

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Benjamin H. Culbertson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ROBERT STEVEN JOLLY,

APPELLANT

APPELLATE CASE NO. 2015-002399

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY) 2009-GS-26-2948

The State,	)	
	)	
Plaintiff,	)	Transcript of Record
	)	
vs.	)	May 19 th , 2015
	)	
Robert Steven Jolly,	)	Guilty Plea
	)	
Defendant.	)	

B E F O R E:

Honorable Benjamin H. Culbertson
Horry County Courthouse
Conway, South Carolina

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

W. Allen Myrick, Esquire
Attorney for Plaintiff

Johnny Gardner, Esquire
Attorney for Defendant

Grace L. Hurley, CVR-CM-M
Circuit Court Reporter

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E X H I B I T S

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(There were no exhibits marked during the hearing.)

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State v. Jolly (5-19-15)

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1 (On the record, May 19th, 2015.)

2 THE COURT: All right. What have we got?

3 MR. MYRICK: May it please the Court, Your Honor?

4 THE COURT: Yes, sir.

5 MR. MYRICK: We're here for indictment 2009-GS-26-2948,
6 the State versus Robert Jolly.

7 (Defendant is sworn by clerk.)

8 THE COURT: All right, sir.

9 MR. MYRICK: Your Honor, Mr. Jolly is here with his new
10 lawyer, Mr. Johnny Gardner. He's here to plead guilty to
11 2009-GS-26-2948 for obtaining property by false pretenses. I
12 won't belabor the facts, Your Honor. It was this Court that
13 tried him in 2011. He's concluded his present sentence. He
14 is back out. As Your Honor knows, these indictments, by order
15 of the Court of Appeals, are now before this Court properly.
16 I've been in communication with the victim. She is old. She
17 is frail. She is of limited means, and she could not travel
18 to be here today, but she did ask that I ask the Court for
19 restitution. I can document \$4500, Your Honor, that went to
20 Mr. Jolly into the Tidelands Bank account, which is now frozen
21 by order of Judge Baxley in 2009. I'd be happy to address
22 that at the appropriate time.

23 THE COURT: All right. What is -- let me see the CDR
24 code because I'm looking at Strickler, and I've got a --

25 MR. MYRICK: It's on the indictment, Your Honor, and --

1 THE COURT: That's what I'm looking for.

2 MR. MYRICK: -- what I have is 3591, more than two, but
3 less than ten, carries up to five.

4 THE COURT: Okay. All right. Strickler says 3470, but
5 it -- that -- the Strickler's not always --

6 MR. MYRICK: No, sir. It's out of date I believe.

7 THE COURT: Okay. All right.

8 MR. MYRICK: I checked this on the Judicial Department
9 website earlier this week.

10 THE COURT: Okay. All right.

11 Mr. Gardner, you represent Robert Steve Jolly on the
12 charge of obtaining property by false pretenses?

13 MR. GARDNER: I do, Your Honor.

14 THE COURT: Have you discussed with your client the
15 charge against him, his rights as a Defendant and the
16 consequences of being convicted of this crime?

17 MR. GARDNER: I have, Your Honor.

18 THE COURT: In your opinion, does your client understand
19 the charge against him, his rights as a Defendant and the
20 consequences of being convicted of this crime?

21 MR. GARDNER: He does, Your Honor.

22 THE COURT: And does he wish to plead guilty or not
23 guilty?

24 MR. GARDNER: Guilty, Your Honor.

25 THE COURT: Do you agree with his decision to plead

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1 guilty to this charge?

2 MR. GARDNER: Yes, sir, I do.

3 THE COURT: Based upon the information you have, if this
4 case proceeded to trial, do you feel that the State could
5 prove your client's guilt beyond a reasonable doubt?

6 MR. GARDNER: May I have one moment, Your Honor?

7 THE COURT: All right.

8 MR. GARDNER: Yes, sir.

9 THE COURT: All right. Has your client received a
10 competency evaluation?

11 MR. GARDNER: Not that I'm aware of. No, sir.

12 THE COURT: All right. Do you feel that he needs a
13 competency evaluation?

14 MR. GARDNER: No, Your Honor.

15 THE COURT: All right. Sir, your name's Robert Steve
16 Jolly?

17 MR. JOLLY: Yes, sir.

18 THE COURT: All right. Mr. Jolly, you have been charged
19 and indicted by the Grand Jury with obtaining property by
20 false pretenses, and according to your attorney, you wish to
21 plead guilty to this charge; is that correct?

