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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-935

Filed 2 September 2026

Johnston County, No. 16CR050403-500

STATE OF NORTH CAROLINA

v.

JONATHAN LYNN JENKINS, Defendant.

Appeal by Defendant from judgment entered 25 January 2024 by Judge Keith Gregory in Johnston County Superior Court. Heard in the Court of Appeals 12 August 2026.

Attorney General Jeff Jackson, by Special Deputy Attorney General Justin Isaac Eason, for the State.

Gilles Law, by Michelle Abbott, for defendant-appellant.

FLOOD, Judge.

Defendant Jonathan Lynn Jenkins appeals his conviction for first degree murder. On appeal, Defendant argues the trial court erred by allowing the jury to hear statements that he alleges were part of a plea negotiation. On review, we conclude the trial court did not err, as Defendant did not make the statements he alleges were erroneously admitted to an attorney or in circumstances where it was

objectively reasonable for him to believe the statements were being made in a plea negotiation.

I. Factual and Procedural Background

In January of 2016, Defendant and his nephew, Antoine Wallace, were charged with human trafficking and possession of a firearm by a convicted felon. These charges—though not directly at issue in this appeal—induced Defendant to seek an interview at the Johnston County Sheriff's Office on 20 January 2016 to discuss with Detective Don Pate and Assistant District Attorney Kelly Sandling the possibility of leniency for Wallace.

At the interview on 20 January 2016, Detective Pate read Defendant his rights and acknowledged Defendant had waived his right to have an attorney present during the interview. Defendant proceeded to state that he had come because “what [he was] looking for [was] that all charges against [his] nephew be dismissed[.]” Attorney Sandling told Defendant that she could not “make any promises to [Defendant] because[] . . . we have evidence against [Wallace] separate and apart from [Defendant].” Defendant then stated, “I want to trade his charges for a body[.]” to which Attorney Sandling replied, “[a]ll right, that would involve Detective Linder.” Attorney Sandling clarified with Defendant that Defendant sought to “talk . . . not only about the human trafficking and sexual servitude charges and the firearm by felon charge that you were charged with, but [] also [] to give us information about where a body is located[.]” and Defendant confirmed. Sandling clarified that what

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Defendant sought in exchange was for Wallace's charges to be dropped, and Defendant confirmed. Sandling told Defendant again that she "can't make a promise . . . right now that [she would] dismiss [] Wallace's charges[,] but that "if [Defendant] still wanted to talk . . . certainly that's [his] choice." Defendant responded, "[t]hat's the only reason I was here was for him. I don't care about me."

When Defendant began discussing the charges with Sandling and Detective Pate, he began offering information about a case concerning a man named Elton Whitfield:

[DEFENDANT:] I'm willing to tell you anything you want to know in its full detail.

MS. SANDLING: About these charges?

[DEFENDANT]: Everything. Everything.

MS. SANDLING: Okay. . . .

. . . .

DET[ECTIVE] PATE: . . . You got to identify what you're talking about so that it can be verified. Because we don't play games either.

[DEFENDANT]: I understand, understand.

DET[ECTIVE] PATE: We want to know what you're talking about and then --

MS. SANDLING: Right.

DET[ECTIVE] PATE: -- something that we can corroborate; yes, this is and --

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[DEFENDANT]: Can I give you the name and we'll go from there?

MS. SANDLING: You can give me a name.

[DEFENDANT]: I'm speaking to you about Elton Whitfield.

MS. SANDLING: I know. Yeah, I'm familiar with the case --

[DEFENDANT]: Okay.

MS. SANDLING: -- you're talking about.

[DEFENDANT]: Okay.

MS. SANDLING: Okay.

[DEFENDANT]: Now, what else -- where do we go from here?

MS. SANDLING: How about we step outside for a few minutes.

[DEFENDANT]: Okay.

MS. SANDLING: Okay, and again, I can't make any promises, [Defendant,] but let me talk to Detective Pate for a few minutes, okay?

