Department of Correction
5 records, the South Carolina Department of Law Enforcement
6 records, victim statements.

7 Q Now, Doctor, are these the type -- is this the type of
8 written information that is typically and reasonably relied
9 upon by experts in your field?

10 A Yes, it is.

11 Q Is there any document or piece of written information
12 that you wanted to get but could not get in this case?

13 A No. I was able to get all the documents that I
14 requested.

15 Q Let's talk about the evaluation process. What do you
16 do in conducting this type of evaluation for the court?

17 A The initial thing that happens is that I'm contacted
18 and asked if I'm willing to take a referral. And once the
19 court orders the evaluation I receive records with regard to
20 the individual, and they're the types of records that I just
21 mentioned about the crimes, any psychological evaluations
22 he's had, police reports. And I review those prior to
23 evaluating the individual. Once I've reviewed those I
24 schedule an appointment and I meet with the individual and I
25 do an evaluation that covers everything that happened to him

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1 from the day he was born until the day he's sitting in front
2 of me. And usually that covers their early background
3 history, their parents. It includes their educational
4 history, their academic history, their occupational history,
5 relationship history, abuse history, medical history and
6 mental health history.

7 Q Do you also look at information from the Department of
8 Corrections about how they serve their time?

9 A I do.

10 Q Why is that important to look at those types of
11 records?

12 A It's really important, because what you want -- what
13 I'm looking for is a pattern of behavior. No one incident
14 in isolation is as significant as the pattern is. And so, I
15 want to see if the same patterns that they have on the
16 outside when they're in the community exist when they're in
17 prison, because that gives me valuable information about how
18 deeply entrenched their personality characteristics are.

19 Q In this particular case did you use those criterial you
20 just talked about to interview and evaluate Leonard Jenkins?

21 A I did.

22 Q Did you find that Mr. Jenkins met the criteria for
23 commitment as a sexually violent predator?

24 A I did.

25 Q How many victims has Mr. Jenkins -- has Mr. Jenkins

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1 been convicted of conduct involving -- how many victims has
2 he had that he's been convicted for?

3 A Three.

4 Q Okay. Are these all girls, all boys, or mixed?

5 A They're all girls between the ages of nine and 14.

6 Q Now, Doctor, I'm going to ask you some more questions
7 right now about the particular crimes, but let me ask you
8 this. In order for you to explain your diagnosis of Mr.
9 Jenkins is it necessary for you to review and explain what
10 the underlying details were behind the offenses?

11 A Yes, it is.

12 Q Why is that?

13 A In order to make a diagnosis you have to look at what
14 happened in each of the crimes to see if there's that
15 pattern that I talked about, a similarity, because we can't
16 diagnose someone based on just one event. It's the pattern
17 that's important.

18 Q I'd like to hand you this one first, and that's a
19 certified copy of indictment number 2001-GS-46-2604, State
20 vs. Leonard Eugene Jenkins, York County. Is this the
21 document that convicts him for assault and battery of a high
22 and aggravated nature? Is this the document you looked at?

23 A Yes, this is one of the documents I relied on.

24 Q And what is the date of conviction down in the right-
25 hand corner?

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1 A October 25th, 2001.

2 Q Now, the crime convicted of was assault and battery of
3 a high and aggravated nature, right?

4 A Yes.

5 Q Is that a sexually violent crime under our law?

6 A It is not.

7 Q Well, why was it necessary though for you to look at
8 this particular crime and the details?

9 A It's important for me to know what happened in all
10 sexually motivated offenses, whether the actual conviction
11 was for a sexual crime or for some other type of crime.
12 It's also important because we know that individuals who are
13 convicted for non-sexual violence, and non-sexual violence
14 would be an aggravated -- an assault and battery of a high
15 and aggravated nature, are at increased risk for committing
16 a new sexual crime. So that particular piece of information
17 was important on two fronts.

18 Q What type of -- what is the background information
19 behind this conviction back in 2001?

20 A This involved a young girl named Child3 , and she was at
21 her Aunt Mary's house on March 4th of 2001. And at one time
22 during the day she was in the bedroom with several other
23 people and some of those people left. And when her cousin
24 left she decided that she would leave as well. But Mr.
25 Jenkins got up, closed the door and stood in front of it and

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1 would not permit her to leave.

2 Q Now, how old would he have been at the time this
3 happened?

4 A Thirty-seven.

5 Q Okay. Go ahead.

6 A Okay. Mr. Jenkins told her that she didn't need to go
7 into the other room. And so, she sat back down on the bed
8 and like crossed her arms and her legs. And at that time he
9 began rubbing her breasts, he rubbed her on her buttocks,
10 and then he started rubbing his hand up and down her back.

11 Child3 asked him what he was doing. She said, you know I'm
12 only 14-years-old. And she said that she kept pushing his
13 hand away but he would not stop. After Mr. Jenkins left the
14 room she went out and told her cousin that -- and her aunt
15 what he had been doing and her Aunt Mary called the police.

16 A police statement was taken from Child3 grandmother as
17 well, and Child3 grandmother said that during that entire
18 day she noticed that Mr. Jenkins had to touch Child3 every
19 time she walked by him. That it was mostly on the leg, but
20 every time that she was close he would either pinch her or
21 touch her. And she said that when Mr. Jenkins was saying
22 goodbye that he started at Child3 head and he got down to
23 her breasts and down to her pelvic area and looked back and
24 forth at her before leaving.

25 Q Now, as part of the -- after studying what the police

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1 report showed, what the witnesses said, that sort of thing,
2 you also interviewed Mr. Jenkins about this?

3 A I do. It's important for me to hear what he has to say
4 about the crime.

5 Q And what was significant to you in your overall
6 evaluation about what it was that he said to you about this
7 crime?

8 A Mr. Jenkins denied that he committed this crime. He
9 said that she was in the back bedroom and that she was
10 jumping around on the bed with a condom in her mouth and
11 that he told her that she was doing the wrong thing by
12 teaching those boys sexual things. And so, he said he
13 slapped her on her tail and told her she needed to wash her
14 mouth out. However, when I read the grandmother's statement
15 to him about touching her repeatedly he said, I don't think
16 I touched her at all. I can't remember. It's been too
17 long. He said we were -- we were horse-playing and
18 wrestling, but I don't think that's true.

19 Q And the records show he pled no contest to that crime
20 and was convicted during open court, correct?

21 A That's correct.

22 Q Did the crime happen in York County?

23 A Yes, it did.

24 Q Now, the next thing I'd like to show you, indictment
25 number 2012-GS-46-2101. An indictment for lewd act on a

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1 minor child. Is this a certified copy of this indictment,
2 marked State's Exhibit 1? Is that a document you also
3 looked at?

4 A Yes, it is.

5 Q Is that a crime that Mr. Jenkins was convicted of here
6 in York County?

7 A Yes, that's correct.

8 Q And the crime is called lewd act on a minor child?

9 A Yes, it was.

10 Q At the time the act happened back in 2011, I believe,
11 was that a sexually violent crime in South Carolina?

12 A Yes.

13 Q Under our statute?

14 A Oh, yes.

15 Q Now, in this case --

16 MR. BOGLE: Before I go on. Your Honor, at this time
17 we'd like to introduce into evidence State's Exhibit 1, the
18 certified copy of a lewd act indictment.

19 THE COURT: Any objection?

20 MS. GOOD: No, sir.

21 THE COURT: Without objection, State's 1 is in
22 evidence.

23 (Whereupon, States Exhibit No. 1 was admitted into
24 evidence.)

25 Q Now, Dr. Swan, what information about this case was

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1 important for you to look at? Tell the jury the background
2 you had on this particular lewd act conviction.

3 A In this particular case it involved a nine-year-old
4 girl named Minor 2 , and she disclosed that Mr. Jenkins had
5 touched her on the breast and buttocks and that she had --
6 he had forced her to touch his penis on more than one
7 occasion. She said that she was in the pool at his
8 residence and he touched her between seven and 17 times.
9 And she was -- over a period of several months. She was
10 able to recall three specific incidents. She said the first
11 one occurred in the summer prior to sixth grade, and that
12 Mr. Jenkins' daughter was in the crib and he called her
13 inside to see the baby, and while they were in the room
14 alone he took her hand and put it in his pants and placed it
15 on his penis. She said the second incident she was at her
16 cousin's tenth birthday party and she said that it was again
17 in the summer prior to sixth grade and it was a sleepover.
18 And she said that the next morning while she was asleep on
19 the floor with two other girls Mr. Jenkins came and fondled
20 her breasts. And the last incident was during the summer
21 and she said she was walking out of the door following some
22 of the other people at the house and Mr. Jenkins fondled her
23 buttocks.

24 Q And was this lewd act crime also a plea of guilty or --

25 A Yes.

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1 Q -- of this court?

2 A Yes, it was.

3 Q Now, you interviewed Mr. Jenkins about this crime as
4 well?

5 A Yes.

6 Q What about what he said to you did you find significant
7 regarding your evaluation of him?

8 A Well, the thing that I found significant was that --
9 Mr. Jenkins said that he remembered those events very
10 clearly and that -- first of all, he said that she wasn't
11 nine, she was 13. And the important thing to remember is
12 that Minor 2 was nine at the time that the offense occurred.
13 She was 13 when she actually reported the crime. And he
14 said that he was here -- he denied all the allegations, and
15 he said that the only thing that happened was that he was
16 standing in front of the refrigerator and she said -- told
17 him some joke about Bangkok, Thailand. What was the capital
18 of Bangkok, Thailand and she hit him on the penis. But that
19 was not what the victim reported.

20 Q So he denied guilt?

21 A Yes.

22 Q Just didn't happen?

23 A Didn't happen.

24 Q Now, I'd like to show you a certified copy -- another
25 certified copy, indictment number 2012-GS-46-2103 for

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1 assault and battery in the second degree. A conviction here
2 in York County. Another no contest guilty plea. Is that a
3 document you looked at in this case?

4 A Yes. This is the document I relied on in this case.

5 Q Okay. Now, is assault and battery in the second degree
6 a sexually violent crime under our law?

7 A No, it is not.

8 Q But was it important for you to look at this crime?

9 A Yes.

10 Q It had a sexual nature to it involving young girls?

11 A Absolutely.

12 Q Tell the jury what it was you found significant about
13 the underlying facts behind this conviction right here in
14 2013?

15 A Minor 1 was a 12-year-old girl and she reported that Mr.
16 Jenkins touched her inappropriately while she was sitting on
17 the couch holding his daughter. She said that he touched
18 her vagina with his hand, and during that what he did was he
19 took the baby, sat it in her lap, and then he put her -- his
20 hand down her shorts and touched her vagina while she was
21 still holding the baby when her hands would be occupied.
22 She said that she didn't report it for a period of time. I
23 think it happened in the summer and she reported it maybe in
24 February of the next year. And the reason that she did
25 this, her best friend was Mr. Jenkins' daughter, and she was

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1 afraid that if she had told that he touched her that she
2 wouldn't be able to play with her best friend. So that was
3 the reason that she gave for not reporting it sooner.

4 Q What was his response to this when you talked to him?

5 A Mr. Jenkins said that -- in this case, that -- let me
6 see. That his ex-wife's husband had made allegations that
7 he had touched Minor2 , and he said that he was going to go to
8 court and that this -- his ex-wife's husband was going to
9 take the rap for this crime, because he admitted that Mr.
10 Jenkins didn't do it. But he said that the man didn't show
11 up for court so he had to plead guilty to a crime he didn't
12 commit just because this other guy didn't show up to take
13 the rap. Now, when I talked with him about how implausible
14 it seems that someone would be willing to take the rap for
15 him and go to prison for many, many years, you know, when he
16 didn't actually commit a crime, he said that, I'm going to
17 be completely honest with you 100 percent. I didn't do
18 that.

19 Q So he was denying guilt there as well?

20 A Yes. He has denied all three crimes. Even the -- yes.

21 Q Dr. Swan, what is a sexual deviance in the context of
22 these types of evaluations?

23 A Sexual deviance is the mental abnormality that we
24 talked about in the law. And when behavior -- sexual
25 deviance involves behaviors that are abnormal. And the

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1 reason that they're abnormal is either they're statistically
2 rare, that is, most people don't want to engage in those
3 behaviors, or because they have a high probability of harm
4 for the victim of that behavior. An example would be
5 pedophelic disorder. Pedophelic disorder is sexual interest
6 in children, and it is statistically rare because most
7 people don't want to have sex with children. And if you do
8 have sex with a child it has a real high probability of
9 harming them physically, emotionally, and sexually.

10 Q Did you determine whether or not Mr. Jenkins has a
11 mental abnormality or a personality disorder?

12 A I did. I found that he had one mental abnormality and
13 one personality disorder.

14 Q Let's talk about mental abnormality of the sexual
15 disorder that he has. What is it called? What did you
16 diagnose him with?

17 A I diagnosed him with pedophelic disorder, sexually
18 attracted to females, non-exclusive type.

19 Q That's three things. When you say pedophelic disorder,
20 which I might say is pedophilia, what type of sexual
21 disorder is that? Attracted to what?

22 A Pedophelic disorder means that over a period of six
23 months someone has demonstrated sexual attraction to
24 children who haven't yet entered puberty, so they're
25 typically less than 13.

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1 Q The second sentence was sexually attracted to females.

2 A Yes. You can be sexually attracted to little boys,
3 little girls, or both. And in this case Mr. Jenkins is
4 attracted to girls.

5 Q And then the final phrase you used was -- you said non-
6 exclusive. What does non-exclusive mean in the context of
7 this diagnosis?

8 A Non-exclusive means that the person is also aroused to
9 adult appropriate -- age appropriate partners. Some
10 pedophiles are only interested in children and some are
11 interested in children but in adults as well. And in this
12 case Mr. Jenkins is interested in adults as well.

13 Q What information led you to make this diagnosis?

14 A Over a period of approximately 10 years Mr. Jenkins
15 sexually assaulted three girls. One was nine, one was 12,
16 and one was 14.

17 Q Did anything -- we're talking 2001 to 2011. Almost 10
18 years. Did anything intervene during that period of time to
19 stop this tendency, this issue with Mr. Jenkins?

20 A It did not, and that's a really important piece of
21 information. If someone is caught for a sexual crime and
22 they're punished they either get probation, they're sent to
23 prison, something. Most sex offenders do not re-offend.
24 And what happens is the person says to themselves, you know,
25 I didn't like going to prison. I didn't like being on

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1 probation. I'm not going to do that again because I don't
2 want to go back there. But in this case not only did Mr.
3 Jenkins not do that, he re-offended again in 2010, and then
4 he re-offended again in 2011. So what should have been a
5 wake up call to him, the conviction in the 2001 crime, did
6 absolutely nothing and he went on to re-offend with at least
7 two more victims. And that tells us that nothing has
8 changed with regard to his propensity to engage in sexually
9 violent acts, because he had the perfect opportunity to stop
10 doing what he was doing because he knew that he would go to
11 prison if he did it, and he didn't change that.

12 Q Now, you mentioned a few minutes ago that in addition
13 to diagnosing him with a mental abnormality, the sexual
14 disorder pedophelic that we talked about just now, did you
15 also diagnose him with a personality disorder? Another
16 thing the law allows for?

17 A I did.

18 Q And what personality disorder did you find -- diagnose
19 Mr. Jenkins of?

20 A There's a personality disorder called antisocial
21 personality disorder and it's a criminal lifestyle. In
22 order to be diagnosed with that the individual has to have
23 some evidence of conduct disorder, or basically bad behavior
24 prior to the age of 15. I didn't have any records that
25 demonstrated that Mr. Jenkins had a significant history of

1 conduct disorder prior to the age of 15, so I did not
2 diagnose him with the full disorder. What I diagnosed him
3 with is other specified personality disorder with antisocial
4 features.

5 Q Now, what is a personality disorder? We talked about
6 mental abnormalities. About sexual things. What is meant
7 by the phrase personality disorder?

8 A A personality disorder is an enduring pattern of
9 relating to the world that's out of step with the way most
10 people in the -- in that environment see things. It's like
11 they're operating from a different frame of reference than
12 the rest of people. For example, with the personality
13 disorder that Mr. Jenkins has, most people don't think it's
14 okay to engage in a criminal lifestyle, but he's been
15 arrested repeatedly for criminal acts.

16 Q Now, the personality disorder you mentioned a minute
17 ago -- I think you said other specific personality disorder
18 with antisocial features, right?

19 A Yes.

20 Q What were the features of this disorder and how does
21 Mr. Jenkins meet them?

22 A The first feature is failure to conform to social norms
23 with respect to lawful behavior. And in this regard Mr.
24 Jenkins has been arrested 14 times. He violated his
25 probation. He violated institutional roles in prison. So

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1 those were the features that apply to illegal behavior.

2 Q Before you go on, let me interrupt with this. Does it
3 matter -- you said arrested 14 times.

4 A Yes.

5 Q Does it matter if he was acquitted, found not guilty,
6 some charges got dropped on those 14 times?

7 A It does not.

8 Q Why is that?

9 A The key issue is the pattern of behavior. It would be
10 unusual for someone to be arrested 14 times in error. And
11 so, we look at the pattern of behavior, and if someone is
12 being repeatedly arrested then that loads on criminal
13 lifestyle.

14 Q And does -- what is the Diagnostic and Statistical
15 Manual Edition 5? What is that?

16 A The Diagnostic and Statistical Manual 5 is an 800 page
17 book that lists any mental disorder that an individual could
18 have. And there are a lot of them, so there are a lot of
19 pages in the book. But not only does it list the different
20 types of mental disorders that someone could have, it lists
21 all the criteria that you need to diagnose that individual
22 with that particular disorder. And the reason we have that
23 book is for communication among professionals and with other
24 outside entities like the court, so if we say someone has
25 antisocial personality disorder everyone knows exactly what

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1 we're talking about. There's not any confusion about what
2 it takes to be diagnosed with antisocial personality
3 disorder.

4 Q Is this basically the guidebook for your profession?

5 A Yes, it is.

6 Q Now, in that guidebook, if you will, the DSM-5, or
7 Diagnostic and Statistical Manual 5, what does it say about
8 anti-personality features and the fact that you can just be
9 arrested versus convicted? What does it say about that?

10 A Well, it says, "Failure to conform to social norms with
11 respect to lawful behavior as evidence by repeated acts
12 which are grounds for arrest."

13 Q You also mention along that same criteria violating
14 probation.

15 A Yes.

16 Q Is violating probation a red flag in this type of
17 evaluation?

18 A Well, it is. Not only does it load on the antisocial
19 personality disorder, but we know that individuals who
20 violate probation are more likely to commit another sexual
21 crime. In fact, there's research that indicates that an
22 individual who violated their probation was six times more
23 likely to be rearrested for another sexual offense.

24 Q What about violating the rules -- you also mentioned
25 this on your list. What about violating the rules while

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1 you're in prison? Is that a significant thing in reaching a
2 diagnosis in this type of evaluation?

3 A It is. Mr. Jenkins demonstrated a pattern of violent
4 acts. He was repeated arrested for aggressive acts. And
5 the fact that he violated the institutional rules in prison,
6 three of them for fighting, indicates that that pattern that
7 he demonstrated in the community has continued into the
8 prison and that's consistent with a diagnosis of antisocial
9 personality disorder, because no matter what setting he's in
10 he's demonstrating the same features. And it's important to
11 note that you're pretty much watched all the time while
12 you're in prison. So if you're engaging in fights in prison
13 when someone's watching you, it seems to indicate that you
14 have difficulty controlling your behavior.

15 Q Now, when I was asking about the features of this
16 disorder, and the first one you said was the failure to
17 conform to social norms regarding the law and behavior.
18 That's one of them.

19 A Yes.

20 Q What are the rest of them? Work your way down the
21 list. The next feature of this disorder that Mr. Jenkins
22 has.

23 A He -- the next one is deceitfulness. And in this
24 regard Mr. Jenkins was not truthful about the crimes when he
25 reported what he did in those crimes. And he indicated that

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1 he began getting in trouble for lying when he was in fourth
2 grade. So that's a pretty longstanding pattern. The next
3 one is irritability and aggressiveness. And as I said, he
4 was fighting when he was in high school. He was fighting in
5 the community and he was fighting in the Department of
6 Corrections. He has been charged with -- arrested for
7 assault five times, even though some of those charges were
8 dismissed, and I think he was acquitted on some as well.
9 Nevertheless, he was arrested. The next feature is reckless
10 disregard for the safety of self and others. He repeatedly
11 engaged in sexual crimes against children. And a crime
12 against a child is considered a violent crime even though
13 there's not any overt force used. So that's important to
14 consider. He assaulted others in the community. He fought
15 in the Department of Corrections. The next features is
16 consistent irresponsibility. In this regard Mr. Jenkins was
17 arrested several times for speeding, failure to stop for a
18 blue light and a siren, and he violated his probation. The
19 next feature is lack of remorse. In this regard he refused
20 to accept responsibility for his crimes. He did not admit
21 what he did and he blamed his victims for fabricating the
22 allegations. And as I said, he had some minor infractions
23 as a youth but not enough to assign him a diagnosis of
24 conduct disorder.

25 Q That's the stuff prior to age 15, right?

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1 A That's prior to 15.

2 Q Now, Doctor, does having both a sexual disorder, a
3 pedophelic disorder, and a personality disorder that you
4 talk about today, does having both of them at the same time
5 make the person more likely to commit sexual offenses as
6 opposed to having just one or the other?

7 A It does. Having a sexual disorder increases your risk
8 for committing another sexual crime. And having a
9 personality disorder with antisocial features also increases
10 your risk for committing another sexual crime, because there
11 are two pathways to sexual re-offense. So if you have one
12 of those you're more likely. If you have both of them it's
13 a double whammy, because then you have both pathways to
14 sexual re-offense and your risk is higher.

15 Q Has there been any evidence of sex offender treatment
16 that Mr. Jenkins has gotten over this 10 year period we
17 talked about today through today's date?

18 A There has not. He signed up for sex offender treatment
19 on June 12th, 2014. But then he requested to be transferred
20 to a different institution and he did not complete it.

21 Q What is a risk factor in the context of these types of
22 cases?

23 A A risk factor is anything that either increases or
24 decreases your risk for another sexual offense. We have two
25 different types of risk factors. The static risk factors

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1 are the ones I just told you about. Either being sexually
2 deviant, having the sexual disorder, or having a personality
3 disorder with antisocial features, because those things
4 don't change. If you're interested in children when you're
5 17, you're still going to be interested in children when
6 you're 70. The only thing that might change over that
7 period of time is that the amount of time you spend
8 masturbating to fantasies of children. And likewise, the
9 personality disorders extend into mid-adult life as well.

10 Q So those are the static risk factors?

11 A Yes.

12 Q Things that don't change. What are dynamic -- is there
13 another risk factor called dynamic risk factors?

14 A There are.

15 Q What does that mean?

16 A The dynamic risk factors are things that we can change
17 through treatment to help this individual not commit anymore
18 sexual offenses. So these are what we target in treatment
19 to -- for change.

20 Q What type of dynamic, or changeable if you will, risk
21 factors did you find with Mr. Jenkins?

22 A There's a dynamic risk factor called lifestyle
23 impulsivity. And this is basically a criminal lifestyle.
24 And basically it means that the individual has low self-
25 control over his behavior. They have chronic instability.

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1 They may lack meaningful daily routines --

2 MS. GOOD: Your Honor, I have a matter of law at this
3 point.

4 THE COURT: All right. You all approach up here at the
5 side and let me talk about it with you real quick.

6 (Whereupon, a sidebar was held.)

7 THE COURT: Your objection is overruled and I will put
8 the grounds on the record in a moment when we have a break.
9 Go ahead, Mr. Bogle.

10 Q Now, Doctor, you already talked about static risk
11 factors that Mr. Jenkins has, and I was asking you what are
12 dynamic risk factors? What does the word dynamic mean? You
13 said these are what, changeable?

14 A Changeable.

15 Q And what type of dynamic risk factors does Mr. Jenkins
16 have that impacted on your evaluation as to whether or not
17 he is a sexual violent predator?

18 A He had lifestyle impulsivity, poor problem solving,
19 resistance to rules and supervision and externalized coping.

20 Q When you say lifestyle impulsivity, briefly what does
21 that mean?

22 A That is the criminal lifestyle. The tendency to have
23 low self-control over your behavior, instability, lack
24 meaningful daily routines, make irresponsible decisions and
25 have limited or unrealistic long-term goals.

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1 Q And the next one you said was poor problem solving.

2 What features did you see in Mr. Jenkins that met that

3 criteria?

4 A Mr. Jenkins seemed to have problems in generating

5 affective solutions to the -- to his problems apart from

6 aggression. He admitted that he -- when he's emotionally

7 frustrated and stressed he responds inappropriate. For

8 example, he acts out. He swears or results to physical

9 aggression.

10 Q What about resistance to rules and supervision? You

11 already talked about not obeying rules while in prison. Is

12 that an example of what we're talking about here?

13 A It's part of it.

14 Q What else is there?

15 A The underlying factor here is a defiant attitude toward

16 authority. That includes rule breaking, opposition to

17 anyone else controlling his behavior, noncompliance with

18 supervision, the probation violation. And basically what

19 this means is that they don't respect the laws and they

20 don't respect anyone else's ability to have authority over

21 them. And that's one of the underlying factors of criminal

22 behavior.

23 Q And the final thing you said was called externalized

24 coping. Did I get it right?

25 A That's correct.

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1 Q What does that mean?

2 A There are two types of coping. One is internalized.

3 You know, basically when something bad happens, internalized

4 coping would, -- may mean that you would get sad. You might

5 get depressed. Externalized coping is acting out against

6 another person. And what this involves is that when an

7 individual is stressed or frustrated or angry they act out

8 against other people in an aggressive manner rather than

9 using appropriate problem solving skills. So this is an

10 important factor because this predicts that an individual

11 will act out in an aggressive manner in the future?

12 Q Now, so we talk about dynamic factors and static risk

13 factors. Why are these two types of risk factors important

14 in making this type of evaluation?

15 A It's important because if you just look at the static

16 factors, the antisocial personality disorder features or the

17 sexual deviance, those things aren't going to change. The

18 individual is always going to have that. And so, it's not

19 really fair to -- you know, after someone's down the road to

20 be judging them only on the static factors when some things

21 might have changed. And so, we use the dynamic factors to

22 assess what has changed. And the reason they're significant

23 in this case is that for Mr. Jenkins those dynamic factors

24 have not yet changed because he hasn't had treatment.

25 Q Now, is there an actuary instrument you use in cases

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1 like this?

2 A There is. It's called the Static-99.

3 Q Now, the Static-99, is it R; is that right?

4 A Yes.

5 Q Static-99R?

6 A Static-99R.

7 Q I just used the word actuary instrument which I should
8 never use like that. What in the world are we talking about
9 here? You told me that phrase. What does that mean?

10 A An actuary instrument is a statistical formula that we
11 use to assess the risk that an individual will be
12 either arrested or re-convicted of another sexual
13 crime.

14 Q Can you give us an example we can relate to in every
15 day life --

16 A Yes.

17 Q -- of actuaries or testing like that?

18 A So these formulas are similar to the tables that are
19 used in the insurance industry. For example, car insurance.
20 We know that young men under the age of 25 have a much
21 higher risk of getting into an accident, and therefore the
22 premiums for young men under 25 are much higher because
23 that's what it will take to make sure that the protection is
24 there. With the actuary instruments with sex offenders we
25 know that someone who commits the sexual crime is punished

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1 for it and then goes on to commit another sexual crime is at
2 much higher risk of then subsequently committing another
3 sexual crime because they did not take that wake up call and
4 stop what they were doing. And so, that means that we have
5 to institute greater measures to protect the public from
6 those types of individuals because they're at much higher
7 risk for committing another sexual crime.

8 Q On the Static-99R is there a scoring sheet where you
9 score him?

10 A Yes, there is.

11 Q What's the lowest score and the highest score on that
12 scoring sheet?

13 A The lowest score is a minus three and the highest score
14 is a 12.

15 Q And what score did he get based upon your ranking of
16 the static features that he has?

17 A Any score between six and 12 is in the high risk range,
18 and he scored a four which is in the moderate high risk
19 range.

20 Q Now, is that score associated with any kind of
21 percentage predictions or anything like that anymore?

22 A It is. That score --

23 Q What does that mean?

24 A -- is in the 74th percentile. And that means that out
25 of every 100 sex offenders, that Mr. Jenkins is more likely

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1 to re-offend than 74 of them. It means that he is twice as
2 likely as the average sex offender to commit another sexual
3 crime.

4 Q Now, is there something we need to remember about these
5 actuarials like the Static-99R? Is there some concern we
6 need to have about using them?

7 A We do need to keep in mind that this is a research.
8 And so, we know that the actuarials underestimate risk. And
9 the reason they underestimate risk is that they are based on
10 an individual being either arrested or convicted in five or
11 10 years. But what we want to know under the statute is if
12 this person is going to commit another sexual crime during
13 his lifetime. And less than 10 percent of sexual crimes
14 results in a conviction, so you can see that that
15 underestimates the risk. The second reason that we need to
16 consider the actuarials is that when they do this research
17 high risk offenders, such as child molesters or rapists, are
18 lumped in with lower risk offenders who might, you know --
19 oh, let me give me an example. Just like peep on someone
20 while they're having sex. And when they lump the high risk
21 offenders in with those lower risk offenders then it dilutes
22 the rates for the higher risk offenders. So a child
23 molester or rapist would have a -- would have a higher risk
24 rate than the actuarial numbers. And lastly, the studies
25 where they do the actuarials from, they only collect data

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1 from five years and 10 years, because research has to end at
2 some time. So over a period of 10 years is what they termed
3 it. However, child molesters may remain at high risk into
4 their very late adulthood, even up to 80 or 90. And so,
5 therefore, we need to consider that they only tell us this
6 risk in five or 10 years, not how long he may be at risk.

7 Q Now, given these limitations though, is the Static-99R,
8 is that an acceptable test that is customarily relied upon
9 my experts in your field?

10 A Yes. It's the most common actuarial risk estimate used
11 in sexually violent predator evaluations.

12 Q At the same time, would you base your opinion, your
13 recommendation to this jury as to whether or not Leonard
14 Jenkins needs to be civilly presented for treatment, would
15 you make that solely upon his score in the Static-99R?

16 A No, I would not. It's only one piece of a
17 comprehensive evaluation.

18 Q Now, you mentioned earlier that he has arrests for
19 violent convictions. You mentioned armed robbery and ABHAN.
20 Other charges for ABHAN. These are arrests, right?

21 A It was -- it was robbery and ABHAN, yes.

22 Q How do these arrests impact his risk to re-offend
23 sexually?

24 A Well, the conviction from the assault and battery of a
25 high and aggravated nature, even though it doesn't

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1 technically sound like a sexual crime, a conviction for non-
2 sexual violence increases his risk for another sexual crime.

3 Q What about -- now, you mentioned earlier violating
4 probation. Is violating probation something that is a
5 factor in estimating risk to re-offend in cases like this?

6 A Yes. The research has indicated that violation of
7 probation is actually the most robust predictor of whether
8 an individual is going to commit another sexual crime.

9 Q You mentioned earlier about him not getting sex
10 offender treatment while at the Department of Corrections.
11 Did you ask him during your interview whether or not he
12 thought he needed sex offender treatment?

13 A I did, and he said that he didn't need it. That he was
14 at zero risk to commit a sexual crime because he had never
15 committed one in the first place.

16 Q Is it common for experts in your field to rely upon a
17 person's criminal history, overall criminal history, in
18 reaching an opinion in a sexually violent predator case like
19 this one?

20 A Yes, it is. It's really -- it's important, because the
21 number of times that an individual has been arrested for a
22 sexual crime is a proxy for being sexually deviant. That
23 tells us the strength of his drive to engage in deviant sex,
24 even though you're sentenced to probation, you're sentenced
25 to prison. If they still go on and do it then that tells

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1 them that they're strongly attracted to, for example,
2 children, and that punishment does not stop them from doing
3 it.

4 Q How is a person's past sexual offense behavior relate
5 to future sexual offense behaviors?

6 A Well, the best predictor of future behavior is past
7 behavior. And as I said, you know, if you're convicted of a
8 crime and you keep doing it, then that places -- each time
9 you do it, that places you at greater risk to do it again,
10 because not only did you not learn from experience, but the
11 strength of your drive to have sex with children is strong.

12 Q Now, Doctor, let me ask you some conclusion questions
13 right now. Based upon your examination of all the
14 documents, your interview with Mr. Jenkins, the scoring of
15 him on that Static-99R, that testing score, do you have an
16 opinion to a reasonable degree of psychological certainty,
17 does Mr. Jenkins have -- again, with that standard, does he
18 have a mental abnormality and a personal disorder?

19 A Yes, he does.

20 Q And again, what are those two things he has?

21 A He has pedophelic disorder and other specified
22 personality disorder with antisocial features.

23 Q Are these considered relative mental abnormalities and
24 personality disorders among experts like you who conduct
25 mental health evaluations such as this one?

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1 A Yes.

2 Q Is pedophelic disorder curable?

3 A It is not curable.

4 Q Can it be treated?

5 A It can be treated.

6 Q But it's not curable?

7 A But not curable. As I said, if you have it at 17

8 you're still going to have it at 70. But what we can teach

9 individuals with pedophilic disorder is if they're motivated

10 we can teach them strategies so that when the impulses come

11 they don't act out on them with a child.

12 Q Does having both of the disorders, both the mental

13 abnormality and the personality disorders, do having both of

14 those in one person increase Mr. Jenkins' likelihood to be

15 dangerous?

16 A Yes.

17 Q Do you have an opinion, again to a reasonable degree of

18 psychological certainty, as to whether or not his pedophilia

19 and his personality disorder that you described a minute

20 ago, cause him serious difficulty in controlling his

21 behavior?

22 A Yes, it does.

23 Q And what do you base that on?

24 A He has been convicted of three sexual crimes. He

25 committed those crimes after he was initially sanctioned the

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1 first time. And he has sexual interest in children which is
2 one of the primary pathways to sexual re-offense, as well as
3 other specified personality disorder. So he meets all three
4 criteria. He's been convicted of a sexually violent
5 offense. He has a mental abnormality and a personality
6 disorder that make likely to engage in future acts of sexual
7 violence if not confined in a secure facility for care,
8 control and treatment.

9 Q Do you have an opinion also to a reasonable degree of
10 psychological certainty as to whether or not Mr. Jenkins has
11 a propensity to commit more sexually violent offenses unless
12 he's confined for treatment?

13 A Yes, I believe that he does.

14 Q And does his propensity make him likely to need
15 confining for treatment as opposed to outpatient?

16 A Yes, it does.

17 Q Would outpatient work for this guy?

18 A Outpatient will not work for this individual because
19 he's already proven that he is -- will not stop sexually
20 offending with a sanction, and it's unlikely that outpatient
21 would be productive for him.

22 Q Based upon your testimony, what you've said so far, do
23 you also have an opinion, again to a reasonable degree of
24 psychological certainty, as to whether or not Leonard
25 Jenkins does meet the criteria to be found by this jury to

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1 be a sexually violent predator under the law in South
2 Carolina?

3 A Yes, he does.

4 Q He's been convicted three times?

5 A Yes.

6 Q One is a sexually violent offense?

7 A Yes.

8 Q Does he have a mental abnormality in the personality
9 disorder?

10 A Yes, he does.

11 Q And does he have an issue with controlling his
12 behavior?

13 A Yes, he does. Serious difficulty controlling his
14 behavior.

15 Q Who would be at risk if he was released?

16 MS. GOOD: Objection, Your Honor. I don't believe
17 that's relevant as to who would be at risk. It's whether
18 he's likely to re-offend or not.

19 MR. BOGLE: I think it goes to overall opinion into his
20 dangerousness as a sexual offender, Your Honor.

21 THE COURT: She's testified as to a specific diagnosis.
22 I'll allow the question. You can answer that.

23 A It would be girls between the ages of nine and 14.
24 That's his previous pattern.

25 Q Now, based upon your research of his situation, if he

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1 is released would he go on probation for a while?

2 A I believe that he has some probation. Let me just
3 clarify. Yes, he would have three years of probation.

4 Q And during that probation would he be required to wear
5 a GPS device, an ankle device, a locator device?

6 A Yes.

7 Q Would having probation -- he's facing probation if the
8 jury lets him go. How does that impact with your decision?

9 A Well, he violated his probation before. So I don't
10 believe it's likely that he would complete it successfully.

11 Q What about wearing the GPS? Does that kind of prevent
12 him from re-offending?

13 A Well, the GPS can tell you where he's located, but it
14 doesn't tell you if there are children in the area where he
15 is located. So that's not a protective measure all by
16 itself.

17 Q Is there any other way, again to a reasonable degree of
18 psychological certainty, that Leonard Jenkins can get the
19 sex offender treatment he needs other than be confined to
20 the Department of Mental Health?

21 A I don't believe that there are any other options for
22 him because he doesn't believe that he needs treatment, so
23 he's not likely to invest much effort in it, and I believe
24 that a secure facility is the only way.

25 MR. BOGLE: Thank you, Doctor. Please answer any

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1 questions Counsel may have or the Court.

2 THE COURT: Ladies and gentlemen of the jury, you've
3 been out here about, by my count, one hour and 20 minutes.
4 I don't know about you, I need a break. So we're going to
5 take a break. Don't discuss the case while we're on break.
6 You're free to help yourself to beverages or what have you
7 back there. And if you need to step outside to have a
8 cigarette or anything just let the bailiff know and he'll
9 get you outside. Don't talk about the case. We'll be at
10 ease for a few moments.

11 (Whereupon, the jury exited the courtroom at 3:42 p.m.)

12 THE COURT: We'll be at ease for a few moments, then
13 when we come back we'll put your objection on the record.

14 (Whereupon, a recess was held from 3:42 p.m. to 4:03
15 p.m.)

16 THE COURT: We'll go back on the record. The jury, of
17 course, is still out. At this point, you had an objection
18 earlier that I'd overruled. Ms. Good, you want to put that
19 on the record real quick?

20 MS. GOOD: Yes, sir. At the time Dr. Swan was
21 testifying -- had been testifying regarding static factors
22 and she did testify in response to a question as to dynamic
23 factors. And I believe at the time the way the question was
24 phrased was what kind of dynamic risk factors can be changed
25 with treatment. As she began to testify I objected on the

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1 grounds that Mr. Bogle had made a motion in limine prior to
2 the trial which we agreed upon regarding the type of
3 treatment he would receive if he were to be committed and
4 how that treatment would be done. And it was my objection
5 that going into the dynamic risk factors that can be changed
6 in treatment goes into the type of treatment and that it
7 should not be allowed.

8 THE COURT: At the bench when we had the conference
9 essentially Mr. Bogle told me -- or told us that he was
10 asking the Doctor specifically that question along the lines
11 of -- or as it pertained to diagnosis of the individual
12 involved in this particular case. Anything else that you
13 want to supplement the record with, Mr. Bogle, as far as
14 what we discussed over in sidebar?

15 MR. BOGLE: No, Your Honor. I think you covered it.

16 THE COURT: Very good. The Court stands by its earlier
17 ruling that the question was appropriate and did not go too
18 far into the question of ultimate treatment for this
19 particular disorder. So the Court will let the question
20 stand. Let's have the jury back in, please.

21 (Whereupon, the jury entered the courtroom at 4:03
22 p.m.)

23 THE COURT: The record should reflect that the jury is
24 back and seated. We're still taking testimony of our first
25 witness in this case. Doctor, you're still under oath, of

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1 course. Ms. Good, your cross.

2 MS. GOOD: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MS. GOOD:

5 Q Good afternoon, Dr. Swan.

6 A Good afternoon.

7 Q You stated that you originally got a call asking if you
8 were willing to take a referral, correct, and that's how you
9 got involved in this case?

10 A Yes. Typically it's from DMH.

11 Q So the Department of Mental Health calls you?

12 A Yes.

13 Q And you stated that you were on contract with different
14 states. What contract are you on with South Carolina to do
15 these?

16 A I have a contract to do competencies and criminal
17 responsibilities, and I also have a contract to do annual
18 reviews as well as pre-commitment evaluations like this.

19 Q And how much do you get paid to do that?

20 A It depends. If I'm working for the Department of
21 Mental Health I'm paid \$4,000 for an evaluation. If I'm
22 retained by the Attorney General's Office it's 4,500.

23 Q In this case who were you retained by?

24 A In this case I was retained by the Department of Mental
25 Health.

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1 Q So the Department of Mental Health, where Mr. Jenkins
2 will be committed if he was found to be an SVP?

3 A That's correct.

4 Q And who paid for you to come up from Florida?

5 A I don't charge for travel.

6 Q Once you get this referral the first thing you say you
7 did is look at records, correct?

8 A That is correct.

9 Q And you created a 28 page report including an appendix
10 of all the records that you looked at, correct?

11 A That's correct.

12 Q And one of the records you looked at is what's called
13 an MDT Referral Form, correct?

14 A Yes.

15 Q And can you explain to the jury what MDT is?

16 A The multidisciplinary case review -- or the
17 multidisciplinary team reviews the case and then has a vote
18 about whether to refer the case on.