22 MR. JOLLY: Yes, sir.

23 THE COURT: All right. Before I can accept your guilty
24 plea I've got to go over some questions with you to be sure
25 that you understand the charge against you, that you

1 understand your rights as a Defendant, that you understand the
2 consequences of pleading guilty, and I must be sure that
3 you're pleading guilty voluntarily. Now, during the past 72
4 hours have you taken any medication, consumed any alcohol or
5 drugs or been under any influence that would affect your
6 ability to know why you're here?

7 MR. JOLLY: No, sir.

8 THE COURT: Do you understand why you're here today?

9 MR. JOLLY: Yes, sir.

10 THE COURT: Is there anything about this hearing that you
11 want to ask your lawyer or ask me before we proceed?

12 MR. JOLLY: I would like to talk to Your Honor before you
13 give me judgment.

14 THE COURT: Okay. And I'll give you an opportunity to
15 speak to me later. My question now is do you have any
16 questions about the procedure that we're following here --

17 MR. JOLLY: No, sir.

18 THE COURT: -- or why you're here now?

19 MR. JOLLY: No, sir.

20 THE COURT: All right. If you have any questions let me
21 know; okay?

22 MR. JOLLY: Yes, sir.

23 THE COURT: Okay. All right. Now, even though you've
24 been indicted by the Grand Jury, under the Constitution of the
25 United States you're presumed innocent of this crime and you

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1 have the right to have your guilt or innocence determined by a
2 jury trial of your peers. The State bears the burden of
3 proving your guilt beyond a reasonable doubt. You do not have
4 to prove your innocence and you cannot be compelled to testify
5 against yourself. You also have the right to confront and
6 cross examine anybody who testifies against you. If you
7 choose you can present a defense to this charge, but when you
8 plead guilty you give up all of those rights. Do you
9 understand that?

10 MR. JOLLY: Yes, sir.

11 THE COURT: And do you want to give up those rights and
12 plead guilty to this charge?

13 MR. JOLLY: I do, sir.

14 THE COURT: All right. Now, for this crime I could send
15 you to prison for five years or fine you within my discretion.
16 Do you understand that?

17 MR. JOLLY: Yes, sir.

18 THE COURT: You also understand that this crime is
19 classified as a property crime. What that means is if you're
20 ever convicted of three property crimes then the sentence you
21 could receive for that third property crime conviction can be
22 enhanced to ten years in prison and the State'll use this
23 guilty plea against you to show another property crime
24 conviction on your record. Do you understand that?

25 MR. JOLLY: Well, let me see if I can clarify this. Now,

1 you know, this is the same case. Those won't count as
2 separately?

3 THE COURT: Yes. They will. They're all separate. So
4 you've got --

5 MR. JOLLY: Two.

6 THE COURT: Okay. Then if they wanted to pursue a ten-
7 year sentence they could because it can be enhanced to ten
8 years in prison, but as I understand, they do not have you
9 charged under the property crime enhancement statute. So
10 they're only proceeding on this one with a five-year maximum
11 sentence. If you commit anymore property crimes in the
12 future, even if it's just shoplifting a stick of gum from the
13 supermarket, you could be looking at ten years in prison. Do
14 you understand that?

15 MR. JOLLY: I do now.

16 THE COURT: Okay. Knowing your rights as a Defendant,
17 knowing the maximum sentence you could get in this case, and
18 knowing the enhanced sentence you could get for any future
19 property crime convictions, do you wish to plead guilty or not
20 guilty to obtaining property by false pretense?

21 MR. JOLLY: Guilty, Your Honor.

22 THE COURT: Has anybody promised you anything or
23 threatened you in any way to get you to plead guilty?

24 MR. JOLLY: No, sir.

25 THE COURT: Are you pleading guilty voluntarily?

1 MR. JOLLY: Yes, sir.

2 THE COURT: Are you satisfied with your lawyer?

3 MR. JOLLY: Yes, sir.

4 THE COURT: Are you pleading guilty to this crime because
5 you committed this crime?

6 MR. JOLLY: Yes, sir.

7 THE COURT: All right. I need you to listen carefully
8 while the Attorney General gives me the facts of your case.
9 Okay? All right, sir.