DET[ECTIVE] PATE: Just give us a couple of minutes to talk about it and we'll come back in here and let you know what we can do, okay? That way nobody [sic] yanking anybody's chain, okay?

[DEFENDANT]: Yeah.

When Detective Pate and Sandling returned to the room, the following conversation took place:

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MS. SANDLING: Jonathan, I spoke with my boss, Susan Doyle, she's the District Attorney for Johnston County and I went over with her what you said that -- and correct me if I'm wrong, but earlier when we were talking you said that you wanted to take most of the charges in exchange for providing information on our cases, the sex cases, human trafficking case that you're charged with and the firearm by felon in exchange for giving Antoine Wallace some consideration.

[DEFENDANT]: What does that mean, giving consideration?

MS. SANDLING: Meaning that I would not be proceeding on the sex charges. I can't say that I'm going to dismiss everything, okay?

[DEFENDANT]: That's fine.

MS. SANDLING: You said he could fight the gun charge, the stolen firearm, and the weed charge?

[DEFENDANT]: Give him a chance to go home. I need him to go home.

MS. SANDLING: And essentially I would be proceeding with the felony but would be offering him probation.

[DEFENDANT]: Let's talk then.

MS. SANDLING: Okay.

. . . .

MS. SANDLING: But I'm not making any promises to you on the -- on the Elton Whitfield case. I mean I don't know what you're going to tell me. I can't say --

[DEFENDANT]: That's --

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DET[ECTIVE] PATE: Yeah, we're telling -- we're willing to talk to about all that, okay?

[DEFENDANT]: Okay.

DET[ECTIVE] PATE: That's what we're saying and exchange for the information -- first of all, what we're going to tell you is this --

[DEFENDANT]: You want this?

DET[ECTIVE] PATE: Yeah.

[DEFENDANT]: Okay.

DET[ECTIVE] PATE: And then we want to talk to you about the Whitfield [case].

[DEFENDANT]: Okay.

DET[ECTIVE] PATE: And then in exchange what she just told you --

[DEFENDANT]: For Antoine?

DET[ECTIVE] PATE: -- for Antoine.

[DEFENDANT]: Okay, I'm with you.

DET[ECTIVE] PATE: Do you understand from that?

[DEFENDANT]: Yes. Yes.

Defendant proceeded with the interview after this exchange. During their discussion, Sandling and Detective Pate repeatedly indicated that any plea negotiation concerning the charges that had been brought against Defendant and Wallace were independent of any discussion of the Whitfield case.

When the discussion concerning the charges brought against Defendant and Wallace had concluded, Defendant indicated to Sandling and Detective Pate that he would be willing to speak with a different detective, Detective Linder, about the Whitfield case:

[DEFENDANT]: So where do we sit on my nephew?

MS. SANDLING: Well, you know, you've made these statements to us today and you're about to talk in a few minutes to another detective who is here from the Clayton Police Department about Elton Whitfield.

[DEFENDANT]: Um-hum.

DET[ECTIVE] PATE: I'll come in, but he's going to come in. He knows more about it and --

[DEFENDANT]: As long as you're in here, I'm good.

Sandling left shortly after Detective Linder arrived. Soon after Detective Linder began discussions with Defendant, Detective Linder, Detective Pate, and Defendant had a brief conversation about whether "[t]his is part of what you talked about with the other":

DET[ECTIVE] LINDER: . . . [H]ow are you doing?

[DEFENDANT]: All right, I've met you before?

DET[ECTIVE] LINDER: A long time ago.

[DEFENDANT]: Yeah, when you arrested me?

DET[ECTIVE] LINDER: No, probably about -- what are we in, 2016 . . . 2004, when I first came to Clayton. And then I

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saw you right after you got out of prison for the Vestal homicide. I was working off-duty at the Rainbow Lanes and your family had a little get together after you got out.

[DEFENDANT]: Right, yeah, yeah, okay.