19 Q To the sexually violent predator?

20 A To the sexually violent predator.

21 Q In fact, didn't they vote twice in this case?

22 A They did.

23 Q What was the first vote? Do you recall?

24 A The first vote, I believe, was a tie vote.

25 Q So the tie vote as to whether he was --

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1 A Yes or no whether he was a sexually violent predator.

2 Q And that was a two to two vote, correct?

3 A Yes.

4 Q And then the second vote was three to two that he was a
5 sexually violent predator?

6 A That's correct.

7 Q And then that's when this case finally started moving
8 forward after the second vote?

9 A That's correct.

10 Q So then the next thing you do is you evaluate Mr.
11 Jenkins, and in this case you said you met with him one time
12 for three hours, correct?

13 A That's correct.

14 Q And he was informed he wasn't required to speak with
15 you and cooperate, correct?

16 A Yes, he was.

17 Q But yet he cooperated with you willing --

18 A He did.

19 Q -- and voluntarily? What was his demeanor during the
20 entire time?

21 A Well, I think he was a little nervous, because anyone
22 who's being evaluated for something like this is a little
23 nervous. But, you know, he participated. He provided
24 information.

25 Q And, in fact, didn't he cry at one point during your

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1 interview?

2 A He did. He said that he really wanted to get back to
3 his family.

4 Q And is it your normal practice in evaluating any type
5 of defendant or respondent in this type of case, or any
6 type, to evaluate whether they have any trouble growing up,
7 whether it be sexual abuse or physical abuse or parents who
8 weren't there for him?

9 A Oh, absolutely.

10 Q And isn't that one factor you take into account whether
11 they would be a sexually violent predator or not?

12 A That is correct.

13 Q And that's not the case here though, correct?

14 A It's not.

15 Q He had no problems growing up?

16 A No. He said he had an excellent family and childhood.

17 Q And, in fact, also isn't it normal when you do these
18 type evaluations that people you find to be sexually violent
19 predators have a mental health history?

20 A Well, some of them do, some of them don't.

21 Q In this case Mr. Jenkins doesn't have any --

22 A He did not.

23 Q Now, I'm going to go to -- kind of bounce around a
24 little bit here. But you've been discussing the whole time
25 about this pattern of behavior you look at for criminal

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1 behavior, I guess.

2 A Yes.

3 Q Whether it be arrests, disciplinary in prison, that
4 sort of thing. One of the things you said you looked for in
5 the prison disciplinaries is a pattern of behavior?

6 A That's correct.

7 Q Can you -- in fact, in this case he's been in prison
8 twice, correct?

9 A Yes.

10 Q The first time was back in 1987 to 1991?

11 A Yes.

12 Q And those are the only disciplinaries he's ever had,
13 correct?

14 A To my knowledge.

15 Q And, in fact, the second time he's been in prison on
16 the charges -- the last charges that he had, the second
17 charges, he had no disciplinary infractions, did he?

18 A That's correct.

19 Q So it would show that this time around in prison he's
20 learned and he didn't have any infractions, he stayed good,
21 he followed all the rules, correct?

22 A That's correct.

23 Q So, in fact, the only pattern was from 1987 to '91 when
24 it came to his prison disciplinaries?

25 A With regard to the prison disciplinaries.

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- 1 Q Right.
- 2 A He continued to be arrested in the community though.
- 3 Q Right. But prison disciplinaries he only had in 1987?
- 4 A That's correct. To '91.
- 5 Q Right. And there's been talk a lot about this
- 6 probation and his sentences and whether punishment has
- 7 deterred him from doing anything, or intervening I guess you
- 8 put it.
- 9 A That's correct.
- 10 Q Intervened. The first time he was convicted of a
- 11 sexual offense was the -- or 2001 ABHAN. He never went to
- 12 prison for that, did he?
- 13 A No, he did not. He got -- I guess he got probation.
- 14 Three years of probation and 30 days of -- in jail on
- 15 weekends.
- 16 Q So he got weekend time?
- 17 A Yes.
- 18 Q Nothing to go to prison over or to really punish him,
- 19 is fair to say?
- 20 A Well, any sanction that involves jail time, any
- 21 restriction of freedom is considered a punishment, and, you
- 22 know --
- 23 Q Correct, yeah.
- 24 A -- something that someone should learn from.
- 25 Q Right. But at that time he didn't go to prison,

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1 correct?

2 A He did not.

3 Q And the second time on what -- is this lewd act, which
4 is State's Exhibit Number 1.

5 A Yes.

6 Q This was in 2013, correct?

7 A That's correct.

8 Q And the Judge, during that plea, sentenced him to
9 probation after hearing all facts of the case, correct?

10 A That is correct.

11 Q At this point he has not done probation, has he?
12 Because he was incarcerated.

13 A Well, on that he got 10 years. It was suspended to
14 three years with three years of probation.

15 Q Correct.

16 A So he actually went to prison for it.

17 Q Right. So he's been in prison for the entire time --

18 A Yes.

19 Q -- and now he's set to go on probation, however we're
20 here for a commitment, correct?

21 A That's correct.

22 Q So he hasn't had a chance for this probation, correct?

23 A No, he hasn't.

24 Q And it's something the judge had sentenced him to?

25 A That's correct.

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1 Q And are you aware of the probation system here in South
2 Carolina when it comes to sex offenders?

3 A Yes.

4 Q And, in fact, if you're on probation and you are
5 required to register as a sex offender and/or wear a GPS
6 monitoring as Mr. Jenkins is, he would be required to do sex
7 offender treatment, correct?

8 A Yes, that's correct.

9 Q And he'd be monitored closely by a probation agent?

10 A That's correct.

11 Q And could make daily visits to his home?

12 A Yes, they could, potentially.

13 Q And as well as the fact that he has to register as a
14 sex offender, the sheriff's office is also aware there's sex
15 offenders are in the area, correct?

16 A That's correct.

17 Q Regarding the pattern of behavior also that you were
18 discussing, you said one of the things you look for is
19 arrest history and he'd been arrested 14 times, correct?

20 A Yes.

21 Q And we discussed three of those times, which have been
22 three sex offender.

23 A Yes.

24 Q However, the other 11 times, if you look at those, over
25 half of those were dismissed or he was found not guilty for,

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1 correct?

2 A That's correct.

3 Q Yet you still take those into account when a judge or
4 prosecutor, somebody said he didn't do it?

5 A Well, it's not necessarily if it's -- if it's -- if
6 he's acquitted. That's a decision that is really important
7 and I would typically not give much weight to that.

8 However, the fact that he's arrested is in the very
9 definition of antisocial personality disorder. So it
10 doesn't really matter what the result is, the fact that he's
11 been arrested 14 times. Someone who is not doing something
12 is not going to be arrested 14 times.

13 Q However -- you say it doesn't matter if they actually
14 did it or not? It's just the fact that they were arrested?

15 A Well, it doesn't matter if they're convicted or not.

16 Q In this case, of those 11, six of them Mr. Jenkins was
17 found not guilty or dismissed, correct?

18 A Either dismissed -- I think he was acquitted on one.

19 Q So none of those were sex offenses, correct?

20 A They were not sex offenses, no.

21 Q You're very familiar, obviously, with the sexually
22 violent predator program and evaluating, as I call them,
23 SVPs -

24 A Yes.

25 Q -- just to make it easier to discuss. And you use the

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1 Static-99, correct?

2 A Yes.

3 Q And on the Static-99 you would say that the SVPs, the
4 ones who are committed, in your opinion, would be the worst
5 of the worst, correct?

6 A Typically, yes.

7 Q In this case there's different ranges you can be in in
8 the Static-99. There's the high risk range, correct?

9 A That's correct.

10 Q The moderate to low, which is four to five on that
11 scale of 12?

12 A That's correct.

13 Q So the high range is six to 12, correct?

14 A That's correct.

15 Q The worst of the worst would be potentially six to the
16 12?

17 A Well, for those reasons that I stated when I was
18 discussing what we need to consider, just because an
19 individual doesn't score in the high risk range does not
20 necessarily mean that they're not high risk.

21 Q And in this case he's in the moderate to high, correct?

22 A Yes.

23 Q And what is the range for the moderate to high?

24 A Four to five.

25 Q So he's a four?

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1 A He's a four.

2 Q Which is on the lower end of the moderate to risk?

3 A Well, as four or five. So he is on a four.

4 Q And how did you come to that four?

5 A I scored according to the scoring sheets. There is an
6 80 page manual that tells us how to score 10 items.

7 Q And on your coding form --

8 A Yes.

9 Q -- he got a point for nonsexual violence any conviction
10 which is assault and battery second degree, correct?

11 A Yes.

12 Q And that is actually one of the sex offenses that he
13 pled to, correct?

14 A Yes, but it was a nonsexual conviction.

15 Q Right. But it's actually a sex offense, correct?

16 A That is correct.

17 Q And then he got one point for nonsexual violence which
18 is the armed robbery which was back in 1987, correct?

19 A That's correct.

20 Q And then he got another point for a prior sex offense.
21 Which sex offense did he use for that one?

22 A It was the 2001. Because the index offense is the most
23 recent crime and he had two that were adjudicated close
24 together, so that would be a cluster. So the 2001 would be
25 the prior sexual offense.

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1 Q And you just testified as to this assault and battery
2 second previously that you used for the nonsexual violence,
3 that that's considered a nonsexual offense, so that's why
4 you put it there, correct?

5 A The actual conviction is for a nonsexual offense even
6 though it was a sexually motivated offense.

7 Q But yet, for the prior sex offense you used essentially
8 the same charge, assault and battery, as a prior sexual
9 offense even though you just testified that those are
10 considered nonsexual offenses?

11 A Different -- different cases.

12 Q Exactly, but it's the same charge, assault and battery,
13 correct?

14 A It doesn't matter. It doesn't matte what the charge
15 is. It's a conviction for nonsexual violence.

16 Q But the conviction is for nonsexual violence, correct?
17 That's what is stated?

18 A Yes.

19 Q And you put in the prior sex offenses?

20 A Well, he had a conviction in 1987 and in 2001 for
21 nonsexual violence.

22 Q I'm looking at number five on your coding form for
23 prior sex offenses.

24 A Yes.

25 Q You used a nonsexual conviction for that conviction,

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1 correct?

2 A It doesn't matter, because the coding rules say that if
3 the underlying facts of the case indicate that it's a
4 sexually motivated offense it counts no matter what the
5 official charge is.

6 Q Yet on number three you used assault and battery which
7 is the same charge he pled to as a nonsexual offense,
8 correct?

9 A Different items on the scoring sheet have different
10 rules for coding them. That's why it takes 80 pages to tell
11 us how to code 10 items.

12 Q But basically you're using the same charge --

13 A I correctly used the same charge because that's what
14 the coding rules tell me to do.

15 Q And then the only other point that he got was he knew
16 the victim, correct?

17 A That's correct.

18 Q And there's 10 different on this coding form that you
19 can get a point for?

20 A Yes.

21 Q And he only got a point on four of them, correct?

22 A That's correct.

23 Q Now, on the Static-99 you started talking about the
24 percentages and you were explaining the car insurance --

25 A Yes.

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1 Q -- and that sort of thing. And looking at the research
2 and using this.

3 A Yes.

4 Q In this case was a four, the same score that Mr.
5 Jenkins has.

6 A Yes.

7 Q Only 17 percent of people in his category re-offend
8 within five years, correct?

9 A Let me just check those figures. Yes. 17.3 percent at
10 five years and 27.3 percent at 10 years.

11 Q So 83 percent of people with his score will not commit
12 a new sex offense within five years, correct?

13 A That is not the correct interpretation of that
14 statistic. He's in the 74th percentile, which means that
15 out of every hundred offenders he has more risk than 74 of
16 them. You can't simply just subtract that out because of
17 the statistical formula that's used to calculate those.

18 Q Then why use the statistical formula if it doesn't
19 matter?

20 A Well, it does matter. It's very --

21 Q You just stated it doesn't --

22 MR. BOGLE: Objection. Interrupting the witness.

23 THE COURT: We need to be very careful about talking
24 over each other. My court reporter, of course, has to take
25 this all down. Ask the witness to clarify her position and

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1 explain, because I think you're kind of talking past each
2 other.

3 Q Previously you just stated that it doesn't matter that
4 there's the 17 percent and the 83 percent because there's
5 some other number out here. So why use the Static-99 if
6 those percentages don't matter?

7 A I think you misunderstood what I said. There's a
8 statistical formula that we get those figures from and you
9 can't just subtract them from 100 and get the percentage
10 because that's not the way the formula works. So the
11 information is important, but it's not a simple adding and
12 subtracting like you indicated.

13 Q But there's no way for you to know 100 percent whether
14 he's going to re-offend or not, correct?

15 A That is correct. No human being can tell for sure that
16 someone will re-offend, but we use the information that
17 we've obtained through research to make those estimates.

18 Q And some of that information that you received is based
19 on arrests that were dismissed or not guilty, correct?

20 A Not with regard to the sexual crimes.

21 Q But in general you used all those to make your
22 diagnoses, correct?

23 A Well, those make my diagnosis, but those don't count on
24 the actuarial sheet.

25 Q Right. But you use those even though they're

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1 dismissed, correct?

2 A For the diagnostic purpose only.

3 Q And the 17/83 percent, if you're looking at the Static-
4 99 alone --

5 A Right.

6 Q -- you have no way to say whether he's in the 17
7 percent or 83 percent, correct, for five -- to re-offend for
8 five years?

9 A Well, as I said, that we use these estimates that are
10 derived in research. They're the best thing that we have at
11 the present time to assess risk. No one is perfect. So I
12 don't have crystal ball and I can't say Mr. Jenkins is going
13 to re-offend on this particular day.

14 Q And when you were going through the antisocial
15 personality factors --

16 A Yes.

17 Q -- not the disorder, because you didn't find him with a
18 disorder. I went through the failure to conform. The
19 irritability and aggressiveness, you said you used some of
20 that based on his DOC, Department of Correction,
21 infractions, correct?

22 A Yes.

23 Q Which that was -- the last one was in 1991, correct?

24 A That's correct.

25 Q Not this previous time he's been in prison?

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1 A That's correct.

2 Q So he has fixed that portion of it --

3 A Well --

4 Q -- when it comes to prison?

5 A At least when it comes to prison.

6 Q And he was cooperative with you, correct?

7 A He was.

8 Q And the fifth one you discussed was he was consistently

9 irresponsible and you stated that he was arrested for

10 speeding, correct?

11 A Speeding, failing to stop for a blue light, eluding

12 police.

13 Q That was back in 1984, correct?

14 A Let's see.

15 Q Nothing current?

16 A Yes, that is back in 1984. And also on March 20th,

17 2013, failure to stop for a blue light. He was sentenced to

18 three years to run concurrent with his sentence in the

19 sexual case.

20 Q That has to do with what he just did time for, correct?

21 A Yes. So that's a pretty consistent pattern.

22 Q And finally, when it came to your report and coming to

23 your decision, how important was the Static-99 to you?

24 A Well, the Static-99 is one piece of a comprehensive

25 evaluation. I consider the Static-99. I consider the

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1 dynamic factors. I consider his offense history. So
2 everything -- every piece of information played some part in
3 my conclusion.

4 Q And finally, based on your opinion, you determined he's
5 an SVP. However, you cannot say 100 percent whether he is
6 likely to re-offend or not, can you?

7 A Well, I can say that he's likely to re-offend, yes.

8 Q But you can't say whether he will --

9 A I cannot say that Mr. Jenkins is going to re-offend on
10 a particular day.

11 Q And based on the Static-99, in fact, 83 percent of the
12 people with his score do not re-offend, correct?

13 A No. That's --

14 Q It's on the Static-99.

15 A No. That's an incorrect calculation that requires a
16 formula to rely on that. You can't simply subtract it out.

17 Q But that's the score that you came up with and that's
18 what the research shows, correct?

19 A The research shows that the statistical probabilities
20 are 17 percent and --

21 Q 83 percent?

22 A Not 83. I know you're intent on subtracting that out,
23 but it just can't be done. It's not the statistical
24 formula. So it would be 17.3 percent at five years and 27.3
25 at 10 years. Keeping in mind, of course, that actuarials

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1 underestimate risk for the reasons that I cited.

2 Q Basically what you just said right there, 17.3 percent
3 at five years, 27 --

4 A 27 point --

5 Q -- at 10 years.

6 A Yes.

7 Q Only approximately 17 and 27 percent re-offend?

8 A Correct. In this -- in this particular study.

9 MS. GOOD: No other questions, Your Honor.

10 THE COURT: Redirect.

11 REDIRECT EXAMINATION

12 BY MR. BOGLE:

13 Q You were asked a question about how much you charged
14 through your contract with the Department of Mental Health.
15 You said \$4,000?

16 A Yes, sir.

17 Q Are you paid any differently depending on how your
18 recommendation comes out?

19 A No. I get the same amount no matter what my opinion
20 is.

21 Q And that \$4,000 covers the research, the interview, the
22 travel, everything?

23 A It covers everything.

24 MR. BOGLE: Thanks, Doc. Nothing further.

25 THE COURT: Doctor, thank you. You may step down and

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1 you are free to go, I assume. Any objection?

2 MR. BOGLE: We would ask that she be excused. She's
3 got a trial to prepare for coming up on Monday with our
4 office.

5 THE COURT: Any objection?

6 MS. GOOD: No objection.

7 THE COURT: Doctor, thank you. Take care.

8 (Whereupon, the witness stepped down from the witness
9 stand.)

10 THE COURT: Mr. Bogle, call your next witness.

11 MR. BOGLE: Your Honor, at this time the State would
12 rest.

13 THE COURT: I need to take a brief issue of law with
14 the attorneys, ladies and gentlemen, so if you would adjourn
15 to the back. I'll have you back out here just as soon as
16 possible. It shouldn't take more than five minutes or so.

17 (Whereupon, the jury exited the courtroom at 4:28 p.m.)

18 THE COURT: The jury is out. At this point, Ms. Good,
19 any motions?

20 MS. GOOD: Yes, sir. At this time we make a motion for
21 a directed verdict based on the evidence in the light most
22 favorable to the State. Our position is that the State has
23 not proven that -- or has put forth evidence that Mr.
24 Jenkins is a sexually violent predator under the statute.
25 Their witness testified that only 17 percent of people with

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1 his score re-offend. In addition, Your Honor, we do renew
2 all motions and objections that we previously made.

3 THE COURT: Mr. Bogle, do you want to speak to that?

4 MR. BOGLE: Your Honor, I'll rely upon your rulings on
5 the prior motions. As far as the directed verdict goes,
6 looking at the evidence in a light most favorable to the
7 nonmoving party, the State has met the elements. We
8 presented the convictions of the sexually violent crimes, we
9 presented the mental abnormality and the personality
10 disorder. We've also presented expert testimony that these
11 two conditions causing him serious difficulty controlling
12 his behavior. I think there's sufficient evidence to get
13 past a directed verdict and go to a jury.

14 THE COURT: The Court would tend to agree, in the light
15 most favorable to the State, in this case there is evidence
16 from which the jury would reasonably conclude beyond a
17 reasonable doubt that the Defendant should be -- or is a
18 sexually violent predator and should be committed for care
19 and treatment through DMH, so the Defendant's motion is
20 denied. All prior rulings on previous objections remain the
21 same.

22 Is the Defense ready to proceed with their case today
23 or --

24 MS. GOOD: Yes, sir. I have two witnesses here and I
25 have one other one who's over at the jail, so I'd have to

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1 call her.

2 THE COURT: How long do you anticipate the first two
3 taking? I'm looking at the clock, and obviously we're going
4 to be going into tomorrow. Does your client intend to
5 testify in this case or --

6 MS. GOOD: Undetermined at this point, Your Honor.

7 THE COURT: I'm sorry?

8 MS. GOOD: Undetermined.

9 THE COURT: Undetermined. Very good. The first two
10 will take --

11 MS. GOOD: Not too long.

12 THE COURT: -- not too long. Let me take another quick
13 break. We'll be back on the record and we'll knock those
14 witnesses out. What time does the preacher get off over at
15 the jail?

16 MS. GOOD: I don't know. I have to call her.

17 THE COURT: Let's see if maybe we can get her in today
18 as well.

19 MS. GOOD: Yeah, 10 minutes.

20 THE COURT: Yeah. Let's see if maybe we can get her
21 today as well if she's over there. All right?

22 We're at ease. Don't ask her to come in though if
23 she's not already. We can take her testimony in the
24 morning, if need be.

25 (Whereupon, a recess a brief recess was held.)

BURNETTE JENKINS-DIRECT EXAMINATION

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1 THE COURT: We'll go back on the record. Defendant, of
2 course, is present. Let's have the jury out, please.

3 MS. GOOD: Your Honor, we can probably do this real
4 fast.

5 THE COURT: Sure.

6 MS. GOOD: I did call Chaplain Lovinggood. Her office
7 hours are 8:00 to 12:00 Monday through Friday. I left her a
8 message. I informed her to be here in the morning. She's a
9 ten minute witness, so it'll be very quickly. I hope it's
10 okay. I don't know what time you plan on starting in the
11 morning but I told her 9:15 because I have to drop my kids
12 off at school at 7:30, so I won't be here until 9:00 anyway.

13 THE COURT: Very good. We'll take her testimony in the
14 morning. Not a problem. Let's have the jury, please.

15 (Whereupon, the jury entered the courtroom.)

16 THE COURT: The record should reflect the jury is back
17 and seated. At this point, Ms. Good, case.

18 MS. GOOD: Thank you, Your Honor. I call Burnette
19 Jenkins.

20 BURNETTE JENKINS, having been duly
21 sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. GOOD:

24 Q Would you please state your full name for the record?

25 A Edwin Burnette Jenkins.

BURNETTE JENKINS-DIRECT EXAMINATION

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- 1 Q Mr. Jenkins, how do you know Leonard Jenkins?
- 2 A He's my brother.
- 3 Q Is he your younger brother or older brother?
- 4 A Younger.
- 5 Q And where are you currently employed?
- 6 A I'm self-employed.
- 7 Q And what do you do?
- 8 A A land surveyor.
- 9 Q And how long have you been doing that?
- 10 A Since 1975.
- 11 Q And how many people do you have work for you?
- 12 A Just myself and part-time help.
- 13 Q And what do you do as a land surveyor?
- 14 A Measure property lines, houses, construction work,
- 15 property mostly in the woods.
- 16 Q And how long have you been doing that?
- 17 A I've been a land surveyor since 1975. Professionally
- 18 licensed since 1970. Excuse me. '93.
- 19 Q And if Mr. Jenkins, Leonard Jenkins, were released
- 20 would he be able to work for you?
- 21 A Yes.
- 22 Q And what would you have him doing for you?
- 23 A He would be instrument man, front lineman. He would be
- 24 chopping bushes, going through the woods finding property
- 25 corners, and running a data collector and running the

JANET JENKINS-DIRECT EXAMINATION

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1 instrument, too.

2 Q And would you be monitoring him --

3 A Yes.

4 Q -- while he does this?

5 A Yes.

6 Q You would be working with him closely?

7 A Yes.

8 Q And you are his brother. Would you lie here today or
9 do anything to help him not be committed?

10 A I would not lie, no.

11 Q So you're sitting here today saying he will have a job
12 with you?

13 A Yes.

14 Q And if he were not to preform those job duties
15 correctly would you punish him for that?

16 A Yes, he would be fired.

17 MS. GOOD: No further questions, Your Honor.

18 THE COURT: Cross?

19 MR. BOGLE: No questions, Your Honor. Thank you.

20 THE COURT: Sir, thank you. You can step down.

21 (Whereupon, the witness stepped down from the witness
22 stand.)

23 THE COURT: Call your next witness, please.

24 MS. GOOD: Call Janet Jenkins.

25 JANET JENKINS, having been first

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1 duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MS. GOOD:

4 Q State your name for the record.

5 A Janet F. Jenkins.

6 Q And, Ms. Jenkins, how do you know Leonard Jenkins?

7 A I'm his wife.

8 Q And how long have you been married to him?

9 A We got married in 2007.

10 Q Could you speak up just a little bit for me so
11 everybody can hear you.

12 A Sorry.

13 Q So you've been married to him since 2007?

14 A Yes.

15 Q Do you have any children with him?

16 A I have one.

17 Q And what is that, a boy or girl?

18 A Girl.

19 Q And how old is she?

20 A She's six.

21 Q And you are obviously aware of Mr. Jenkins'
22 convictions, correct?

23 A I am.

24 Q And if he were to be released would he be living with
25 you?

JANET JENKINS-DIRECT EXAMINATION

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1 A He would.

2 Q And your daughter?

3 A Yes.

4 Q And previously he's lived with you and your daughter,
5 correct?

6 A Yes.

7 Q And what were his duties in the home?

8 A He was a good provider and dedicated dad, to my other
9 girls as well.

10 Q And to your daughter that you have with him, does she
11 have any type of condition?

12 A She has Down's Syndrome.

13 Q And what were his duties when it came to her care?

14 A He took care of her as a father would take care of a
15 child. I mean, she had open heart surgery and he changed
16 diapers and he feed her. He did everything for his
17 daughter.

18 Q And if he were to be released where would you be
19 living?

20 A Right now we live in Rock Hill, South Carolina.

21 Q And he'd be living in the home with you?

22 A He would.

23 Q And you would be cooperating with any probation agent?

24 A I would.

25 Q Making sure that he gets to any appointment that he

JANET JENKINS-DIRECT EXAMINATION

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1 has?

2 A Yes, I will.

3 Q Any type of treatment that he's ordered to have on
4 probation?

5 A Yes, I would.

6 Q And since he has been incarcerated have you been able
7 to work?

8 A I am currently filing disability and I am working part-
9 time.

10 Q And prior to being incarcerated was he working?

11 A He was working.

12 Q And what skills does he have?

13 A He's a truck driver, diesel mechanic.

14 Q Is he certified in anything?

15 A Diesel mechanic, I know, and CDL truck driving. I'm
16 not sure of any others.

17 Q But he was working as a truck driver and diesel
18 mechanic prior to being incarcerated?

19 A He was.

20 Q And he was consistent working at his job?

21 A He was.

22 Q And providing for your family?

23 A Yes, ma'am.

24 MS. GOOD: No further questions, Your Honor.

25 THE COURT: Mr. Bogle?

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1 MR. BOGLE: No questions, Your Honor.

2 THE COURT: Ma'am, thank you. You can step down.

3 THE WITNESS: Thank you.

4 (Whereupon, the witness stepped down from the witness
5 stand.)

6 THE COURT: Ladies and gentlemen of the jury -- no
7 additional witnesses for this evening?

8 Ladies and gentlemen of the jury, there was one
9 additional witness we were looking at getting but they are
10 not available at this particular point in time. At least
11 one. So we're going to go ahead and break for the evening.
12 We've actually moved along a little bit quicker than I had
13 anticipated today. I'm going to ask that you be back in the
14 jury room, please, tomorrow at, let's say, 9:15. Okay? And
15 we'll proceed with the trial of the case at that particular
16 point in time.

17 Now, ladies and gentlemen, two quick things. First of
18 all, those of you who are taking notes, please leave your
19 notepads here. Give them to the bailiff, or leave them back
20 in the -- whatever the procedure is that they use here.
21 Give them to the bailiff. Mark them with some sort of
22 identifying information so that you can know that's your
23 tablet. I assume you can recognize your own handwriting.
24 But if you want to put your name on the outside, that's
25 perfectly fine as well.

1 Secondly, when you go home tonight I'm well aware that
2 your husband, wife, significant other, whoever it is you
3 share a roof with, I'm aware that they know that you have
4 jury duty this week, and naturally when you walk in the door
5 this evening they're going to ask you the first question I
6 always get asked and that's, hey, honey, how was your day,
7 and then you're going to say -- well, I always say, oh, it
8 was fine, honey. And then they're going to ask you, of
9 course, well, did you get picked on a jury. It's perfectly
10 fine to tell them yes. Yes, I got picked on a jury. Well,
11 what's the third question they're going to ask. Well, what
12 kind of case is it. All right? It's only natural that
13 they're going to ask that question. Ladies and gentlemen,
14 you are the ones who have been picked. You are the ones who
15 have been selected to decide this case. And it's not fair
16 to have your verdict influenced. No matter how well
17 intentioned their comments may be it's not fair to have your
18 verdict influenced by what your spouse or significant other
19 might say to you. So that question you're going to have to
20 draw the line and just say I'll be happy to talk to you
21 about it tomorrow but the judge has told me I can't discuss
22 the case tonight. Okay? So hopefully you have other
23 interesting things that you can discuss that are going on in
24 your personal life here in the new year and won't need or
25 even feel the urge to discuss this case.

1 With that, have a pleasant evening. I'll see you back
2 here tomorrow morning around 9:15. Do wear your badges
3 back. Again, it'll help the bailiffs out to identify you
4 and get you to the right place. They'll have coffee at the
5 very least for you and maybe some light snacks or something.
6 But you may want to grab a bite before you come in.

7 Have a good night and we'll see you in the morning.

8 (Whereupon, the jury was released at 4:49 p.m.)

9 THE COURT: We'll be at ease until tomorrow morning at
10 9:15.

11 MR. BOGLE: Thank you, Your Honor.

12 THE COURT: Thank you.

13 (Whereupon, Court adjourned for the day.)

14 TRIAL DAY 2-01/05/2016

15 THE COURT: The record should reflect, of course, Mr.
16 Jenkins is present. Would Counsel -- I've provided a very,
17 very rough draft of the proposed jury instructions that, of
18 course, we can discuss at the close of the case before we
19 argue. I presuppose that Mr. Jenkins will not be
20 testifying. I don't know if you all have come to a decision
21 on that quite yet, Ms. Good.

22 MS. GOOD: We have, Your Honor. He will not be
23 testifying.

24 THE COURT: Okay. You have the next witness, the
25 minister, here?

CYNTHIA LOVINGGOOD - DIRECT EXAMINATION

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1 MS. GOOD: Yes.

2 THE COURT: Very good. Let's have the jury out,
3 please.

4 (Whereupon, the jury entered the courtroom at 9:36
5 a.m.)

6 THE COURT: The record should reflect the jury is back
7 and seated. Ladies and gentlemen of the jury, I just that
8 you all had a pleasant evening last night. We're still in
9 the Respondent's case at this particular point in time. So,
10 Ms. Good, if you'll call your next witness, please.

11 MS. GOOD: I call Chaplain Cynthia Lovinggood.

12 CHAPLAIN CYNTHIA LOVINGGOOD, having
13 been first duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. GOOD:

16 Q Please state your name for the record.

17 A Cynthia Lovinggood.

18 Q Ms. Lovinggood, where are you employed?

19 A York County Detention.

20 Q And what do you do there?

21 A I swerve as the Chaplain.

22 Q And as the Chaplain what are your duties when it comes
23 to the inmates?

24 A I do counseling. I do delivering Bible studies,
25 Bibles. I do death notifications. And library books for a

CYNTHIA LOVINGGOOD - CROSS-EXAMINATION

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1 couple of the units.

2 Q And in this case do you know Leonard Jenkins?

3 A I do.

4 Q And how do you know Leonard Jenkins?

5 A He's an inmate in one of the units that I do library
6 books in.

7 Q And do you also give him Bible studies?

8 A I do.

9 Q Can you tell me what kind of Bible study and the
10 intensity of it that you give to him?

11 A Okay. There's two different ones that he's been doing.
12 The Wells Bible Study which has about 21 books now, and the
13 Emmaus Bible Study which is an in-depth Bible study. When
14 he finishes it, which is one book less that he needs to do,
15 it will be equivalent to two years of Bible college.

16 Q And he's done that this past year alone?

17 A Yes.

18 Q And how long have you been the Chaplain at York
19 Detention Center?

20 A Nineteen years.

21 Q And in your 19 years how many inmates have finished
22 this Bible study?

23 A Probably about six.

24 Q And he's one of those six?

25 A Well, actually he would be number seven when he

CYNTHIA LOVINGGOOD - CROSS-EXAMINATION

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1 finishes. Six have finished already. He lacks one.

2 Q And do normally the Bible studies go this quick as he's
3 done them?

4 A No, not really.

5 Q Were you concerned that he was going through them
6 quickly?

7 A I was. But his grades have been excellent. He's made
8 -- I think the lowest grade he's had on anything has been an
9 88. Most everything else has been the 90s and 100s.

10 Q So he's done this the entire time he's been in there?

11 A Yes.

12 Q And to the best of your knowledge, he would finish it
13 if it wasn't for this one book that's on back order?

14 A Right.

15 MS. GOOD: No further questions, Your Honor.

16 THE COURT: Cross?

17 CROSS-EXAMINATION

18 BY MR. BOGLE:

19 Q Chaplain, let me -- I'm Jim Bogle. I'm with the
20 Attorney General's Office. I've just got a couple of
21 questions. Is anything that you do working with the inmates
22 such as Mr. Jenkins have anything to do with sex offender
23 treatment?

24 A No.

25 Q Does anything that you do, and specifically working

CYNTHIA LOVINGGOOD - CROSS-EXAMINATION

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1 with Mr. Jenkins, have to do with addressing the prior
2 crimes that got him into prison to begin with?

3 A No.

4 MR. BOGLE: Thank you, ma'am.

5 THE COURT: Thank you, ma'am. You may step down.
6 Thank you very much for coming. You are free to go.

7 THE WITNESS: Thank you.

8 (Whereupon, the witness stepped down from the witness
9 stand.)

10 THE COURT: Call your next witness.

11 MS. GOOD: The Respondent rests, Your Honor.

12 THE COURT: Does the State intend to offer anything in
13 reply?

14 MR. BOGLE: We do not, Your Honor. Thank you.

15 THE COURT: Ladies and gentlemen of the jury, we've
16 reached that portion of the trial where you've received all
17 the evidence that you're going to have in order to decide
18 this case, and in a few moments we're going to proceed with
19 closing arguments and the Court's charge to you or the
20 instructions to you on the law. I've already provided the
21 attorneys with a brief outline of what I intend to instruct
22 you concerning the law, but the law does requirement to have
23 a brief, what's called a charge conference with them to
24 discuss this and we have not had that discussion quite yet.
25 Okay? So they have had that to glance at it, but we haven't

1 had a chance to discuss this quite yet. So what I'm going
2 to do is go ahead and let you have a break. I don't think
3 this will take very long. But if you'll adjourn back to the
4 jury room. Don't start discussing the case yet. I'll bring
5 you out after we've finished our discussions about the law
6 and we'll proceed with the closing arguments and start
7 deliberations very shortly. So adjourn to the back and I'll
8 have you back out here ASAP.

9 (Whereupon, the jury exited the courtroom at 9:40 a.m.)

10 THE COURT: The jury is out. I know that you all just
11 got those a few moments ago. Do you need a little bit more
12 time to look at them before we start talking about it?

13 MS. GOOD: No, sir.

14 THE COURT: I noticed a vew typos. Were there any
15 additions or suggestions, Ms. Good, that you wanted to
16 offer?

17 MS. GOOD: No, sir.

18 THE COURT: Do you have anything, Mr. Bogle?

19 MR. BOGLE: Yes, Your Honor. Looking at the charge you
20 gave us, page five would begin talking about the underlying
21 case. On page seven you address sexually violent predator.
22 The first paragraph on page seven, below that topic, talks
23 about what the State has to prove. And then it goes to the
24 case that the issues of controlling behavior and you define
25 mental abnormality and likely to engage at the bottom. What,

1 the State -- do you have a copy of the proposed charge the
2 State submitted?

3 THE COURT: I do not actually.

4 MR. BOGLE: Okay, let me -- it was emailed. If you'll
5 turn to page 12 of that charge, Your Honor. On page 12 of
6 the State's proposed charge -- and this is a charge that
7 we've developed over the years from different circuit
8 judges. The elements the State must prove beyond a
9 reasonable doubt and it lists the crime and then the mental
10 abnormality. And that's straight out of the statute.
11 What's very important to us is -- and this is omitted from
12 your charge, is the fact that you did not list the element
13 we have to prove, being the conviction of the crime. And
14 then what follows from that is the fact that lewd act on a
15 charge -- on a minor is a sexually violent offense. That's
16 one of the crimes listed in the law. It was in the law at
17 the time the crime was committed back in 2011.

18 THE COURT: You're right.

19 MR. BOGLE: So we would ask that your definition of
20 sexually violent predator, beginning on page seven of your
21 charge, include those first two numbered paragraphs on page
22 12 of the State's charge.

23 THE COURT: Did you send this to my clerk or to me
24 directly? Do you remember?

25 MR. BOGLE: Probably your clerk. I got a reply from

1 her saying she was going to show it to you.

2 THE COURT: I stand corrected. I did get your
3 instructions. I just thought they were something else. If
4 I were to eliminate the first two paragraphs on page seven
5 of my charge and insert the elements which the State must
6 prove beyond a reasonable doubt, that portion, and then the
7 two numbered paragraphs on page 12 of the State's proposed
8 charges, I think that would solve the problem, wouldn't it?

9 MR. BOGLE: It would. But right after that on your --
10 on the --

11 THE COURT: Oh, yeah.

12 MR. BOGLE: -- on the third paragraph that's identical
13 to my charge is the same as the second paragraph on yours
14 about the inherently -- the inherent paragraph that you have
15 I think is also necessary --

16 THE COURT: Right.

17 MR. BOGLE: -- because it talks about the serious
18 difficulty controlling behavior. So if you were to place
19 the first two paragraphs on page seven of your charge under
20 sexually violent predator with the first three paragraphs on
21 the State's charge of a sexually violent predator that
22 would, in essence, cover it. We do -- we duplicate each
23 other's one paragraph.

24 THE COURT: Yeah, we did.

25 MR. BOGLE: The so called inherently paragraph.

1 THE COURT: Let me take five minutes. I'm going to --
2 I will fix that, because I do believe you are correct. I
3 did not define lewd act on a minor as a qualifying defense
4 under the act, and under state law you are correct. You are
5 entitled to that. The State is entitled to that charge. I
6 really don't think that's in dispute. Give about five
7 minutes.

8 MR. BOGLE: Yes, sir.

9 THE COURT: Let me clean this up and I'll give you some
10 fresh copies. Okay? We'll be at ease.

11 (Whereupon a brief recess was held.)

12 MR. BOGLE: Judge, before you print there's one other
13 thing I wanted to ask you about.

14 THE COURT: Sure.

15 MR. BOGLE: If I could, when you're ready.

16 THE COURT: Yeah.

17 MR. BOGLE: On page eight of your charge you've got a
18 paragraph in the middle of the page that talks about Mr.
19 Jenkins not taking the stand and the fact that he doesn't
20 testify shouldn't affect the burden. The Court of Appeals
21 of South Carolina in the case of *In the Matter and Treatment*
22 *of Canupp*, spelled C-a-n-u-p-p. A York County case as a
23 matter of fact. In that case the Respondent requested a
24 jury charge about his right to remain silent and the trial
25 judge, Larry Patterson denied that. It was up on appeal and

1 the Court of Appeals held that since this is a civil case
2 there's no constitutional right not to take the stand and
3 that you weren't entitled to such charge. So only a (C)
4 criminal defendant, of course, has the right to decline to
5 take the stand altogether. And while this act bestows a lot
6 of rights that are similar in criminal cases it does -- it's
7 still a civil case. And so, in that case Mr. Canupp asked
8 for that kind of charge and didn't get it and the Court said
9 that was okay. Here you put it in there. We're not sure --
10 we would take the position we're not really sure it's
11 appropriate. This being a civil case, not a criminal case.
12 I'm not sure that part of the charge is necessary.

13 MS. GOOD: Your Honor, I would say it would be in your
14 discretion. Obviously in that particular case he asked for
15 it and the judge decided not to give it to the jury and the
16 Appeals Court said that was okay for him not to give it to
17 the jury. But I think it would still be in your discretion
18 if you decided you can give it to the jury.

19 THE COURT: All right. It just occurs to me we're
20 having this conversation without Mr. Jenkins being here. I
21 would ask that he step out, please.

22 (Whereupon, a brief recess was held.)

23 THE COURT: The record should reflect that Mr. Jenkins
24 is now present. Mr. Jenkins, before we came out we were
25 having a brief discussion on the portion of the Court's

1 charge that relates to your right to testify or not testify
2 in this case and Mr. Bogle had basically -- has argued that
3 being a civil case the Fifth Amendment right of self-
4 incrimination is not implicated in this case. Your attorney
5 basically argued that it was discretionary to me as to
6 whether to include the language about no prejudice arising
7 from your failure to testify.

8 Mr. Bogle, when was *Canupp* decided?

9 MR. BOGLE: *Canupp* was decided in December 4, 2008.
10 Was denied by the State Supreme Court in August 6th, 2009.
11 I've got a copy here I can pass up. It's -- would you like
12 me to hand it up?