10 MR. MYRICK: Your Honor, I won't belabor the facts. The
11 Court is well aware of the fact that he ran this mortgage
12 fraud scheme in the Grand Strand between 2008 and 2009. He
13 convinced people that he could save their homes, and then he
14 would go into the equity court and engage in stalling tactics
15 to keep the equity court from foreclosing, all the while he
16 would obtain monthly checks from people that he thought, that
17 they thought he was helping them save their home.

18 The present victim, Ms. Esther Reinhardt, was one of
19 these people, and what I've got, Your Honor, is \$4500 worth of
20 cancelled checks that went into the Tideland Bank. She did
21 lose her home and now she's a widow, Your Honor.

22 THE COURT: All right. All right. Mr. Jolly, you
23 understand what the allegations are against you?

24 MR. JOLLY: Yes, sir.

25 THE COURT: Is that what happened in this case?

1 MR. JOLLY: Pretty close, but not right, no.

2 THE COURT: Okay. You tell me.

3 MR. JOLLY: Well, when -- I had -- the property was
4 signed over to me so I could represent it. We went to court
5 and I got five rulings that it would set a precedent in the
6 State of South Carolina they had never ruled on, the courts,
7 the, the banks with their fraud cases because it hadn't been
8 brought up. This last year in April they pleaded guilty to
9 those frivolous things that I brought up in court. Had it --
10 the chief -- the judges not sent Mr. Baxley down here to stop
11 me, period, because they couldn't handle the backload. He did
12 that. I'm not saying nothing. I'm not saying I'm right. I'm
13 saying that had they not let it -- if I'd got due process and
14 went on they would have never lost those houses now. There is
15 no question in my mind about that. I'm not saying I'm not
16 guilty of, of -- what can I say, Your Honor?

17 THE COURT: Okay.

18 MR. JOLLY: What I am saying is they've not -- look here,
19 she lived there for months and months after this. She got
20 more than her money back that she paid me free.

21 THE COURT: Okay.

22 MR. JOLLY: And I'm -- that's what I'm saying.

23 THE COURT: But is, is, is it accurate to say that you
24 had a number of indictments that you went to trial on for this
25 same offense that was --

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1 MR. JOLLY: 65, Your Honor.

2 THE COURT: And they -- and you were convicted on those?

3 MR. JOLLY: No, sir. They didn't bring them because the
4 other people didn't -- they offered them, told them to come
5 down here and say I did this and did that, and they wouldn't
6 come down there.

7 THE COURT: But I mean, you went to trial on some of
8 them; didn't you?

9 MR. JOLLY: I went to court on five.

10 THE COURT: Okay.

11 MR. JOLLY: And if Your Honor will remember you dismissed
12 two.

13 THE COURT: And that's, that's why we're back here today
14 is because the Supreme Court --

15 MR. JOLLY: And, and, and I want to explain that and what
16 happened was, if you'll remember, you probably don't --

17 THE COURT: No. I remember the incident, but what
18 happened and the end result is is the Supreme Court said I was
19 wrong, that I shouldn't have dismissed it.

20 MR. JOLLY: Well, here's what happened, how that
21 happened. Mr. Locklair said -- he, he started going on in the
22 case, and Your Honor said, "I am familiar with the case of Mr.
23 Backley [spelled phonetically]." You said, "I will go and
24 check the sentencing sheets," if I got that correctly, "and
25 I'll make my ruling." Your Honor went and checked the -- had

1 a recess. You can go look at the transcript, and, and you
2 come back and dismissed the cases. Well, Mr. Myrick appealed.
3 It went to the Appeals Court, took four years. The Appeals
4 Court, we put the transcript and everything, and the Appeals
5 Court he objected to it and they threw it out saying that we
6 didn't enter it into the trial. So the, the sentencing sheet
7 and stuff that you looked at was not there. The Appeals Court
8 made a correct ruling because we didn't enter it into there.
9 I'm not saying my lawyer -- it was just an overlook. We never
10 thought Mr. Myrick was going to appeal it, and I don't think
11 he should have. You -- Your Honor made a correct ruling.

