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NOTICE OF INTENT TO APPEAL
THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

S.C. SUPREME COURT

FILED
2019 JUL 31 PM 3:14
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Horry County Court, SC

APPEAL FROM Horry COUNTY

Court of General Sessions

Robert E. Hood, Circuit Court Judge

Case Nos. 2015GS2601757; 2015GS2601758; 2015GS2601759

The State,

Respondent,

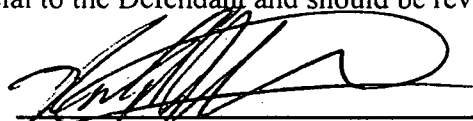
v.

Jerome Jenkins Jr.,

Appellant.

NOTICE OF APPEAL

Jerome Jenkins Jr., by and through his trial counsel, hereby appeals his conviction and sentence in the above matter imposed on May 16, 2019 by the Honorable Robert E. Hood in the Horry County Court of General Sessions. There were multiple objections made during trial which were overruled by the trial judge that were prejudicial to the Defendant and should be reviewed on appeal.



Ralph J. Wilson, Sr., SC Bar No. 6176
Ralph J. Wilson, Attorney at Law, P.A.
P.O. Box 1827
Conway, SC 29528
843.381.0765
info@rjwlawpa.com
Trial Counsel for Appellant

Other Counsel of Record Served:
Scott Hixson, Deputy Solicitor
15th Circuit Solicitor's Office
PO Box 1276
Conway, SC 29526

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AUG 05 2019

S.C. SUPREME COURT

NOTICE OF INTENT TO APPEAL
THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM Horry COUNTY

Court of General Sessions

Robert E. Hood, Circuit Court Judge

FILED
2019 JUL 31 PM 3:48
RENEE H. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

Case Nos. 2015GS2601757; 2015GS2601758; 2015GS2601759

The State,

v.

Respondent,

Jerome Jenkins Jr.,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Intent to Appeal on Respondent by depositing a copy of it in the United States Mail, postage prepaid, on July 31, 2019, addressed to Scott Hixson, Deputy Solicitor, 15th Circuit Solicitor's Office, PO Box 1276 Conway, SC 29526.



Ralph J. Wilson, Sr., SC Bar No. 6176
Ralph J. Wilson, Attorney at Law, P.A.
P.O. Box 1827
Conway, SC 29528
843.381.0765
info@rjwlawpa.com
Trial Counsel for Appellant

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry
STATE VS. Jerome Jenkins Jr
A:
Race: BLACK Sex: M Age: 25
DOB: 03-19-94 SS#: 251-93-6197
Address: 441 Dixie Lane Road
City, State, Zip: Loris, SC 29569
: SID#:

INDICTMENT/CASE#: 2015SGS2601757
A/W#: 2015A2610200369
Date of Offense: 1/2/2015
S.C. Code § : 16-03-0029
CDR Code #: 3410

SENTENCE SHEET

Disposition of the said indictment comes now the Defendant who was: Murder / Attempted Murder

CONVICTED OF PLEADED

violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS (CS) w/minor 1st or 2nd offense \$1735-45
Charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, Defendant's (initials)
Plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

TEST: SCB69635 SCB06176
Hixson, Scott R. SC Bar# Defendant Wilson, Sr., Ralph J. SC Bar#
Attorney for Defendant

HEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed years
or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
\$; 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:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

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 16-25-60 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Additional \$ plus 20% fee: days/hours Public Service Employment

Payment Terms:
Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like Assessments, Conv. Surcharge, DUI Surcharge, etc. Total: \$15,175.80

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.
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/ Deputy Clerk: Renee N. Elvis
Court Reporter: Natalie Dahl

Presiding Judge: [Signature]
Judge Code: 2164
Sentence Date: May 16, 2019

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry
STATE VS. Jerome Jenkins Jr

INDICTMENT/CASE#: 2015GS2601758
A/W#: 2015A2610900058
Date of Offense: 1/2/2015
S.C. Code § 16-03-0010, 0020
CDR Code #: 0116

A:
Race: BLACK Sex: M Age: 25
DOB: 01-03-1991 SS#: 51-93-6397
Address: 441 Dixie Lane Road
City/State/Zip: Loris, SC 29569
SID#:

SENTENCE SHEET

Disposition of the said indictment comes now the Defendant who was: Murder

CONVICTED OF or PLEADS

violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

Charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

TEST: Hixson, Scott R. SCB69635 Defendant Wilson, Scott J. SCB06176 SC Bar#

HEREFORE, the Defendant is committed to State Department of Corrections, City Detention Center, a determinate term of days/months/years or under the Youthful Offender Act, provided that upon the service of days/months/years and/or payment \$; 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:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
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 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Daily \$ plus 20% fee: \$ days/hours Public Service Employment
Payment Terms:
Set by SCDPPPS

Table with columns for Fee Description, Amount, and Total. Includes items like Assessments, DUI Surcharges, and Probation fees. Total amount is \$15-1758.

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: An execution to be set within sixty days.