13 THE COURT: Please. I ask that because actually these
14 charges, or these instructions are some that you submitted
15 to a case -- submitted to the Court in a case that we tried
16 in October of 2014 and I was wondering if -- but that's what
17 language --

18 MR. BOGLE: Yeah, I never would've put that in.

19 THE COURT: I don't know how it got in. Quite
20 honestly, the Court was not familiar with *Cunapp* and it
21 would appear that Mr. Bogle's assertion is correct. This
22 obviously is a civil case. It's a commitment case. I do
23 understand that personal liberties are at stake and are
24 implicated in this case in the sense that Mr. Jenkins may be
25 committed to the -- involuntarily committed to the care and

1 treatment. At the same time, he's already been convicted of
2 the underlying criminal offense. So the Court is just going
3 to stay silent and eliminate that paragraph that discussed
4 Mr. Jenkins testifying or not testifying. So I'm not even
5 going to address that. But your objection is noted for the
6 record.

7 We'll eliminate that. I'll ask my clerk to forward
8 that to Ms. Renee and we'll print you all some additional
9 copies. We'll be at ease.

10 MS. GOOD: Your Honor, just real quick. At this time I
11 do renew all objections and motions previously made
12 including the directed verdict motion.

13 THE COURT: Very good. Same rulings as before. We're
14 at ease.

15 (Whereupon, a brief recess was held.)

16 THE COURT: We're go back on the record. Mr. Jenkins
17 is present. Let's have the jury out, please. Order of
18 argument, State, Defense, State?

19 MR. BOGLE: Yeah, I think I open in full. She does
20 full. If she says anything new I can reply which is --

21 THE COURT: Right. Very good.

22 (Whereupon, the jury entered the courtroom at 10:13
23 a.m.)

24 THE COURT: Let the record reflect that the jury is
25 back and seated. Sorry to keep you waiting, ladies and

1 gentlemen. That took just a little bit longer than I had
2 anticipated.

3 At this point in time, ladies and gentlemen, we hear
4 the closing argument. Closing arguments from both the State
5 and the Respondent in this particular case, and the order
6 that we go in is the State will have the opportunity to
7 speak to you first, followed by Ms. Good, and then Mr. Bogle
8 will have one last chance to talk to you again.

9 Of course, what the attorneys say to you in their
10 closing arguments, ladies and gentlemen, is not evidence.
11 You have to judge this case based solely on the evidence
12 presented from the witness stand. And normally in closing
13 it's customary to the attorneys to reference testimony or
14 facts that have been introduced into the record. If at any
15 time they say anything about the facts and it differs from
16 what your recollection of the facts is, you should go with
17 your recollection of the facts, of course, because you are
18 the sole judges of the facts. All right.

19 So with that, Mr. Bogle, you are recognized for your
20 closing, sir.

21 MR. BOGLE: Thank you, Your Honor. May it please the
22 Court.

23 THE COURT: Yes, sir.

24 MR. BOGLE: Ms. Good.

25 CLOSING ARGUMENT

1 BY MR. BOGLE: I'm not one of these TV lawyers who get
2 up and talk without reading notes. I've got to refer to
3 things, so please bear with me a second.

4 First off, I'd like to thank you for your service.
5 It's a very important day for the State and to Mr. Jenkins
6 because what you decide today will have to do with his
7 liberty. Let's be quite candid about that.

8 Now, the State enacted this law back in 1998. We
9 talked about that yesterday. And one of the things they
10 also said in the opening paragraphs of the law was this.
11 They said that, "Because the existing civil commitment
12 process is inadequate to address the special needs of
13 sexually violent predators and the risks they present to
14 society, the General Assembly has determined that a separate
15 involuntary civil commitment process for long-term control,
16 care and treatment of sexually violent predators is
17 necessary." That's why we have this law. And the burden of
18 proof that we talked about in the beginning is the State has
19 to prove to you certain elements beyond a reasonable doubt.
20 The judge will explain to you what that means in a few
21 minutes when he gives you the charge. Basically a
22 reasonable doubt is the kind of doubt that would make a
23 reasonable person hesitate to act. But it's also the kind
24 of doubt that leaves you -- if, after hearing the State's
25 case, you're firmly convinced that we have proved to your

1 satisfaction that Leonard Jenkins is a sexually violent
2 predator, then the State is entitled to a verdict to that
3 effect. If on the other hand we have not met that burden,
4 then find a verdict for him and he will be released.

5 What does the State have to prove. First, we've got to
6 prove to you that he's been convicted of at least one
7 sexually violent crime. Now, he has three convictions that
8 we talked about in great detail when Dr. Swan was testifying
9 yesterday. All of them began as sexual crimes of nature.
10 Two of them wound up of convictions of non-sexually violent
11 crimes. Crimes that aren't on that list of 16 sexually
12 violent crimes contained in this statute. There were
13 assault and battery of a high and aggravated nature or
14 ABHAN, A-B-H-A-N, we'll call it, and then the assault and
15 battery of a second degree. But what is important, he was
16 convicted of at least one sexually violent crime. And you
17 will have this back in the jury room. This is State's
18 Exhibit 1. A conviction for lewd act on a child under 16.
19 Back in August 14, 2013 was when he pled guilty and was
20 convicted of that crime. The crime happened in August of
21 2011. And lewd act on a minor child is a sexually violent
22 crime. You'll have this back in the jury room.

23 The second thing we have to prove to you is does he
24 have a mental abnormality or a personality disorder. Yes,
25 he does. He's a pedophile. What they call pedophelic

1 disorder. Attracted to females, little girls, not
2 exclusive, which means he's also attracted to age
3 appropriate women. But he's attracted -- his sexual mindset
4 is for little girls. And that's shown by the actions
5 against the three little girls who were the victims in these
6 three crimes, including the sexually violent crime which is
7 a qualifying crime for the purposes of this case.

8 Now, he also has a personality disorder. This other
9 specified personality disorder with antisocial features that
10 she testified about which is identified as one of the
11 exiting disorders you can have as defined by that manual
12 they all go by, the Diagnostic and Statistical Manual
13 Version 5, or the DSM-5 we call it. To get that diagnosis
14 she had to look at not just convictions but number of
15 arrests. He's done the kind of things that gets him
16 arrested 11 times other than these sexual crimes. Eleven
17 times, and that's just not supposed to happen. Yes, he got
18 acquitted of some. Yes, he was found not guilty of some.
19 But to get in trouble that many times raised the issue to
20 her, to her satisfaction based on the manual that she goes
21 by in order for her to diagnose that personality disorder.
22 But what you have here is you have a combination. Both the
23 mental abnormality, pedophile, the personality disorder, the
24 antisocial features, combined in what Dr. Swan called the
25 double whammy. And that is the second thing we had to

1 prove. Does he have the mental abnormality and the
2 personality disorder that makes him likely to commit these
3 types of sexual crimes in the future.

4 Now, normally in Court a witness can only testify about
5 facts. Things they see, things they hear, things they
6 smell. I saw the light turn red. I saw him pull out the
7 gun, or heard the gun go off. Things like that. They can't
8 give an opinion. But in certain cases if a witness has the
9 kind of training, the kind of education, the kind of
10 experience in a particular field they can be qualified as an
11 expert in that field and be allowed to give you an opinion,
12 and that's what Dr. Swan was yesterday. This is the kind of
13 case where a guy has to be evaluated. The Court ordered Dr.
14 Swan to do it at a prior proceeding. She took the case.
15 She looked at all the documents she could find on the case.
16 She looked at all the conviction records, prison records,
17 everything like that. She looked at witness statements.
18 And she would take what the police said, what Mr. Jenkins
19 told the police at the time, and then what he told her when
20 she met with him. Three different things to look at and
21 compare. And she studied this guy. Now, she gets paid to
22 do that. We expect that to happen. The Department of
23 Mental Health has contracted with her to do these types
24 evaluations. They pay her a certain fee of \$4,000. And
25 she's paid that whether she finds he's a predator or not.

1 It doesn't matter. Flat fee. Her expenses for traveling up
2 here, staying in a hotel, traveling back to Florida, that
3 comes out of her money. Comes out of what she gets paid.
4 And that's not really a concern, but it's out there, so
5 let's deal with it.

6 So her expert opinion, the opinion she's allowed to
7 give under the law is that yes, he has this problem and he
8 has difficulty controlling his behavior. Nothing has
9 intervened. Remember that phrase I said yesterday? She
10 said it, too. In 10 years, from 2001 when the first
11 sexually oriented crime happened to 2011 to include a lewd
12 act charge nothing has intervened to stop this conduct.
13 There was an attempt at sex offender treatment while in
14 prison, but then he transferred to another prison where that
15 wasn't offered. So he never got that. He's done things --
16 he's done very well, it looks like, at the local jail where
17 he's been held pending this trial today. He's gone through
18 things in Bible study. That's to be commended. That's a
19 difficult thing to do. Any of us whose been through a
20 Sunday School class where you intensive study on a
21 particular book of the Bible like John or Revelation or
22 something like that, you know it's a lot of work and that's
23 to be commended. And the things we've heard from the
24 witnesses on his behalf. One of them has got a job for him
25 if he gets out. His wife is looking forward to him coming

1 back. He's a good provider who takes care of the family.
2 But as nice as these things are to hear what's missing?
3 What's missing to me is what about outpatient sex offender
4 treatment. Does he think he needs it? He told Dr. Swan he
5 didn't. Is there a plan to get it? I don't know. And what
6 about responsibility? He pled guilty or no contest to these
7 crimes. Got up in front of a judge, admitted being guilty,
8 and yet to Dr. Swan didn't do it. It's all lies. Someone
9 else is supposed to come to court and take the rap for me.
10 They didn't show, so I pled guilty.

11 Dr. Swan testified about a number of things she used in
12 reaching her opinion. One was called the Static-99R.
13 That's the statistical -- they call it actuarial test. You
14 add up a number of factors about a guy to determine whether
15 or not he's a risk to commit a second offense again. Just
16 like insurance companies. Or if you go -- let's say you go
17 to a doctor. You're having health problems, and maybe
18 you're worried about having a heart attack. And the doctor
19 asks you questions about lifestyle, about what you eat,
20 about family history, about exercise, about weight control,
21 things like that, and he knows from his training based on
22 the numbers of boxes he can check whether or not you're at
23 risk for a heart attack. Same thing with insurance
24 companies. We know statistically from prior experience that
25 boys under 25 are more likely to get in wrecks. I've got a

1 son. I've been there, done that. So they charge a higher
2 rate for them. Well, the same thing with sex offenders.
3 They've studied these sex offenders and they know that if
4 certain boxes are checked they might have a higher risk to
5 re-offend. Look at these scores. Score 4, moderate to high
6 range. And the numbers used were -- there were two ways to
7 do it. One was a 17 percent change of offending sexually in
8 five years and a 27 percent change of offending sexually in
9 10 years. Another way to look at it was that he scored
10 worse than 74 percent of the people in the survey. Well,
11 you can look at that and think, okay, 27 percent in 10
12 years. Do the math. 27 percent. That mean, what, 73
13 percent are not going to do it. A chance of not doing it.
14 But here's where your commonsense comes in. This is not a
15 27 percent chance of knocking off a convenience store or
16 shoplifting or stealing a book out of the library. This is
17 a 27 percent chance of a sex offense against a little girl,
18 and that's a whole different way of looking at it. And like
19 Dr. Swan said, that's not the only thing she looked. It's
20 part of an overall evaluation.

21 So that's where we are. Has he been convicted of a
22 sexually violent crime? Yes. And there it is. Does he
23 have a mental abnormality? Yes. Does he have a personality
24 disorder? Yes. Do these combine to make a double whammy
25 that makes him having difficulty in controlling his

1 behavior? Look at the 10 year pattern and the answer is
2 yes.

3 So I would submit to you that based on the evidence
4 you've heard the State has met its burden. The State has
5 proven beyond a reasonable doubt that Leonard Jenkins is a
6 sexually violent predator.

7 Your Honor, thank you.

8 THE COURT: Thank you, Mr. Bogle. You are recognized
9 for your closing, ma'am.

10 CLOSING ARGUMENT

11 BY MS. GOOD: Good morning. Henri-Louis Bergson said
12 that the eye only sees what the mind is prepared to
13 comprehend. And I submit to you that by sitting here and
14 listening to all this evidence the State wants you to
15 comprehend and hear these details of these bad things that
16 Mr. Jenkins had done, which nobody disagrees with. I'm not
17 sitting here telling you that he didn't do these things.
18 But Colin Powell said you should always look out the front
19 windshield when you're driving and not the rearview mirror.
20 And that's why we're here today is we're looking to the
21 forward, to the future, whether he is likely to re-offend or
22 not. Not whether he's done these things in the past. And
23 the State has to prove to you, as Mr. Bogle told you, beyond
24 a reasonable doubt. And the Judge will tell you what that
25 means. But beyond a reasonable doubt means something that

1 leaves you absolutely firmly convinced that he is going to
2 re-offend. The way I like to put it to you is something
3 that you can maybe use that you use in your every day life
4 is when you buy milk. You go to the store and it has the
5 sell by date. Nobody knows what the sell by date means.
6 The date says January 5th on it, today. You open up the
7 frig tomorrow and it's January 6th. If you look at it and
8 say, well, it says January 5th. I don't know. So you take
9 it, and you smell it, and you say I'm not sure. It doesn't
10 smell exactly right. I'm not going to use it, but I don't
11 know. It's not good enough to say he's a sexually violent
12 predator just to be on the safe side. They have to prove to
13 you, you be firmly convinced that he is likely to re-offend.
14 And they gave you one witness to show you all this, ladies
15 and gentlemen. And I want you to pay attention to the
16 contradictions in her testimony.

17 First we'll talk about the Static-99. That's what Mr.
18 Bogle ended with. You look at the percentages. She said
19 you can get a possible 12. And she testified the worst of
20 the worst would definitely have a 12, and that the sexually
21 violent predator program is for the worst of the worst. Mr.
22 Bogle had a four, which isn't even in the high risk range.
23 It's in the moderate to high. And he's at the low end of
24 that moderate to high because it's a four to five gets in
25 that risk range. He's even in the low end of that. And

1 those numbers, as Mr. Bogle said, 83 percent do not re-
2 offend within five years. 83 percent. That's reasonable
3 doubt, ladies and gentlemen. She testified that there was
4 no way that she could predict whether he would be in that 83
5 percent or that 17 percent. That she didn't have a crystal
6 ball. She said those words from the stand. She said those
7 words from the stand. That's reasonable doubt. In
8 addition, if you don't look at those numbers he says she
9 takes all these other things that she looks at to determine
10 that she thinks that he would re-offend. Well, look at what
11 she said.

12 The first was that she looked at all the records. And
13 I had her testify about this Multi-disciplinary Task Team.
14 The MDT team that is originally how she gets the case. They
15 vote. The first vote when they looked at all these records
16 of Mr. Jenkins was two to two. That they couldn't decide.
17 And then they voted one more time and got one more person
18 and it was three to two. They just barely decided by
19 majority vote that this process should start. She then
20 looked at his sentencing and the crimes that he has. Mr.
21 Bogle asked you to look at this when you go back, because
22 you will have this. The judge on this case, the last time
23 he was sentenced, heard all these facts and decided that
24 probation was appropriate. The judge listened then, and
25 ultimately it's your decision now, but they said that

1 probation is important and that he believes that's
2 appropriate. And Dr. Swan said she's very familiar with sex
3 offenders who are on probation and what it entails. He's
4 going to have a GPS monitoring. He's going to have to do
5 sex offender treatment. He's going to have a probation
6 agent that can come to his house at any time. He's going to
7 have to follow rules and regulations, and he's going to have
8 to be on the sex offender registry. The Sheriff's
9 Department is going to be aware that he is on this registry,
10 where he is living and what he's doing. There are very
11 strict restrictions for sex offenders when they are on
12 probation. It's not like he's going to be released out into
13 this world when nobody is going to be monitoring him
14 whatsoever. And the judge took that into consideration.

15 One of the other things he discussed was he broke the
16 law over and over again. He had these 11 arrests. But what
17 you heard her say, over half of those arrests were dismissed
18 or he was found not guilty of. She didn't seem to care that
19 he's not guilty or that they were dismissed because there
20 wasn't any evidence showing that he did anything. She just
21 cared that he was arrested. And she said that he had
22 problems in prison and that's what she looked at. But you
23 heard her testify the last problems that he's had in prison
24 was 1991. Over 20 years ago, ladies and gentlemen.

25 The State has used this term, nothing has intervened

1 since this last time, and she said, well, that first time he
2 got punished it didn't do anything. I submit to you that
3 the first time he got punished he did 30 days weekend time.
4 That's not punishment. That's not prison for something like
5 this. This last time when he got arrested and he pled
6 guilty and he was convicted he went to prison. He got a
7 sentence, and you'll see on that. He had to go to prison
8 for three years. And if he screws up on probation he's got
9 to go back to prison. But in those three years that he was
10 in prison he had no disciplinaries. He changed the way he
11 was doing things because it was a wake up call. He came
12 back here to York Detention to wait here for this trial.
13 His day in court today. No disciplinaries there. He
14 continued to better to better himself by doing the Bible
15 study. Does that make him a great person? Not necessarily.
16 But it shows that he is taking those steps to do what he's
17 supposed to do and say, you know what, this is a wake up
18 call. This is not something I should have done.

19 I want you to focus on the fact of what Dr. Swan
20 testified to. She said there's no way to predict whether
21 he's the 83 or 17 percent. And I don't believe, ladies and
22 gentlemen, that you can take the evidence that she has put
23 up in her opinion and find beyond a reasonable doubt that
24 Mr. Jenkins is a sexually violent predator.

25 I grew up in Lexington, South Carolina and it's fair to

1 say my parents were fairly strict on me. And I recall one
2 time I was in the tenth grade and I played volleyball. And
3 I played club volleyball in the spring because it wasn't
4 regular high school volleyball season and I was very excited
5 because I got asked to the prom by a senior. I was going to
6 the prom. It was great. But my dad looked at me and he
7 said, Anna, you committed to club volleyball. You've got a
8 tournament that weekend. You can't skip the tournament.
9 You committed to that first. I begged and begged and
10 begged, no, let me go to the prom. It's going to be great.
11 And he said no, Anna, sometimes the right thing to do isn't
12 always the easiest thing to do. You need to listen to me
13 now and you need to do what you committed to first which is
14 the volleyball tournament. So unwillingly that's what I
15 did. And as I've gotten older now I've become a mother.
16 I've had to use that same thing on my children, and I use it
17 in my every day life still today. And looking back on it
18 now my dad was right. Of course, at the time I didn't think
19 so, but he was right then. That volleyball tournament got
20 me a volleyball scholarship. But I want you to use that
21 principal today. Because when you look at these facts,
22 ladies and gentlemen, it's not going to be easy to put Mr.
23 Jenkins back on the street, but he's going to be on
24 probation. On these facts, it might not be the easy thing
25 to do, but it's the right thing to do to find him not to be

1 a sexually violent predator.

2 THE COURT: Mr. Bogle, anything in reply?

3 MR. BOGLE: No, Your Honor. Thank you.

4 JURY CHARGE

5 THE COURT: Ladies and gentlemen of the jury, now comes
6 my obligation to instruct you on the law that applies in
7 this particular case, and I will tell you that I'm going to
8 give you a copy of these of instructions that you can refer
9 to during your deliberations in the jury room. Of course,
10 please consider these instructions as a whole and don't
11 simply follow parts of the instructions to the detriment of
12 other portions. When you're done with your deliberations,
13 if you would, return these to me when you're finished up.

14 Now, ladies and gentlemen, I remind you that during
15 this trial you and I have certain duties to perform. As the
16 trial judge it's my responsibility to preside over the trial
17 of this case, and I also have the duty to rule on the
18 admissibility of evidence offered during the trial. You're
19 to consider only the evidence before you. You're to
20 consider only the testimony which has been presented from
21 the witness stand as well as any exhibits introduced into
22 the record. The additional duty to charge the law, and as
23 jurors it's your duty to accept and apply the law as I now
24 state it to you. If you think you have any idea as to what
25 the law is or what the law should be and it does not agree

1 with what I now tell you the law is, you have to forget this
2 idea because you're sworn to accept the law and apply it
3 exactly as I state it to you now.

4 On every case tried in this Court before a jury, the
5 jury becomes the sole and exclusive judge of the facts. A
6 trial judge cannot comment on or make any statement about
7 the facts in the case. Since you're the sole judge of the
8 facts, please do not think by anything I've said during the
9 trial that I have any opinion about the facts in this case.
10 Ladies and gentlemen, the law does not permit me to have any
11 opinion about the facts. This is a matter solely for you to
12 determine.

13 Now, in a jury trial, ladies and gentlemen, there are
14 typically two types of evidence presented; direct evidence
15 and circumstantial evidence. Direct evidence is the
16 testimony of a person who claims to have actual knowledge of
17 the facts, such as an eyewitness. It's evidence which
18 immediately establishes the main fact to be proven.
19 Circumstantial evidence is a proof -- proof of a chain of
20 facts and circumstances indicating the existence of a fact.
21 It's evidence which establishes collateral facts and
22 immediately establishes collateral facts from which the main
23 fact may be inferred. Circumstantial evidence is based upon
24 inference and not on personal knowledge or observation. It
25 is proof that is not actually established the fact in

1 question, but it asserts or describes something else from
2 which you may need to reasonably infer the truth of the
3 fact, or at least reasonably infer an increase in the
4 probability that the fact is true. For circumstantial
5 evidence to be sufficient to warrant the finding of a fact,
6 the circumstances must least to that fact with reasonable
7 certainty. Facts and circumstances should be considered in
8 light of ordinary experience and commonsense, and the
9 existence of a fact cannot be based upon speculation,
10 surmise or conjecture.

11 Ladies and gentlemen, in this case you have to
12 determine the credibility of witnesses who have testified,
13 and credibility simply means believability. You got your
14 duty as jurors to evaluate the evidence and determine which
15 evidence convinces you of its truth. In determining the
16 believability of the witnesses who have testified in this
17 case you may believe one witness over several witnesses or
18 several witnesses over one witness. You may believe a part
19 of the testimony of the a witness and reject the remaining
20 part of the testimony of that same witness. You may believe
21 the testimony of a witness in its entirety or reject the
22 testimony of a witness in its entirety. You may consider
23 whether the witness has an interest in the result of the
24 trial, whether the witness is prejudiced over towards either
25 the State or the Respondent. The opportunity for the

1 witness to have seen the matters and things about which the
2 witness may testify and the way the witness acts on the
3 witness stand.

4 Now, normally, ladies and gentlemen, the rules of
5 evidence do not permit a witness to testify as to opinions
6 or conclusions, but an exception to this rule exists with
7 witnesses who are known as expert witnesses. A witness who
8 by education and experience has become an expert in some
9 art, science or profession may give an opinion as to the
10 subject the witness claims to be an expert in and may also
11 give the reasons for that opinion. You should consider any
12 expert opinion given by a witness and, like any other
13 evidence, give it the weight you think it deserves. If you
14 decide that an expert witness's opinion is not based upon
15 sufficient education and experience, or if you decide that
16 the reasons given in support of the opinion are not sound,
17 or that the opinions are outweighed by other evidence, you
18 may disregard the opinion entirely. An expert witness's
19 testimony is to be given no greater weight than that of
20 other witnesses simply because the witness is an expert, and
21 you do not have to accept the expert's opinion even though
22 it is uncontradicted.

23 Now, ladies and gentlemen, the State of South Carolina
24 has brought this action under the sexually violent predator
25 act. South Carolina's General Assembly has determined that

1 those persons who are found to be sexually violent predators
2 under the law require involuntary civil commitment in a
3 secure facility for long-term control, care and treatment.
4 Additionally, the General Assembly has determined that a
5 separate involuntary civil commitment process independent of
6 the probate court process is necessary for these persons.
7 Involuntary civil commitment of a sexually violent predator
8 for control, care and treatment is not a criminal proceeding
9 seeking incarceration for the purposes of punishment. To be
10 committed the State has to prove beyond a reasonable doubt
11 that Mr. Jenkins has been convicted of at least one sexually
12 violent crime as they are listed in the act and that he
13 suffers from a mental abnormality or personality disorder
14 that makes him likely to engage in sexually violent crimes
15 in the future unless he is committed to a secure facility
16 for long-term control, care and treatment. This jury trial
17 is to determine whether Mr. Jenkins should be civilly
18 committed to the sexually violent predator treatment
19 program. The State bears the burden in this case to prove
20 beyond a reasonable doubt that Mr. Jenkins' mental
21 abnormality or personality disorder is such that he is not
22 safe to be at large and that he's likely to engage in acts
23 of sexual violence. You'll make that decision based on the
24 evidence which you have seen and heard in the law in which I
25 am instructing you now. If the State is able to meet its

1 burden of proof and it's entitled to a finding Mr. Jenkins
2 should be committed to the sexually violent predator
3 treatment program. If the State is unable to meet that
4 burden of proof, Mr. Jenkins is entitled to a finding that
5 he should not be committed to the sexually violent predator
6 treatment program.

7 Now, in most civil cases, ladies and gentlemen, the
8 party with the burden of proof only has the burden of
9 proving that a fact is more likely true than not true, such
10 as by the greater weight or the preponderance of the
11 evidence. However, in this type of case the State's burden
12 of proof must be more powerful. It has to be proof beyond a
13 reasonable doubt. Well, what is a reasonable doubt in the
14 law. Proof beyond a reasonable doubt is proof that leaves
15 you firmly convinced. Now, there are very few things in
16 this world that we know with absolute certainty, and the law
17 does not require proof that overcomes every possible doubt.
18 What is required is if based on your consideration of the
19 evidence you're firmly convinced that Mr. Jenkins' mental
20 abnormality or personality disorder remains such that he is
21 not safe to be at large and that if not committed he's
22 likely to engage in acts of sexual violence, then you must
23 return a verdict for the State. If, on the other hand, you
24 think there is a real possibility that Mr. Jenkins does not
25 suffer from a mental abnormality or personality disorder

1 making him likely to engage in acts of sexual violence in
2 the future, you must give him the benefit of the doubt and
3 find the verdict for Mr. Jenkins. Reasonable doubt may
4 arise from evidence that's in the case or from the lack or
5 absence of evidence in this case. It's up to you, ladies
6 and gentlemen, to determine whether or not reasonable doubt
7 exists.

8 Now, ladies and gentlemen, under the sexually violent
9 predator act the elements which the State must prove beyond
10 a reasonable doubt are basically two. The first is that the
11 respondent has been convicted of a sexually violent offense.
12 That's really not in dispute in this case. I instruct you
13 that a lewd act on a child is, in fact, a sexually violent
14 offense under the laws of this state. And secondly, the
15 State must prove beyond a reasonable doubt the Respondent
16 suffers from a mental abnormality or a personality disorder
17 that makes him likely to engage in acts of sexual violence
18 if not confined in a secure facility for long-term care,
19 control and treatment.

20 Now, ladies and gentlemen, inherent in these two
21 elements is that the State must prove the requirement that
22 the Respondent's mental abnormality or personality disorder
23 causes him serious difficulty controlling his behavior. In
24 other words, the state must prove beyond a reasonable doubt
25 that the individual that it seeks to commit suffers from a

1 mental illness which he cannot sufficiently control without
2 the structure and care provided by a mental health facility,
3 thereby rendering him otherwise likely to commit the
4 dangerous act.

5 Now, in order for you to better understand the elements
6 of the State's causes of action I'm going to define some of
7 the terms that I've just used. Mental abnormality means a
8 mental condition affecting a person's emotional or
9 volitional capacity that predisposes the person to commit
10 sexual violent offenses. This mental abnormality or
11 personality disorder must cause Petitioner -- sorry, must
12 cause the Respondent sufficient difficulty in controlling
13 his behavior. Likely to engage in acts of sexual violence
14 means that the person's propensity to commit acts of sexual
15 violence is of such a degree as to pose a menace to the
16 health and safety of others so that he is dangerous to
17 others. Again, I remind you that the burden of proof is on
18 the State to prove to your satisfaction beyond a reasonable
19 doubt that Mr. Jenkins mental abnormality or personality
20 disorder remains such that he's not safe to be at large and
21 that unless he is committed he is likely to engage in acts
22 of sexual violence. Again, the State carries this burden of
23 proof and convinces you beyond a reasonable doubt as to its
24 cause of action, the State is entitled to a finding that Mr.
25 Jenkins should be committed to the sexually violent predator

1 treatment program. If, on the other hand, the State does
2 not meet that burden of proof, then Mr. Jenkins is entitled
3 to a find that he should not be committed to the sexually
4 violent predator treatment program.

5 Now, Mr. Foreman, ladies and gentlemen of the jury,
6 I've prepared a verdict form. It's extremely simple and
7 pretty much self-explanatory, but I'm going to hit the
8 highlights of it anyway for you. The verdict form that
9 you'll use to render your verdict basically asks this
10 question. "Has the Petitioner, the State of South Carolina,
11 proven beyond a reasonable doubt that Leonard Jenkins is a
12 sexually violent predator under the South Carolina Sexually
13 Violent Predator Act," and then it has two statements. "We
14 the jury unanimously answer the question as follows," and it
15 has a blank that says, "Yes, Leonard Jenkins is a sexually
16 violent predator," and it has a second blank, "No, Leonard
17 Jenkins is not a sexually violent predator." Whatever the
18 jury's verdict is simply initial, Mr. Foreman, whichever
19 blank applies, sign the verdict form, knock on the door, let
20 the bailiff know you've finished your deliberations, and
21 return to -- and we'll get you back in here to the courtroom
22 shortly.

23 Now, ladies and gentlemen, all 12 of you have an equal
24 say in this case and all 12 of you must agree on this
25 verdict. We do not have majority verdicts in South

1 Carolina. So all 12 of you must agree on the ultimate
2 verdict in this case. Your verdict cannot be based upon
3 passion, sympathy, prejudice, emotion or any other
4 consideration which is not in evidence in this case. And
5 I'll remind you that you've been selected as fair and
6 impartial citizens who have no interest in the outcome of
7 this case. In other words, ladies and gentlemen, you have
8 no enemies to punish. You have no friends to reward.

9 Now, I'm going to ask that you return to the jury room
10 but don't' behind your deliberations yet. Your cue to begin
11 your deliberations will be receipt of these instructions,
12 the verdict form and the exhibit which was introduced into
13 the record, and my asking the alternate to step out. So
14 when you get all that stuff back there that's when you can
15 start discussing the case.

16 Ladies and gentlemen, if you have any questions about
17 the law that applies on this particular case just give the
18 bailiff a note asking him -- or asking me what parts of the
19 law you're having trouble with or that you're struggling
20 with and I'll endeavor to answer those questions for you. I
21 can help you on legal questions. Questions that relate to
22 the law. At this point in time, however, the record is
23 closed, so it's not possible to offer additional testimony
24 or answer any sort of factual questions that you may have.
25 You'll have to judge this case based solely on the evidence

1 that has been presented up until this particular point in
2 time.

3 So again, ladies and gentlemen, adjourn back to the
4 jury room. Don't start your deliberations until you get
5 these papers, the exhibit and I ask the alternate to stop
6 out.

7 (Whereupon, the jury exited the courtroom to being
8 deliberations at 10:48 a.m.)

9 THE COURT: Exceptions, additions from the State?

10 MR. BOGLE: No, Your Honor. Thank you.

11 THE COURT: From the Defense?

12 MS. GOOD: None.

13 THE COURT: Very good. I think there's only one
14 exhibit. Our alternate is Mr. Bradshaw. So go ahead and --
15 go ahead and ask Mr. Bradshaw to step out and start their
16 deliberations.

17 (Whereupon, jury deliberated until 11:45 a.m.)

18 THE COURT: Ladies and gentlemen, I'm told that the
19 jury has reached a verdict. Anything further before we
20 bring them back into the courtroom from the State?

21 MR. BOGLE: Nothing further.

22 MS. GOOD: Nothing.

23 THE COURT: Let's have them, please.

24 (Whereupon, the jury entered the courtroom at 11:48
25 a.m.)

1 THE COURT: The record will reflect that the jury is
2 back and seated. Mr. Foreman, ladies and gentlemen of the
3 jury, I'm told that you've reached a verdict. Is that
4 correct, sir?

5 THE FOREMAN: Yes, sir.

6 THE COURT: All right. And all 12 of you agree as to
7 the verdict?

8 THE FOREMAN: Yes, sir.

9 THE COURT: All right. If you would, hand the verdict
10 form to the bailiff, please. Madam Clerk, if you'll
11 publish, please.

12 MADAM CLERK: Yes, sir. The State of South Carolina,
13 County of York, in the Matter of Care and Treatment of
14 Leonard Jenkins, case number 2014-CP-46-3261, the question,
15 "Has the Petitioner, State of South Carolina, proved beyond
16 a reasonable doubt that Leonard Jenkins is a sexually
17 violent predator under the South Carolina Sexually Violent
18 Predator Act," we the jury unanimously answer, yes, Leonard
19 Jenkins is a sexually violent predator. Signed this day by
20 Jefferson Diel, January 5th, 2016.

21 Ladies and gentlemen of the jury, if this is your
22 verdict, please indicate so by raising your right hand.

23 (Jurors raise hands.)

24 MADAM CLERK: All hands are raised. Thank you.

25 THE COURT: The record shall reflect all 12 hands were

1 raised. Anything before discharge of the jury from the
2 State?

3 MR. BOGLE: No, Your Honor, thank you.

4 THE COURT: The Defense?

5 MS. GOOD: No, sir.

6 THE COURT: Mr. Foreman, ladies and gentlemen of the
7 jury, I want to thank you for your service here in York
8 County. I do appreciate it. As I mentioned on Monday you
9 will get paid for your jury service. The checks are in the
10 mail. It's 34 cents per mile and \$10 per day. Okay? When
11 you get it, cash it and blow it all in one place.

12 You'll also receive from me in a separate envelope a
13 letter thanking you for your jury service this week. The
14 purpose of the letter is really twofold. It is, of course,
15 to thank you for your valuable service here. But it's also
16 to solicit your feedback. So if there's anything that you
17 liked about jury service, feel free to tell me. If there's
18 anything that you did not like about your jury service
19 definitely tell me. Okay? Because I've actually changed
20 the way that court operates based upon feedback that I've
21 gotten from folks who have come in and served on a jury. So
22 if there is anything you did not like about jury service,
23 don't be shy. Let me know. It will have my telephone
24 number, email address, snail mail address. However you want
25 to communicate is perfectly fine with me. Additionally, if

1 you have any questions about this case, things that I
2 couldn't answer for you, or just lingering questions, let me
3 know and I'll try and answer those for you as well.

4 With that, you are free to go about your business for
5 the rest of the week. You have that three year get out of
6 jury service free card, so remember to use that if you
7 summoned in the next three years, and I wish you luck. I
8 hope to meet you again and have the pleasure of your
9 company. You all take care and have a great week. You are
10 excused. Thank you very much.

11 (Whereupon, the jury is released.)

12 THE COURT: I typically afford 10 days for a post-trial
13 motion, so if you want to make motions within 10 days
14 that'll be perfectly fine. The Court will sign the order of
15 commitments based upon the verdict that has been rendered
16 here today.

17 Mr. Jenkins, please try and approach this in a positive
18 light, sir, to the extent that you can cooperate and work
19 with folks in the Department of Mental Health. That's going
20 to probably help your ability to get out sooner rather than
21 later. Okay, sir? I understand that you're not happy with
22 the verdict. But I assure you if you cooperate and try to
23 do your best to avail yourself with the counseling they do
24 offer, that might reach your chances of getting out sooner.
25 Okay, sir?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Best of luck to you. Take care of
3 yourself, sir. Thank you.

4 (Whereupon, the proceeding was concluded.)

5 - - - END OF REQUESTED TRANSCRIPT OF RECORD - - -

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1 Certificate of Reporter

2

3 I, the undersigned, Tara T. Scott, Official Court
4 Reporter for the Eighth Judicial Circuit of the State of
5 South Carolina, do hereby certify that the foregoing is a
6 true, accurate, and complete transcript of record of all the
7 proceedings had and evidence introduced in the trial/hearing
8 of the captioned case, relative to appeal, in the Circuit
9 Court for York County, South Carolina, on the 4th and 5th
10 day of January, 2016.

11 I do further certify that I am neither of kin, counsel,
12 nor interest to any party hereto.

13

14

15

Tara T. Scott

16

Tara T. Scott, CVR

17

Circuit Court Reporter

18

March 23, 2016

19

20

21

22

23

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25



ALAN WILSON
ATTORNEY GENERAL

September 30, 2014

The Honorable David Hamilton
York County Clerk of Court
P.O. Box 649
York, SC 29745-0649

Re: In the Matter of the Care and Treatment of Leonard Jenkins
Case No. 2014-CP-46-3261

Dear Mr. Hamilton:

Please find enclosed an original and two copies of the State's Petition pursuant to the Sexually Violent Predator Act in the above captioned matter. Please file the original and return the two clocked copies using the enclosed self-addressed envelope.

If you have any questions, please do not hesitate to contact me at (803) 734-0087.

Very Truly Yours,

Nicole Wetherton
Assistant Attorney General

NTW:inmc
Enclosures

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

153

COUNTY OF YORK

IN THE MATTER OF THE CARE AND TREATMENT OF
LEONARD JENKINS

CIVIL ACTION COVERSHEET

Plaintiff(s)

vs.

Defendant(s)

2014-CP - 46- 3261

(Please Print)

Submitted By: Nicole T. Wetherton

Address: Office of the Attorney General

P.O. Box 11549

Columbia, SC 29211

SC Bar #: 100500

Telephone #: 803-734-0087

Fax #: 803-734-6670

Other:

E-mail: nwetherton@scag.gov

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|---|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ Employment (120)
☐ General (130)
☐ Breach of Contract (140)
☐ Other (199) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20____-CP-_____
☐ Notice/ File Med Mal (230)
☐ Other (299) | Torts - Personal Injury
☐ Assault/Slander/Libel (300)
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Other (399) | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) |
| Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Other (799) | Administrative Law/Relief
☐ Reinstate Driver's License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Commission (990)
☐ Employment Security Comm (991)
☐ Other (999) |
| Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) | | | |
| ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☒ Sexual Predator (510) | | | |

Submitting Party Signature:

Date: 9/30/14

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF YORK)	SIXTEENTH JUDICIAL CIRCUIT
)	CASE NO. 2014-CP-46- 3261
IN THE MATTER OF THE CARE)	
AND TREATMENT OF)	
LEONARD JENKINS,)	PETITION PURSUANT TO THE
)	SEXUALLY VIOLENT PREDATOR
RESPONDENT.)	ACT

COMES NOW, Petitioner, State of South Carolina, by and through the undersigned, and for its cause of action herein alleges and states as follows:

1. This action is filed pursuant to the South Carolina Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 *et seq.* (hereafter, the Act).
2. The South Carolina Department of Corrections (hereafter, SCDC), having determined that Respondent, Leonard Jenkins (Respondent), had been convicted of at least one Sexually Violent Offense, referred Respondent to the Multi-Disciplinary Team for assessment pursuant to S.C. Code Ann. Section 44-48-40. **The max-out date for this individual is March 3, 2015.**
3. The Multi-Disciplinary Team (MDT) on or about July 17, 2014 determined after assessment that Respondent satisfied the definition of a Sexually Violent Predator as set forth in S.C. Code Ann. Section 44-48-30, and referred Respondent to the Prosecutor's Review Committee for a determination pursuant to S.C. Code Ann. Section 44-48-60 as to whether probable cause exists to believe Respondent is a Sexually Violent Predator (**PETITIONER'S EXHIBIT A**). The assessment of the Multi-Disciplinary Team is based on a review of existing records, which may include, but are not limited to the following: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions or adjudications; documentation, if any, of mental disorder(s); community and institutional adjustment; and risk factors.
4. The Prosecutor's Review Committee (PRC) on or about September 18, 2014 determined that there is probable cause to believe that Respondent is a Sexually Violent Predator as defined by statute. (**PETITIONER'S EXHIBIT B**) The Prosecutor's Review Committee bases its determination on the records and reports provided by the Multi-Disciplinary Team including any information provided by the agency that prosecuted the qualifying offense.