12 THE COURT: Well, not according to the Appellate Court.
13 They said I didn't.

14 MR. JOLLY: That's because we didn't have the evidence in
15 there.

16 THE COURT: All right.

17 MR. JOLLY: Okay. You see what I'm saying? So it was
18 overturned.

19 THE COURT: Not really I don't. The question before me,
20 do you want to plead guilty to this charge?

21 MR. JOLLY: Yes, sir.

22 THE COURT: Okay. All right. Mr. Gardner, anything in
23 mitigation?

24 MR. GARDNER: Your Honor, I just -- the only thing I
25 would offer up to this Court is that it appears to me that

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1 everybody in here knows more about this case than I did since
2 I got into it late, but what I do know is that he's guilty.
3 He's pled guilty to one charge that as I'm, I'm -- the way it
4 was explained to me by the AG it would end prosecution on him
5 for all the other charges that may have still been pending.
6 If he'd gone to trial for these two charges or this one
7 charge, it would have been dealt with that day, either when --
8 would have been found guilty and sentenced to prison or he did
9 go to prison or it would have -- he would have been found not
10 guilty and obviously not sentenced to prison. The point is he
11 wouldn't have got any additional time. So I don't know what
12 happened with his lawyer and the Appellate Court and all that
13 other stuff, but based on the way this court case fell apart
14 or the way it ended, that I'd ask that he not receive any
15 additional time because he wouldn't have got it anyway. He
16 would have been sentenced that back whenever you all were in
17 court four or five years ago.

18 THE COURT: All right.

19 MR. GARDNER: I'd ask for probation. He lives in North
20 Carolina. I'd ask you to consider time served. If you can't
21 do time served, I'd ask you to do a minimal type probation and
22 transfer it to North Carolina, Your Honor.

23 THE COURT: All right. Mr. Jolly, anything further you
24 want to say?

25 MR. JOLLY: Yes, sir, Your Honor. On this very case the

1 federal courts has been very explicit. The minute I'm
2 arrested my time starts. I don't remember who give me my
3 bond. It may have been you and it may have been somebody
4 else. I, I just don't remember it's been so long ago, but I
5 was held with no bond. I have a letter here from the parole
6 board where I was granted parole in 2011 and then I got
7 another letter because they called down there and told them to
8 hold me. I had bonds with no -- no bond. So and here's the
9 letter where they rescinded my parole because of those
10 warrants. So my time is still running on on this very case
11 you got me in here on. I maxed out my sentence. I've done my
12 time. I'm coming back to plead guilty to it. I feel it -- if
13 the Court does the right thing, it will give me time served.
14 I'm asking for time served and let's end this thing. Let's
15 get it over. I can't take no more. I've had operations.
16 I've give up body parts on this thing, Your Honor.

17 THE COURT: All right. All right. You say the victim's
18 not present?

19 MR. MYRICK: May I approach, Your Honor?

20 THE COURT: All right.

21 MR. MYRICK: I've shown these to Johnny Gardner. These
22 are copies of Mrs. Reinhardt's checks to Mr. Jolly that went
23 into Tidelands Bank.

24 MR. GARDNER: Your Honor, my understanding that would be
25 at a restitution hearing.

State v. Jolly (5-19-15)

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1 MR. MYRICK: We'd like the restitution ordered now if
2 there's a probationary sentence in the offering, Judge.

3 MR. GARDNER: Well, then we'd ask for -- to postpone it.
4 We're not ready for a restitution hearing.

5 THE COURT: All right.

6 MR. GARDNER: We're here for a guilty plea.

7 THE COURT: All right. All right. We're going forward
8 with the plea. Any prior record?

9 MR. MYRICK: Yes, sir, Your Honor. Mr. Jolly's a career
10 criminal. As Your Honor knows, he was convicted in April 2011
11 by this Court. In 1998 he was convicted of counterfeiting and
12 served a federal sentence. In 1976 he was convicted of
13 possession of a firearm --

14 MR. JOLLY: Objection, Your Honor.

15 MR. MYRICK: -- by a felon. In 1977 he was convicted of
16 various drug charges, including heroin and cocaine. In 1977
17 he was convicted of receiving stolen property, and in 1971 of
18 heroin possession.