DET[ECTIVE] LINDER: So I'm here. D[etective] Pate contacted me

[DEFENDANT]: Okay.

DET[ECTIVE] LINDER: -- he called me.

[DEFENDANT]: Um-hum.

DET[ECTIVE] LINDER: And said that the -- you wanted to talk and you brought up Elton, so I'm here.

[DEFENDANT]: Okay.

DET[ECTIVE] LINDER: I'm ready to listen.

[DEFENDANT]: Is this still --

DET[ECTIVE] PATE: Basically this is one covering another. I can't tell when you're telling me the truth on this one, so I had to call --

[DEFENDANT]: He gonna know.

DET[ECTIVE] LINDER: But he'll come in, he'll take notes on this one.

[DEFENDANT]: Okay.

DET[ECTIVE] LINDER: And he'll be able to -- you know, just like I can. You know how I knew what was -- I don't know this case.

[DEFENDANT]: He know it or not, he should. I mean, this -- I got a motion in discovery he can follow if he like. But this is covered --

DET[ECTIVE] LINDER: Okay.

[DEFENDANT]: -- under my nephew's --

DET[ECTIVE] LINDER: Yes. Yes, it is. This is part of what you talked about with the other?

[DEFENDANT]: Yes, sir.

DET[ECTIVE] LINDER: Your nephew where you well -- the AC watching.

[DEFENDANT]: So he'll get the probation?

DET[ECTIVE] LINDER: Yes.

[DEFENDANT]: Okay. Nothing else matters at this point. As long as he's going home.

No further comments from Defendant's interview in or around this exchange clarify what "[t]his is part of what you talked about with the other" meant.

Defendant then proceeded to inform Detective Linder that, in March of 1999, he fatally strangled Elton Whitfield, his former partner in crime, and disposed of his body in a forest. After disclosing the details of the killing, Defendant made the following remark to Detective Linder:

I wasn't forced into this statement. They didn't need -- they didn't ask me about this statement. I need my nephew to go home. That's the only -- I'm not here to clear my consc[ience]. I'm here to clear him. I'm just being as honest as I possibly can and anything I'm saying to you about this Elton Whitfield case deals with him going home.

Defendant was subsequently indicted for one count of first degree murder for the killing of Elton Whitfield. On 15 February 2019,¹ Defendant filed a pretrial motion to exclude the statements he made about the Whitfield case to Detective Linder pursuant to N.C.G.S. § 15A-1025 and Rule of Evidence 410. While the trial court granted the motion with respect to portions of the interview, it denied the motion with respect to most of the portions of the interview in which Defendant discussed the Whitfield case, finding as fact, in relevant part, the following:

6. Defendant asked that charges against his nephew be dismissed. Defendant specifically states “I want to trade his charges for a body.”

7. [Attorney] Sandling stated she needed to corroborate his statement and that she could not make any concessions or promises without approval of the District Attorney.

8. Defendant indicated he had information on Elton Whitfield.

9. Ms. Sandling spoke to the District Attorney. Ms. Sandling then stated “[y]ou wanted to take most of the charges in exchange for providing information on our cases, sex trafficking, firearm by felon, in exchange for giving Antoine Wallace some consideration.”

10. After Defendant questioned what consideration means, Ms. Sandling stated “essentially I would be proceeding with the felony but would be offering probation.”

....

¹ The protracted pretrial timeframe is attributable to other motions not pertinent to this appeal.

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12. [Attorney] Sandling repeatedly told Defendant that she is not making any promises or concessions on the Elton Whitfield case.

13. Defendant made a statement describing the human trafficking and prostitution operation implicating his nephew, Antoine Wallace, and himself.

14. [Attorney] Sandling leaves the room once Defendant completes his statement regarding human trafficking.

15. Detective [] Linder of the Clayton Police Department, the primary investigator in the Elton Whitfield case, joins Detective Pate in the room with Defendant.