FILED-RECEIVED
 2014 OCT - 2 PM 1:23
 DAVID HAMILTON
 C.C.C. & G.S.
 YORK COUNTY, SC

5. The Petitioner now alleges that Respondent is a Sexually Violent Predator as defined by S.C. Code Ann. Section 44-48-30 (1), to wit:

(a) From April to September 2010, Respondent sexually assaulted **Victim 1** (9 year-old female). According to law enforcement documentation, Victim 1 stated that Respondent touched her breast and buttocks, and made her fondle his penis on more than one occasion. According to Victim 1, other children were present when these incidents occurred. In addition, on February 7, 2012, a woman reported that Respondent sexually assaulted **Victim 2** (12 year-old female) at his residence. According to law enforcement documentation, Victim 2 disclosed that Respondent touched her vagina underneath her clothing. Victim 2 was also present during the sexual abuse of Victim 1. Respondent was originally charged with three counts of Lewd Act on a child in Violation of South Carolina Code 16-15-140. On October 28, 2013, Respondent pled guilty to one count of Lewd Act on a Child and *nolo contendere* to one count of Assault and Battery of the 2nd Degree in violation of South Carolina Code Section 16-3-600(D). Respondent received a total aggregate sentence of 10 years incarceration suspended to three years and three years probation. **(PETITIONER'S EXHIBIT C).**

(b) Prior to the offenses described in subparagraph (a), Respondent allegedly sexually assaulted **Victim 3** (14 year-old female). According to law enforcement documentation, Victim 3 reported that she was in the back bedroom of her relative's house with her 9 year-old cousin. Respondent came into the room and closed the door in an effort to prevent the two children from leaving. Respondent began rubbing Victim 3's breast, buttocks and back underneath her shirt. Victim 3 stated that she tried to push Respondent's hand away, but Respondent would not stop. Respondent eventually stopped when a male cousin opened the door. Earlier that same day, Victim 3's grandmother observed Respondent touching and pinching Victim 3 on the legs. Respondent was initially charged with Lewd Act on a Child on March 4, 2001. On October 25, 2001, Respondent was convicted on Assault and Battery of a High and Aggravated Nature and was sentenced to eight years incarceration suspended to three years probation. **(PETITIONER'S EXHIBIT D).**

(b) During Respondent's incarceration at the South Carolina Department of Corrections, Respondent has had four recorded disciplinary infractions, and was convicted of all of the aforementioned offenses. **(PETITIONER'S EXHIBIT E).**

(c) Sufficient evidence exists or will exist to determine that Respondent suffers from a mental abnormality or personality disorder which makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment, and that Respondent has serious difficulty in controlling his behavior or sexual desire impulses.

(a) In support of the State's allegations that the Respondent has a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment, the State, in addition to any other evidence which it may present to the Court hereafter, submits the following for consideration:

(b) According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, the diagnostic criteria for Pedophilic Disorder listed at Page 697 are:

A. Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger).

B. The person has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.

C. The person is at least age 16 years and at least 5 years older than the child or children in Criterion A. **(PETITIONER'S EXHIBIT F).**

(c) According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, the diagnostic criteria for Paraphilic Disorder at Page 685 are:

Any intense and persistent sexual interest other than sexual interest in genital stimulation or preparatory fondling with phenotypically normal, physically mature, consenting human partners. **(PETITIONER'S EXHIBIT G).**

iii. "[P]revious instances of violent behavior are an important indicator of future violent tendencies." *Kansas v. Hendricks*, 521 U.S. 346, 358, 117 S.Ct. 2072, 2080 (1997). Respondent's instances of violent and non-violent behavior are:

- A. The basis of Respondent's 2013 convictions for Lewd Act and Assault and Battery of the Second Degree **(EXHIBIT C, *supra*).**
- B. The basis for Respondent's 2001 conviction for Assault and Battery of a High and Aggravated Nature. **(EXHIBIT C, *supra*).**
- C. Robbery, Grand Larceny, and Conspiracy – 02/24/1987
- D. Breaking & Entering, Larceny – 6/22/1982
- E. The basis of his disciplinary infractions while at SCDC **(EXHIBIT E, *supra*).**

iv. The facts of Respondent's offenses indicate the existence of a mental abnormality in that they involve recurrent sexual urges or behaviors involving

underage children occurring over a period of at least six months.

v. Known risk factors increasing Respondent's likelihood to re-offend include:
1) Prior sexual offenses; 2) length of sexual offending history one to six years
3) victim age 13-15; and 4) more than one victim.

vi. Upon information and belief, Respondent enrolled in the sex offender treatment program in June of 2014 while incarcerated in the South Carolina Department of Corrections. **(PETITIONER'S EXHIBIT H).**

vii. Attached also is Respondent's NCIC Report and additional miscellaneous criminal history. **(PETITIONER'S EXHIBIT I).**

WHEREFORE, Petitioner requests that based on the above information the Court find there is probable cause to believe Respondent is a Sexually Violent Predator and Order:

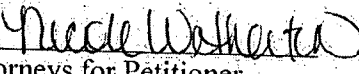
1. Respondent be taken into custody and confined in a secure facility, if he has not already been so confined;
2. Respondent be notified by the Court of the opportunity to appear in person at a hearing to contest probable cause as to whether he is a Sexually Violent Predator;
3. A hearing, if Respondent is not already in custody, to contest probable cause be held within 72 hours after Respondent is taken into custody;
4. Counsel be appointed for Respondent if necessary;
5. If probable cause is found at that hearing, that Respondent remain in custody and be transferred to an appropriate facility for an evaluation to determine whether Respondent meets the statutory criteria as a Sexually Violent Predator;
6. The Court appoint a qualified expert for such an evaluation if probable cause is found;
7. If probable cause is found, a trial be held on all issues, and if Respondent is found to be a Sexually Violent Predator, that he be committed to the custody of the South Carolina Department of Mental Health for control, care, and treatment until such time as Respondent's mental abnormality or personality disorder has so changed that Respondent is safe to be at large and has been released pursuant to the requirements of S.C. Code Ann. Section 44-48-10 *et seq.*, and

8. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

NICOLE T. WETHERTON
Assistant Attorney General

By: 
Attorneys for Petitioner
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F: (803) 734-6679
nwetherton@scag.gov

September 30, 2014
Columbia, South Carolina

PETITIONER'S EXHIBIT A

SEXUAL PREDATOR REFERRAL FORM

Offender Name: LEONARD EUGENE JENKINS		Offender Number: 138712	Jurisdictional Agency: SCDC
Age: 50	County: YORK	Qualifying Offense(s): Guilty Plea: Trial:	
Gender: Male	No. of Incarcerations: 2	Lewd Act on Child Under 16, Assault & Battery, 2nd Degree	
Adult 10 years suspended to 3 years Sentence: with 3 years probation	Parole Eligibility Date:	Max-Out Date: 03/03/2015	
Juvenile Guidelines:	Parole Release Date:	SFH Date:	

The review of this case is based on the offender's records which include, but are not limited to, the following information: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors. Findings are strictly based on the legal criteria set forth in Section 44-48-30 of the Sexually Violent Predator Act, and are not to be interpreted as a clinical assessment..

VOTES TO REFER/NOT REFER TO PROSECUTOR'S REVIEW COMMITTEE:

YES	NO	ABSTAIN
_____	_____	_____

The following Sexual Predator Multi-Disciplinary Team Members participated in the review process:

J. Claston SCDC -- CHAIRPERSON
Raymond A. Smith SCDPPS
Tiffany E. Munnick, PhD, ASPP DMH
JDG JDG
Attorney ATTORNEY

DEFERRED -
 INFO. - RECEIVED 7/11
 COMPLETE

MULTIDISCIPLINARY TEAM

The offender's records were assessed by the Multidisciplinary Team on June 19, 2014, and based upon that assessment, we find that:

- _____ The offender satisfies the definition of a sexually violent predator and a review by the Prosecutor Review Committee is warranted.
- _____ The offender does not satisfy the definition of a sexually violent predator and a review by the Prosecutor Review Committee is not warranted.

SEXUAL PREDATOR REFERRAL FORM

Offender		Offender	Jurisdictional
Name: LEONARD EUGENE JENKINS		Number: 138712	Agency: SCDC
Age: 50	County: YORK	Qualifying Offense(s): Guilty Plea: Trial:	
Gender: Male	No. of Incarcerations: 2	Lewd Act on Child Under 16, Assault & Battery 2nd Degree	
Adult 10 years suspended to 3 years		Parole Eligibility	Max-Out
Sentence: with 3 years probation		Date:	Date: 03/03/2015
Juvenile	Parole	SFII	
Guidelines:	Release Date:	Date:	
Deferred from MDT review 06/19/14.			

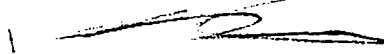
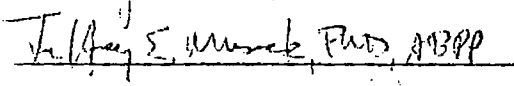
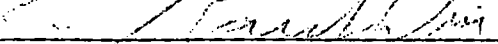
The review of this case is based on the offender's records which include, but are not limited to, the following information: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors. Findings are strictly based on the legal criteria set forth in Section 44-48-30 of the Sexually Violent Predator Act, and are not to be interpreted as a clinical assessment..

VOTES TO REFER/NOT REFER TO PROSECUTOR'S REVIEW COMMITTEE:

YES	NO	ABSTAIN
_____	_____	_____

TIE VOTE

The following Sexual Predator Multi-Disciplinary Team Members:

	SCDC -- CHAIRPERSON
	SCDPPS
	DMH
	JDG
	ATTORNEY

MULTIDISCIPLINARY TEAM

The offender's records were assessed by the Multidisciplinary Team on July 17, 2014, and based upon that assessment, we find that:

_____ The offender satisfies the definition of a sexually violent predator and a review by the Prosecutor Review Committee is warranted.

_____ The offender does not satisfy the definition of a sexually violent predator and a review by the Prosecutor Review Committee is not warranted.

SEXUAL PREDATOR REFERRAL FORM

Offender Name: LEONARD EUGENE JENKINS		Offender Number: 138712	Jurisdictional Agency: SCDC
Age: 50	County: YORK	Qualifying Offense(s):	Guilty Plea: Trial: _____
Gender: Male	No. of Incarcerations: 2	Lewd Act on Child Under 16, Assault & Battery 2nd Degree	
Adult Sentence: 10 years suspended to 3 years with 3 years probation	Parole Eligibility Date:	Max-Out Date:	03/03/2015
Juvenile Guidelines:	Parole Release Date:	SFII Date:	

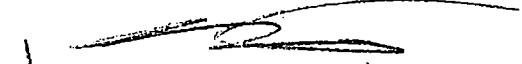
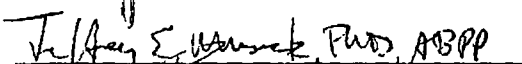
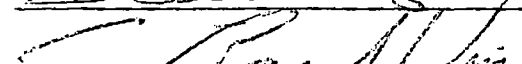
Deferred from MDT review 06/19/14.

The review of this case is based on the offender's records which include, but are not limited to, the following information: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors. Findings are strictly based on the legal criteria set forth in Section 44-48-30 of the Sexually Violent Predator Act, and are not to be interpreted as a clinical assessment.

VOTES TO REFER/NOT REFER TO PROSECUTOR'S REVIEW COMMITTEE:

YES	NO	ABSTAIN
<u>3</u>	<u>2</u>	<u>0</u>

The following Sexual Predator Multi-Disciplinary Team Members participated in the review process:

 SCDC -- CHAIRPERSON
 SCDPPS
 DMH
 JDG
 ATTORNEY

MULTIDISCIPLINARY TEAM

The offender's records were assessed by the Multidisciplinary Team on July 17, 2014, and based upon that assessment, we find that:

- ☒ The offender satisfies the definition of a sexually violent predator and a review by the Prosecutor Review Committee is warranted.
- ☐ The offender does not satisfy the definition of a sexually violent predator and a review by the Prosecutor Review Committee is not warranted.

PETITIONER'S EXHIBIT B

**PROSECUTOR'S REVIEW COMMITTEE
PROBABLE CAUSE DETERMINATION**

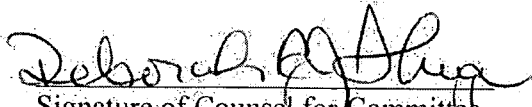
INMATE NAME:	INMATE NUMBER	PRC REVIEW DATE:
LEONARD EUGENE JENKINS	138712	SEPTEMBER 18, 2014 MEMBERS PRESENT: Barry Bernstein for Alan Wilson David M. Stumbo via telephone Beebe James via telephone

DATE RECEIVED FROM MULTIDISCIPLINARY TEAM: AUGUST 25, 2014

The Multi-Disciplinary Team referred this case to the Prosecutor's Review Committee pursuant to S.C. Code Ann. § 44-48-50, for review to determine whether probable cause exists to believe this person is a sexually violent predator. S.C. Code Ann. § 44-48-60. The Prosecutors Review Committee reviewed all information received from the Multi-Disciplinary Team, including without limitation: documentation of the qualifying offense as well as other sexual assault(s) or criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors.

PROBABLE CAUSE DETERMINATION:

By a vote of 3-0, the Prosecutor's Review Committee found probable cause to believe that this individual has been convicted of a sexually violent offense, and suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.


Signature of Counsel for Committee

PETITIONER'S EXHIBIT C

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF York
 STATE VS.
Leonard Eugene Jenkins

INDICTMENT/CASE#: 2012GS4602103

AKA: _____
 Race: WHITE Sex: M Age: 49

A/W#: J158130Date of Offense: 8/1/2011S.C. Code §: 16-15-0140CDR Code #: 2468

Address: _____
 City, State, Zip: _____

DL#: _____ SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: ASSAULT AND BATTERY, 2ND DEGREE (0-3 YRS)

☐ CONVICTED OF or ☒ PLEADSNo Contestin violation of § 16-03-0600(D)(1) of the S.C. Code of Laws, bearing CDR Code # 3413

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/inor 1st or Lewd Act)

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST: Jenny E. Desch 72806 Leonard E. Jenkins Amir D. Hill 011846
 Desch, Jenny E. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: sentence to be in house serving
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections. 80 days

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$
 § 14-1-206 (Assessments 107.5%) _____ \$
 § 14-1-211(A)(1) (Conv. Surcharge) \$100 _____ \$ 100
 § 14-1-211(A)(2) (DUI Surcharge) \$100 _____ \$
 § 56-5-2995 (DUI Assessment) \$12 _____ \$
 § 56-1-286 (DUI Breath Test) \$25 _____ \$
 Proviso 47.9 (Public Def/Prob) \$500 _____ \$
 § 14-1-212 (Law Enforce. Funding) \$25 _____ \$ 25
 § 14-1-213 (Drug Court Surcharge) \$150 _____ \$
 § 50-21-114(BUI Breath Test Fee) \$50 _____ \$
 § 56-5-2942(J) (Vehicle Assessment) \$40/ea _____ \$
 Proviso 90.5 (SCCJA Surcharge) \$5 _____ \$ 5
 3% to County (if paid in installments) _____ \$
 TOTAL _____ \$ 130

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund...

Other: _____

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk David L. HinesPresiding Judge Tim R. Hill

COUNTY OF
STATE

York

VS.

Leonard Eugene Jenkins

INDICTMENT CASE#: 2012GS4602101

A W#: 1158123

Date of Offense: 8/1/2011

S.C. Code §: 16-15-0140

CDR Code #: 2468

AKA:

Race: WHITE Sex: M Age: 49

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip:

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: COMMITTING LEWD ACT UPON A CHILD UNDER 16 (0-15 YRS)

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC) ☐ §17-25-15
w/ minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Dech. Jenny E.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 10 days/months/years or: ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of 3 days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 3months/years and subject to South Carolina Department of Probation, Parole and Pardon Services' standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-10 to be calculated and applied
by the State Department of Corrections.☒ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5%)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2993 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def. Prob)	\$300
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$10 ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$ 130.00

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly monthly
pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund

Other: MANDATORY Sexual
registry and GPS monitoring
to apply.☐ Appointed PD or appointed other counsel§ 42.42 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA-217 (03-2011)

Presiding Judge

Judge Code: 2167

Sentence Date: 8/14/13

SOUTH CAROLINA VICTIM IMPACT STATEMENT

Moss Justice Center
1675-1B York Highway
York, SC 29745
Phone: (803) 628-3023
Fax: (803) 628-3255



Union County Courthouse
PO Box 60
Union, SC 29379
Phone: (864) 429-1673
Fax: (864) 429-2803

Kevin Brackett
Solicitor, Sixteenth Judicial Circuit

138712

Defendant: Leonard Jenkins
Charges: Lewd act on a child
Co-Defendant(s):
Assistant Solicitor: Jenny Desch

Warrant Numbers: J158128

Indictment Numbers:
Victim/Witness Advocate: Dawn Carter

TO BE COMPLETED BY VICTIM OR **REPRESENTATIVE (if victim is a minor, business, deceased or incapacitated)

Please return this form within 2 weeks—assistance in completing this form is available upon request.

Victim Name: [REDACTED]
**Representative:
Relationship to Victim: mother
Mailing Address: Attn: [REDACTED]
Father
Work Address: [REDACTED]

Phone # --Home () - -

--Work () - -
--Other () - -

DAD'S

E-mail: [REDACTED]

Incident Date: 5-6-2011-10-25-2011 + January 2012
my daughters

FINANCIAL LOSS: YOU MUST ATTACH COPIES OF RECEIPTS, BILLS, ESTIMATES AND OTHER DOCUMENTS

Expenses:
Medical (+) \$ [REDACTED]
Counseling (+) \$ [REDACTED]
Funeral (+) \$ [REDACTED]
Property Loss Damage (+) \$ [REDACTED]
Deductible Amount (+) \$ [REDACTED]
Other (+) \$ my daughters
Subtotal (=) INNOCESE

Recovery Amounts From:
Insurance Reimbursement (-) \$ [REDACTED]
Insurance Company and Address [REDACTED]
Victim Compensation (SOVA) (-) \$ [REDACTED]
TOTAL DUE \$ [REDACTED]

PLEASE READ AND CHECK STATEMENT(S) WITH WHICH YOU AGREE:

- ☒ I do wish to be notified of all court proceedings pertaining to this case.
☐ I do not wish to be notified unless I am needed.
☒ I do wish to be notified of all post-conviction hearings, including appeals, probation, parole, release, or escape from prison, etc.

It is your responsibility to inform the Solicitor's office of any changes to your address and telephone number.

(This section to be completed by agency personnel only)

Defendant's DOB [REDACTED]
Defendant's SSN [REDACTED]
County of Conviction [REDACTED]
Judge [REDACTED]
Date of Sentence [REDACTED]
Sentence [REDACTED]

Restitution Ordered:
To victim \$ [REDACTED]
To SOVA \$ [REDACTED]

*TOTAL: \$ [REDACTED]

RECEIVED
AUG 26 2013

SCDC
VICTIM SERVICES

This portion of the Victim Impact Statement requests information about the effects the crime. Please consider the following questions and *respond only to those that apply to you and to this case*. You may use additional paper for your answers if needed. We encourage your input.

Did you suffer any physical injuries? YES Did these injuries cause any permanent or long-term disabilities or disfigurements? Please describe: both w/ ourselves

loss of confidence & security and w/ the law.

Have you noticed any change in your lifestyle since this happened? (This may include personal habits, close relationships, the amount of tension and nervousness, or your ability to work.) Please describe:

my child runs to house from the busstop (has to pass Geors house)
Doesn't go outside b-cuz she's afraid to see Gene.

Please describe how this crime has affected you financially?

I had to repair a broken tailight on my vehicle that was damaged. Dnt no he did it, but store bet.

Have you received any mental health counseling as a result of this crime? no If not, are you interested in receiving counseling?

She doesn't want to talk to anyone except me.

Please use this space for additional comments you may have:

He took her innocence - And her life from here on will be affected by this. I don't understand how if u have done this before, you still get out (w/ 3 young girls in his house) + be free to stare + make your presence known.

Thank you for taking time to complete and return this form. This will help your voice to be heard by the criminal justice system. Please sign and return.

Signature of victim or representative

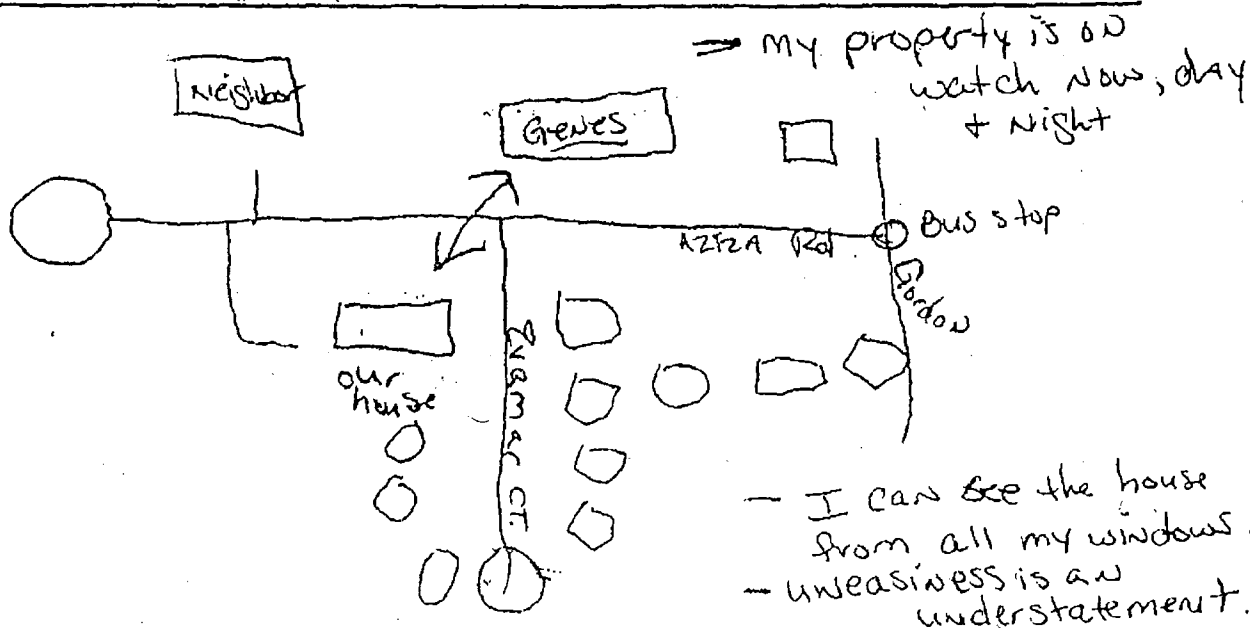
Date

March 1, 2012

AUG 26 2013

SCDC
VICTIM SERVICES

With your signature, you submit that the above statements are true.



F-150
T-072 P0007
8036283133
COC General Sessions
06-11-14 09:38 FROM

ARREST WARRANT

J-158128

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

York

THE STATE

201200001783

against

ard Eugene Jenkins

SSN: [REDACTED]

M Race: W Height: 6 Weight: 200

ter: SC DL #: [REDACTED]

Agency ORI #: SC0460000

Issuing Agency: York County Sheriff

Issuing Officer: Carson Neely - N7078

re: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

re Code: 2468

Ordinance Sec: 16-15-0140

Warrant is CERTIFIED FOR SERVICE in the

County/ ☐ Municipality of

The accused

be arrested and brought before me to be with according to the law.

(L.S.)

Signature of Judge

RETURN

Copy of this arrest warrant was delivered to

ndent: Leonard Eugene Jenkins
2-14-12

Signature of Court Clerk

WARRANT TO:

rk/Bethesda Magistrate

- 1d York Hwy

SC 29745

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

York

Personally appeared before me the affiant Carson Neely who

being duly sworn deposes and says that defendant Leonard Eugene Jenkins

did within this county and state on or about 08/01/2011

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of York)

In the following particulars:

DESCRIPTION OF OFFENSE Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

The adult defendant did willfully and unlawfully violate South Carolina Code of Laws, section 16-15-140, by committing a lewd and lascivious sexual act of on the body of a minor child under the age of 16 [REDACTED] DOB [REDACTED]. The battery consisted of the defendant's touching the child's vagina with his hands for purposes of sexual gratification. Incident occurring in the defendant's residence of Rock Hill, SC., during the summer months of 2011. All against the peace and dignity and laws made and provided.

Forensic Interview
Police Investigation

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

York

Affiant's Address 1675 York Hwy.

York, SC 29745-000

Affiant's Telephone (803)628-3059

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 8/1/2011 defendant Leonard Eugene Jenkins

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of York) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 02/14/2012

Judge's Address Moss Justice Center

York, SC 29745-7423

Judge's Telephone (803)628-3029

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

Signature of Issuing Judge

Lynne Horton Benfield

Judge Code: 5806

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

F-150

WITNESSES

CSOIN:efy

P0008

F-072

8036283133

ARREST WARRANT NUMBER

-158128

COC General Sessions

ACTION OF GRAND JURY

/ Paul Vebaun

TRUE BILL

-14-12 True Billed

Foreperson of Grand Jury

Date:

6-13-13

VERDICT

Guilty

06-11-'14 09:39 FROM-

Foreperson of Petit Jury

Date: 8-14-2013

AMENDED DOCKET NO. 2012-GS-45-02101

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

June 13, Term 2013

THE STATE

VS.

LEONARD EUGENE JENKINS

Indictment for

LEWD ACT UPON A CHILD

SC Code: 16-15-140

CDR Code: 2468

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

Witness:

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

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF YORK)

At a Court of General Sessions, convened on June 13, 2013, the Grand Jurors of York County present upon their oath:

LEWD ACT UPON A CHILD

That the Defendant, Leonard Eugene Jenkins, a person over the age of fourteen (14) years, did in York County, South Carolina, during or about the month of May 2011 through on or about the month of August, 2011, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon the body, or any part or member thereof, of a child under the age of sixteen (16) years, to wit: by touching the vagina of minor female child, [REDACTED] dob [REDACTED], with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of said child, all in violation of Section 16-15-140, S.C. Code of Laws 1976, as amended.

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


ASSISTANT SOLICITOR

F-150

P0011

T-072

8036283133

COC General Sessions

06-11-14 09:40 FROM-

ARREST WARRANT

J-158130

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

York

THE STATE

2012-1789

against

Leonard Eugene Jenkins

SSN:

M

Race:

W

Height:

Weight:

State:

SC

DL #:

Agency ORI #:

SC0460000

Issuing Agency:

York County Sheriff

Issuing Officer:

Carson Neely - N7078

Charge:

Sex / Lewd Act, committing or attempting lewd act

upon child under 16 (June 4, 1996)

Case Code:

2468

Ordinance Sec:

16-15-0140

Warrant is

CERTIFIED FOR SERVICE

in the

County/

☐ Municipality of

The accused

to be arrested and brought before me

to be

with according to the law.

(L.S.)

Signature of Judge

RETURN

Copy of this arrest warrant was delivered to

defendant

Leonard Eugene Jenkins

2-14-12

Signature of Constable/Law Enforcement Officer

TURN WARRANT TO:

York County General Sessions

1675 York Hwy

York, SC 29745

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

York

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
ECCA 918Personally appeared before me the affiant Carson Neely

who

being duly sworn deposes and says that defendant Leonard Eugene Jenkins

did within this county and state on or about

08/01/2011

violate the criminal laws of the

State of South Carolina (or ordinance of

☒ County/☐ Municipality of

York

in the following particulars:

DESCRIPTION OF OFFENSE Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

The adult defendant did willfully and unlawfully violate South Carolina Code of laws, section 16-15-140, by committing a lewd and lascivious sexual act on the body of a minor child under the age of 16 (). The battery consisted of the defendant forcing the child to touch his penis for purposes of his sexual gratification. Incident occurring in the defendant's residence of () during the year of 2010. All against the peace and dignity and laws made and provided.

Forensic interview & police investigation

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

York

Affiant's Address

1675 York Hwy.

York, SC 29745-000

Affiant's Telephone

(803)628-3059

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 8/1/2011

defendant Leonard Eugene Jenkins

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/☐ Municipality of

York

) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 02/14/2012

Judge's Address

Moss Justice Center

York, SC 29745-7423

Judge's Telephone

(803)628-3029

Issuing Court

☒ Magistrate☐ Municipal☐ Circuit

Lynne Horton Benfield

Judge Code: 5806

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

173

AMENDED DOCKET NO. 2012-GS-46-02103

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

* Leonard Eugene Jenkins
Defendant

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

June 13, Term 2013

I hereby appear in my own proper person and plead guilty to the within indictment or to No Contest

Assault and Battery
Second Degree

* Leonard Eugene Jenkins
Defendant

THE STATE

vs.

LEONARD EUGENE JENKINS

Witness:
James E. Eakins
C.C.C. O.S. AND G.S.
Specimen

ARREST WARRANT NUMBER

J-158130

ACTION OF GRAND JURY

/s/ Paul Vehaun **TRUE BILL**

6-14-12 True Billed

James E. Eakins
Foreperson of Grand Jury
Date: 6-13-13

VERDICT

Indictment for
LEWD ACT UPON A CHILD

SC Code: 16-15-140
CDR Code: 2468

F-150

P0012

T-072

dc

8036283133

CO General Sessions

06-11-14 09:41 FROM-

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on June 13, 2013, the Grand Jurors of York County present upon their oath:

LEWD ACT UPON A CHILD

That the Defendant, Leonard Eugene Jenkins, a person over the age of fourteen (14) years, did in York County, South Carolina, during or about the months of April 2010 through September 2010, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon the body, or any part or member thereof, of a child under the age of sixteen (16) years, to wit: by forcing a minor female child, [REDACTED] dob [REDACTED] to touch his penis, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of said child, all in violation of Section 16-15-140, S.C. Code of Laws 1976, as amended.

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


ASSISTANT SOLICITOR

YORK COUNTY SHERIFF'S OFFICE
GENERAL SESSIONS CASE FILE SUMMARY

Incident Report #: 201200001789

Lead Investigator: Detective Carson Neely

Defendant(s): Leonard Eugene Jenkins

Charges / Warrant #: J-158128 and J-158129 (Lewd Act on a Minor Child)

Witness List: Detective Carson Neely, [REDACTED], and [REDACTED]

Summary:

On January 16, 2012, an incident report and criminal investigation ensued do to allegations of physical assaults that were sexual in nature.

On January 19, 2012, [REDACTED], a thirteen year old child, was brought to Moss Justice Center and a Forensic Interview was conducted. During the interview, the child disclosed details of Leonard Eugene Jenkins, an adult male, committing a lewd and lascivious act on her body. The details consisted of Jenkins touching [REDACTED] on her butt, breast, and also making her touch his penis. Also during this interview, [REDACTED] provided names of other children that were present when one of these touching's occurred. One of the children's names was [REDACTED].

On February 07, 2012, [REDACTED] reported to YCSO that her daughter, [REDACTED], was a victim of being molested by Leonard Eugene Jenkins. On February 14, 2012, Detective Neely conducted a Forensic Interview with the child. During the interview, the child disclosed details of Eugene Jenkins committing a lewd and lascivious act on her body. The details consisted of Jenkins touching vagina underneath her clothing.

Both children disclosed that these incidents occurred at Jenkins's residence of [REDACTED], which falls in the jurisdiction of York County Sheriff's Office.

Investigation led to Detective Neely requesting and obtaining arrest warrants for Leonard Eugene Jenkins. On February 14, 2012, Leonard Jenkins was arrested at his residence and transported to MJC. Warrants J-158128 and J-158129 (Lewd Act on a Minor Child) were served according with York County Sheriff's Office policy.

Case Report Summary



Print Date/Time: 02/21/2012 14:07
 Login ID: neelyc
 Case Number: 2012-00001789
 OfficerID: Neelyc, Supplement Narrative
 February 15, 2012: Neely, Carson: Arrest:

York County Sheriff's Office
 ORI Number: SC0460000

Lewd Act on Minor Child:

On February 14, 2012, Leonard Jenkins was arrested at his residence of [REDACTED] due to warrant service. Detective Neely advised Jenkins of the warrants and transported him to MJC Detention for processing. Warrants J - 158128, 129, and 130, (Lewd Act on Minor Child) were served without incident and according to YCSO policy.

02172012 ecr

OfficerID: Neelyc, Supplement Narrative

On January 19, 2012, [REDACTED] was brought to MJC and a Forensic Interview was conducted. During the interview, the child disclosed details of Leonard Eugene Jenkins committing a lewd and Lascivious act on her body.

On February 07, 2012, [REDACTED] reported to YCSO that her daughter, [REDACTED] was a victim of being molested by Leonard Eugene Jenkins. On February 14, 2012, Detective Neely conducted a Forensic Interview with the child. During the interview, the child disclosed details of Eugene Jenkins committing a lewd and Lascivious act on her body.

Investigation led to Detective Neely requesting and obtaining arrest warrants for Leonard Eugene Jenkins.

02172012 ecr

OfficerID: Kinneet, Narrative

I met with Mr. [REDACTED] at the Moss Justice Center in reference to an inappropriate contact that involved his niece. Mr. [REDACTED] stated that his niece, [REDACTED], told him about an incident where Gene (Leonard Jenkins) touched her while she was in the pool at their residence. [REDACTED] told Mr. [REDACTED] that Gene touched her probably between 7 and 17 times over several months. Mr. Seitz stated that he believes that the two other girls in the residence ages 16 and 9 are also being victimized. The other two girls are also his nieces. Mr. [REDACTED] requested that a female officer question his niece. Mr. [REDACTED] was advised that a detective would be in contact to complete the investigation. Mr. [REDACTED] returned to the Sheriff's office with Mrs. Jenkins and [REDACTED], who is his 16 yr. old niece. Mrs. [REDACTED] is Gene's spouse and [REDACTED] is her daughter. Mr. [REDACTED] went to the Jenkin's residence after being advised to not speak with the suspect's family. Mr. [REDACTED] stated that after talking to [REDACTED], she denied any inappropriate contact with her step-father, Gene. Mr. Seitz now believes that [REDACTED] may be lying. I advised Mr. [REDACTED] and Mrs. [REDACTED] that the investigation must run it's course and asked that they encourage Gene to cooperate with the investigators.

01172012 ecr

Routing:

J-158128

WARRANT REQUEST

AFFIANT'S NAME: Detective Carson Neely
ADDRESS: 1675-2a York Hwy.,
York, SC 29745

PHONE: 803-628-3213 or 803-493-3713

DEFENDANT'S NAME: Leonard Eugene Jenkins
ADDRESS: [REDACTED]

SEX Male RACE White HEIGHT 600 WEIGHT 200 DATE OF BIRTH [REDACTED]
SS # [REDACTED] DL # [REDACTED]

OFFENSE: Lewd Act with a Child
CODE/ORDINANCE SEC.: 16-15-140 CDR - 2468
DATE OF OFFENSE: August 2011

INCIDENT# 201200001789

TODAY'S DATE: Feb 14 2012

AFFIDAVIT:

The adult defendant did willfully and unlawfully violate South Carolina Code of Laws, section 16-15-140, by committing a lewd and lascivious sexual act on the body of a minor child under the age of 16 [REDACTED]. The battery consisted of the defendant touching the child's vagina with his hands for purposes of sexual gratification. Incident occurring in the defendant's residence of [REDACTED] during the summer months of 2011. All against the peace and dignity and laws made and provided.

Forensic Interview
Police Investigation

WARRANT REQUEST

5-158129

AFFIANT'S NAME: Detective Carson Neely
ADDRESS: 1675-2a York Hwy.,
York, SC 29745

PHONE: 803-628-3213 or 803-493-3713

DEFENDANT'S NAME: Leonard Eugene Jenkins
ADDRESS: [REDACTED]

SEX Male RACE White HEIGHT 600 WEIGHT 200 DATE OF BIRTH [REDACTED]
SS # [REDACTED] DL # [REDACTED]

OFFENSE: Lewd Act with a Child

CODE/ORDINANCE SEC.: 16-15-140 CDR - 2468

DATE OF OFFENSE: August 2011

INCIDENT# 201200001789

TODAY'S DATE: Feb 14 2012

AFFIDAVIT:

The adult defendant did willfully and unlawfully violate South Carolina Code of Laws, section 16-15-140, by committing a lewd and lascivious sexual act on the body of a minor child under the age of 16 [REDACTED]. The battery consisted of the defendant touching the child's breast with his hands for purposes of sexual gratification. Incident occurring in the defendant's residence of [REDACTED], during the summer months of 2011. All against the peace and dignity and laws made and provided.

Forensic Interview
Police Investigation

WARRANT REQUEST

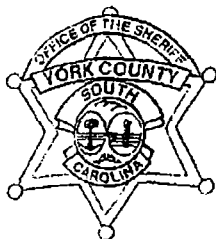
8-158130

AFFIANT'S NAME: Detective Carson NeelyADDRESS: 1675-2a York Hwy.,
York, SC 29745PHONE: 803-628-3213 or 803-493-3713DEFENDANT'S NAME: Leonard Eugene JenkinsADDRESS: [REDACTED]SEX Male RACE White HEIGHT 600 WEIGHT 200 DATE OF BIRTH [REDACTED]SS # [REDACTED] DL # [REDACTED]OFFENSE: Lewd Act with a ChildCODE/ORDINANCE SEC.: 16-15-140 CDR - 2468DATE OF OFFENSE: August 2010INCIDENT# 201200001789TODAY'S DATE: Feb 14, 2012

AFFIDAVIT:

The adult defendant did willfully and unlawfully violate South Carolina Code of Laws, section 16-15-140, by committing a lewd and lascivious sexual act on the body of a minor child under the age of 16 ([REDACTED]). The battery consisted of the defendant forcing the child to touch his penis for purposes of his sexual gratification. Incident occurring in the defendant's residence of [REDACTED] during the year of 2010. All against the peace and dignity and laws made and provided.

Forensic Interview
Police Investigation



INCIDENT INTERVIEW REPORT

YCSO CASE NUMBER: 201200001789 LEAD NUMBER: _____PERSON INTERVIEWED: **Officer Notes**

DATE OF BIRTH: _____ SOCIAL SECURITY NUMBER: _____

ADDRESS: (HOME) _____

TELEPHONE: _____

(WORK) _____

TELEPHONE: _____

DATE OF INTERVIEW: _____ TIME: _____

LOCATION OF INTERVIEW: _____

PURPOSE/TOPIC OF INTERVIEW: Warrant Service

DETAILS OF INTERVIEW:

On February 14, 2012, at approximately 1545 hours, I responded to [REDACTED] and located Leonard Eugene Jenkins at this address. There was a two year old child and an eleven year old child at the residence. I told Jenkins that he would be going to Moss Justice with me but I did not want to discuss the reason in front of the children. The eleven year old child was playing with two year old [REDACTED] who is an autistic child. I asked the eleven year old if she knew [REDACTED] birthday and she said April 1, 2010. Jenkins made a phone call to his wife from my phone and a few minutes later a phone call to an Attorney (Neil) 803-603-1043 from his phone. When [REDACTED] arrived, we went outside and Jenkins asked me to speak with his attorney. I asked Neil if he was being retained by Jenkins and he said that he had represented Gene in the past. Neil wanted to know the charges so I told him that I would provide Jenkins with all the information and he could tell Neil if he was indeed going to retain him. Jenkins was handcuffed with his hands in the front and he was escorted to MIC Detention for processing. The warrants were served on him at Detention.

OFFICER / AGENT: Detective Carson NeelyPAGE 1 OF 1



INCIDENT INTERVIEW REPORT

YCSO CASE NUMBER: 201200001789 LEAD NUMBER: _____

PERSON INTERVIEWED: _____

DATE OF BIRTH: _____ SOCIAL SECURITY NUMBER: _____

ADDRESS: (HOME) _____

(WORK) _____ TELEPHONE: _____

TELEPHONE: _____

DATE OF INTERVIEW: 01-18-12 TIME: 08:00 AM

LOCATION OF INTERVIEW: _____

PURPOSE/TOPIC OF INTERVIEW: _____

DETAILS OF INTERVIEW:

On January 18, 2012, I responded to _____ to follow up on the filed incident report concerning the sexual allegations made by _____. _____ was at the residence and we discussed the filed report. _____ is _____ biological mother. _____ stated that Sunday night she was at work and she got a text message from _____ stating that _____ needed to see a counselor. _____ and _____ went and picked _____ up at work and _____ told _____ that _____ had told him that she had been touched inappropriately by Gene (Leonard Eugene Jenkins). _____ said that Gene is married to _____ (_____, ex sister in law) and they have two children living in the home. _____ said that _____ told her that _____ had told him that she was a victim as well. She went on to say that _____ was told by _____ that Gene makes her sleep in the nude with him. _____ stated that _____ later changed that allegation to say that _____ had told _____ that she was a victim of rape. _____ said that she did not know if _____ was a victim and that she has not been told by _____ that she is a victim. _____ is concerned that _____ may be telling lies about _____ to cause conflict.

I asked _____ if _____ had told her or anyone else such as a friend about this incident? _____ said that she only asked _____ what happened and _____ described to her how Gene would touch her back, butt, and private areas. Roxanne said that she didn't ask a lot of questions. She said that _____ has not told any of her friends either.

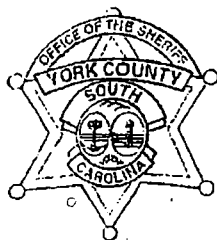
I asked _____ about Gene. She said that she knew he had a previous prison record and possibly an assault on a 16 year old girl.

I asked her about _____. She said that she is a student at _____ in Fort Mill. Her biological father is _____.

An appointment was made to interview _____ at MJC.