19 THE COURT: Okay. What was the sentencing date on the
20 other obtaining property by false pretenses?

21 MR. MYRICK: Your Honor, it was April 2011.

22 THE COURT: April the -- do we have a date?

23 MR. MYRICK: No, sir, Your Honor. I may have -- I'm sure
24 that the clerk has the actual sentencing sheets from the
25 trial.

1 THE COURT: Okay. Well, let's --

2 MR. MYRICK: But I do not have them in front of me. I'm
3 sorry, Your Honor.

4 THE COURT: Do we have the indictments for those? What
5 -- I sentenced him to five years? Was that it?

6 MR. MYRICK: You sentenced him to ten years each, Your
7 Honor, concurrent.

8 THE COURT: And they all ran concurrent? That's right.

9 MR. MYRICK: And he maxed it out, yes, sir.

10 THE COURT: Okay. Do you have the sentencing date on the
11 prior?

12 MR. GARDNER: Do you know when the sentencing date was?

13 MR. JOLLY: Yeah. April 2009, April 14 or 15, no -- it
14 was the 14th or 16th, 2009.

15 THE COURT: We don't -- you don't have an NCIC report or
16 anything?

17 MR. MYRICK: Your Honor, I have not run a rap sheet since
18 our last bond hearing earlier this year.

19 THE COURT: Well, it would have been on that if it was
20 earlier this year. It would be on that. Well, it wasn't
21 April of 2011. I think it was April of 2009.

22 MR. MYRICK: It was 2009 when Judge Baxley held him in
23 contempt.

24 MR. JOLLY: Oh, yeah.

25 THE COURT: Oh, okay. So it was 2011 when the trial was

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17

1 in front of me?

2 MR. MYRICK: I have them right here, Your Honor.

3 MR. JOLLY: That was my arrest date. I'm sorry.

4 MR. MYRICK: April 14th, 2011. If you'd like them, Your
5 Honor, I can hand them up.

6 THE COURT: That's all right.

7 All right. Mr. Jolly, I will accept your guilty plea. I
8 find that it's made knowingly, voluntarily, fully advised of
9 your rights as a Defendant and the nature of the charge
10 against you and the consequences of your guilty plea. I also
11 find that there is a factual basis to support this charge
12 against you. The sentence of the Court is that you be
13 confined to the State Department of Corrections for ten years.
14 You'll be given credit for time served. The sentence will run
15 concurrent with the sentence imposed on April 14th, 2011. I'm
16 going to go ahead and do it that way. If you want to seek a
17 restitution hearing, we'll deal with it at that time. My
18 understanding was there was request for restitutions at the
19 prior hearing, but he went and did the straight ten years and
20 that took care of all the financials as I recall, and this
21 one, had I not dismissed the indictment, he would have already
22 been over and done with it. So I'm going to go ahead and give
23 him the time served on it. All right.

24 MR. GARDNER: Thank you, Your Honor.

25 MR. MYRICK: Thank you, Your Honor.

1 THE COURT: Now, I don't know if there's administratively
2 any paperwork that needs to be done since this is a new thing,
3 but I think we've got it down pretty pat that -- because as I
4 recall, and I want to make sure we're on the record, there
5 were -- he went to trial on several indictments. I dismissed
6 this and I think one other indictment. He went to trial on
7 the others. He was convicted. I sentenced him to ten years.
8 They ran concurrently. The Appellate Court reversed me and
9 said I should not have dismissed these indictments. So had we
10 dealt with them then he would have done the ten years and been
11 over with. So that's why I'm going ahead and doing it this
12 way. All right.

13 MR. GARDNER: Thank you, Judge.

14 MR. MYRICK: Thank you, Your Honor.

15 THE COURT: Thank you.

16 (Adjourned.)

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C E R T I F I C A T E

I, the undersigned, Grace L. Hurley, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the Guilty Plea held in the case of The State versus Robert Steven Jolly, held in the Court of General Sessions for Horry County, Horry County Courthouse, Conway, South Carolina, on May 19th, 2015.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.