Clerk of Court/Deputy Clerk: Renee N. Elvis
Court Reporter: Natalie Dahl

Presiding Judge: Retired
Judge Code: 2164
Sentence Date: MAY 16, 2019

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry
VS.
Jerome Jenkins Jr
A:
Race: BLACK Sex: M Age: 25
DOB: 04-03-1994 SS#: 251-93-6397
Address: 441 Dixie Lane Road
City, State, Zip: Loris, SC 29569
#:

INDICTMENT/CASE#: 2015SGS2601759
A/W#: 2015A2610200364
Date of Offense: 1/2/2015
S.C. Code § : 16-11-0330(A)
CDR Code #: 0139

SENTENCE SHEET

Disposition of the said indictment comes now the Defendant who was: Armed Robbery

CONVICTED OF or PLEADS

violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

Charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

TEST: Hixson, Scott R. SCB69635 SC Bar# Defendant Wilson, Sr., Ralph Attorney for Defendant SCB06176 SC Bar#

HEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed years or to pay a fine of \$; provided that upon the service of days/months/years and/or payment 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:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

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 16-25-66 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Fines: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:
Set by SCDPPPS

Defendant:

Table with 2 columns: Description and Amount. Includes items like -1-206 (Assessments 107.5%), -1-211(A)(1) (Conv. Surcharge) \$100, -1-211(A)(2) (DUI Surcharge) \$100, -5-2995 (DUI Assessment) \$12, -1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$500, -1-212 (Law Enforce. Funding) \$25, -1-213 (Drug Court Surcharge) \$150, -21-114(BUI Breath Test Fee) \$50, -5-2942(J) (Vehicle Assessment) \$40/ca, to County (if paid in installments) \$.

Clerk of Court/ Deputy Clerk: Renee N. Elvis
Court Reporter: Natalie Dahl

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, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge: Ret Hood
Judge Code: 2164
Sentence Date: May 16, 2019

STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY)	
)	2015-GS-26-1758
)	2015-GS-26-176
STATE OF SOUTH CAROLINA)	
VS.)	ORDER DENYING DEFENDANT'S
JEROME JENKINS JR.)	POST-TRIAL MOTION TO SET
)	ASIDE DEATH SENTENCE
<u>Defendant.</u>)	

CERTIFIED COPY

RENEE NEASE
CLERK OF COURT
HORRY COUNTY, SC

This matter comes before the Court on motion of the Defendant, Jerome Jenkins Jr. by and through his attorneys, Ralph Wilson Sr. and Brana Williams for an Order setting aside the sentence of death as disproportionate. This Court conducted a hearing on this matter on Monday, July 8th 2019. Pursuant to Rule 29(a), SCRCrimP., the parties consented for this matter to be heard in Columbia, S.C. due to scheduling concerns. Mr. Wilson presented arguments for Mr. Jenkins, and Chief Deputy Solicitor Scott Hixson presented arguments on behalf of the State.

This Court presided over the cases involving all three co-Defendants and had previously ruled on the issue of proportionality on the record at the conclusion of this Defendant's trial, specifically finding that the jury's recommendation and ultimate sentence of death was not disproportionate to the offense of conviction, the circumstances of the crime and the specific character and conduct of this Defendant.

The Court has reviewed the record, read the briefs and heard the arguments presented by the parties. The Court reaffirms its previous ruling and finds the sentence of death was not the result of passion, prejudice, or any other arbitrary factor pursuant to S.C. Code of Laws §16-3-25(C)(1).

This Court finds the evidence presented at trial supports the jury's finding of a statutory aggravating circumstance for the murder as enumerated in S.C. Code of Laws §16-3-20.

2019 JUN 29 AM 9:13
RENEE NEASE
CLERK OF COURT
HORRY COUNTY, SC
FILED

Finally, pursuant to S.C. Code of Laws §16-3-25(C)(3) and *State v. Copeland*, 278 S.C. 572, (1982), the Court finds that the sentence of death as applied to Mr. Jenkins is not excessive or disproportionate to the penalty imposed in similar cases where a death sentence was imposed. See *State v. Sims*, 304 S.C. 409, (1991), *cert. denied*, 502 U.S. 1103, (1992); *State v. Patterson*, 285 S.C. 5, (1984), *cert. denied* 471 U.S. 1036, (1985); *State v. McWee*, 322 S.C. 387 (1996), *cert. denied*, 117 S.Ct. 695, (1997); *State v. Humphries*, 325 S.C. 28, (1996), *cert. denied* 520 U.S. 1268, (1997); *State v. Thompson*, 278 S.C. 1, (1982), *cert. denied* 456 U.S. 938 (1982).

FEDERAL CLERK OF COURT Horry County, SC

CERTIFIED COPY

The Defendant's motion is DENIED

AND IT IS SO ORDERED

Robert Hood

The Honorable Robert Hood
Presiding Judge

Columbia, South Carolina

July 22, 19
DATE

FEDERAL CLERK OF COURT Horry County, SC

2019 JUL 29 AM 9:13

FILED

Ralph J. Wilson Attorney at Law PA
1323 Third Avenue
Post Office Box 1827
Conway SC 29526



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The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
PO-Box 11330
Columbia SC 29211-1330