OFFICER / AGENT: Detective Carson Neely

PAGE 1 OF 1



INCIDENT INTERVIEW REPORT

YCSO CASE NUMBER: 201200001789 LEAD NUMBER: _____

PERSON INTERVIEWED: _____

DATE OF BIRTH: _____ SOCIAL SECURITY NUMBER: _____

ADDRESS: (HOME) _____

(WORK) Student _____

TELEPHONE: _____

TELEPHONE: _____

DATE OF INTERVIEW: 01-19-12 TIME: 0900

LOCATION OF INTERVIEW: MJC CID Conference Room

PURPOSE/TOPIC OF INTERVIEW: Sexual assault offense

DETAILS OF INTERVIEW:

On January 19, 2012, I conducted a forensic interview with _____ in the CID conference room at MJC. The interview was video recorded. A DVD is available for full details of the interview. The interview was conducted while utilizing the accepted method of forensic interviewing known as RATAAC. This is a semi structured protocol for interviewing children. During the interview a rapport was established and maintained throughout. _____ was notified of the recording and the importance of only discussing the truth and talking about things that are real. _____ understood the rules and demonstrated that she knew the difference in telling the truth and a lie. _____ appeared to be age appropriate and had no problems with providing details and information without being guided.

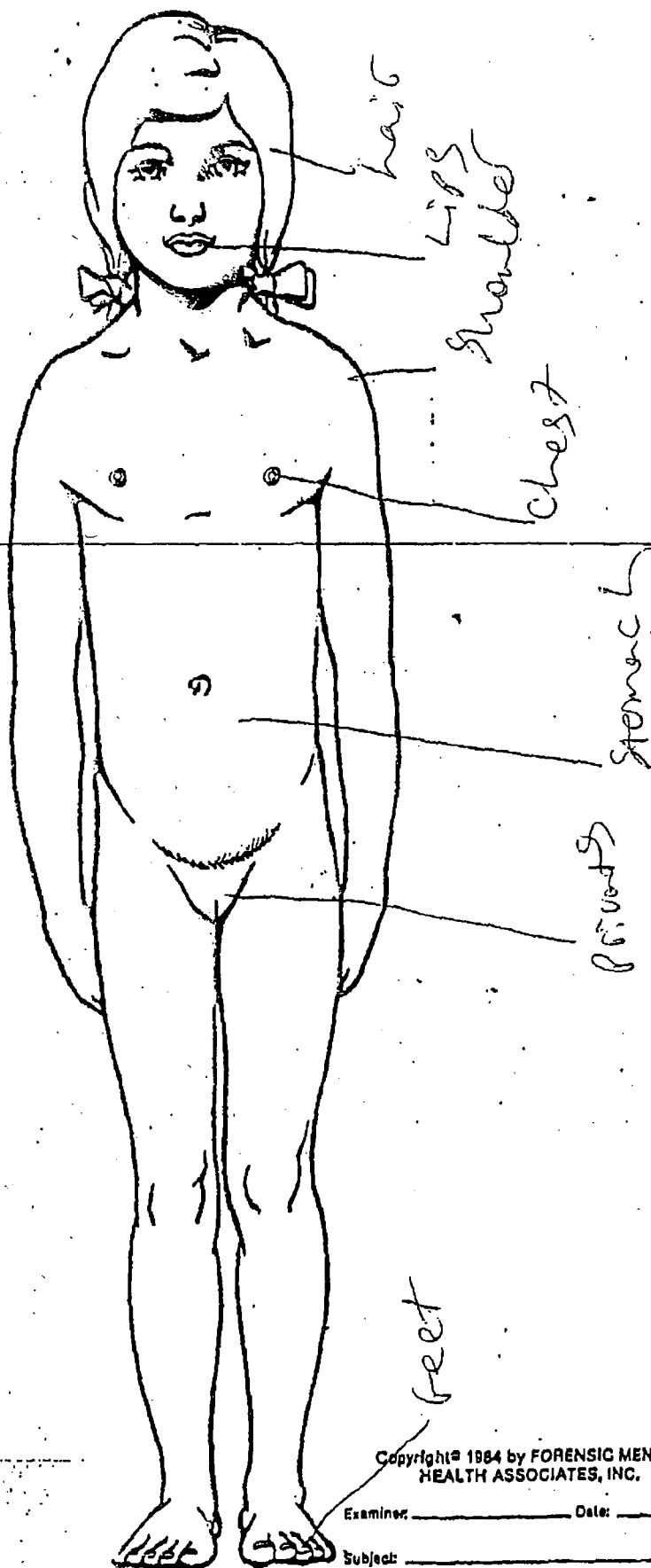
_____ is in the seventh grade at _____ Middle School. She knew the reason for the interview and stated that Gene (her cousin's step dad) had touched her and made her feel uncomfortable. _____ assisted with providing names of her family and additional family dynamics. _____ provided names for body parts on the male and female anatomic drawings. She then disclosed that her cousin's _____ step dad (Gene) had touched her on her chest, made her touch his penis, and touched her on her butt. These incidents occurred on various dates. _____ said that the incidents occurred at her cousin's home on _____. _____ detailed three different incidents of touching by Gene.

The first incident she recalled was at her cousin's 10th birthday party. _____ said it was the summer prior to her going into the 6th grade. It was a sleep over and the next morning while she was asleep on the floor with two other girls _____, Gene came in and touched her on top of her chest. _____ demonstrated the touch as to be somewhat of a grab. The second incident ^{Minor 2} recalled was actually the first actual incident. _____ stated that this was 3 years ago but later described how it would have been the summer prior to the 6th grade. She said that _____ (Gene and _____ child) was a new born and in the crib. Gene called her inside and while they alone inside Gene took _____ hand and put it inside his shorts and put her hand on his penis. The last incident that _____ recalled was this past summer. _____ said that while she was walking out the door, following others, Gene touched her on her butt.

The interview was concluded with a discussion of safety and importance of telling someone that she could get help from if these types of incidents happen again.

OFFICER / AGENT: Detective Carson Neely

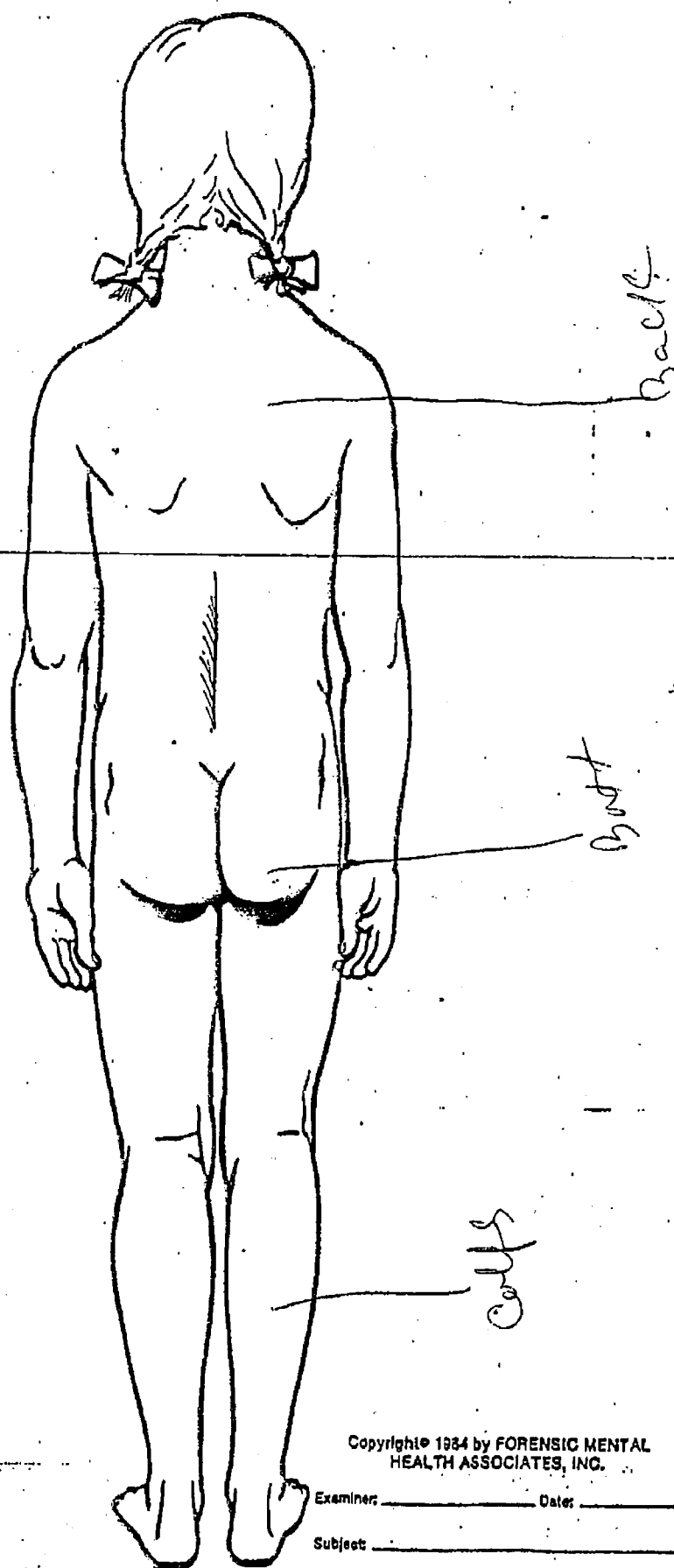
PAGE 1 OF 1



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Examiner: _____ Date: _____

Subject: _____



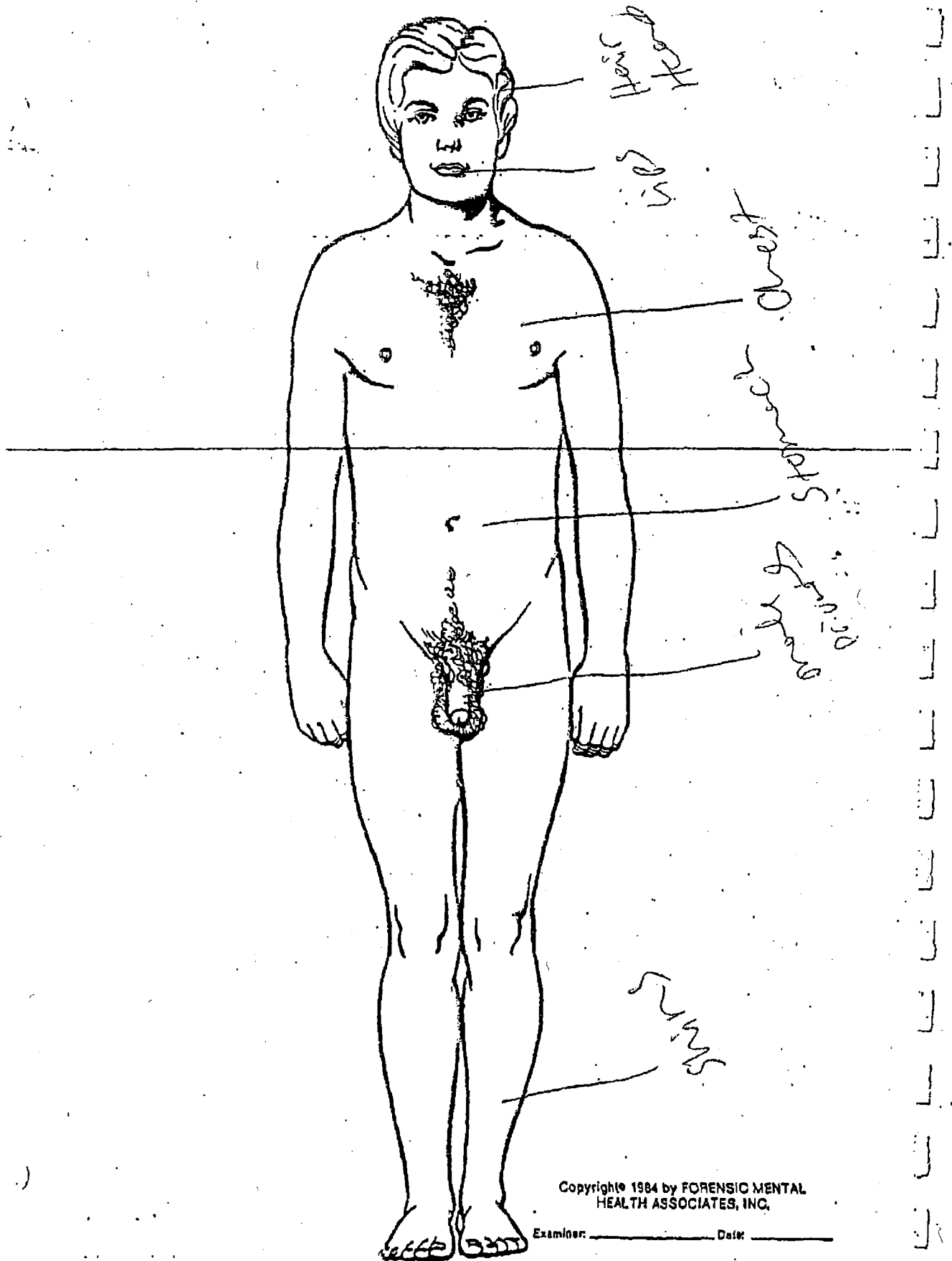
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HEALTH ASSOCIATES, INC.

Examiner: _____ Date: _____

Subject: _____

Person Represented By This Drawing: _____

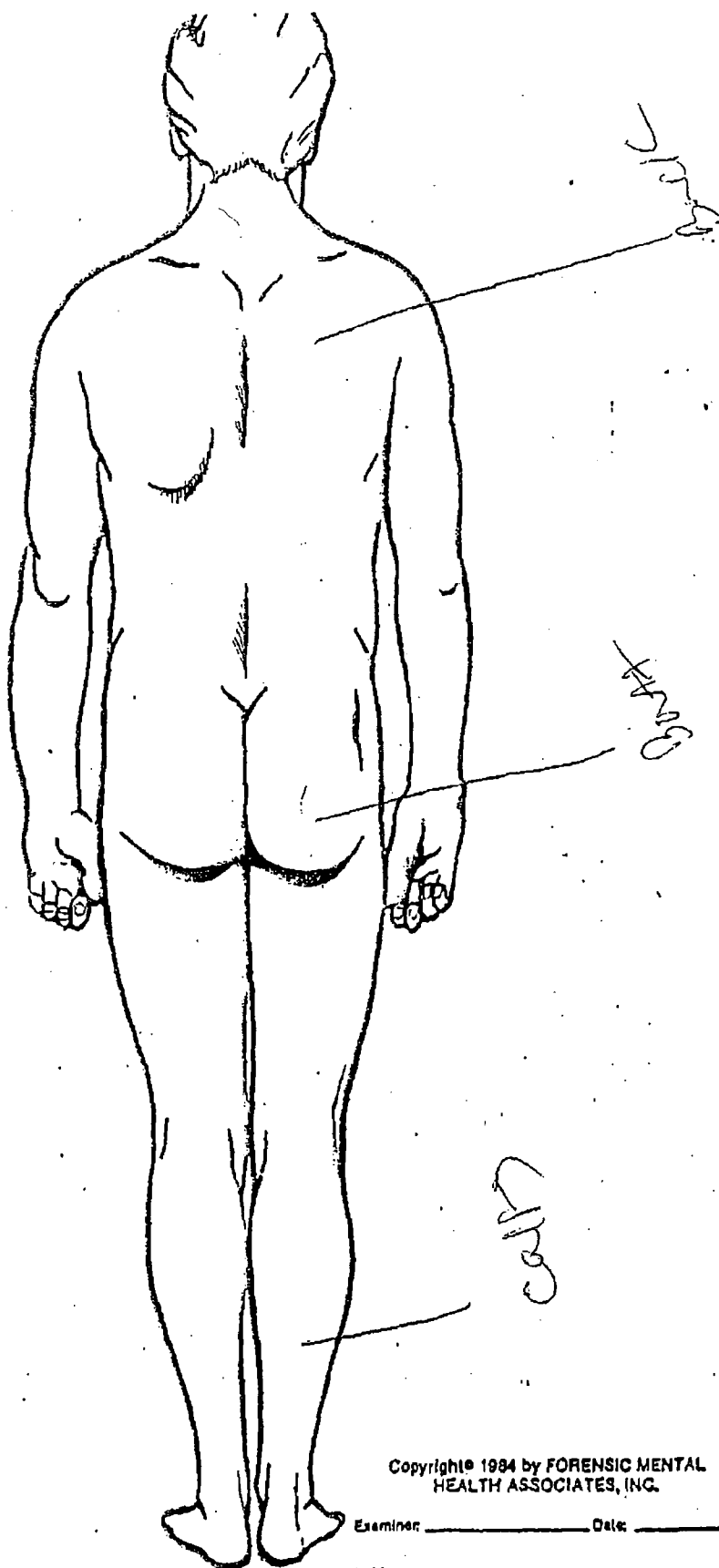
Figure 10: White, grammar-school, female child (back view)



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Examiner: _____ Date: _____

Subject: _____



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HEALTH ASSOCIATES, INC.

Examiner: _____ Date: _____

Subject: _____

Person Represented By This Drawing: _____

Figure 30: White, adult, male (back view)

YORK COUNTY SHERIFF'S OFFICE
Voluntary Statement

Incident Report No: 2012-1789

VOLUNTARY STATEMENT

I, [REDACTED], know and understand my rights. Having decided to answer questions at this time, I now make the following statement.

- 1) Statement written by mother [REDACTED]
- 2) _____
- 3) Minor 1 was at Gene + Janet Jenkins
- 4) house when Gene put Gracie (youngest daughter
- 5) of Gene + Janet) on her lap + then went
- 6) toward Gracie on couch + put his hand in
- 7) her shorts on her privates. [REDACTED]
- 8) _____
- 9) _____
- 10) _____
- 11) [REDACTED]
- 12) _____
- 13) _____
- 14) _____
- 15) _____
- 16) _____

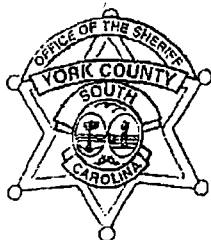
The statement above, consisting of 1 page(s), is made of my own free will. No one has threatened me in any way or promised me special treatment to cause me to make this statement. I am signing my name in the space below to show that it is my statement and it is the truth.

Signed: [REDACTED]

Date: 2/7/2012 Time: 5:28

Witness: [Signature]

Page 1 of 1



INCIDENT INTERVIEW REPORT

YCSO CASE NUMBER: 201200001789 LEAD NUMBER: _____

PERSON INTERVIEWED: _____

DATE OF BIRTH: _____ SOCIAL SECURITY NUMBER: _____

ADDRESS: (HOME) _____

TELEPHONE: -7747

(WORK) Unemployed _____

TELEPHONE: _____

DATE OF INTERVIEW: 02-14-12 TIME: 08:00 AM

LOCATION OF INTERVIEW: MJC CID Conference Room

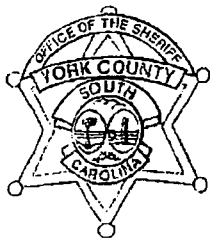
PURPOSE/TOPIC OF INTERVIEW: Sexual assault offense

DETAILS OF INTERVIEW:

On February 14, 2012, I met with _____ in the conference room prior to conducting an interview with _____ said that on _____ birthday _____ they were watching television and a story was being aired concerning sexual assaults and coaches. _____ said that she had a talk with _____ concerning sexual situations and the importance of telling her if she had been touched inappropriately by anyone. _____ said that _____ had a look of concern on her face and then told her mother that she had been touched by "Gene." _____ said that "Gene" is Gene Jenkins and lives across the street from her. _____ said that she also has concerns for Gene and Janet's children. She and Janet (Gene's wife) have been friends for many years.

OFFICER / AGENT: Detective Carson Neely

PAGE 1 OF 1



INCIDENT INTERVIEW REPORT

YCSO CASE NUMBER: 201200001789 LEAD NUMBER: _____

PERSON INTERVIEWED: _____

DATE OF BIRTH: _____ SOCIAL SECURITY NUMBER: _____

ADDRESS: (HOME) _____

(WORK) Student TELEPHONE: __________
TELEPHONE: _____

DATE OF INTERVIEW: 02-14-12 TIME: 08:30 AM

LOCATION OF INTERVIEW: MJC CID Conference Room

PURPOSE/TOPIC OF INTERVIEW: Sexual assault offense

DETAILS OF INTERVIEW:

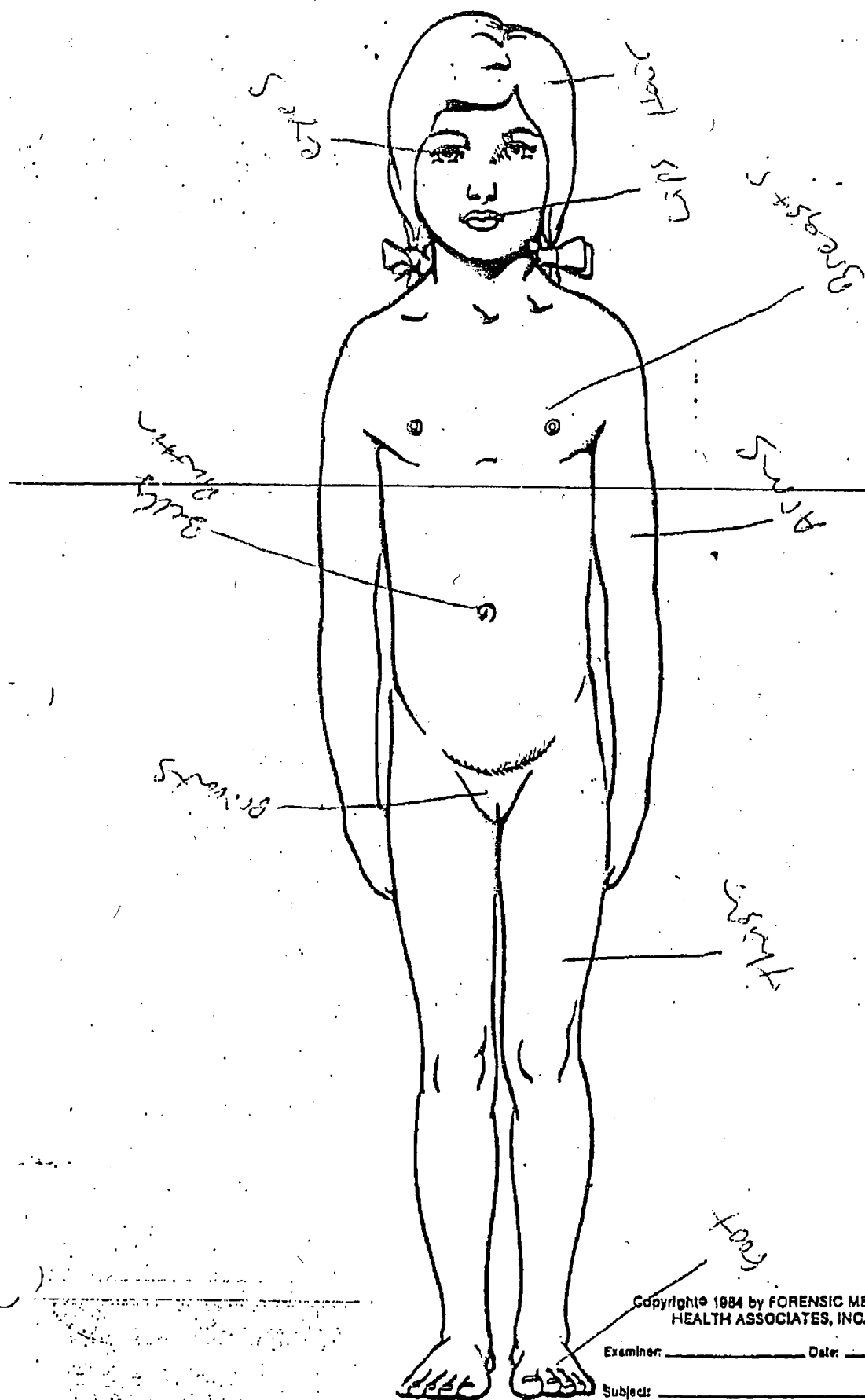
On February 14, 2012, I conducted a forensic interview with _____ in the CID conference room at MJC. The interview was video recorded. A DVD is available for full details of the interview. The interview was conducted while utilizing the accepted method of forensic interviewing known as RATAAC. This is a semi structured protocol for interviewing children. During the interview a rapport was established and maintained throughout. _____ was notified of the recording and the importance of only discussing the truth and talking about things that are real. _____ understood the rules and demonstrated that she knew the difference in telling the truth and a lie. _____ appeared to be age appropriate and had no problems with providing details and information without being guided.

_____ provided information concerning her age (____), her school (____ Middle School), and members of her family that she lives with. _____ provided names for body parts on the male and female anatomic drawings. _____ provided names of family members that give her hugs, kisses, and tickles. When asked about an incident that may have not been good or a touching that was not ok with her, _____ stated that "Gene" touched her inappropriately while she was sitting on the couch holding Gracey (Gene's toddler child). _____ provided details of the incident that included Gene touching her vagina with his hand. _____ described how Gene put Gracey on her lap and how he put his hand down her shorts and touched her "private." Only those three were in the room when this occurred. _____ drew a diagram of Gene's house and said that others were in the home at the time but not in the living room where and when this happened. _____ said that she never told anyone because she was scared that she would not be able to be friend's with Casey (Gene's daughter). _____ said that this incident happened the summer prior to going to returning to school this school year.

While entering the closing portion of the interview, the camera shut down. _____ did not make anymore statements as to this incident or any other incident. We discussed the importance of reporting this type of incident to her mother or others that may be able to help.

OFFICER / AGENT: Detective Carson Neely

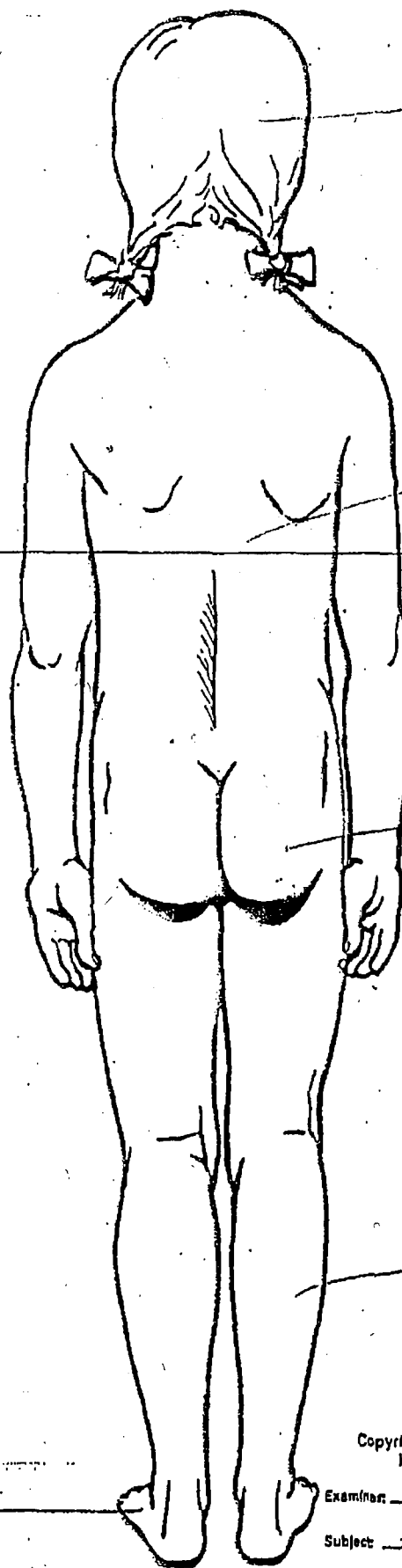
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Examiner: _____ Date: _____

Subject: _____



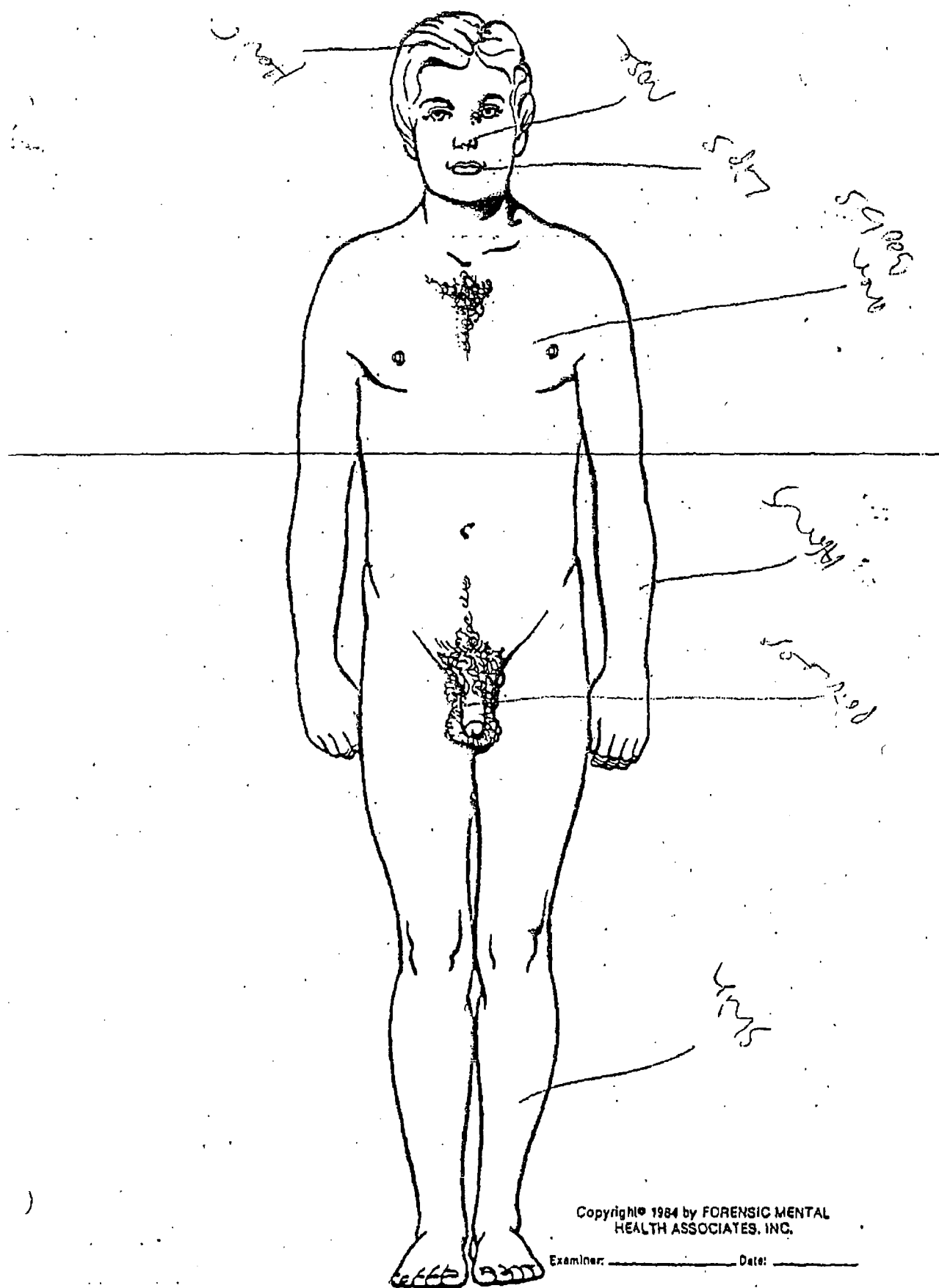
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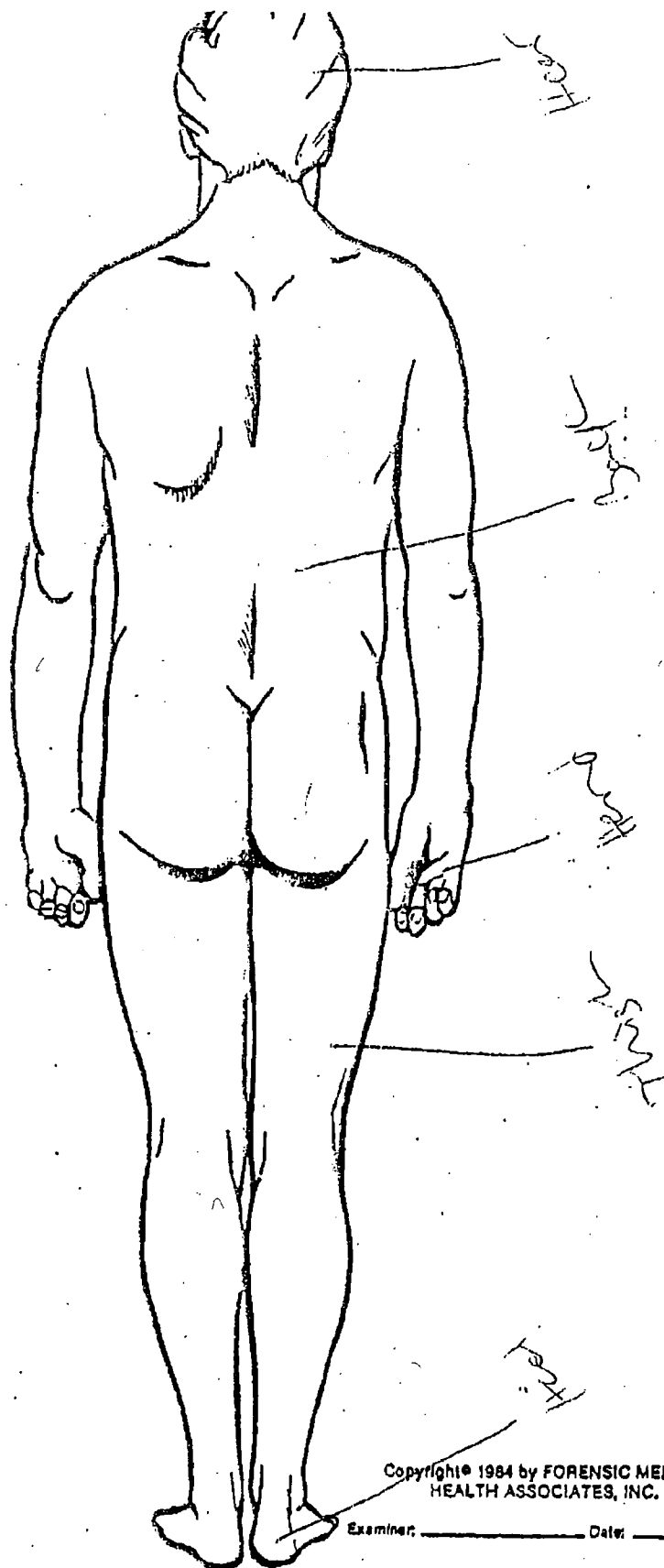
Examiner: _____ Date: _____

Subject: _____

Person Represented By This Drawings: _____

Figure 10: White, grammar-school, female child (back view)





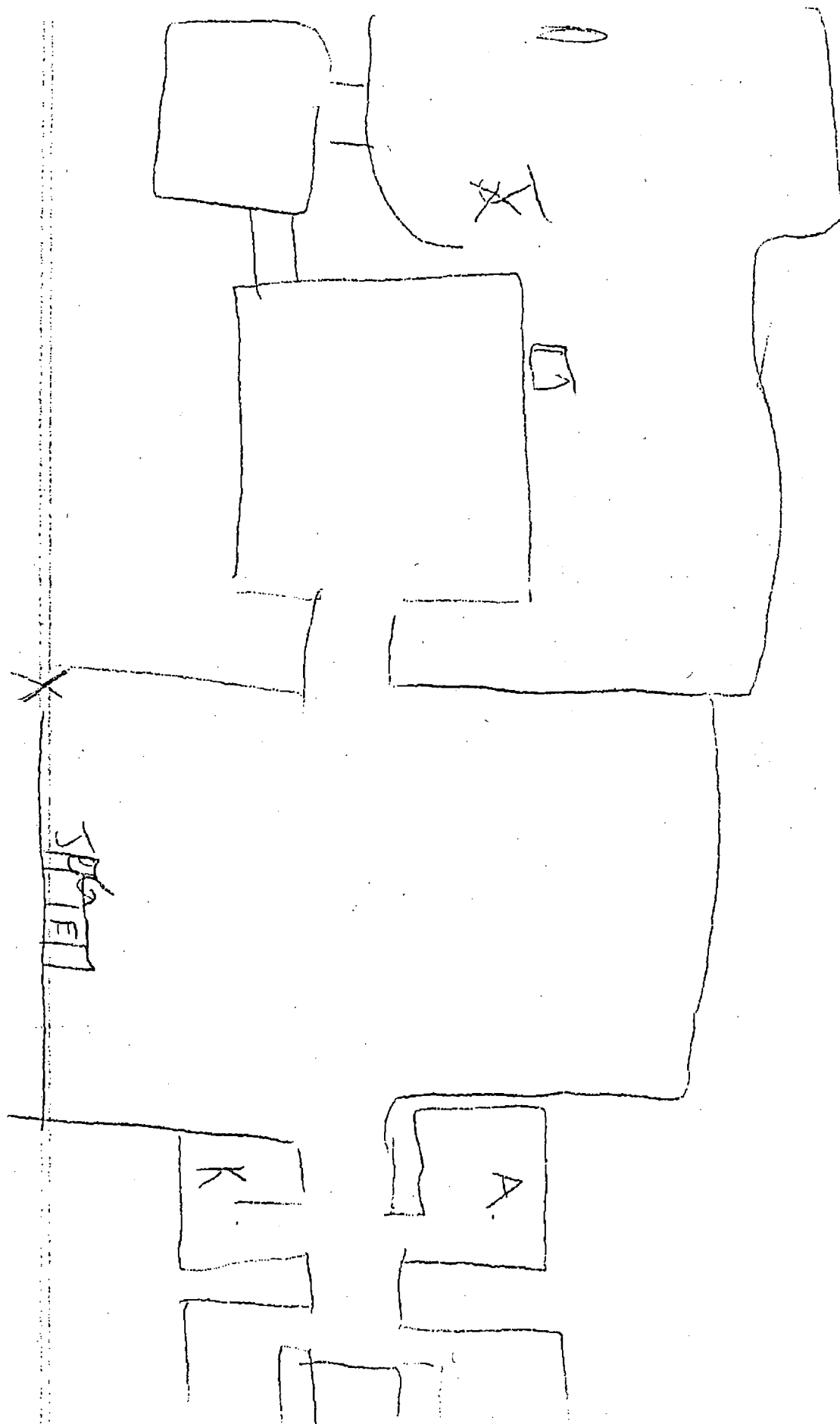
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HEALTH ASSOCIATES, INC.

Examiner: _____ Date: _____

Subject: _____

Person Represented By This Drawing: _____

Figure 30: White, adult, male (back view)





INCIDENT INTERVIEW REPORT

YCSO CASE NUMBER: 201200001789 LEAD NUMBER: _____

PERSON INTERVIEWED: _____

DATE OF BIRTH: _____ SOCIAL SECURITY NUMBER: _____

ADDRESS: (HOME) _____

_____ TELEPHONE: _____

(WORK) _____

TELEPHONE: _____

DATE OF INTERVIEW: 01-30-12 TIME: 7 pm

LOCATION OF INTERVIEW: By phone _____

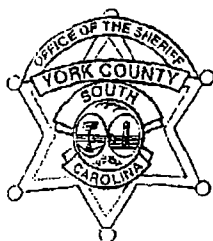
PURPOSE/TOPIC OF INTERVIEW: _____

DETAILS OF INTERVIEW:

On January 30, 2012, I spoke with the mother of _____ via telephone. I explained to Mrs. _____ my role as a Detective in investigating allegations of sexual abuse on a minor and that her daughter was friends with the victim (_____). I told Mrs. _____ that _____ had disclosed that she was friends with _____ and that she may have confided in _____ details of inappropriate touching by an adult. Mrs. _____ stated she would speak with her daughter and call me back. Within a few minutes, Mrs. _____ called and said that _____ would speak with me. According to _____, she was told by _____ that she was raped by her uncle. _____ said that she was told this during P.E. class in their sixth grade year. I asked _____ if she knew of who _____ was referring to and _____ said it was _____ cousin's step dad. _____ said that she did not know any of the details and she never told her parents.

OFFICER / AGENT: Detective Carson Neely

PAGE 1 OF 1



INCIDENT INTERVIEW REPORT

YCSO CASE NUMBER: 201200001789 LEAD NUMBER: _____

PERSON INTERVIEWED: _____

DATE OF BIRTH: _____ SOCIAL SECURITY NUMBER: _____

ADDRESS: (HOME) _____

(WORK) _____

TELEPHONE: -4648

TELEPHONE: _____

DATE OF INTERVIEW: 01-31-12 TIME: 4:30 PM

LOCATION OF INTERVIEW: By phone _____

PURPOSE/TOPIC OF INTERVIEW: _____

DETAILS OF INTERVIEW:

On January 31, 2012, I requested that the Nation Ford's High School Resource Officer (Sgt. Gloria Graham) deliver my phone number to _____ is an ex boyfriend to _____ previously stated that she told _____ about being sexually abused by Gene. On this date, _____ father (_____) called. _____ stated that he did not want his son brought into the situation. He said that _____ did not recall _____ telling him about being sexually abused but he did receive a text message approximately a month prior from her. In the message she said something to the effect of... Remember me telling you about being abused? Now my mom has taken me to the police station... The exact wording could not be remembered and the text message was deleted.