Grace L. Hurley, CVR-CM-M
Official Reporter

February 9, 2016.

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY) 2009-GS-26-2948

The State,)

Plaintiff,)

Transcript of Record

September 1, 2015

Robert Steven Jolly,)

Defendant.)

Restitution Hearing

B E F O R E :

Honorable Benjamin H. Culbertson
Horry County Courthouse
Conway, South Carolina

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

W. Allen Myrick, Esquire
Attorney for Plaintiff

T. Jarrett Bouchette, Esquire
Attorney for Defendant

Grace L. Hurley, CVR-CM-M
Circuit Court Reporter

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1 (On the record, September 1, 2015.)

2 THE COURT: All right. We'll take these in order. The
3 first one is 2009-GS-26-2948, State of South Carolina versus
4 Robert Steve Jolly. The matter is before the Court on a
5 motion for -- or I guess this is a restitution hearing; is
6 that correct?

7 MR. MYRICK: Yes, sir. That's correct, Your Honor.

8 THE COURT: All right. Please give the court reporter
9 your name and who you represent.

10 MR. MYRICK: I'm Allen Myrick. I've already provided her
11 with a copy of my card and the caption of the case, Your
12 Honor.

13 THE COURT: All right.

14 MR. BOUCHETTE: Jarrett Bouchette for Johnny Gardner,
15 Your Honor. He had an appointment come up unexpectedly. I've
16 given my business card to Madam Court Reporter as well.

17 THE COURT: All right. And you said your last name is
18 Bouchette?

19 MR. BOUCHETTE: Yes, sir.

20 THE COURT: All right. Mr. Myrick, let me hear from you.

21 MR. MYRICK: If it please the Court, Your Honor, as Your
22 Honor well knows this case has a long history. There is a
23 bank account at Tideland Bank, which is where Mr. Jolly
24 deposited the funds he received from the victim in this case,
25 which is 2948, Ms. Esther Reinhardt. I've already provided

State v. Jolly (9-1-15)

4

1 Defense a copy and the court reporter has a copy. May I
2 approach, Your Honor? Would you like a copy?

3 THE COURT: What is this?

4 MR. MYRICK: These are nine checks, Your Honor.

5 THE COURT: Any objection?

6 MR. BOUCHETTE: No objection, Judge.

7 THE COURT: All right. Let's mark these nine checks,
8 we'll put them as State's Exhibit One. Okay.

9 (State's Exhibit Number One [Checks] admitted into
10 evidence and appropriately marked.)

11 MR. MYRICK: Yes, sir, Your Honor, and as a housekeeping
12 matter before we proceed, I have Mr. Todd Butzman, who is the
13 branch manager of Tideland Bank, here in the courtroom under
14 subpoena. He's prepared to authenticate these as business
15 records under the hearsay rule 803(8). If Defense counsel
16 will stipulate to their authenticity we can let Mr. Butzman go
17 back to work.

18 THE COURT: All right. Any objection?

19 MR. BOUCHETTE: One moment, Your Honor.

20 No objection, Your Honor.

21 THE COURT: All right. Well, they're in evidence as
22 State's Exhibit One.

23 MR. MYRICK: Thank you, Your Honor.

24 THE COURT: All right.

25 MR. MYRICK: May I have one moment?

1 THE COURT: All right.

2 MR. MYRICK: Your Honor, under 2948, the indictment that
3 the Defendant pled to made very clear that he was charged with
4 obtaining property by false pretenses from Esther and Larry
5 Reinhardt. Ms. Reinhardt can't be here today. She's a widow
6 now. She's in poor health and she lives in Florida. Those
7 nine checks you have are the actual funds from Ms. Reinhardt
8 that went into the Tidelands Bank account which was frozen by
9 Judge Baxley in 2009, 2010. Those funds are still being held.
10 As Your Honor knows from the trial of Mr. Jolly, the Jolly and
11 Associates account at Tidelands was the vehicle by which he
12 stole this money. His whole scheme revolved around Jolly and
13 Associates posing as someone -- as a company that could help
14 you maintain your business -- your home in the event you
15 encountered financial trouble. So given the fact of the facts
16 that are clear to the record, one, Jolly and Associates was
17 the vehicle for his theft. He's pled guilty to stealing over
18 \$5,000 from Ms. Reinhardt, and the checks that the Defense
19 just stipulated to amount to \$4500, which went into that
20 particular account. The State is asking pursuant to 17-25-
21 322(A) and (C) that those funds be awarded by order of the
22 Court to Ms. Reinhardt as restitution in the criminal case.