16. Prior to Defendant talking about the Elton Whitfield case, Defendant asked “[b]ut this covered . . . under my nephew’s.” Detective Pate responded “[y]es.” Defendant then asked “[s]o he’ll get the probation?” Detective Linder responded “[y]es.” Defendant then responded “[o]kay. Nothing else matters at this point. As long as he’s going home. . . . That’s all I care about.”

17. Defendant then described his relationship with Elton Whitfield, how he killed Elton Whitfield, and the disposal of Whitfield’s body.

18. Defendant was not charged with any type of homicide related to Elton Whitfield at the time of this statement.

From these findings of fact, the trial court made the following relevant conclusions of law:

5. Defendant’s discussions were clearly with an “attorney for the prosecuting authority.” [Attorney] Sandling was a Johnston County Assistant District Attorney. With respect to Defendant’s subjective belief and the reasonableness of that belief, Defendant specifically asked for the District Attorney. He met with Detective Pate and Assistant District Attorney Sandling. [Attorney] Sandling conferred

with the elected District Attorney, Susan Doyle. After [Attorney] Sandling spoke with Ms. Doyle, [Attorney] Sandling clarified what Defendant was seeking. Defendant expressed his desire to “take most of the charges in exchange for providing information on our cases, sex trafficking, firearm by felon, in exchange for giving Antoine Wallace some consideration.” This consideration was Defendant’s nephew pleading to a felony and getting probation. Defendant repeatedly stated that he is acting on behalf of his nephew. Furthermore, he stated “I don’t care about me.” Defendant was seeking leniency for his nephew. This exchange was plea bargaining. Therefore, Defendant’s belief was reasonable under the totality of the circumstances with respect to the human trafficking and possession of firearm by felon.

6. Defendant also mentioned trading charges for a body. However, while stating specifically what she had authority to do regarding the human trafficking and possession of firearm by felon, [Attorney] Sandling repeatedly refused promises or concessions on the Elton Whitfield case. [Attorney] Sandling made no offers regarding the Elton Whitfield case. [Attorney] Sandling left the room with Defendant when he started talking about the Elton Whitfield case. Furthermore, Defendant had not been charged with any homicide regarding Elton Whitfield on [20 January] 2016. With respect to Defendant’s subjective belief and the reasonableness of that belief regarding the Elton Whitfield case, this belief was not reasonable in light of [Attorney] Sandling’s refusal to make promises or concessions, no offers being made, leaving the room, and no charges were pending against Defendant regarding the Elton Whitfield case.

The Whitfield murder case proceeded to trial, and the jury heard evidence concerning what Defendant said during the interview over defense counsel’s objection, with the trial court adopting the reasoning in the previous written order. Defendant was convicted and appealed in open court.

II. Jurisdiction

This court has jurisdiction to review Defendant’s appeal from a final judgment of a superior court pursuant to N.C.G.S. § 7A-27(b)(1) (2025).

III. Discussion

On appeal, Defendant argues the trial court erred in admitting the statements he made concerning the Whitfield case during his interview. We review a ruling on a nonconstitutional motion *in limine* made under Rule 410 for abuse of discretion. *State v. Clapp*, 135 N.C. App. 52, 55 (1999) (“A ruling on a motion *in limine* is within the sound discretion of the trial court and will only be disturbed on appeal in the case of a manifest abuse of discretion.” (citing *State v. Hightower*, 340 N.C. 735, 746–47 (1995))). “Abuse of discretion results where the court’s ruling is manifestly unsupported by reason or is so arbitrary that it could not have been the result of a reasoned decision.” *State v. Hennis*, 323 N.C. 279, 285 (1988) (citation omitted). We review any attendant issues of law de novo. *State v. Tucker*, 385 N.C. 471, 484 (2023).

Under Rule 410 of our Rules of Evidence,

[e]xcept as otherwise provided in this rule, evidence of the following is not, in any civil or criminal proceeding, admissible for or against the defendant who made the plea or was a participant in the plea discussions:

....