OFFICER / AGENT: Detective Carson Neely

PAGE 1 OF 1



INCIDENT INTERVIEW REPORT

YCSO CASE NUMBER: 201200001789 LEAD NUMBER: _____

PERSON INTERVIEWED: _____

DATE OF BIRTH: _____ SOCIAL SECURITY NUMBER: _____

ADDRESS: (HOME) _____

(WORK) _____ TELEPHONE: _____

TELEPHONE: _____

DATE OF INTERVIEW: 01-19-12 TIME: 11:00 am

LOCATION OF INTERVIEW: _____

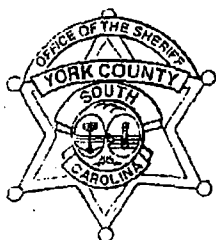
PURPOSE/TOPIC OF INTERVIEW: _____

DETAILS OF INTERVIEW:

I responded to _____ to try and locate Gene (Leonard Eugene Jenkins). His wife, _____, was home and Gene was not. _____ provided details of _____ coming to her home and causing a big issue with Gene allegedly inappropriately touching _____ and sexually assaulting _____. _____ said that _____ denied any such incident. _____ said that _____ first said that this information came from _____, but later realized that _____ was making up the allegations. _____ said that she did not believe that Gene would do any such thing to _____. _____ was bothered about some posts that _____ put on Facebook concerning _____. She did not know what was posted but knew it bothered _____. _____ provided a phone number for Gene - _____.

OFFICER / AGENT: Detective Carson Neely

PAGE 1 OF 1



INCIDENT INTERVIEW REPORT

YCSO CASE NUMBER: 201200001789 LEAD NUMBER: _____

PERSON INTERVIEWED: Leonard Eugene Jenkins

DATE OF BIRTH: _____ SOCIAL SECURITY NUMBER: _____

ADDRESS: (HOME) [REDACTED]

[REDACTED] TELEPHONE: -5253
(WORK) _____

TELEPHONE: _____

DATE OF INTERVIEW: 01-31-12 TIME: 08:00 AM

LOCATION OF INTERVIEW: [REDACTED]

PURPOSE/TOPIC OF INTERVIEW: [REDACTED]

DETAILS OF INTERVIEW:

On January 31, 2012, I met with Leonard Eugene Jenkins (Gene) at his residence. Gene already had knowledge of the allegations. He said that the date the report was filed, [REDACTED] came to his house and was waiting on him when he got home. Gene said that [REDACTED] came up to him, hugged him, and said that [REDACTED] had said that he had been touching on her. Gene said that he was not sure what was going on with [REDACTED] and that he had concerns that [REDACTED] may be into some type of drugs. Gene played a recorded message on his mobile phone left by [REDACTED]. The message was sent on January 17, 2012. The part I understood was [REDACTED] stating, "Shot me a call, I went to jail over some bullshit, [REDACTED] lying ass fucking bitch caused some family problems." Gene went on to say that [REDACTED] recently caused some problems with [REDACTED] at the skating rink and [REDACTED] was made to leave.

I asked Gene why would [REDACTED] make these allegations? Gene said that he didn't know unless she was reaching out for his help. Gene denied any type of touching and said that he was never around any of the children alone. He said that he would be gone for many days driving a truck. Gene recalled [REDACTED] spending the night on occasion but said that he would often be gone for work.

Gene said that he has been living at this address for about 11 years and been married to Janet for about five years.

We ended our conversation discussing the possibility of Gene taking a polygraph examination. Gene said that he wanted to take one. Gene said that he was not currently taking any medications and the only medical problem he had was PTSD.

OFFICER / AGENT: Detective Carson Neely

PAGE 1 OF 1

PETITIONER'S EXHIBIT D

COUNTY OF York

STATE VS.

Leonard Eugene Jenkins

AKA:

Race: White Sex: Male Age: 37DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]DL# [REDACTED] SID#: [REDACTED]

INDICTMENT/CASE#:

2001-GS-46-2604A/W#: Direct inv. Re: G 390255Date of Offense: 3/4/01S.C. Code §: C/17-25-30CDR Code #: 0101113☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS ^{NO} _{contest}TO: Assault and Battery of a High and Aggravated Naturein violation of § C/17-25-30 of the S.C. Code of Laws, bearing CDR Code # 0101113☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

[Signature]
SolicitorLeonard E Jenkins
Defendant[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of Eight (8) days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for Three (3) months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ The Defendant is to be given credit for _____ days/months jail time.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms: _____

☐ set by SCDPPPS

Recipient: _____

*Fine:\$

§14-1-206 (Assessments 100%).....\$

§14-1-211(A)(1) (Surcharge).....\$ 100.00

§14-1-211(A)(2) (Surcharge).....\$

§56-5-2995 (DUI Assessment).....\$

3% to County (if paid in installments).....\$

TOTAL.....\$ 100.00David Hamilton

Clerk of Court/Deputy Clerk

Court Reporter: Phyllis Barnett

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

PTUP

30 (days) hours Public Service Employment

Obtain GED _____

Attend Voc Rehab. or Job Corps _____

May serve W/E beginning _____

Substance Abuse Counseling As determined byRandom Drug/Alcohol Testing SCDPPPS

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund.

Other: _____

1) DNA Sample2) No contact with victim or victim's familyPRESIDING JUDGE John C. HarganJudge Code: 0101419Sentence Date: 10-25-01

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on October 18, 2001 the Grand Jurors of York County present upon their oath:

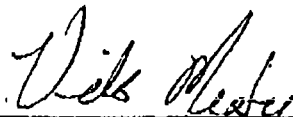
ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE

That Leonard Eugene Jenkins did in York County on or about March 4, 2001, commit an assault and battery upon the victim, [REDACTED], constituting an unlawful act of violent injury to the person of the said victim, accompanied by one or more of the following circumstances of aggravation, to wit:

- (1) Indecent liberties with a female
- (2) great disparity between the ages and physical conditions of the parties
- (3) a difference in the sexes

All in violation of 17-25-30 (C/L) of the Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

F-150 203

T-072 P0004

8036283133

COC General Sessions

06-11-2014 09:37 FROM-

WITNESSES

ASD TOLSON

pt

ARREST WARRANT NUMBER

DI: G390255

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2001-GS-46- 2604

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

October 18, Term 2001

THE STATE

vs.

LEONARD EUGENE JENKINS

Indictment for

ASSAULT AND BATTERY OF A HIGH
AND AGGRAVATED NATURE

SC Code: 17-25-30
CDR Code:0013

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

Leonard Eugene Jenkins
Defendant

Leonard Eugene Jenkins
hereby appear in my own proper person and plead
guilty to the within indictment or to
NO CONTEST

Leonard Eugene Jenkins
Defendant

Witness:
Stephanie Cook, Clerk II
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA

County of York
STATE

VS.

Leonard Eugene Jenkins

AKA:

Race: WSex: MDOB: [REDACTED]SSN: [REDACTED]SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT#:

D1 -GS- 46 - 2604
CM#: C46A02-132 06-18-02Name of Original Offense: ABHABConviction S.C. Code §: 17-25-30Conviction CDR Code #: 0, 0, 1, 3Date of Original Offense: March 4 2001Original Sentence: 8 yrs ss 3 yrs Probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 10/28/01 in the Court of General Sessions of York County as set forth in the attached warrant or citation dated 6/18/02. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special condition as provided in the affidavit) 10 Special Conditions

Therefore, IT IS ORDERED that:

- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years, the remainder of the original sentence, and/or pay \$ _____.
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☒ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.

☐ Additional Conditions ordered by the Court:

I, Leonard Jenkins agree to do 30 days weekend time in lieu of 30 days PSE. W/E time is to begin on 9-27-02. Subject is to report to Prison Farm at 6:00 PM that date. This order satisfies all conditions in Citation C46A02-132.

I have reviewed all Previous Orders. x Leonard E Jenkins

- ☐ Credit for pre-trial detention time on current probation violation: 0
- ☐ The defendant has previously served 0 months/years on this sentence.
(split sentence time and/or prior partial revocation time)

This 20 day of September 2002
York SC.

Presiding Judge

Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper, or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature

x Leonard Jenkins

Witnessed by

Sherry D. Smith

Signed this 20 day of September 2002 at York SC
Day Month Year City

ARREST WARRANT

G-390255

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
York

 THE STATE
against

Leonard Eugene Jenkins

Address: [REDACTED]

Phone: [REDACTED]

SSN: [REDACTED]

Sex: M Race: W Height: 6' Weight: 195

DL State: DL #:

DOB: [REDACTED] Agency ORI #: SC0460000

Prosecuting Agency: YCSO

Prosecuting Officer: Beth Tolson

Offense: Lewd Act Upon A Child

Offense Code:

Code/Ordinance Sec. 16-15-140

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

 The accused
is to be arrested and brought before me to be
dealt with according to law.

(L.S.)

Signature of Judge

Date:

RETURN

 A copy of this arrest warrant was delivered to
defendant Leonard Eugene Jenkins
on 3-16-01

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

 General Sessions
200100005181

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
York

AFFIDAVIT

 Personally appeared before me the affiant Beth Tolson wh
being duly sworn deposes and says that defendant Leonard Eugene Jenkins
did within this county and state on or about 03-04-01 violate the criminal laws of th
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____
in the following particulars.

 DESCRIPTION OF OFFENSE: Lewd Act Upon A Child
16-15-140

2408

 I further state that there is probable cause to believe that the defendant named above did comm
the crime set forth and that probable cause is based on the following facts:

 That the defendant did wilfully and unlawfully violate the criminal laws of this
by committing a lewd and lascivious act upon a child, [REDACTED], who was 14
years of age at time of offense. This act was committed by defendant rubbing th
breast and buttocks of said child, with the intent to satisfy his own sexual
desires. This took place at [REDACTED], which is in the York/Clover
area of York County. All against the peace and dignity of the State and all su
laws so made and provided. Probable cause is based upon child's statement and
police investigation.

Sworn to and subscribed before me

on 3-13-01
 Signature of Issuing Judge
(L.S.)

Signature of Affiant

Affiant's Address 1675-2A York Hwy.

York, SC

Affiant's Telephone 628-3059

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
York

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe
on or about 03-04-01 defendant Leonard Eugene Jenkins
did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☐ Municipality of _____) as set forth below:

 DESCRIPTION OF OFFENSE: Lewd Act Upon A Child
16-15-140

 Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her be
the forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
defendant at the time of its execution, or as soon thereafter as is practicable

 Signature of Issuing Judge
(L.S.)

 Signature of Judge
Judge Code: 896
Judge's Address 1675 York Hwy.

York, SC

Judge's Telephone 628-3029
 Issuing Court: ☒ Magistrate ☐ Municipal ☐ Cir

ORIGINAL

WITNESSES

YCS D TOLSON

it

ARREST WARRANT NUMBER

3390255

ACTION OF GRAND JURY

May C. Harris
 Foreperson of Grand Jury
 Date: 5-24-01

VERDICT

Foreperson of Petit Jury
 Date:

DOCKET NO. 2001-GS-46-

1319

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

May 24, Term 2001

THE STATE

VS.

LEONARD EUGENE JENKINS

Indictment for

LEWD ACT UPON A CHILD UNDER
 THE AGE OF SIXTEEN YEARS

SC Code: 16-15-140
 CDR Code: 2468

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

Witness:

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

04 Nalle Prose
 pled to other charge

Vick M. Edwards

10/25/01

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on May 24, 2001 the Grand Jurors of York County present upon their oath:

LEWD ACT UPON A CHILD UNDER THE AGE OF SIXTEEN

On or about March 4, 2001, the Defendant Leonard Eugene Jenkins did commit the crime of Lewd Act upon a Child under the age of Sixteen years, in that the Defendant Leonard Eugene Jenkins, who was over the age of Fourteen (14) years at the time of the incident, did wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, of the victim [REDACTED], a child under the age of sixteen (16) years at the time of the incident, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of the Defendant Leonard Eugene Jenkins or of the victim [REDACTED], in that the Defendant Leonard Eugene Jenkins did rub the breast and buttocks with the intent of arousing his sexual desires. Said incident occurred in York County, South Carolina. All in violation of §16-15-140, Code of Laws of South Carolina, (1976, as amended).

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


ASSISTANT SOLICITOR

York County Sheriff's Office
Case Summary
200100005181
Case Agent: Beth Tolson

Subject: Leonard Eugene Jenkins

D.O.B. [REDACTED]

Address: [REDACTED]

Incident Location: [REDACTED]

Incident Date: 03-04-01

Victim: [REDACTED]

Charge: Lewd Act Upon A Child

Warrant: G-390255

Summary:

YCSO was contacted by [REDACTED] on 03-04-01, in regards to his [REDACTED] year-old daughter being sexually fondled by Leonard Eugene Jenkins. Detective Tolson interviewed his daughter, [REDACTED], on 03-07-01, at the York County Sheriff's Office. [REDACTED] stated that on 03-04-01, while visiting with relatives at [REDACTED] York, that she and others were in a back bedroom. [REDACTED] cousin [REDACTED] left out of the bedroom and at that time Jenkins shut the door to the bedroom, leaving himself, [REDACTED] and a nine year old cousin of [REDACTED] in the bedroom. Jenkins then stood in front of the door so that [REDACTED] could not leave. Jenkins then assaulted [REDACTED] by rubbing her on her breast, buttocks and then rubbing his hand up her back underneath her shirt. [REDACTED] told Jenkins that she was only fourteen years old. According to [REDACTED]

she did not see the assault because she was playing the Nintendo but she did hear [REDACTED] tell Jenkins that she was only fourteen years old. Jenkins pulled his hand back just before another cousin walked into the bedroom. Jenkins left shortly after.

Detective Tolson obtained an arrest warrant for Jenkins after conducting an investigation. He was charged with Lewd Act Upon A Child. Warrant G-390255.

AGENCY I.D.
SC0460000YORK COUNTY SHERIFF'S DEPARTMENT
INCIDENT REPORT

CASE NUMBER

20010000015181

NCIC

INO. ENTC

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM												
1. SEV OFFENSES / FURTHER (Arabic)		☒ YES ☐ NO	☐ YES ☒ NO	Residence		☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Org. ☐ Social Public ☐ Other ☐ Unknown ☐ Police Off.												
2.		☐ YES ☐ NO	☐ YES ☐ NO															
3.		☐ YES ☐ NO	☐ YES ☐ NO															
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)				ZIP CODE	WEAPON TYPE													
[REDACTED]				29745	PERSONAL													
INCIDENT DATE		TIME	DATE	CLOCK	DISPATCH DATE	TIME												
03-04-01		1316	03-04-01	1330	03-04-01	1355												
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	DOB												
[REDACTED]		1. [REDACTED]	☒ YES ☐ NO	W	M	[REDACTED]												
ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.													
[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	RHD													
VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	DOB												
[REDACTED]		1. [REDACTED]	☒ YES ☐ NO	W	F	[REDACTED]												
ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.													
[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	RHD													
VISIBLE INJURY (VICT. 1) ☐ YES ☒ NO		EXPLAIN		COMPLAINT OF ANY NON-VISIBLE INJURIES: ☐ YES ☒ NO														
VICTIM (NO. 1) USING ALCOHOL: ☐ YES ☒ NO		UNK. ☐ DRUGS: ☐ YES ☒ NO		TYPE: ☐ OTHER ☐ ALONE ☐ ASSISTED ☐														
TWO MAN VEN. ☐ ONE MAN VEN. ☐ DETEC. FIVE PLASMT. ☐ OTHER ☐		ALONE ☐ ASSISTED ☐		J - This Jurisdiction, S - State, O - Out of State, U - Unknown														
SUSPECT NAME (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	ETH.	DATE OF BIRTH												
JENKINS, Leonard E.		W	M	[REDACTED]	N	[REDACTED]												
FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES ETC.		[REDACTED]																
ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.													
[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	RHD													
SUSPECT (NO. 1) USING ALCOHOL: ☐ YES ☒ NO		UNK. ☐ DRUGS: ☐ YES ☒ NO		DATE/TIME OF OFFENSE														
ARRESTED NEAR OFFENSE SCENE: ☐ YES ☒ NO		TOTAL # ARRESTED		DATE/TIME OF ARREST														
On above date & time, Victim stated she was in the back bedroom listening to the radio with her cousin April and April's friend John. John stated that the cousin had to leave the room for her to be caught with [REDACTED] left the room the suspect went to the door and stood in front of it so the victim couldn't leave. Victim stated the suspect was [REDACTED] and [REDACTED] Victim stated that when her cousin [REDACTED] opened the door she left the room to tell [REDACTED] what had happened. Suspect left the residence immediately.																		
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY				JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY														
<table border="1"> <thead> <tr> <th>TYPE (GROUP)</th> <th>STOLEN</th> <th>DAMAGED</th> <th>BURNED</th> <th>RECOVERED</th> <th>SEIZED</th> </tr> </thead> <tbody> <tr> <td>PROPERTY EST.</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>							TYPE (GROUP)	STOLEN	DAMAGED	BURNED	RECOVERED	SEIZED	PROPERTY EST.					
TYPE (GROUP)	STOLEN	DAMAGED	BURNED	RECOVERED	SEIZED													
PROPERTY EST.																		
SUBJECT IDENTIFIED		SUBJECT LOCATED		ACTIVE		ADJ. CLOSED												
☒ YES ☐ NO		☒ YES ☐ NO		☒ UNFOUNDED		☐ ARRESTED UNDER 17												
REASON FOR EXCEPTIONAL CLEARANCE: 1 ☐ OFFENDER DEATH 2 ☐ NO PROSECUTIVE MERIT 3 ☐ EXTRADITION DENIED 4 ☐ VICTIM DENIES COOPERATION 5 ☐ AVAILABLE - NO CUSTODY 6 ☐ CIVIL MATTER		REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER												
[REDACTED]		[REDACTED]		03-04-01	303	[REDACTED]												
FOLLOW-UP		INVESTIGATION		DATE		UNIT NUMBER												
☒ YES ☐ NO		[REDACTED]		3-5-01		4022												

AGENCY I. D.
 SC0460000

 YORK COUNTY SHERIFF'S DEPARTMENT
 SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

20201124X51131

NCIC

IND. EN
TER
☐ ORIGINAL
☐ MODIFIED
☐ ORIGINAL

☐ SUPPLEMENTAL
☐ REPORT
☐ CASE STATUS
☐ CHANGE

☐ ADDITIONAL
☐ VICTIMS
☐ ADDITIONAL
☐ OFFENDERS

☐ ADDITIONAL
☐ STOLEN PROPERTY
☐ ADDITIONAL
☐ RECOVERED PROPERTY

PAGE 1 OF 1 PAGES.

NARRATIVE

My cousin [REDACTED] left the room and Gene shut the door. And I said I'm going in there with [REDACTED] and he said no, you don't need to go in there with her. I sat back [REDACTED] down on the bed. He started touching my breast, butt and was going up my back. I told him I was only 14 years old. When he told me that I didn't need to go in there with her, he stood in front of the door and would not let me out. My cousin [REDACTED] walked in and opened the door I left. Then he left. And I told [REDACTED] that I didn't like her friend Gene Genbins. She said 'why?' I told her he was touching me in places that he didn't need to.

[REDACTED]
3-4-01

[REDACTED]
03-04-01

ADMINISTRATIVE

SUBJECT IDENTIFIED ☐ YES ☐ NO	SUBJECT LOCATED ☐ YES ☐ NO	☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED	☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER	☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY.				
REPORTING OFFICER(S) [REDACTED] 03-04-01	DATE 03-04-01	UNIT NUMBER 203	APPROVING OFFICER [REDACTED] 03-04-01	DATE 3-5-01
FOLLOW-UP INVESTIGATION			OFFICER [REDACTED] 3-5-01	UNIT NUMBER [REDACTED]

AGENCY I. D.
 SC0460000

 YORK COUNTY SHERIFF'S DEPARTMENT
 SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

200112051181

NCIC

 IND. ENT.
 YES

☐ ORIGINAL REPORT
☐ MODIFIES ORIGINAL
☐ SUPPLEMENTAL REPORT
☐ CASE STATUS CHANGE
☐ ADDITIONAL VICTIMS
☐ ADDITIONAL OFFENDERS
☐ ADDITIONAL STOLEN PROPERTY
☐ ADDITIONAL RECOVERED PROPERTY

PAGE 1 OF 1 PAGES.

NARRATIVE

The [redacted] my cousin [redacted]
 [redacted]
 a my daughter a niece & nephew
 were in the back room listening
 on the radio I had to leave the
 room a [redacted] my baby nephew
 to my sister. Then he and my cousin
 & all came up the hall. He said
 "We got to go now. He left & then
 my cousin said April I don't
 like your friend. I asked why &
 she told me that when I left the
 room he tried not to let her out
 that he had touched her on her
 breasts & butt & ran his hand
 up her back so we called
 the police.

[redacted]
 2 34-01
 [redacted]
 03-04-01

ADMINISTRATIVE

SUBJECT IDENTIFIED ☐ YES ☐ NO	SUBJECT LOCATED ☐ YES ☐ NO	☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED	☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER	☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY.				
REPORTING OFFICER(S) [redacted] 4558751	DATE 03-04-01	UNIT NUMBER 203	APPROVING OFFICER [redacted] 17241	DATE 3-5-01
FOLLOW-UP INVESTIGATION			YES NO ☐	UNIT NUMBER 402

BOOKING REPORT

AGENCY ID SC0460000	DATE/TIME OF ARREST 03-16-01/0910	CASE NUMBER 200100005181
-------------------------------	---	------------------------------------

PERSONAL DATA												
DEFENDANT NAME (LAST, FIRST, MIDDLE) Leekins, Leonard Eugene								FACE W	SEX M	DATE OF BIRTH [REDACTED]	FOIC (S)	
AGE 36	ETH N	HGT. 6'	WGT. 145	HAIR Brn	EYES Blaz	SOCIAL SECURITY # [REDACTED]	VISIBLE SCARS, MARKS, TATTOOS			ID NUMBER		
ADDRESS (NUMBER AND STREET) [REDACTED]						CITY [REDACTED]	STATE SC	ZIP CODE [REDACTED]	RESIDENT *JSOU	PHONE NUMBER [REDACTED]		
ALIAS None				PLACE OF BIRTH TN		DRIVERS LICENSE NUMBER 009232020			STATE SC			
EMPLOYER/OCCUPATION YCS Food Service				NEXT OF KIN [REDACTED]		RELATION (Mother)		ADDRESS (CITY AND STATE) SAA			PHONE NUMBER SAA	
BOOKING OFFICER'S NAME Solson, Beck				NUMBER [REDACTED]		ARRESTING OFFICER Solson, Beck		AGENCY YCSO		OFFENSE DATE 03-04-01		PROPERTY CONTROL #
ARRESTEE ARMED: ☐ YES ☒ NO						☐ FULL-AUTO ☐ SEMI-AUTO		☒ ON VIEW ARREST		☐ SUMMONED ☐ CUSTODY		
WEAPON TYPE:												
JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED						2. ☐ REFERRED TO OTHER AUTHORITY			* J - THIS JURISDICTION D - OUT OF STATE		S - STATE U - UNKNOWN	
ADDITIONAL CASE NUMBERS:						MORE IN REMARKS ☐						

CHARGE(S)			
IF HOLDING FOR ANOTHER AGENCY, CIRCLE CHARGE A, B, C, D, E, F			
CHARGE ID	A	B	C
CHARGE	Lead Off Upon A Child		
STATUTE	16-15-140		
BOND AMOUNT			
BOND TYPE			
CHARGE ID	D	E	F
CHARGE			
STATUTE			
BOND AMOUNT			
BOND TYPE			

LOCATION OF ARREST: **Turned in @ YCSO**
 EXAMPLE: (NUMBER/STREET, HIGHWAY NAME OR NUMBER, PLACE OF BUSINESS, ETC.)

WAS THE DEFENDANT'S VEHICLE IMPOUNDED? ☐ YES ☐ NO IF YES, BY WHOM _____

NAME OF WRECKER SERVICE _____

SIGNATURE OF RECEIVING OFFICIAL(S): _____ DATE: _____ TIME: _____

LIST ANY REMARKS BELOW:

REMARKS _____

RELEASE INFORMATION				
RELEASE DATE	TIME	RELEASING OFFICER	NUMBER	AGENCY RELEASED TO

YORK COUNTY SHERIFF'S OFFICE

Incident Report No: 200100005181

Waiver of Rights

YOUR RIGHTS

BEFORE I ASK YOU ANY QUESTIONS, I WANT TO ADVISE YOU OF YOUR RIGHTS.

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a Court of Law.
3. You have the right to talk to an attorney and have him/her present with you while you are being questioned.
4. If you cannot afford to hire an attorney, one will be appointed to represent you before any questioning, if you wish.
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

Do you understand each of these rights I have explained to you? Yes: ✓ No:

Leonard E. Jenkins
Signature

3-14-01
Date

WAIVER OF RIGHTS

I am willing to talk to police and answer questions. I do not want an attorney at this time. I understand and know what I am doing. No promises or threats have been made to me, and no pressure of any kind has been placed upon me.

Beck Tolson
Witness

03-14-01
Date

Leonard E. Jenkins
Signature

3-14-01
Date

Interviewee: LEONARD E. JENKINSDate of Birth: Age: 37Education Level: HS + 4 yrs Read: (Yes) No
York Tech (Circle one)Write: (Yes) No
(Circle one)Place of Interview: YCSOTime: 10:15 A.M.Interviewer: Beck TolsonDate: 03-14-01

YORK COUNTY SHERIFF'S OFFICE

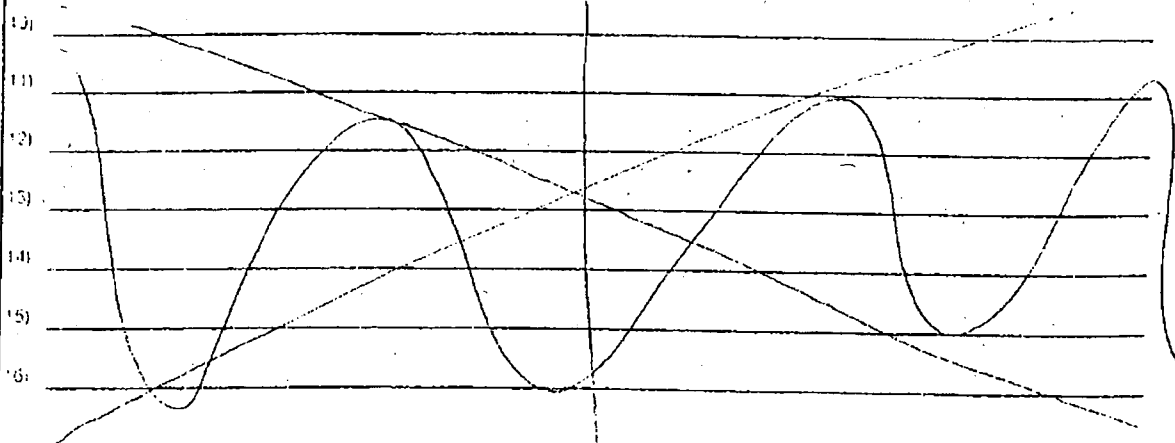
Incident Report No: 200100005131

Voluntary Statement

VOLUNTARY STATEMENT

I, LEONARD EUGENE JENKINS, know and understand my rights. Having decided to answer questions at this time, I now make the following statement.

1. I SAT DOWN in the kitchen & talked to Hermann
 2. and [REDACTED] I told them about the trip I had &
 3. [REDACTED] went back to her room I went with
 4. her to say by [REDACTED] & [REDACTED] were on the
 5. bed [REDACTED] was sitting on the floor then [REDACTED]
 6. got up & one of the girls got a rubber from
 7. [REDACTED] stuff then I told them that was
 8. something she need to see her mom about
 9. then her brother came in and I left



The statement above, consisting of 1 page(s), is made of my own free will. No one has threatened me in any way or promised me special treatment to cause me to make this statement. I am signing my name in the space below to show that it is my statement and it is the truth.

Signed

L. Eugene Jenkins

Date

3-14-01

Time

10:50 AM

Witness

Brian Wilson

Page

1

of

1

Interview of [REDACTED]
 Moss Justice Center - YCSO
 03-07-01 @ 0905 Hrs.
 Detective Beth Tolson

[REDACTED]

[REDACTED] stated that she was at her [REDACTED] house on 03-04-01. At one point during the day, she was in [REDACTED] bedroom along with her cousin [REDACTED] and [REDACTED] who is one-year-old. [REDACTED] came into the bedroom. The [REDACTED] was getting into everything, he just learned to walk, so [REDACTED] left out of the room to take him to [REDACTED]. When [REDACTED] left, [REDACTED] got up and closed the bedroom door shut and stood in front of it. [REDACTED] got up and went to the door and told Gene that she was going into the living room with [REDACTED]. Gene told her that she didn't need to go in there with her. [REDACTED] sat back down on the bed with her arms and legs crossed. [REDACTED] was still in the room but she was playing Nintendo and not paying any attention to what was going on. Gene stood to the side of [REDACTED] and began rubbing her on the side of her breast. He also rubbed her on her butt. [REDACTED] explained that he was able to rub her butt, while sitting, by rubbing where her butt was exposed from her side while crossing her legs. [REDACTED] stated that Gene then started rubbing her back, going up her shirt. [REDACTED] asked Gene what he was doing because she was only 14 years-old. The rubbing lasted for about a minute and [REDACTED] kept pushing his hand away but he wouldn't stop. Gene then heard the door knob turn and immediately jerked his hand away. [REDACTED] walked into the bedroom and [REDACTED] walked out. [REDACTED] did not see anything. Gene then said that it was time for him to go. After he left, [REDACTED] and [REDACTED] were sitting in the living room. [REDACTED] told [REDACTED] that she didn't like her friend because he was touching her. [REDACTED] then called the police.

[REDACTED]

After Detective Tolson interviewed Jenkins, contact was made with [REDACTED] by telephone, to inquire about the condom that was found by [REDACTED]. This phone call was made on 03-15-01 at 7:15 p.m. [REDACTED] stated that [REDACTED] did find a condom in [REDACTED] bedroom just before Jenkins assaulted her. [REDACTED] had already left the bedroom when [REDACTED] found the condom. [REDACTED] took the condom away from [REDACTED] and put it back up. After that is when Jenkins touched her while she was on the bed.

Interview of [REDACTED]
Conducted on 03-09-01 @ 2:45 p.m.
Detective Beth Tolson

[REDACTED] stated that she was in the bedroom playing Nintendo. Her mom, [REDACTED], Gene Jenkins and [REDACTED] were all in the bedroom at this time. [REDACTED] left the room. [REDACTED] was sitting in one of the chairs in front of the TV. [REDACTED] heard [REDACTED] tell Gene that she was only 14 years old but she didn't know why she said that. [REDACTED] played Nintendo the whole time and did not see Gene touch [REDACTED]. [REDACTED] came into the bedroom and Gene left shortly after that.

[REDACTED]

Interview of [REDACTED]
Conducted by Telephone
03-14-01 @11:20 a.m.
Detective Beth Tolson

[REDACTED] stated that she told her mother that something was wrong with Gene Jenkins. He was mad at her because she wouldn't have sex with him that weekend. Jenkins had taken [REDACTED] to Florida to drop her son off to stay with an uncle. [REDACTED] noticed that when she and Jenkins got back to [REDACTED] mother's house that he was staring at [REDACTED]

[REDACTED] and Jenkins had smoked marijuana that day about 30 minutes prior to them getting back from Florida. When they got back from Florida they went to her mother's house and that is where he touched on [REDACTED]

[REDACTED] had been in [REDACTED] bedroom with the girls and Jenkins. She left out of the bedroom. [REDACTED] was playing Nintendo. Jenkins left and [REDACTED] came to her and her mother and told them about what Jenkins did to her.

Interview of [REDACTED]
Conducted on 03-09-01 @ 3:00 p.m.
Detective Beth Tolson
200100005181

[REDACTED]
[REDACTED]
[REDACTED] is [REDACTED] grandmother. [REDACTED] stated that [REDACTED] acted funny when she came into the living room after Gene Jenkins left. She asked [REDACTED] what was wrong and she stated, "Him". [REDACTED] stated that he was back in the bedroom touching her. [REDACTED] said that he touched her on her breast, butt and back. [REDACTED] stated that she didn't like the way that Jenkins was touching on [REDACTED] in the kitchen earlier that day. He would touch her on her leg when she walked by. He would pinch her on her leg and acted like he just had to touch on her. Every time she moved he would touch her, mostly on the leg. Jenkins went into the bedroom to tell everyone good-bye. When Jenkins would look at [REDACTED], he would stop his eyes at her breast and then move his eyes down and stop at her midsection (vaginal area). When Jenkins left, [REDACTED] came into the living room and told them about what he did to her.

Case Report Summary



Print Date/Time: 02/14/2012 10:52
Login ID: neelyc
Case Number: 2001-00005181
narrative

York County Sheriff's Office
ORI Number: SC0460000

AS400 NARRATIVE FOR CASE # 200100005181 SC0460000

Created 2001/03/07 By WHITESP
Last Changed 2001/04/09 By CURRENCES2

On above date and times, victim [REDACTED] that she was in the back bedroom listening to the radio with her cousin [REDACTED] and [REDACTED] friend.

Victim stated the cousin had to leave the room to tend to her daughter. When [REDACTED] left the room, the suspect shut the door and stood in front of it so the victim couldn't leave. Victim stated that the suspect started touching her on her breasts, butt and back.

Victim stated that when her cousin, [REDACTED], opened the door, she left the room to tell [REDACTED] what had happened. Suspect left the residence immediately.

The following is a hand written statement signed by [REDACTED] on 3-4-01: My cousin [REDACTED] left the room and Gene shut the door and I said I am going in there with [REDACTED] and he said no, you don't need to go in there with her. I sat back down on the bed. He started touching my breast, butt and was going up my back. I told him that I was only 14 years old. When he told me that I don't need to go back in there with her, he stood in front of the door and would not let me out. My cousin, [REDACTED] walked in and opened the door and I left. Then he left and I told [REDACTED] that I didn't like her friend, Gene Jenkins. She asked why. I told her he was touching me in places that he didn't need to.

The following is a hand written and signed statement by [REDACTED] on 3-4-01:

Me, [REDACTED] and my cousin, [REDACTED] Jenkins, my daughter, niece and nephew were in the back bed room listening to the radio. I had to leave the room and bring my baby nephew to my sister. Then he and my cousin and all came up the hall. He said I've got to go now. He left and then my cousin said, April I don't like your friend. I asked why and she told me that when I left the room, he tried not to let me out, and that he touched her on her breasts and butt and ran his hand up her back, so we called the police.

SUPPLEMENTAL (Tolson) 3-30-01 sb
Leonard Jenkins was arrested on 3-16-01 and charged with Lewd Act Upon a Child, warrant # G390255.

ARREST WARRANT

G-361921

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 YORK COUNTY

 THE STATE 200100022794
 against

LEONARD EUGENE JENKINS

 Address: _____
 Phone: _____ SSN: 29730 - 0000

Sex: M Race: W Height: 6 Weight: 200

DL State: SC DL #: _____

DOB: _____ Agency ORI #: _____

Prosecuting Agency: YORK COUNTY SHERIFF'S DEP

Prosecuting Officer: _____

Offense: ASSAULT & BATTERY HIGH

AND AGGRAVATED Offense Code: 17-25-

Code/Ordinance Sec. 17-25-30

 This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of

 The accused
 is to be arrested and brought before me to be
 dealt with according to law.

 _____ (LS.)
 Signature of Judge

Date: _____

RETURN

 A copy of this arrest warrant was delivered to
 defendant LEONARD EUGENE JENKINS
 on 9-6-01

 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

CATAWBA/EBENEZER MAGISTRATE

P.O. BOX 11166

ROCK HILL

SC 29731 - 0000

Leonard Sessions

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 YORK COUNTY

AFFIDAVIT

 Form Approved by
 S.C. Attorney General
 July 26, 1956
 SCCA 516

 Personally appeared before me the affiant _____ who
 being duly sworn deposes and says that defendant LEONARD EUGENE JENKINS
 did within this county and state on 8/22/01 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
 in the following particulars:

DESCRIPTION OF OFFENSE: ASSAULT & BATTERY HIGH AND AGGRAVATED

 I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:

 DID WILLFULLY AND UNLAWFULLY VIOLATE THE STATUTES OF THE LAWS OF
 THIS STATE AS AMENDED IN THE CODE OF 1976 BY TAKING AWAY
 WALKING CANE AND DID STRIKE HIM IN THE LEFT EYE
 KNOCKING HIM TO THE GROUND AND DID KICK AND STOMP
 THIS OCCURRED ON BRATTONSVILLE RD. YORK SC. ALL AGAINST THE PEACE
 AND DIGNITY OF THE STATE AND ALL SCUH LAWS MADE AND PROVIDED.

REPORT # 200100022794

Sworn to and subscribed before me

 on 8/27/01
 _____ (LS.)
 Signature of Issuing Judge

Signature of Affiant

Affiant's Address

Affiant's Telephone

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 YORK COUNTY

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that
 on 8/22/01 defendant LEONARD EUGENE JENKINS
 did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: ASSAULT & BATTERY HIGH AND AGGRAVATED

 Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
 me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
 defendant at the time of its execution, or as soon thereafter as is practicable.