23 THE COURT: Now, do you have that statute?

24 MR. MYRICK: Yes, sir, I do, Your Honor. May I approach?

25 THE COURT: All right. Yeah.

State v. Jolly (9-1-15)

6

1 MR. MYRICK: And Your Honor, I'd like to point out, I'm
2 sure I don't need to, but in the third sentence of 17-25-
3 322(A) the statute makes the order of restitution mandatory in
4 these cases. It then provides some considerations for the
5 Court, and we think given the facts of, again, of which the
6 Court is well aware, that it's only appropriate to take the
7 funds that are left in this frozen account, which is where Ms.
8 Reinhardt's money ended up, back to Ms. Reinhardt as the
9 victim.

10 THE COURT: All right. Anything further from the State?

11 MR. MYRICK: No, sir, not unless Your Honor has any
12 additional questions. I would like to say this though, the,
13 the, the facts are compelling. I mean, these are ill-gotten
14 gains in this corporation that he used for his criminal
15 enterprise. He is the sole surviving member of this
16 corporation. Mr. Butzman could testify and he would that Mr.
17 Jolly was a signator on the account, clearly his money
18 irrespective of any argument you might hear that it's
19 corporate money of some sort. Thank you, Your Honor.

20 THE COURT: All right. Mr. Bouchette.

21 MR. BOUCHETTE: Your Honor, it sounds like the Court's
22 fairly familiar with the, the background of this case, but I
23 do feel it's important to reiterate a couple of key points.
24 My client was found guilty at trial. Certain charges were
25 dismissed before that guilty verdict. While he was in prison

1 the State appeals the dismissed charges. In the meantime, he
2 gets out, he serves his sentence fully. The Court of Appeals
3 overturns those dismissals, and the State sought to
4 reintroduce those dismissed actions. He ends up pleading
5 guilty for time served. The Court will note he has no
6 criminal culpability at this point. He's not on probation.
7 He's not serving any other sentence. He served his time. He
8 has no further obligation in terms of sentencing that's
9 sitting out there.

10 As we stated, this money is in the name of the LLC. It's
11 in an account for the LLC. There are, I believe,
12 approximately four other members of this LLC who have not been
13 found guilty of any crime, who have not been sued for recovery
14 of those funds. We have had these funds freezed [sic] since,
15 I believe it was, 2009 somewhere in that, somewhere in that
16 vicinity. If I'm not mistaken I believe the Attorney
17 General's Office did file a civil suit seeking the
18 recuperation for -- seeking to recoup these funds and that
19 action was voluntarily dismissed. I could be mistaken on
20 that, but I believe that, that did occur. Like I said, this
21 LLC has a business license. There are, again, approximately
22 four of the members that haven't been convicted of any crime,
23 and to the extent my client's required to pay restitution,
24 that's, that's separate and distinct from the, the business
25 being required to pay restitution.

1 As to the point about the funds, it's important to notice
2 that what the, what the funds in the bank represent now are
3 simply the funds that were in the account at the time the
4 assets were frozen. This account had money coming in and
5 coming out. So to say that the exact funds sitting in here
6 are the victim's funds is not exactly accurate. At this point
7 if restitution wanted to be brought up it should have already
8 been brought up or dealt with in a civil manner. The money
9 that's in there now has been held back because while my client
10 was in prison the, you know, the tax bills weren't being paid
11 and filings weren't being done. So he anticipates as well as
12 his other, as his other members, they expect some tax
13 liability. So aside from that issue, we look to the factors
14 that the statute allows for the Court to take into
15 consideration and whether or not to award, like I said, it's
16 important to point out my client's completely disabled, does
17 not work, he's already served his time. I think at this point
18 to continue to proceed with this case as this -- I don't, I
19 don't really see a basis for it. You know, it's time for
20 these funds to be unfrozen. They've been there for about
21 seven or eight years at this point. So we would ask that the
22 Court not award restitution.