(4) Any statement made in the course of plea discussions with an attorney for the prosecuting authority which do not result in a plea of guilty or which result in a plea of guilty later withdrawn.

N.C.G.S. § 8C-1, Rule 410(4) (2025). Similarly, under N.C.G.S. § 15A-1025, “[t]he fact that the defendant or his counsel and the prosecutor engaged in plea discussions or made a plea arrangement may not be received in evidence against or in favor of the defendant in any criminal or civil action or administrative proceedings.” N.C.G.S. § 15A-1025 (2025).

“[P]lea negotiations, in order to be inadmissible, must be made in negotiations with a government attorney or with that attorney’s express authority.” *State v. Curry*, 153 N.C. App. 260, 263 (2002) (citations omitted). “In addition, conversations with government agents do not constitute plea discussions unless the defendant exhibits a subjective belief that he is negotiating a plea, and that belief is reasonable under the circumstances.” *Id.* (citations omitted). “In ascertaining a defendant’s subjective belief, the trial court must focus searchingly on the record to determine whether the accused reasonably had such a subjective intent, examining all of the objective circumstances.” *Id.* (citation and internal quotation marks omitted). Thus, a statement is considered part of a plea discussion if (1) it was made to an attorney for the prosecuting authority or a person acting under that attorney’s express authority, (2) the defendant subjectively believed he was engaged in plea discussions, and (3) that belief was objectively reasonable under the circumstances. *Id.*

Here, we cannot say the trial court erred in its determination that the statements regarding the Whitfield case were unprotected under N.C.G.S. § 15A-1025

and Rule 410. While Defendant very likely held a subjective belief that he was engaged in plea negotiations throughout the duration of the interview, we agree with the trial court that the absence of the prosecuting attorney during the discussion of the Whitfield case, together with her early statements about the separateness of the current charges and the Whitfield discussion, establish that the statements regarding Whitfield were neither made to an attorney or person with the attorney's express authority nor made in a context where it was objectively reasonable to believe that plea negotiations with an attorney were ongoing. Thus, they were not improper under N.C.G.S. § 15A-1025 or Rule 410.

We acknowledge that the Record in this case reflecting the interview—particularly before and during the discussion of the Whitfield case—was riddled with opaque references by all parties as to which topics were or were not within the scope of plea discussions. These areas of ambiguity, however, do not change the outcome on appeal for two reasons. First, while these comments were made in the presence of Sandling, she was consistent in all verbal communication that the discussion of the Whitfield case was separate from the plea negotiations involving Wallace. And, second, while it is possible that Sandling's omission of further clarification when Defendant made comments linking the Whitfield case and plea negotiations could have led Defendant to believe the two discussions were related, the details necessary to make such a determination are both absent from the Record and within the factfinding role of the trial court—both of which place any such speculation beyond

the purview of this Court. *See State v. Thompson*, 359 N.C. 77, 114 (2004) (“Because we will not assume error when none appears on the record, [the] defendant’s assignment of error is overruled.” (citation modified)); *see also State v. Williams*, 366 N.C. 110, 114 (2012) (“The trial court’s findings of fact on a motion to suppress are conclusive on appeal if supported by competent evidence, even if the evidence is conflicting.” (citations and internal quotation marks omitted)).

Thus, the trial court did not err in overruling Defendant’s objection to the admission of the portion of the interview discussing the Whitfield case.

IV. Conclusion

Defendant has not shown error under Rule 410 or N.C.G.S. § 15A-1025 in the admission of Defendant’s statements regarding the Whitfield case. Even if Defendant subjectively believed the statements were being used in a plea negotiation, they were neither made to the prosecutor nor made at a time when it was reasonable for Defendant to believe in the context of the discussion that they were still part of a plea negotiation. Accordingly, the trial court did not err.

NO ERROR.

Chief Judge DILLON and Judge MURRY concur.

Report per Rule 30(e).