 _____ (LS.)
 Signature of Issuing Judge

Judge Code: PD

Judge's Address 529 S. CHERRY ROAD

ROCK HILL

SC 29730 - 0000

Judge's Telephone 803 328-1866

 Issuing Court ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

PETITIONER'S EXHIBIT E

DEFERRED

South Carolina Department of Corrections

Classification Summary Reports

Date: Wednesday, June 11, 2014

Classification Summary Reports

Inmate Number **138712**

Submit

Classification Summary Report for JENKINS, LEONARD EUGENE :

Create PDF

CLASSIFICATION SUMMARY REPORT DATED 06/11/2014

SCDC# 00138712

JENKINS, LEONARD EUGENE

FBI# 59115AA6

OFFENDER ADULT-STRAIGHT
TYPE: SENTENCE

RESIDENT
STABILITY: NA

INSTITUTION: BROAD RIVER

DORM ROOM BUNK_CODE: MA 0165 A

SECURITY/CUST: 2 MINIMUM IN

PROB MAXOUT
DATE: 03/03/2015

CURR INCARC 3 YRS 0 MOS 0
SENT: DAYS

PROB PAROLE
DATE:

VICTIM
WITNESS: Y SEPREQ:N

EWG
JOB: WARDKEEPER ASSISTANT

MED NO MED PROB/NO WORK
CLASS: RESTR

ASSIGNMENT: WARD HELPER

INST
RESTRICT: NO RESTRICTION

EWG
LEVEL: 2F5 EEC LEVEL:

MENTAL NMH (NO MENTAL
CLASS: HEALTH TRE

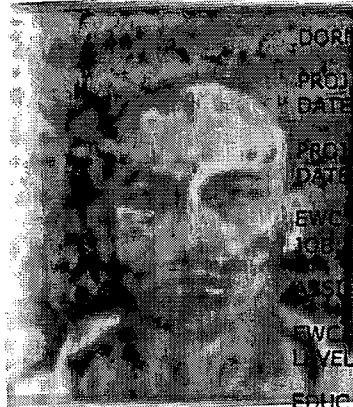
EDUC
PGM: NO CURR EDUC PROGRAM

CURRENT NO CURRENT
PROGRAM: PROGRAM

SEX REGISTRY: Y

DNA: C

AGE: 50



PREVIOUS NUMBERS:

NO PREVIOUS NUMBERS

CURRENT OFFENSES	SENTENCE				START	SENTENCE		
	YRS	MOS	DYS	COUNTY		V/NV	CAT	INDICT
LEWD ACT/CHILD UNDER 16	3	0	0	YORK	08/14/2013	V	4	12GS4602101
ASSAULT & BATTERY 2ND	0	0	30	YORK	08/10/2013	N		12GS46-02103
COMPLETED OFFENSES	SENTENCE				START	SENTENCE		
	YRS	MOS	DYS	COUNTY		V/NV	CAT	INDICT
GRAND LARCENY	6	0	0	YORK	02/24/1987	N	2	00001

CRIMINAL CONSPIRACY	5	0	0	YORK	02/24/1987	N	2	00001
VEHICLE THEFT	6	0	0	YORK	02/24/1987	N	2	00001
ROBBERY RESID STGARM	10	0	0	YORK	02/24/1987	N	3	00001

PRIOR COMMITMENTS OVER 90 DAYS:

INMATE HAS NO PRIORS

OFFENSES UNDER PREVIOUS NUMBER:

NO PREVIOUS OFFENSES

DETAINERS (HOLD,WANTED,NOTIFY):

HOLD

IRO

CATEG:

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

08/12/1991	FIGHTING WITHOUT A WEAPON	CONVICTED	MINOR DISC. HEARING
06/14/1990	FIGHTING WITHOUT A WEAPON	CONVICTED	MINOR DISC. HEARING
07/24/1987	FIGHTING WITHOUT A WEAPON	CONVICTED	MAJOR DISC. HEARING

PREVIOUS ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

02/12/1991	POSSESSION OF CONTRABAND	CONVICTED	MAJOR DISC. HEARING
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PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY

HISTORY OF MOVEMENTS:

05/07/2014	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
12/30/2013	KERSHAW	INCARCERATED	MEDICAL
12/30/2013	SPRINGS MEMORIAL	AUTH ABSENCE (AWL)	MEDICAL
11/13/2013	KERSHAW	INCARCERATED	ADMINISTRATIVE
10/30/2013	KIRKLAND	INCARCERATED	RETURN FROM COURT
10/28/2013	YORK CO	AUTH ABSENCE (AWL)	TO COURT
08/20/2013	KIRKLAND	INCARCERATED	NEW ADMISSION
06/06/1999	UNK	RELEASE	PAROLE SATISFIED
09/18/1991	YORK CO	PAROLE	PAROLE BOARD ACTION
08/12/1991	BROAD RIVER R&E	INCARCERATED	LOCKUP-INVESTIGATION
07/17/1990	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
07/16/1990	BROAD RIVER R&E	INCARCERATED	ADMINISTRATIVE
07/13/1990	PERRY R&E	INCARCERATED	RETURN FROM COURT
07/12/1990	SPARTANBURG CO	AUTH ABSENCE (AWL)	TO COURT
06/11/1990	BROAD RIVER R&E	INCARCERATED	ADMINISTRATIVE
06/07/1990	PERRY R&E	INCARCERATED	ADMINISTRATIVE
06/01/1990	TYGER RIVER LOWER	INCARCERATED	CHANGE IN CUSTODY LEVEL
05/20/1990	TYGER RIVER LOWER	INCARCERATED	LOCKUP-INVESTIGATION
02/26/1990	TYGER RIVER LOWER	INCARCERATED	ADMINISTRATIVE
02/21/1990	TYGER RIVER LOWER	INCARCERATED	LOCKUP-INVESTIGATION
01/05/1990	TYGER RIVER LOWER	INCARCERATED	ADMINISTRATIVE

01/01/1990	TYGER RIVER LOWER	INCARCERATED	LOCKUP-INVESTIGATION
10/05/1989	TYGER RIVER LOWER	INCARCERATED	ADMINISTRATIVE
10/04/1989	TYGER RIVER LOWER	INCARCERATED	LOCKUP-INVESTIGATION
05/05/1989	TYGER RIVER LOWER	INCARCERATED	ADMINISTRATIVE
05/05/1989	TYGER RIVER LOWER	INCARCERATED	ADMINISTRATIVE
02/06/1989	LIVESAY	WORK-RELEASE	WORK PROGRAM
02/01/1989	LIVESAY	INCARCERATED	ADMINISTRATIVE
01/28/1989	KIRKLAND	INCARCERATED	LOCKUP-PROTECTIVE CUST.
08/09/1988	KIRKLAND	INCARCERATED	ADMINISTRATIVE
08/07/1988	CENTRAL	INCARCERATED	LOCKUP-PROTECTIVE CUST.
08/27/1987	CENTRAL	INCARCERATED	ADMINISTRATIVE
07/30/1987	MCCORMICK	INCARCERATED	ADMINISTRATIVE
07/28/1987	COUNTY HOSP	AUTH ABSENCE (AWL)	MEDICAL
06/30/1987	MCCORMICK	INCARCERATED	ADMINISTRATIVE
06/26/1987	PERRY R&E	INCARCERATED	ADMINISTRATIVE
04/14/1987	KIRKLAND	INCARCERATED	ADMINISTRATIVE
03/17/1987	MIDLANDS R&E	INCARCERATED	MEDICAL
03/16/1987	CENTRAL	INCARCERATED	MEDICAL
02/25/1987	MIDLANDS R&E	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
WARDKEEPER ASSISTANT	05/08/2014	-		2F5
COMMUNITY TRANSIT SERV	03/25/2014	05/07/2014	INSTIT TRANSFER	2F5
GENERAL WORKER	12/31/2013	03/16/2014	PLACED IN ST/SP CUSTODY	2F5
BAKER	12/12/2013	12/30/2013	INMATE REQUEST	2F7
BAKER	11/15/2013	12/11/2013	INMATE REQUEST	2F5
BAKER	11/14/2013	11/14/2013	MI ELIGIBLE FOR LEVEL 2	3F5
BOILER OPERATOR	03/19/1991	08/12/1991	INSTIT TRANSFER	3F5
MACHINE OPERATOR HELPER	02/15/1991	03/18/1991	INMATE REQUEST	5F5
COOK	08/16/1990	02/12/1991	UNSAT JOB PERFORM	3F7
FOOD SERVICE AIDE	08/01/1990	08/14/1990	PROMOTION	5F7
WARDKEEPER ASSISTANT	04/13/1990	05/20/1990	DISCIPLINARY/LOCK-UP	5F7
WARDKEEPER ASSISTANT	03/02/1990	04/12/1990	LATERAL TRANSFER	5F7
RECREATION AIDE	02/22/1990	03/01/1990	INMATE REQUEST	5F5
RECREATION AIDE	02/02/1990	02/21/1990	DISCIPLINARY/LOCK-UP	5F5
GENERAL WORKER	01/18/1990	02/01/1990	INMATE REQUEST	7F5
LITTER CONTROL PROGRAM	01/02/1990	01/11/1990	UNSAT JOB PERFORM	2F5
LITTER CONTROL PROGRAM	12/04/1989	01/01/1990	DISCIPLINARY/LOCK-UP	2F5
MECHANIC	10/27/1989	12/03/1989	INMATE REQUEST	3F7
TEACHER AIDE	10/20/1989	10/26/1989	INMATE REQUEST	5F5
COOK	08/25/1989	10/19/1989	UNSAT JOB PERFORM	3F7
SHIPP & RECEIVING CLERK	06/16/1989	08/24/1989	INMATE REQUEST	3F5
MACHINE OPERATOR HELPER	05/11/1989	06/15/1989	PROMOTION	5F5
LABOR CREW/WORK PROGRAM	02/06/1989	05/05/1989	INSTIT TRANSFER	2F5
UNEMPLOYED COMM PROG PART	02/01/1989	02/05/1989	LATERAL TRANSFER	2F5
COOK	01/03/1989	01/28/1989	LOCKUP-INVESTIGATION	3F7
FOOD SERVICE AIDE	08/10/1988	01/02/1989	PROMOTION	5F7
CARPENTER HELPER	05/26/1988	06/30/1988	UNSAT JOB PERFORM	5F7
MECHANIC	02/23/1988	05/23/1988	UNSAT JOB PERFORM	3F5
WELDER	02/02/1988	02/11/1988	UNSAT JOB PERFORM	3F5
WELDER	09/25/1987	02/01/1988	INMATE REQUEST	3F5
SENIOR CUSTODIAN	08/31/1987	09/21/1987	UNSAT JOB PERFORM	3F5

ELECTRICIAN HELPER	04/21/1987	06/26/1987	INSTIT TRANSFER	5F5
PAINTER HELPER	04/15/1987	04/20/1987	INMATE REQUEST	5F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
BONUS 4-7 HRS/WK	10/27/1989	01/01/1990	DISCIPLINARY/LOCK-UP
BONUS 4-7 HRS/WK	05/11/1989	10/19/1989	BONUS TERMINATED-NO EWC
BONUS 4-7 HRS/WK	08/16/1988	01/28/1989	BONUS TERMINATED-NO EWC

***** END OF REPORT *****

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[Version: 1.4.9 Built: 09/25/2013 03:12:37 PM Time: 03:38:26 PM]

PETITIONER'S EXHIBIT F

Development and Course

Individuals with sexual sadism in forensic samples are almost exclusively male, but a representative sample of the population in Australia reported that 2.2% of men and 1.3% of women said they had been involved in bondage and discipline, "somasochism," or dominance and submission in the previous year. Information on the development and course of sexual sadism disorder is extremely limited. One study reported that females became aware of their somasochistic orientation as young adults, and another reported that the mean age at onset of sadism in a group of males was 19.4 years. Whereas sexual sadism per se is probably a lifelong characteristic, sexual sadism disorder may fluctuate according to the individual's subjective distress or his or her propensity to harm nonconsenting others. Advancing age is likely to have the same reducing effect on this disorder as it has on other paraphilic or normophilic sexual behavior.

Differential Diagnosis

Many of the conditions that could be differential diagnoses for sexual sadism disorder (e.g., antisocial personality disorder, sexual masochism disorder, hypersexuality, substance use disorders) sometimes occur also as comorbid diagnoses. Therefore, it is necessary to carefully evaluate the evidence for sexual sadism disorder, keeping the possibility of other paraphilias or mental disorders as part of the differential diagnosis. The majority of individuals who are active in community networks that practice sadistic and masochistic behaviors do not express any dissatisfaction with their sexual interests, and their behavior would not meet DSM-5 criteria for sexual sadism disorder. Sadistic interest, but not the disorder, may be considered in the differential diagnosis.

Comorbidity

Known comorbidities with sexual sadism disorder are largely based on individuals (almost all males) convicted for criminal acts involving sadistic acts against nonconsenting victims. Hence, these comorbidities might not apply to all individuals who never engaged in sadistic activity with a nonconsenting victim but who qualify for a diagnosis of sexual sadism disorder based on subjective distress over their sexual interest. Disorders that are commonly comorbid with sexual sadism disorder include other paraphilic disorders.

Pedophilic Disorder

Diagnostic Criteria

302.2 (F65.4)

- Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger).
- The individual has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.
- The individual is at least age 16 years and at least 5 years older than the child or children in Criterion A.

Note: Do not include an individual in late adolescence involved in an ongoing sexual relationship with a 12- or 13-year-old.

Specify whether:

Exclusive type (attracted only to children)

Nonexclusive type

largely based on
ism, prevalence
ers in the United
committed sexu-
% to 75%.

Specify if:

Sexually attracted to males
Sexually attracted to females
Sexually attracted to both

Specify if:

Limited to incest

Diagnostic Features

The diagnostic criteria for pedophilic disorder are intended to apply both to individuals who freely disclose this paraphilia and to individuals who deny any sexual attraction to prepubertal children (generally age 13 years or younger), despite substantial objective evidence to the contrary. Examples of disclosing this paraphilia include candidly acknowledging an intense sexual interest in children and indicating that sexual interest in children is greater than or equal to sexual interest in physically mature individuals. If individuals also complain that their sexual attractions or preferences for children are causing psychosocial difficulties, they may be diagnosed with pedophilic disorder. However, if they report an absence of feelings of guilt, shame, or anxiety about these impulses and are not functionally limited by their paraphilic impulses (according to self-report, objective assessment, or both), and their self-reported and legally recorded histories indicate that they have never acted on their impulses, then these individuals have a pedophilic sexual orientation but not pedophilic disorder.

Examples of individuals who deny attraction to children include individuals who are known to have sexually approached multiple children on separate occasions but who deny any urges or fantasies about sexual behavior involving children, and who may further claim that the known episodes of physical contact were all unintentional and nonsexual. Other individuals may acknowledge past episodes of sexual behavior involving children but deny any significant or sustained sexual interest in children. Since these individuals may deny experiences impulses or fantasies involving children, they may also deny feeling subjectively distressed. Such individuals may still be diagnosed with pedophilic disorder despite the absence of self-reported distress, provided that there is evidence of recurrent behaviors persisting for 6 months (Criterion A) and evidence that the individual has acted on sexual urges or experienced interpersonal difficulties as a consequence of the disorder (Criterion B).

Presence of multiple victims, as discussed above, is sufficient but not necessary for diagnosis; that is, the individual can still meet Criterion A by merely acknowledging intense or preferential sexual interest in children.

The Criterion A clause, indicating that the signs or symptoms of pedophilia have persisted for 6 months or longer, is intended to ensure that the sexual attraction to children is not merely transient. However, the diagnosis may be made if there is clinical evidence of sustained persistence of the sexual attraction to children even if the 6-month duration cannot be precisely determined.

Associated Features Supporting Diagnosis

The extensive use of pornography depicting prepubescent children is a useful diagnostic indicator of pedophilic disorder. This is a specific instance of the general case that individuals are likely to choose the kind of pornography that corresponds to their sexual interests.

Prevalence

The population prevalence of pedophilic disorder is unknown. The highest possible prevalence for pedophilic disorder in the male population is approximately 3%–5%. The population prevalence of pedophilic disorder in females is even more uncertain, but it is likely a small fraction of the prevalence in males.

Development and Course

Adult males with pedophilic disorder may indicate that they become aware of strong or preferential sexual interest in children around the time of puberty—the same time frame in which males who later prefer physically mature partners became aware of their sexual interest in women or men. Attempting to diagnose pedophilic disorder at the age at which it first manifests is problematic because of the difficulty during adolescent development in differentiating it from age-appropriate sexual interest in peers or from sexual curiosity. Hence, Criterion C requires for diagnosis a minimum age of 16 years and at least 5 years older than the child or children in Criterion A.

Pedophilia per se appears to be a lifelong condition. Pedophilic disorder, however, necessarily includes other elements that may change over time with or without treatment: subjective distress (e.g., guilt, shame, intense sexual frustration, or feelings of isolation) or psychosocial impairment, or the propensity to act out sexually with children, or both. Therefore, the course of pedophilic disorder may fluctuate, increase, or decrease with age.

Adults with pedophilic disorder may report an awareness of sexual interest in children that preceded engaging in sexual behavior involving children or self-identification as a pedophile. Advanced age is as likely to similarly diminish the frequency of sexual behavior involving children as it does other paraphilically motivated and normophilic sexual behavior.

Risk and Prognostic Factors

Temperamental. There appears to be an interaction between pedophilia and antisociality, such that males with both traits are more likely to act out sexually with children. Thus, antisocial personality disorder may be considered a risk factor for pedophilic disorder in males with pedophilia.

Environmental. Adult males with pedophilia often report that they were sexually abused as children. It is unclear, however, whether this correlation reflects a causal influence of childhood sexual abuse on adult pedophilia.

Genetic and physiological. Since pedophilia is a necessary condition for pedophilic disorder, any factor that increases the probability of pedophilia also increases the risk of pedophilic disorder. There is some evidence that neurodevelopmental perturbation in utero increases the probability of development of a pedophilic orientation.

Gender-Related Diagnostic Issues

Psychophysiological laboratory measures of sexual interest, which are sometimes useful in diagnosing pedophilic disorder in males, are not necessarily useful in diagnosing this disorder in females, even when an identical procedure (e.g., viewing time) or analogous procedures (e.g., penile plethysmography and vaginal photoplethysmography) are available.

Diagnostic Markers

Psychophysiological measures of sexual interest may sometimes be useful when an individual's history suggests the possible presence of pedophilic disorder but the individual denies strong or preferential attraction to children. The most thoroughly researched and longest used of such measures is *penile plethysmography*, although the sensitivity and specificity of diagnosis may vary from one site to another. *Viewing time*, using photographs of nude or minimally clothed persons as visual stimuli, is also used to diagnose pedophilic disorder, especially in combination with self-report measures. Mental health professionals in the United States, however, should be aware that possession of such visual stimuli, even for diagnostic purposes, may violate American law regarding possession of child pornography and leave the mental health professional susceptible to criminal prosecution.

Differential Diagnosis

Many of the conditions that could be differential diagnoses for pedophilic disorder also sometimes occur as comorbid diagnoses. It is therefore generally necessary to evaluate the evidence for pedophilic disorder and other possible conditions as separate questions.

Antisocial personality disorder. This disorder increases the likelihood that a person who is primarily attracted to the mature physique will approach a child, on one or a few occasions, on the basis of relative availability. The individual often shows other signs of this personality disorder, such as recurrent law-breaking.

Alcohol and substance use disorders. The disinhibiting effects of intoxication may also increase the likelihood that a person who is primarily attracted to the mature physique will sexually approach a child.

Obsessive-compulsive disorder. There are occasional individuals who complain about ego-dystonic thoughts and worries about possible attraction to children. Clinical interviewing usually reveals an absence of sexual thoughts about children during high states of sexual arousal (e.g., approaching orgasm during masturbation) and sometimes additional ego-dystonic, intrusive sexual ideas (e.g., concerns about homosexuality).

Comorbidity

Psychiatric comorbidity of pedophilic disorder includes substance use disorders; depressive, bipolar, and anxiety disorders; antisocial personality disorder; and other paraphilic disorders. However, findings on comorbid disorders are largely among individuals convicted for sexual offenses involving children (almost all males) and may not be generalizable to other individuals with pedophilic disorder (e.g., individuals who have never approached a child sexually but who qualify for the diagnosis of pedophilic disorder on the basis of subjective distress).

Fetishistic Disorder

Diagnostic Criteria

302.81 (F65.0)

- A. Over a period of at least 6 months, recurrent and intense sexual arousal from either the use of nonliving objects or a highly specific focus on nongenital body part(s), as manifested by fantasies, urges, or behaviors.
- B. The fantasies, sexual urges, or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.
- C. The fetish objects are not limited to articles of clothing used in cross-dressing (as in transvestic disorder) or devices specifically designed for the purpose of tactile genital stimulation (e.g., vibrator).

Specify:

- Body part(s)
- Nonliving object(s)
- Other

Specify if:

In a controlled environment: This specifier is primarily applicable to individuals living in institutional or other settings where opportunities to engage in fetishistic behaviors are restricted.

In full remission: There has been no distress or impairment in social, occupational, or other areas of functioning for at least 5 years while in an uncontrolled environment.

PETITIONER'S EXHIBIT G

Paraphilic Disorders

Paraphilic disorders included in this manual are voyeuristic disorder (spying on others in private activities), exhibitionistic disorder (exposing the genitals), frotteuristic disorder (touching or rubbing against a nonconsenting individual), sexual masochism disorder (undergoing humiliation, bondage, or suffering), sexual sadism disorder (inflicting humiliation, bondage, or suffering), pedophilic disorder (sexual focus on children), fetishistic disorder (using nonliving objects or having a highly specific focus on nongenital body parts), and transvestic disorder (engaging in sexually arousing cross-dressing). These disorders have traditionally been selected for specific listing and assignment of explicit diagnostic criteria in DSM for two main reasons: they are relatively common, in relation to other paraphilic disorders, and some of them entail actions for their satisfaction that, because of their noxiousness or potential harm to others, are classed as criminal offenses. The eight listed disorders do not exhaust the list of possible paraphilic disorders. Many dozens of distinct paraphilias have been identified and named, and almost any of them could, by virtue of its negative consequences for the individual or for others, rise to the level of a paraphilic disorder. The diagnoses of the other specified and unspecified paraphilic disorders are therefore indispensable and will be required in many cases.

In this chapter, the order of presentation of the listed paraphilic disorders generally corresponds to common classification schemes for these conditions. The first group of disorders is based on *anomalous activity preferences*. These disorders are subdivided into *courtship disorders*, which resemble distorted components of human courtship behavior (voyeuristic disorder, exhibitionistic disorder, and frotteuristic disorder), and *algolagnic disorders*, which involve pain and suffering (sexual masochism disorder and sexual sadism disorder). The second group of disorders is based on *anomalous target preferences*. These disorders include one directed at other humans (pedophilic disorder) and two directed elsewhere (fetishistic disorder and transvestic disorder).

The term *paraphilia* denotes any intense and persistent sexual interest other than sexual interest in genital stimulation or preparatory fondling with phenotypically normal, physically mature, consenting human partners. In some circumstances, the criteria "intense and persistent" may be difficult to apply, such as in the assessment of persons who are very old or medically ill and who may not have "intense" sexual interests of any kind. In such circumstances, the term *paraphilia* may be defined as any sexual interest greater than or equal to normophilic sexual interests. There are also specific paraphilias that are generally better described as *preferential* sexual interests than as intense sexual interests.

Some paraphilias primarily concern the individual's erotic activities, and others primarily concern the individual's erotic targets. Examples of the former would include intense and persistent interests in spanking, whipping, cutting, binding, or strangulating another person, or an interest in these activities that equals or exceeds the individual's interest in copulation or equivalent interaction with another person. Examples of the latter would include intense or preferential sexual interest in children, corpses, or amputees (as a class), as well as intense or preferential interest in nonhuman animals, such as horses or dogs, or in inanimate objects, such as shoes or articles made of rubber.

A *paraphilic disorder* is a paraphilia that is currently causing distress or impairment to the individual or a paraphilia whose satisfaction has entailed personal harm, or risk of harm, to

others. A paraphilia is a necessary but not a sufficient condition for having a paraphilic disorder, and a paraphilia by itself does not necessarily justify or require clinical intervention.

In the diagnostic criteria set for each of the listed paraphilic disorders, Criterion A specifies the qualitative nature of the paraphilia (e.g., an erotic focus on children or on exposing the genitals to strangers), and Criterion B specifies the negative consequences of the paraphilia (i.e., distress, impairment, or harm to others). In keeping with the distinction between paraphilias and paraphilic disorders, the term *diagnosis* should be reserved for individuals who meet both Criteria A and B (i.e., individuals who have a paraphilic disorder). If an individual meets Criterion A but not Criterion B for a particular paraphilia—a circumstance that might arise when a benign paraphilia is discovered during the clinical investigation of some other condition—then the individual may be said to have that paraphilia but not a paraphilic disorder.

It is not rare for an individual to manifest two or more paraphilias. In some cases, the paraphilic foci are closely related and the connection between the paraphilias is intuitively comprehensible (e.g., foot fetishism and shoe fetishism). In other cases, the connection between the paraphilias is not obvious, and the presence of multiple paraphilias may be coincidental or else related to some generalized vulnerability to anomalies of psychosexual development. In any event, comorbid diagnoses of separate paraphilic disorders may be warranted if more than one paraphilia is causing suffering to the individual or harm to others.

Because of the two-pronged nature of diagnosing paraphilic disorders, clinician-rated or self-rated measures and severity assessments could address either the strength of the paraphilia itself or the seriousness of its consequences. Although the distress and impairment stipulated in the Criterion B are special in being the immediate or ultimate result of the paraphilia and not primarily the result of some other factor, the phenomena of reactive depression, anxiety, guilt, poor work history, impaired social relations, and so on are not unique in themselves and may be quantified with multipurpose measures of psychosocial functioning or quality of life.

The most widely applicable framework for assessing the strength of a paraphilia itself is one in which examinees' paraphilic sexual fantasies, urges, or behaviors are evaluated in relation to their normophilic sexual interests and behaviors. In a clinical interview or on self-administered questionnaires, examinees can be asked whether their paraphilic sexual fantasies, urges, or behaviors are weaker than, approximately equal to, or stronger than their normophilic sexual interests and behaviors. This same type of comparison can be, and usually is, employed in psychophysiological measures of sexual interest, such as penile plethysmography in males or viewing time in males and females.

Voyeuristic Disorder

Diagnostic Criteria

302.82 (F65.3)

- A. Over a period of at least 6 months, recurrent and intense sexual arousal from observing an unsuspecting person who is naked, in the process of disrobing, or engaging in sexual activity, as manifested by fantasies, urges, or behaviors.
- B. The individual has acted on these sexual urges with a nonconsenting person, or the sexual urges or fantasies cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.
- C. The individual experiencing the arousal and/or acting on the urges is at least 18 years of age.

Specify if:

In a controlled environment: This specifier is primarily applicable to individuals living in institutional or other settings where opportunities to engage in voyeuristic behavior are restricted.

PETITIONER'S EXHIBIT H

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SEXUAL PREDATOR MULTI-DISCIPLINARY TEAM**

REFERRAL DATA

INMATE: Jenkins Leonard Eugene

SCDC # 138712

INSTITUTION: Broad River

SSN#: [REDACTED]

VICTIM/WITNESS: Yes

DOB/AGE: [REDACTED]

SCDC ARRIVAL DATE: 08/20/2013

MAX OUT DATE: 03/03/2015

SENTENCE START DATE:
JUVENILE SENTENCE: N/A

**SUPERVISED FURLOUGH
ELIGIBILITY DATE:** N/A

DATA SOURCE(S):

Automated Medical Record: ✓
Institutional Record:
Sex Offender Treatment Record:
Inmate Interview:
Attachment:

Hard Copy Medical Record:
Central Inmate Record:
Offender Management Summary: ✓
Other Data Source(s):
Specify:

CONVICTION HISTORY:

Current Conviction(s):
Lewd Act/Child under 16 and Assault & Battery 2nd Degree
Prior SCDC #'s:
Prior Conviction(s): Grand Larceny, Criminal Conspiracy, Vehicle Theft Assault &
Battery High Agg and Robbery
Parole Revocation(s): N/A
Probation Revocation(s): N/A
Other Information:

INSTITUTIONAL ADJUSTMENT:

Disciplinary(s): Total: 4(1991) Assaultive: 0
Narrative(s):
Work History: Ward Keeper

Sexual Misconduct: 0

Other Information:

SP Multi-Disciplinary Team
 Jenkins Leonard - 138712
 Page 2

SPECIAL NEEDS/DISABILITIES: N/A

Limitation(s) in Mobility and Sensory:

Level of Supervision Needed:

Ability to Complete Activities of Daily Living:

COGNITIVE FUNCTIONING/ACADEMIC ABILITY:

Beta Score: N/A
 Other IQ Screening: 100
 Mental Retardation: Yes
 Disability/Other Known Impairment:

Wide Range Achievement Tests (WRAT)
 Grade Level: Reading: 3.5
 Math: 5.9
 Language: N/A

SUBSTANCE ABUSE:

SASSI Score: Valid	Yes	No	Chemically Dependent:	Yes	No
TCUDDS: Valid	Yes	No	Chemically Dependent:	Yes	No

Other Screening(s):
 Under influence at the Time of Crime (Self-Report):
 Treatment History:

Other Information:

HEALTH SUMMARY CLASSIFICATION:

Mental Health Status: None
 Medical Problem(s): No Work Restriction(s): No
 Institutional Assignment: N/A

SP Multi-Disciplinary Team
 Jenkins Leonard - 138712
 Page 3

HEALTH INFORMATION AND HISTORY:

Physical Health/Condition:
 Medications:
 Other Information:

MENTAL HEALTH INFORMATION AND HISTORY:

Diagnosis: None
 Medications:
 Problems/Compliance: N/A
 Treatment History:
 Other Information:

SOCIAL HISTORY: N/A

Inmate's History of Sexual Abuse (age at time of abuse, age of perpetrator
 Length of abuse, relationship to perpetrator, gender of perpetrator):

Juvenile History: N/A
 Other Information:

SEX OFFENDER TREATMENT HISTORY:

	TYPE	DATES	STATUS
Phase I:			
SOTP GROUP:	SOTP	6/12/2014	Attending
Phase II:	Education		
Phase III:	Education		
OTHER			
RTU:	Intensive Residential Treatment		

Admission of Sex Offense(s):
 Other Information:

SP Multi-Disciplinary Team
 Jenkins Leonard - 138712
 Page 4

VICTIM PROFILE: N/A

Conviction(s):

Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:

Aggravating Circumstances: N/A

Other Victims Alleged or Self-Reported by Inmate: N/A

Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:

** A = Alleged S = Self-Reported

Aggravating Circumstances:

Other Information:

Information submitted in this packet was obtained from the SCDC Offender Management System, Inmate's Primary Therapist and Automated Medical Records.

Submitted by: Sylvia Roberts, MSW
 Sylvia Roberts, MSW HSC II

Date: 12/12/14

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF MENTAL HEALTH SERVICES**

INSTITUTIONAL REVIEW OF INMATE RECORDS

INMATE NAME: Leonard Jenkins SCDC#: 138712

INSTITUTION: Broad River/SOTP

Record Review:

History of mental health diagnosis, assessments, treatments
*(Physicians/Psychiatrist Diagnosis ONLY)
*(Copy of last Clinical Note)

SR

Psychological

None

Note: Please initial if information is not recorded in Mental
Health record or OMS-Mental Health Clinic

Hard Copy Medical Record

Volume No. SR

Gilliam Psychiatric Hospital

Volume No. None

Other _____

Volume No. _____

Ms. Sylvia Roberts, MSW
Signature of Reviewer

6/18/14
Date of Review

Sylvia Roberts, MSW
Print Name of Reviewer

Date & Method of Submission
(i.e. fax, Agency Mail, Hand Deliver, etc.)

6/18/14 / 6/19/14
Date Received - Reviewed

MS. Roberts, MSW
Signature of SPMT Representative

COMMENTS: Admitted into the Sex Offender
Treatment Program on 6/

Forward To:

Sylvia Roberts, MSW
Broad River SOTP Program
(803) 896-2200 Ext. 2605
(803) 896-2192 Fax#
2953

PETITIONER'S EXHIBIT I



Messages

Menu - Refresh Screen

Check messages (10) below for: ATTSC406

Date	Title
☐ August 22, 2014 at 16:37:52	QWA 00063A95D0 from NC2K
☐ August 22, 2014 at 16:37:52	QR 003513E697 from III
☐ August 22, 2014 at 16:37:52	ICHR 003F0C5581 from SCCH
☐ August 22, 2014 at 16:37:52	ICHR 003F0C5580 from SCCH
☐ August 22, 2014 at 16:37:51	QWA 00063A95B0 from NC2K
☐ August 22, 2014 at 16:37:51	QR 003513E689 from III
☐ August 22, 2014 at 16:37:51	ICHR 003F0C5578 from SCCH
☐ August 22, 2014 at 16:37:51	ICHR 003F0C5576 from SCCH
☐ August 22, 2014 at 16:37:49	CR 00081E45CF from NLETS
☐ August 22, 2014 at 16:37:49	CR 00081E45C6 from NLETS

Check All

☐ Delete All Checked Messages☒ Print All Checked Messages

Submit

QWA 00063A95D0 from NC2K - August 22, 2014 at 16:37:52

ATTSC406

.QWA.00063A95D0.NC2K.20140822 16:37:52

TO: ATTSC406-99 20140822 16:37:52 00063A95D0

FROM: NC2K-3839440 20140822 16:17:48

1L012D0A00003E2QWA

SC040015A

NO NCIC WANT FBI/59115AA6

NO NCIC WANT [REDACTED]

***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.

Top of page or Menu

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QR 003513E697 from III - August 22, 2014 at 16:37:52

ATTSC406

.QR.003513E697.III.20140822 16:37:52

TO: ATTSC406-98 20140822 16:37:52 003513E697

FROM: III-1304215 20140822 16:17:47

EL012D0A00003F2QR

SC040015A

THIS INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
RECORD REQUEST FOR FBI/59115AA6. INDIVIDUAL'S RECORD WILL BE
COMPLETE WHEN ALL RESPONSES ARE RECEIVED FROM THE FOLLOWING SOURCES:
NORTH CAROLINA - STATE ID/NC0267968A

AN ADDITIONAL RECORD MAY BE OBTAINED FROM FILES WITHIN YOUR STATE.
END

Top of page or Menu

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ICHR 003F0C5581 from SCCH - August 22, 2014 at 16:37:52

ATTSC406

.ICHR.003F0C5581.SCCH.20140822 16:37:52

TO: ATTSC406-97 20140822 16:37:52 003F0C5581
FROM: SCCH-808321 20140822 16:17:44

PAGE-02 DATE-08/22/2014 TIME-16:14:52

REQ ORI-SC040015A ATT GENERAL

SID-SC00445878 FBI- 59115AA6

CONTRIBUTOR/SUBJECT

DOA/RCVD CHARGE/DISPOSITION/ETC

SC040185C KIRKLAND RECPT & EV 08/20/2013 CUSTODY STATUS-RECEIVED
CASE-001387 START DATE-08/20/2013
CIT-16-15-140-FELONY

COURT CHARGE 01-COMMIT/ATTEMPT
T LEWD ACT ON CHILD <16
COURT DISP-CONVICTED;10 YRS
SS 3 YRS WITH 3 YRS PROB
ATN-50D300013485

CIT-16-3-600(D) (2) -MISDEMEANOR
WARR-J158130

COURT CHARGE 02-ASSAULT AND
BATTERY 2ND DEGREE
COURT DISP-CONVICTED;30 DAYS
JAIL
COURT DATE-10/28/2013

@ - WARRANT OCCURS WITH MORE THAN ONE SID NUMBER

BASED ON SEARCH OF SLED CJIS CCH FILE USING FBI/ 59115AA6
REQUESTED FOR CRIMINAL JUSTICE PURPOSES

SLED CJIS RECORD INDICATES SUBJECT HAS OUT OF STATE ARREST INFORMATION
REQUEST FORWARDED TO NCIC FOR OUT-OF-STATE INFORMATION
INFORMATION FROM OTHER STATES TO FOLLOW THRU NLETS VIA YOUR TERMINAL

INQUIRY WILL BE FORWARDED TO: NCIC WANTED PERSONS

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING HANDGUN IN

SOUTH CAROLINA

INFORMATION SUBMITTED TO SLED CCH PURSUANT TO 16-23-10 (C) AND 23-31-110 (C) OF THE SOUTH CAROLINA CODE OF LAWS INDICATES THIS INDIVIDUAL HAS BEEN CONVICTED OF A CRIME OF VIOLENCE AND IS NOT PERMITTED TO POSSESS OR ACQUIRE A HANDGUN.

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS. THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

** S.C. CJIS END OF RECORD **

Top of page or Menu

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ICHR 003F0C5580 from SCCH - August 22, 2014 at 16:37:52

ATTSC406

.ICHR.003F0C5580.SCCH.20140822 16:37:52

TO: ATTSC406-96 20140822 16:37:52 003F0C5580

FROM: SCCH-808320 20140822 16:17:43

ICHR REQUEST FOR RAP SHEET

ORI-SC040015A FBI- 59115AA6 PUR-C

ATN-SALLY ELLISON

AUTHORIZED CRIMINAL JUSTICE AGENCY USE ONLY. CONTACT CONTRIBUTING AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS. BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-08/22/2014 TIME-16:14:52

REQ ORI-SC040015A ATT GENERAL

SID-SC00445878 FBI- 59115AA6

NAME-JENKINS, LEONARD EUGENE SEX-M RACE-W

HEIGHT-601 WEIGHT-180 EYES-HAZ HAIR-BRO SKIN-FAR BORN-TN

FPC-PI63POP013PI63POPM12 HENRY-13 I 15 R OOO 13
I 26 R OOM

PHOTOGRAPH AVAILABLE

PALM PRINTS AVAILABLE

1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

* DNA - TAKEN

DATE RECORD ENTERED--04/27/1984 DATE OF LAST UPDATE--01/13/2014

ADDITIONAL IDENTIFIERS

NAME

BIRTH

DATES MARKS

SOC SEC MISC NUM

JENKINS, GENE	SC R HND
CONTRIBUTOR/SUBJECT	DOA/RCVD CHARGE/DISPOSITION/ETC
JENKINS, LEONARD EUGENE SC0460300 ROCK HILL PD CASE-154049 WARR-B089404	04/13/1984 ARREST CHARGE 01-FAILURE TO STOP BLUE LIGHT & SIREN OFFENSE DATE-04/11/1984 PHOTOGRAPH AVAILABLE ARREST INFO-RELEASED ON BOND OR RECOG
JENKINS, LEONARD EUGENE SC0460000 YORK CNTY SO CASE-13675 WARR-B733871	A01/02/1987 ARREST CHARGE 01-CRIMINAL CONSPIRACY OFFENSE DATE-12/29/1986 PHOTOGRAPH AVAILABLE
WARR-B733872	ARREST CHARGE 02-GRAND LARCEN Y ARREST INFO-RELEASED ON BOND OR RECOG
WARR-B733871	COURT CHARGE 01-CRIMINAL CONSPIRACY COURT DISP-CONVICTED;5Y CONFI NE; CONCURRENT COURT DATE-02/24/1987
WARR-B733872	COURT CHARGE 02-GRAND LARCENY COURT DISP-CONVICTED;6Y CONFI NE COURT DATE-02/24/1987
JENKINS, LEONARD EUGENE SC0460300 ROCK HILL PD CASE-154-049 WARR-B768118	01/05/1987 ARREST CHARGE 01-ARMED ROBBER Y OFFENSE DATE-12/27/1986 PHOTOGRAPH AVAILABLE
WARR-B768119	ARREST CHARGE 02-GRAND LARCEN Y
WARR-B768123	ARREST CHARGE 03-CRIMINAL CONSPIRACY
WARR-B768122	ARREST CHARGE 04-CRIMINAL CONSPIRACY GRAND LARCENY ARREST INFO-HELD
WARR-B768118	COURT CHARGE 01-ROBBERY COURT DISP-CONVICTED;10Y CONFIN

WARR-B768119

COURT DATE-02/24/1987
COURT CHARGE 02-GRAND LARCENY
COURT DISP-CONVICTED;6Y CONFI
NE; CONSECUTIVE

WARR-B768123

COURT DATE-02/24/1987
COURT CHARGE 03-CONSPIRACY
COURT DISP-CONVICTED;5Y CONFI
NE; CONCURRENT

SC040055C R & E CENTER COLA
CASE-138712

COURT DATE-02/24/1987
CUSTODY STATUS-RECEIVED
START DATE-02/25/1987

JENKINS, LEONARD EUGENE
SC0460300 ROCK HILL PD
CASE-154-049
WARR-F122780

12/11/1996

ARREST CHARGE 01-ASSAULT AND
BATTERY
OFFENSE DATE-12/11/1996
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

WARR-F122781

ARREST CHARGE 02-ASSAULT AND
BATTERY

DOC-R84
WARR-F122780

OFFENSE DATE-12/11/1996
COURT CHARGE 01-SIMPLE ASSAUL
T AND BATTERY
COURT DISP-NON-CONVICTION;
NOT GUILTY BY JURY
COURT DATE-10/26/1998

JENKINS, LEONARD EUGENE
SC0460000 YORK CNTY SO
CASE-9226
ATN-
WARR-F738573

04/09/1999

ARREST CHARGE 01-ASSAULT AND
BATTERY
OFFENSE DATE-04/09/1999
PHOTOGRAPH AVAILABLE

JENKINS, LEONARD EUGENE
SC0110000 CHEROKEE CNTY SO
ATN-
WARR-E760001

06/08/1999

ARREST CHARGE 01-TRESPASSING
OFFENSE DATE-06/08/1999
PHOTOGRAPH AVAILABLE

JENKINS, LEONARD EUGENE
SC0460000 YORK CNTY SO
ATN-
WARR-G390255

03/04/2001

ARREST CHARGE 01-LEWD ACT ON
A CHILD
OFFENSE DATE-03/04/2001
PHOTOGRAPH AVAILABLE

CIT-16-15-140 FELONY
DOC-01GS4601319

COURT CHARGE 01-COMMITTING

WARR-G390255

LEWD ACT UPON CHILD UNDER
16
COURT DISP-NON-CONVICTION;
NOLLE PROSSED
COURT DATE-10/26/2001
ATN-

JENKINS, LEONARD EUGENE
SC0460000 YORK CNTY SO
ATN-
WARR-G361921

08/22/2001

ARREST CHARGE 01-ASSAULT &
BATTERY, HIGH & AGGRAVATED
NATURE
OFFENSE DATE-08/22/2001
PHOTOGRAPH AVAILABLE

CIT-C/L, -UNCLASSIFIED
DOC-01GS4602604

COURT CHARGE 01-ASSAULT/BATTE
RY OF HIGH AND AGGRAVATED
NATURE
COURT DISP-CONVICTED;8YRS
SUSP ON 3YRS PROB 30DYS
PSE
COURT DATE-10/25/2001
ATN-

JENKINS, LEONARD EUGENE
SC0460000 YORK CNTY SO
ATN-
WARR-16432CE
CIT-N/A-MISDEMEANOR

06/14/2004

ARREST CHARGE 01-SIMPLE ASSAU
LT
OFFENSE DATE-06/14/2004
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

JENKINS, LEONARD EUGENE
SC0460000 YORK CNTY SO
ATN-980000531377
WARR-H289253
CIT-C/L, -MISDEMEANOR

08/09/2004

ARREST CHARGE 01-ASSAULT/BATT
ERY OF HIGH AND AGGRAVATED
NATURE
OFFENSE DATE-08/09/2004
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

CIT-C/L, -MISDEMEANOR
DOC-00GS46
WARR-H289253

COURT CHARGE 01-ASSAULT/BATTE
RY OF HIGH AND AGGRAVATED
NATURE
COURT DISP-NON-CONVICTION;NO
BILL
COURT DATE-10/25/2004
ATN-980000531377

JENKINS, LEONARD EUGENE
SC0460000 YORK CNTY SO

10/29/2007

CASE-200700006141
ATN-46X007302031
WARR-093401EG
CIT-C/L, -MISDEMEANOR

ARREST CHARGE 01-SIMPLE ASSAU
LT
OFFENSE DATE-10/29/2007
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

JENKINS, LEONARD EUGENE
SC0460000 YORK CNTY SO
CASE-201200001278
ATN-46D200027972
WARR-J158129
CIT-16-15-140-FELONY

02/14/2012

ARREST CHARGE 01-COMMIT/ATTEM
PT LEWD ACT ON CHILD <16
OFFENSE DATE-02/14/2012
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

WARR-J158128
CIT-16-15-140-FELONY

ARREST CHARGE 02-COMMIT/ATTEM
PT LEWD ACT ON CHILD <16
OFFENSE DATE-02/14/2012

WARR-J158130
CIT-16-15-140-FELONY

ARREST CHARGE 03-COMMIT/ATTEM
PT LEWD ACT ON CHILD <16
OFFENSE DATE-02/14/2012

END OF PAGE

01 - PAGE 02 TO FOLLOW

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QWA 00063A95B0 from NC2K - August 22, 2014 at 16:37:51

ATTSC406

.QWA.00063A95B0.NC2K.20140822 16:37:51

TO: ATTSC406-95 20140822 16:37:51 00063A95B0

FROM: NC2K-3839408 20140822 16:16:59

1L012D0A00003C2QWA

SC040015A

NO NCIC WANT FBI/59115AA6

NO NCIC WANT [REDACTED]

***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.

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QR 003513E689 from III - August 22, 2014 at 16:37:51

ATTSC406

.QR.003513E689.III.20140822 16:37:51

TO: ATTSC406-94 20140822 16:37:51 003513E689

FROM: III-1304201 20140822 16:16:57

EL012DOA00003B2QR

SC040015A

THIS INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
RECORD REQUEST FOR FBI/59115AA6. INDIVIDUAL'S RECORD WILL BE
COMPLETE WHEN ALL RESPONSES ARE RECEIVED FROM THE FOLLOWING SOURCES:
NORTH CAROLINA - STATE ID/NC0267968A

AN ADDITIONAL RECORD MAY BE OBTAINED FROM FILES WITHIN YOUR STATE.
END

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ICHR 003F0C5578 from SCCH - August 22, 2014 at 16:37:51

ATTSC406

.ICHR.003F0C5578.SCCH.20140822 16:37:51

TO: ATTSC406-93 20140822 16:37:51 003F0C5578

FROM: SCCH-808312 20140822 16:16:56

PAGE-02 DATE-08/22/2014 TIME-16:14:04

REQ ORI-SC040015A ATT GENERAL

SID-SC00445878 FBI- 59115AA6

CONTRIBUTOR/SUBJECT

DOA/RCVD CHARGE/DISPOSITION/ETC

SC040185C KIRKLAND RECPT & EV 08/20/2013 CUSTODY STATUS-RECEIVED
CASE-001387 START DATE-08/20/2013
CIT-16-15-140-FELONY

COURT CHARGE 01-COMMIT/ATTEMP
T LEWD ACT ON CHILD <16
COURT DISP-CONVICTED;10 YRS
SS 3 YRS WITH 3 YRS PROB
ATN-50D300013485

CIT-16-3-600(D)(2)-MISDEMEANOR
WARR-J158130

COURT CHARGE 02-ASSAULT AND
BATTERY 2ND DEGREE
COURT DISP-CONVICTED;30 DAYS
JAIL
COURT DATE-10/28/2013

@ - WARRANT OCCURS WITH MORE THAN ONE SID NUMBER

BASED ON SEARCH OF SLED CJIS CCH FILE USING FBI/ 59115AA6
REQUESTED FOR CRIMINAL JUSTICE PURPOSES

SLED CJIS RECORD INDICATES SUBJECT HAS OUT OF STATE ARREST INFORMATION

REQUEST FORWARDED TO NCIC FOR OUT-OF-STATE INFORMATION
INFORMATION FROM OTHER STATES TO FOLLOW THRU NLETS VIA YOUR TERMINAL

INQUIRY WILL BE FORWARDED TO: N C I C W A N T E D P E R S O N S

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING HANDGUN IN
SOUTH CAROLINA

INFORMATION SUBMITTED TO SLED CCH PURSUANT TO 16-23-10 (C) AND 23-31-110
(C) OF THE SOUTH CAROLINA CODE OF LAWS INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A CRIME OF VIOLENCE AND IS NOT PERMITTED TO POSSESS OR
ACQUIRE A HANDGUN.

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.USC 922(G)).

** S C CJIS END OF RECORD **

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ICHR 003F0C5576 from SCCH - August 22, 2014 at 16:37:51

ATTSC406

.ICHR.003F0C5576.SCCH.20140822 16:37:51

TO: ATTSC406-92 20140822 16:37:51 003F0C5576
FROM: SCCH-808310 20140822 16:16:55

ICHR REQUEST FOR RAP SHEET

ORI-SC040015A FBI- 59115AA6 PUR-C

ATN-SALLY ELLISON

AUTHORIZED CRIMINAL JUSTICE AGENCY USE ONLY. CONTACT CONTRIBUTING
AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-08/22/2014 TIME-16:14:04

REQ ORI-SC040015A ATT GENERAL

SID-SC00445878 FBI- 59115AA6

NAME-JENKINS, LEONARD EUGENE SEX-M RACE-W

HEIGHT-601 WEIGHT-180 EYES-HAZ HAIR-BRO SKIN-FAR BORN-TN

FPC-PI63POPO13PI63POPM12 HENRY-13 I 15 R OOO 13
I 26 R OOM

PHOTOGRAPH AVAILABLE

PALM PRINTS AVAILABLE

1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

* DNA - TAKEN

DATE RECORD ENTERED--04/27/1984

DATE OF LAST UPDATE--01/13/2014

ADDITIONAL IDENTIFIERS
NAME

BIRTH

DATES MARKS

SOC SEC

MISC NUM

JENKINS, GENE

SC R HND

CONTRIBUTOR/SUBJECT

DOA/RCVD CHARGE/DISPOSITION/ETC

JENKINS, LEONARD EUGENE

04/13/1984

SC0460300 ROCK HILL PD

CASE-154049

WARR-B089404

ARREST CHARGE 01-FAILURE TO
STOP BLUE LIGHT & SIREN
OFFENSE DATE-04/11/1984
PHOTOGRAPH AVAILABLE
ARREST INFO-RELEASED ON BOND
OR RECOG-----
JENKINS, LEONARD EUGENE

A01/02/1987

SC0460000 YORK CNTY SO

CASE-13675

WARR-B733871

ARREST CHARGE 01-CRIMINAL
CONSPIRACY
OFFENSE DATE-12/29/1986
PHOTOGRAPH AVAILABLE

WARR-B733872

ARREST CHARGE 02-GRAND LARCEN
YARREST INFO-RELEASED ON BOND
OR RECOG

WARR-B733871

COURT CHARGE 01-CRIMINAL
CONSPIRACYCOURT DISP-CONVICTED;5Y CONFI
NE; CONCURRENT

COURT DATE-02/24/1987

WARR-B733872

COURT CHARGE 02-GRAND LARCENY
COURT DISP-CONVICTED;6Y CONFI

NE

COURT DATE-02/24/1987

JENKINS, LEONARD EUGENE

01/05/1987

SC0460300 ROCK HILL PD

CASE-154-049

WARR-B768118

ARREST CHARGE 01-ARMED ROBBER
Y

OFFENSE DATE-12/27/1986

PHOTOGRAPH AVAILABLE

WARR-B768119

ARREST CHARGE 02-GRAND LARCEN
Y

WARR-B768123

ARREST CHARGE 03-CRIMINAL
CONSPIRACY

WARR-B768122

ARREST CHARGE 04-CRIMINAL
CONSPIRACY GRAND LARCENY
ARREST INFO-HELD

WARR-B768118

COURT CHARGE 01-ROBBERY
COURT DISP-CONVICTED;10Y
CONFIN

WARR-B768119

COURT DATE-02/24/1987
COURT CHARGE 02-GRAND LARCENY
COURT DISP-CONVICTED;6Y CONFI
NE; CONSECUTIVE

WARR-B768123

COURT DATE-02/24/1987
COURT CHARGE 03-CONSPIRACY
COURT DISP-CONVICTED;5Y CONFI
NE; CONCURRENTSC040055C R & E CENTER COLA
CASE-138712COURT DATE-02/24/1987
CUSTODY STATUS-RECEIVED
START DATE-02/25/1987JENKINS, LEONARD EUGENE
SC0460300 ROCK HILL PD
CASE-154-049
WARR-F122780

12/11/1996

ARREST CHARGE 01-ASSAULT AND
BATTERY
OFFENSE DATE-12/11/1996
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

WARR-F122781

ARREST CHARGE 02-ASSAULT AND
BATTERY
OFFENSE DATE-12/11/1996
COURT CHARGE 01-SIMPLE ASSAUL
T AND BATTERY
COURT DISP-NON-CONVICTION;
NOT GUILTY BY JURY
COURT DATE-10/26/1998DOC-R84
WARR-F122780JENKINS, LEONARD EUGENE
SC0460000 YORK CNTY SO
CASE-9226
ATN-
WARR-F738573.

04/09/1999

ARREST CHARGE 01-ASSAULT AND
BATTERY
OFFENSE DATE-04/09/1999
PHOTOGRAPH AVAILABLEJENKINS, LEONARD EUGENE
SC0110000 CHEROKEE CNTY SO
ATN-
WARR-E760001 @

06/08/1999

ARREST CHARGE 01-TRESPASSING
OFFENSE DATE-06/08/1999
PHOTOGRAPH AVAILABLEJENKINS, LEONARD EUGENE
SC0460000 YORK CNTY SO
ATN-

03/04/2001

WARR-G390255

ARREST CHARGE 01-LEWD ACT ON
A CHILD
OFFENSE DATE-03/04/2001
PHOTOGRAPH AVAILABLE

CIT-16-15-140 FELONY
DOC-01GS4601319
WARR-G390255

COURT CHARGE 01-COMMITTING
LEWD ACT UPON CHILD UNDER
16
COURT DISP-NON-CONVICTION;
NOLLE PROSSED
COURT DATE-10/26/2001
ATN-

JENKINS, LEONARD EUGENE
SC0460000 YORK CNTY SO
ATN-
WARR-G361921

08/22/2001

ARREST CHARGE 01-ASSAULT &
BATTERY, HIGH & AGGRAVATED
NATURE
OFFENSE DATE-08/22/2001
PHOTOGRAPH AVAILABLE

CIT-C/L, -UNCLASSIFIED
DOC-01GS4602604

COURT CHARGE 01-ASSAULT/BATTE
RY OF HIGH AND AGGRAVATED
NATURE
COURT DISP-CONVICTED;8YRS
SUSP ON 3YRS PROB 30DYS
PSE
COURT DATE-10/25/2001
ATN-

JENKINS, LEONARD EUGENE
SC0460000 YORK CNTY SO
ATN-
WARR-16432CE
CIT-N/A-MISDEMEANOR

06/14/2004

ARREST CHARGE 01-SIMPLE ASSAU
LT
OFFENSE DATE-06/14/2004
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

JENKINS, LEONARD EUGENE
SC0460000 YORK CNTY SO
ATN-980000531377
WARR-H289253
CIT-C/L, -MISDEMEANOR

08/09/2004

ARREST CHARGE 01-ASSAULT/BATT
ERY OF HIGH AND AGGRAVATED
NATURE
OFFENSE DATE-08/09/2004
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

CIT-C/L, -MISDEMEANOR
DOC-00GS46
WARR-H289253

COURT CHARGE 01-ASSAULT/BATTE
RY OF HIGH AND AGGRAVATED
NATURE

COURT DISP-NON-CONVICTION;NO
BILL
COURT DATE-10/25/2004
ATN-980000531377

JENKINS, LEONARD EUGENE 10/29/2007
SC0460000 YORK CNTY SO
CASE-200700006141
ATN-46X007302031
WARR-093401EG
CIT-C/L, -MISDEMEANOR

ARREST CHARGE 01-SIMPLE ASSAU
LT
OFFENSE DATE-10/29/2007
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

JENKINS, LEONARD EUGENE 02/14/2012
SC0460000 YORK CNTY SO
CASE-201200001278
ATN-46D200027972
WARR-J158129
CIT-16-15-140-FELONY

ARREST CHARGE 01-COMMIT/ATTEM
PT LEWD ACT ON CHILD <16
OFFENSE DATE-02/14/2012
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

WARR-J158128
CIT-16-15-140-FELONY

ARREST CHARGE 02-COMMIT/ATTEM
PT LEWD ACT ON CHILD <16
OFFENSE DATE-02/14/2012

WARR-J158130
CIT-16-15-140-FELONY

ARREST CHARGE 03-COMMIT/ATTEM
PT LEWD ACT ON CHILD <16
OFFENSE DATE-02/14/2012

END OF PAGE 01 - PAGE 02 TO FOLLOW

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.CR.00081E45CF.NLETS.20140822 16:37:49
TO: ATTSC406-91 20140822 16:37:49 00081E45CF
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CR.NCIII0000
13:13 09043
08/22/2014 06972 SC040015A
*2D0A00003F
TXT
HDR/2L012D0A00003F2QR

ATN/SALLY ELLISON

***** CRIMINAL HISTORY RECORD *****

***** Introduction *****

This rap sheet was produced in response to the following request:

Subject Name(s) JENKINS, GENE LEONARD
FBI Number 59115AA6
State Id Number NC0267968A (NC)
Request Id UNKNOWN
Purpose Code C
Attention SALLY ELLISON

The information in this rap sheet is subject to the following caveats:

BASED ONLY ON SID NUMBER (NC)
THIS CRIMINAL HISTORY IS FOR A MULTI-STATE RECORD. (NC)
THIS RESPONSE CONTAINS ONLY NORTH CAROLINA CHARGES. (NC)
A MULTI-STATE NCIC RESPONSE WILL BE PROVIDED BY THE FBI. (NC)
THIS CRIMINAL HISTORY RECORD INFORMATION ON THE ABOVE-NAMED INDIVIDUAL
IS A CERTIFIED COPY SUBSTANTIATED BY FINGERPRINTS, AS IT APPEARS IN THE
SBI/DCI FILES. STATE/FEDERAL REGULATIONS REQUIRE A ONE-YEAR RECORD OF
DISSEMINATION. * * * CAUTION * * * CHANGES TO THIS RECORD MAY OCCUR AT
ANY TIME AND A NEW INQUIRY SHOULD BE MADE FOR SUBSEQUENT USE. THIS
RECORD MUST NOT BE USED AFTER 2014-11-20 (NC)

***** IDENTIFICATION *****

Subject Name(s)

JENKINS, GENE LEONARD
JENKINS, LEONARD (AKA)

Subject Description

FBI Number 59115AA6 State Id Number NC0267968A (NC)

Social Security Number

Sex
Male

Race
White

Skin Tone
Medium

Height
6'00"

Weight
155

Date of Birth
[REDACTED]

Hair Color
Brown

Eye Color
Green

Scars, Marks, and Tattoos

Code

SC R HND

Description, Comments, and Images

Place of Birth
Tennessee

***** CRIMINAL HISTORY *****

===== Cycle 1 =====

Tracking Number 01
 Earliest Event Date 1982-05-21

 Arrest Date 1982-05-21
 Arrest Case Number 66472
 Arresting Agency NC0600100 CHARLOTTE MECKLENBURG PD RECORDS
 Subject's Name JENKINS, GENE LEONARD
 Charge 01
 Charge Literal BREAKING & ENTERING
 Charge 02
 Charge Literal LARCENY

Court Disposition (Cycle 1)
 Court Case Number NOT AVAILABLE
 Charge Literal BREAKING, ENTERING & LARCENY
 Disposition (1982-06-22; Disposition Description Not
 Available; Verdict: Guilty)
 Court Comment Special Condition: PAY \$50 REST FINE AND COST
 RESTITUTION

Sentencing (Cycle 1)
 Court Case Number NOT AVAILABLE
 Charge Literal BREAKING, ENTERING & LARCENY
 Disposition (1982-06-22; Disposition Description Not
 Available; Verdict: Guilty)
 Sentence Special Condition: PAY \$50 REST FINE AND COST
 RESTITUTION
 Sentence Suspended Sentence: 2Y
 Sentence Probation Sentence: 2Y
 Sentence Fine: \$200

***** INDEX OF AGENCIES *****

Agency CHARLOTTE MECKLENBURG PD RECORDS; NC0600100;

* * * END OF RECORD * * *

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CR 00081E45C6 from NLETS - August 22, 2014 at 16:37:49

ATTSC406

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TO: ATTSC406-90 20140822 16:37:49 00081E45C6

FROM: NLETS-1983942 20140822 16:17:01

CR.NCIII0000

13:12 09023

08/22/2014 06963 SC040015A

*2D0A00003B

TXT

HDR/2L012D0A00003B2QR

ATN/SALLY ELLISON

***** CRIMINAL HISTORY RECORD *****

***** Introduction *****

This rap sheet was produced in response to the following request:

Subject Name(s)	JENKINS, GENE LEONARD
FBI Number	59115AA6
State Id Number	NC0267968A (NC)
Request Id	UNKNOWN
Purpose Code	C
Attention	SALLY ELLISON

The information in this rap sheet is subject to the following caveats:

BASED ONLY ON SID NUMBER (NC)
THIS CRIMINAL HISTORY IS FOR A MULTI-STATE RECORD. (NC)
THIS RESPONSE CONTAINS ONLY NORTH CAROLINA CHARGES. (NC)
A MULTI-STATE NCIC RESPONSE WILL BE PROVIDED BY THE FBI. (NC)
THIS CRIMINAL HISTORY RECORD INFORMATION ON THE ABOVE-NAMED INDIVIDUAL
IS A CERTIFIED COPY SUBSTANTIATED BY FINGERPRINTS, AS IT APPEARS IN THE
SBI/DCI FILES. STATE/FEDERAL REGULATIONS REQUIRE A ONE-YEAR RECORD OF
DISSEMINATION. * * * CAUTION * * * CHANGES TO THIS RECORD MAY OCCUR AT
ANY TIME AND A NEW INQUIRY SHOULD BE MADE FOR SUBSEQUENT USE. THIS
RECORD MUST NOT BE USED AFTER 2014-11-20 (NC)

***** IDENTIFICATION *****

Subject Name(s)

JENKINS, GENE LEONARD
JENKINS, LEONARD (AKA)

Subject Description

FBI Number	State Id Number
59115AA6	NC0267968A (NC)

Social Security Number

Sex	Race	Skin Tone
Male	White	Medium
Height	Weight	Date of Birth
6'00"	155	
Hair Color	Eye Color	
Brown	Green	
Scars, Marks, and Tattoos		
Code	Description, Comments, and Images	
SC R RND		

Place of Birth
Tennessee

***** CRIMINAL HISTORY *****

===== Cycle 1 =====

Tracking Number 01
Earliest Event Date 1982-05-21

Arrest Date 1982-05-21
Arrest Case Number 66472
Arresting Agency NC0600100 CHARLOTTE MECKLENBURG PD RECORDS
Subject's Name JENKINS, GENE LEONARD
Charge 01
Charge Literal BREAKING & ENTERING
Charge 02
Charge Literal LARCENY

Court Disposition (Cycle 1)
Court Case Number NOT AVAILABLE
Charge Literal BREAKING, ENTERING & LARCENY
Disposition (1982-06-22; Disposition Description Not
Available; Verdict: Guilty)
Court Comment Special Condition: PAY \$50 REST FINE AND COST
RESTITUTION

Sentencing (Cycle 1)
Court Case Number NOT AVAILABLE
Charge Literal BREAKING, ENTERING & LARCENY
Disposition (1982-06-22; Disposition Description Not
Available; Verdict: Guilty)
Sentence Special Condition: PAY \$50 REST FINE AND COST
RESTITUTION
Sentence Suspended Sentence: 2Y
Sentence Probation Sentence: 2Y
Sentence Fine: \$200

***** INDEX OF AGENCIES *****

Agency CHARLOTTE MECKLENBURG PD RECORDS; NC0600100;

* * * END OF RECORD * * *

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AGENCY I. D.
SC0460000YORK COUNTY SHERIFFS OFFICE
INCIDENT REPORT

1 WHITE COPY 2 YELLOW COPY 3 PER COPY

CASE NUMBER

2001000 22794

NCIC

IND. ENT.

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. AGGRAVATED ASSAULT		☒ YES ☐ NO	☐ YES ☒ NO	FIELD/WOODS		☒ Individual
2.		☐ YES ☐ NO	☐ YES ☐ NO			☐ Business
3.		☐ YES ☐ NO	☐ YES ☐ NO			☐ Financial Inst.
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER STREET NAME AND NUMBER)		ZIP CODE		VICTIM TYPE		
hwy 322 BRATTONSVILLE HWY		29730		BLUNT OBJECT/FOOT		
INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISP. DATE	DISP. TIME
8/26/01					8/26/01	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX
SEE VICTIM		FRIEND		☒ YES ☐ NO	W	M
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.
VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX
[REDACTED]		FRIEND		☒ YES ☐ NO	W	M
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.		
602	220	BRN	BLU	[REDACTED]		
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.
[REDACTED]		[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
VISIBLE INJURY (VICT. 1) ☒ YES ☐ NO		EXPLAIN - CUT OVER EYE		COMPLAINT OF ANY NON-VISIBLE INJURIES: ☐ YES ☒ NO		
VICTIM (NO. 1) USING ALCOHOL ☐ YES ☒ NO		UNL. ☐ DRUGS: ☐ YES ☒ NO		TYPE: ☐ THIS JURISDICTION ☐ STATE ☐ OUT OF STATE ☐ UNKNOWN		
TWO-MAN VEN. ☐ ONE-MAN VEN. ☐ DETECTIVE/PLAINT. ☐ OTHER ☐ ALONE ☐ ASSISTED						
SUSPECT NAME (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	ETH.	DATE OF BIRTH
JENKINS LEANARD EUGENE		W	M	30	N	?
FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.						
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.
[REDACTED]		[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
SUBJECT (NO. 1) USING ALCOHOL ☐ YES ☒ NO		ARRESTED NEAR OFFENSE SCENE ☐ YES ☒ NO		DATE/TIME OF OFFENSE		
DRUGS ☐ YES ☒ NO		TOTAL # ARRESTED		DATE/TIME OF ARREST		
On above date and time complainant got into a verbal argument with subject that turned physical when Mr. Jenkins took [REDACTED] cane and struck him above the left eye. When [REDACTED] fell down Mr. Jenkins then stomped him in the chest bruising his ribs. R/O advised complainant to speak with a magistrate VRF issued.						
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY						
JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY						
TYPE(GROUP)						TOTAL VALUE
STOLEN						
DAMAGED						
BURNED						
RECOVERED						
SEIZED						
SUBJECT IDENTIFIED		SUBJECT LOCATED		ACTIVE ☒ ADJACENT ☐ UNFOUNDED ☐		
☒ YES ☐ NO		☐ YES ☒ NO		☐ ARRESTED UNDER 18 ☐ EX-CLEAR UNDER 18		
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTIVE MERIT 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DENIES COOPERATION 5. ☐ JUVENILE-NO CUSTODY 6. ☐ CIVIL MATTER.						
REPORTING OFFICER(S)	DATE	UNIT	APPROVING OFFICER	DATE	UNIT	
T S Buchanan B3776	8/26/01	413	[Signature]	8/26/01	301	
FOLLOW-UP INVESTIGATION ☐ YES ☒ NO OFFICER						

WITNESSES

YCSD/INDIVIDUAL - [REDACTED]

pt

ARREST WARRANT NUMBER

G 361921

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

2990

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

November 15, Term 2001

THE STATE

vs.

LEONARD EUGENE JENKINS

Indictment for

ASSAULT AND BATTERY OF A HIGH
AND AGGRAVATED NATURE

SC Code: 17-25-30
CDR Code: 0013

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

Witness:

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

08 Dismissed at the
pre trial motion
because he showed up.

[Signature]
11/13/01

261

ARREST WARRANT

G-361921

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 YORK COUNTY

 THE STATE 200100022794
 against

LEONARD EUGENE JENKINS

Address:

29730 - 0000

Phone:

SSN:

Sex: M Race: W Height: 6 Weight: 200

DL State: SC DL #:

DOB: Agency ORI#:

Prosecuting Agency: YORK COUNTY SHERIFF'S DEP

Prosecuting Officer:

Offense: ASSAULT & BATTERY HIGH

AND AGGRAVATED Offense Code: 17-25-

Code/Ordinance Sec. 17-25-30

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

 The accused
 is to be arrested and brought before me to be
 dealt with according to law.

Signature of Judge

(L.S.)

Date:

RETURN

 A copy of this arrest warrant was delivered to
 defendant LEONARD EUGENE JENKINS
 on 9-6-01

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

CATAWBA/EBENEZER MAGISTRATE

P.O. BOX 11166

ROCK HILL

SC 29731 - 0000

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 YORK COUNTY

AFFIDAVIT

 Form Approved by
 S.C. Attorney General
 July 26, 1990
 SCCA 518

 Personally appeared before me the affiant [REDACTED] who
 being duly sworn deposes and says that defendant LEONARD EUGENE JENKINS
 did within this county and state on 8/22/01 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of)
 in the following particulars:

DESCRIPTION OF OFFENSE: ASSAULT & BATTERY HIGH AND AGGRAVATED

 I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:

 DID WILLFULLY AND UNLAWFULLY VIOLATE THE STATUTES OF THE LAWS OF
 THIS STATE AS AMENDED IN THE CODE OF 1976 BY TAKING AWAY [REDACTED]
 WALKING CANE AND DID STRIKE HIM IN THE LEFT EYE
 KNOCKING HIM TO THE GROUND AND DID KICK AND STOMP [REDACTED]
 THIS OCCURRED ON BRATTONSVILLE RD. YORK SC. ALL AGAINST THE PEACE
 AND DIGNITY OF THE STATE AND ALL SCUH LAWS MADE AND PROVIDED.

REPORT # 200100022794

Sworn to and subscribed before me)

on 8/27/01)

Signature of Issuing Judge

(L.S.)

Signature of Affiant

Affiant's Address:

Affiant's Telephone

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 YORK COUNTY

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that
 on 8/22/01 defendant LEONARD EUGENE JENKINS
 did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of) as set forth below:

DESCRIPTION OF OFFENSE: ASSAULT & BATTERY HIGH AND AGGRAVATED

 Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
 me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
 defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge

Judge Code: PD

Judge's Address: 529 S. CHERRY ROAD

ROCK HILL SC 29730 - 0000

Judge's Telephone: 803 328-1856

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

Case Report Summary



Print Date/Time: 06/11/2014 08:42

Login ID: Kiser

Case Number: 2004-00017640

York County Sheriff's Office

ORI Number: SC0460000

narrative

AS400 NARRATIVE FOR CASE # 200400017640

SC0460000

Created 2004/08/22 By CORND

Last Changed 2004/08/11 By CORND

R/O responded to the above location in reference to a 911 hang up. Upon arrival R/O was greeted at the door by Jenkins who stated that [REDACTED] his common law wife's ex-husband was sitting at the kitchen table and immediately stood and approached him with a big mag lite flashlight. Jenkins then stated that he punched [REDACTED] sending him to the floor where he was able to take the light away from [REDACTED]. R/O noticed a large puddle of blood in the floor and Jenkins then stated that he struck [REDACTED] with an open hand. [REDACTED] was located by detective Yager at the corner of [REDACTED] and Hwy 5. R/O then responded to that location where [REDACTED] stated that he was at the residence to apologize for an incident that occurred on 6-13-04 when Jenkins came in and grabbed a glass light and struck him in the head 12 to 15 times. EMS was called and advised [REDACTED] that he needed medical treatment but [REDACTED] refused. R/O then returned to the incident location and arrested Jenkins for the assault on [REDACTED]. [REDACTED] confirmed [REDACTED] side of the story but would not give a statement because of the hardship it would cause. NEXT PAGE
R/O seized the flash light and took several photo's of the crime scene until Janet signing a consent to search the flash light and photos were submitted to evidence.

Supplemental Brittain dec 06-24-04

[REDACTED] states on the incident date and she was not coherent and did not tell responding deputies what was happening to her. [REDACTED] states [REDACTED] grabbed her by both arms and Leonard Jenkins tried protecting her from [REDACTED]. [REDACTED] states she remembers being dragged across the floor by [REDACTED] while holding onto the flashlight. [REDACTED] states she had carpet burns on her right leg and knee. [REDACTED] states she also sustained a bloody nose but is unclear how she sustained it. VRF Issued. Victim advised to see magistrate. Nothing further.

Supplemental Smothers 08-07-04 dec

Arrest location MJC York SC 29745 Mr Jenkins turned himself NEXT PAGE in for warrant H289253 assault and battery high and aggravated. R/O walked him to detention where warrant was served and Mr. Jenkins was booked.

Routing:

ARREST WARRANT

G-361921

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 YORK COUNTY

 THE STATE 300100022794
 against

LEONARD EUGENE JENKINS

Address: 3

SC 29730 - 0000

Phone: [REDACTED] SSN: [REDACTED]

Sex: M Race: W Height: 5 Weight: 200

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: [REDACTED]

Prosecuting Agency: YORK COUNTY SHERIFF'S DEP

Prosecuting Officer: [REDACTED]

Offense: ASSAULT & BATTERY HIGH

AND AGGRAVATED Offense Code: 17-25-

Code/Ordinance Sec. 17-25-30

 This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of

 The accused
 is to be arrested and brought before me to be
 dealt with according to law.

(LS.)

Signature of Judge

Date:

RETURN

 A copy of this arrest warrant was delivered to
 defendant LEONARD EUGENE JENKINS
 on 9-6-01

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

CATAWBA/EBENEZER MAGISTRATE

P.O. BOX 11166

ROCK HILL

SC 29731 - 0000

General Session

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 YORK COUNTY

 Personally appeared before me the affiant [REDACTED] who
 being duly sworn deposes and says that defendant LEONARD EUGENE JENKINS
 did within this county and state on 8/22/01 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of)
 in the following particulars:

DESCRIPTION OF OFFENSE: ASSAULT & BATTERY HIGH AND AGGRAVATED

 I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:
 DID WILLFULLY AND UNLAWFULLY VIOLATE THE STATUTES OF THE LAWS OF
 THIS STATE AS AMENDED IN THE CODE OF 1976 BY TAKING AWAY [REDACTED]
 WALKING CANE AND DID STRIKE HIM IN THE LEFT EYE
 KNOCKING HIM TO THE GROUND AND DID KICK AND STOMP [REDACTED]
 THIS OCCURRED ON BRATTONSVILLE RD. YORK SC. ALL AGAINST THE PEACE
 AND DIGNITY OF THE STATE AND ALL SCOH LAWS MADE AND PROVIDED.

REPORT # 300100022794

Sworn to and subscribed before me

on 8/27/01

Signature of Issuing Judge

(LS.)

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 YORK COUNTY

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that
 on 8/22/01 defendant LEONARD EUGENE JENKINS
 did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of) as set forth below:

DESCRIPTION OF OFFENSE: ASSAULT & BATTERY HIGH AND AGGRAVATED

 Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
 me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
 defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge

Judge Code: 30

(LS.)

Judge's Address 529 S. CHERRY ROAD

ROCK HILL SC 29730 - 0000

Judge's Telephone 803 328-1886

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

Case Report Summary



Print Date/Time: 06/11/2014 08:42
 Login ID: kiserr
 Case Number: 2004-00017640

York County Sheriff's Office
 ORI Number: SC0460000

Case

Case Number: 2004-00017640
 Location: ROCK HILL, SC 29732
 Reporting Officer ID: C4341 - Oates

Incident Type: Assault & Battery - 1076
 Occurred From: 06/14/2004 14:20
 Occurred Thru: 06/14/2004 14:53
 Disposition:
 Disposition Date:
 Reported Date: 06/14/2004 14:53 Monday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	13A	24-13-470	Throw Bodily Fluids On Employee By Prisoners	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Suspect	1	Jenkins, Leonard Eugene		-5253	White	Male	[REDACTED]
Victim	1	[REDACTED]		[REDACTED]	White	Male	[REDACTED]

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
000000015803 A	Jenkins, Leonard Eugene	29732	06/14/2004 18:04	On-View Arrest	40

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
------	------	------	------	-------	-------------	---------	----------

Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
-----	------	--------------	-----------	-------	-------	---------------	-------

ARREST WARRANT

H-289253

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
YORK COUNTY

THE STATE 2004-17840
against

LEONARD JENKINS
Address: SC 29730 - 0000

Phone: _____ SSN: _____
W: _____ Race: _____ Height: 8 Weight: 244
DL State: _____ DL #: _____
DOB: _____ Agency ORI#: _____
Prosecuting Agency: YORK COUNTY SHERIFF'S DEP
Prosecuting Officer: L. GATES
Offense: ASSAULT & BATTERY HIGH
AND AGGRAVATED Offense Code: 17-25-
Code/Ordinance Sec: 17-25-20

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of _____
The accused
is to be arrested and brought before me to be
dealt with according to law.

(LS.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant LEONARD JENKINS
on 8-9-04

Bay Photo
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
CATAWBA/BENNEZER MAGISTRATE
P.O. BOX 11166
ROCK HILL SC 29731 - 0000

STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of)
YORK COUNTY)

AFFIDAVIT

Form Approved by
S.C. Attorney General
July 25, 1990
SCCA 519

Personally appeared before me the affiant _____ who
being duly sworn deposes and says that defendant LEONARD JENKINS
did within this county and state on 8-14-04 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
in the following particulars:
DESCRIPTION OF OFFENSE: ASSAULT & BATTERY HIGH AND AGGRAVATED

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:
**DID WILLFULLY AND UNLAWFULLY VIOLATE THE STATUTES OF THE LAWS OF
THIS STATE AS AMENDED IN THE CODE OF 1976 BY STRIKING IN THE HEAD
WITH A MAG FLASHLIGHT NUMEROUS TIMES CAUSING INJURIES REQUIRING
EIGHTEEN TOTAL STAPLES TO ONE MARK SEITS. THIS OCCURRED AT 2794
AZIZA RD. ROCK HILL SC. ALL AGAINST THE PEACE AND DIGNITY OF THE
STATE AND ALL SUCH LAWS MADE AND PROVIDED**

REPORT # 2004-17840

Sworn to and subscribed before me)
on 8-14-04)

Signature of Issuing Judge (LS.)

Signature of Affiant

Affiant's Address

Affiant's Telephone

STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of)
YORK COUNTY)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 8-14-04 defendant LEONARD JENKINS
did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☐ Municipality of _____) as set forth below:
DESCRIPTION OF OFFENSE: ASSAULT & BATTERY HIGH AND AGGRAVATED

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge (LS.)
Judge's Address: 2794 AZIZA RD
ROCK HILL SC 29730 - 0000
Judge's Telephone: 803 205-1400
Judge Code: 579
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

GENERAL SESSIONS DOCKET REPORT FOR YORK COUNTY

REPORT RUN DATE - 09/13/2001

INDICTMENT NUMBER: 2001GS46

DEFENDANT NAME: JENKINS, LEONARD EUGENE AKA:

ADDRESS: CITY: ROCK HILL STATE: SC ZIP 29730

SOCIAL SECURITY NUMBER: [REDACTED] SEX: 1 MALE RACE: 1 WHITE

DATE OF BIRTH: [REDACTED] RIVERS LICENSE STATE / NO.: SC / [REDACTED]

MARITAL STATUS:

WARRANT OR TICKET NUMBER: 0361921 COUNTS: 01 OFFENSE CODE: 0013

WARRANT? 0 NAME OF OFFENSE: ASSAULT/ASSLT &

DATE OF ARREST: 09/06/2001 DATE RECD BY CLERK: 09/11/2001 SUMMARY JUDGE:

ISP DATE: ^{11/13/01}~~09/07/2001~~ DISP TYPE: 08

ISP TYPE EXPLANATION: Dismissed at the pre-trial. Victim did not show up to testify.

JUDGE CODE/NAME:

COURT REPORTER:

CONVICTION: CTS: 00 OFFENSE: 0000

SENTENCE:

DEFENSE ATTORNEY: PRIVATE COUNSEL

PROSECUTING ATTORNEY: *Will Metc*
11/13/01

OFFICIAL SUMMONS AND ARREST REPORT

STATE OF SOUTH CAROLINA
COUNTY OF YORK
VS.

Leonard Eugene Jenkins
FIRST NAME MIDDLE NAME LAST NAME

20010002254 C-34921
STREET NO. CITY STATE

YOU ARE SUMMONED TO APPEAR BEFORE TRIAL OFFICER
NAME OF TRIAL OFFICER STREET NO. CITY AND STATE

General Session
DATE OF TRIAL TIME OF TRIAL STATUTE OR ORDINANCE NO.

10/22/01 8:00 PM 17-2530

TO ANSWER THE CHARGE OF

Assault + Battery, Higher + Aggravated

JAIL DEPOSITED WEATHER AFFIDAVIT PLACE OF EMPLOYMENT
JAIL CLR OK

NAME OF OFFICER(S) RANK DATE OF ARREST
L. BAKER DET II 9/16/01

CASE BEFORE
COUNTY JUDGE ☐ MAGISTRATE ☒ RECORDER MAYOR ☐
FEDERAL JUDGE ☐ MIL. COURT ☐ STATE COURT ☒

DISPOSITION
NOT GUILTY ☐ FORFEIT BAIL ☐ TRIED IN ABSENCE ☐
NOLLE PROSSO ☐ SENT HIGHER CT ☐
TURNED TO MILD ☐ GUILTY ☐ CHANGE OF VENUE ☐

DESCRIPTION OF ACCUSED
W/M 4' 10" 157 lbs 197 BPO
Race Sex Height Weight Age Eyes

SENTENCE OF THE COURT
W/M 4' 10" 157 lbs 197 BPO
Race Sex Height Weight Age Eyes

LOCATION OF ARREST
Pensacola
CENSUS TRACT

CH HWY. NO. CITY
RH
AMOUNT OF FINE AMOUNT SUSP.
DATE

CERTIFIED CORRECT
RECORDS OFFICE
No. 43919

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)
)
 IN THE MATTER OF THE CARE)
 AND TREATMENT OF)
 LEONARD JENKINS,)
 RESPONDENT.)

IN THE COURT OF COMMON PLEAS
 SIXTEENTH JUDICIAL CIRCUIT

RECEIVED

JAN 08 2016

CASE NO. 2014-CP-46-0326 **SC Court of Appeals**

ORDER OF COMMITMENT

The trial of this case was held in the York County Court of Common Pleas the week of January 4, 2016. A jury of citizens from York County heard this case pursuant to a request for a jury trial filed by the State. Senior Assistant Attorney General James G. Bogle, Jr. represented the State of South Carolina. Anna R. Good, Esquire, represented the Respondent. The jury having heard the presentation of the evidence made the following findings of fact pursuant to S. C. Code Ann. Sections 44-48-90 and 44-48-100:

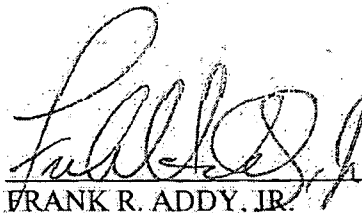
The State has proven beyond a reasonable doubt that Respondent, Leonard Jenkins, is a sexually violent predator as that term is defined in S. C. Code Ann. Section 44-48-30.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT

(a) Respondent Leonard Jenkins is committed to the Department of Mental Health for his long-term control, care and treatment;

(b) Respondent Leonard Jenkins is to continue to be detained at the York County Detention Center, and then transported to the secure facility of the South Carolina Department of Mental Health, at 4460 Broad River Road, Columbia, SC 29210. The Detention Center is to transport Respondent on such scheduled date as it coordinates with the Department of Mental Health.

AND IT IS SO ORDERED.



FRANK R. ADDY, JR.

Presiding Judge for the Sixteenth Judicial Circuit
 Court of Common Pleas

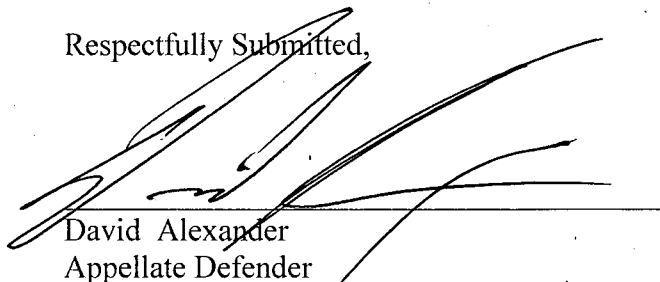
Jan 5 2016
 York, South Carolina

FILED-RECEIVED
 2016 JAN -5 AM 11:54
 15
 CLERK OF COURT
 YORK COUNTY, SC

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 and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 21st day of April, 2017.

RECEIVED

APR 21 2017

SC Court of Appeals