23 THE COURT: All right. Anything in reply?

24 MR. MYRICK: Yes, sir. The Unfair Trade Practice action
25 which he mentioned didn't seek civil damages. It's on an

1 injunction which Judge Baxley granted, and the point of it was
2 to stopping this criminal enterprise prior to the ultimate
3 trial which took place. Secondly, Your Honor, Mr. Butzman,
4 who's still present in the court and chose to remain, has the
5 document with him identifying who the signators on the account
6 were.

7 THE COURT: It's not just signators. Who owns the
8 account?

9 MR. MYRICK: Robert Jolly.

10 THE COURT: Nobody else?

11 MR. MYRICK: There was Wanda Creel on there. It's my
12 understanding she's deceased.

13 THE COURT: Okay.

14 MR. MYRICK: Thank you, Your Honor.

15 THE COURT: All right. Well, let me ask you this, and
16 this is -- I don't know the answer, Mr. Myrick. Can I, number
17 one, order restitution against a Defendant who has completely
18 served the sentence for the crime for which restitution is
19 sought? Can I order the transfer of an account or can I just
20 order that restitution be paid, I mean, in other words, every
21 time I've dealt with restitution it's been in a probationary
22 period where it was a condition of probation, you don't pay
23 the restitution, that's a violation of probation and you serve
24 the suspended sentence. Here there's no more time to be
25 served. There's no more probation to be served. I understand

State v. Jolly (9-1-15)

10

1 your argument. Can I order payment of restitution, and if I
2 order restitution, payment of restitution how do you enforce
3 it or do you know of some law that authorizes me to transfer a
4 bank account rather than ordering that the Defendant pay
5 restitution of \$500 a month or restitution in full within a
6 certain period of time that authorizes me to take an asset of
7 the Defendant and transfer it to the person to receive the
8 restitution, number one. Number two, who monitors it if the
9 restitution is not paid, and I just don't know the answer to
10 those because I've never had this situation come up before.

11 MR. MYRICK: Yes, sir. I think the language of 17-25-322
12 is very clear.

13 THE COURT: It says I can order restitution?

14 MR. MYRICK: Well, it says the Court shall hold a
15 hearing, and it says the Court shall hold a hearing, which
16 we're doing now, irrespective of a probationary sentence.
17 Probation only serves a purpose of hanging something over his
18 head in the event he fails to pay if restitution was ordered.

19 THE COURT: Could I order that his -- could I order that
20 his house be transferred to pay restitution? Can I order that
21 his car be sold to pay restitution?

22 MR. MYRICK: In the event that it was clear that those
23 were ill-gotten gains from a Defendant I think it would be
24 within the inherent authority of the Court and would be
25 entirely proper and expected that a Defendant not be allowed

1 to profit from his crime when he has admitted to having done
2 it. We know where Ms. Reinhardt's money went.

3 THE COURT: Well, and I understand that, and I understand
4 that, but here we've got a Defendant that has fully served a
5 criminal sentence.

6 MR. MYRICK: But he hasn't paid restitution.

7 THE COURT: Well, and I know and that often happens in a
8 case. You, you sentence a Defendant, you put them on
9 probation conditioned upon restitution, they don't pay the
10 restitution, they violate their probation, they go and they
11 serve their sentence, the sentence --

12 MR. MYRICK: That is an ordinary, that is an ordinary
13 course of events. However, Your Honor, this Court has, has
14 authorities beyond the power to put someone on, on probation,
15 and order restitution. This Court has wide powers to hold
16 someone in contempt. In the event you order restitution, he
17 doesn't pay it, you could hold him in contempt, which is
18 exactly what Judge Baxley did initially.

19 THE COURT: So you're saying a person that, a person that
20 doesn't pay probation, I mean, doesn't pay restitution,
21 probation and parole brings a violation of probation, he's
22 found to violate his probation, you impose the suspended
23 sentence, he serves the suspended sentence in full, still
24 hasn't paid restitution, he can be held in contempt again?

25 MR. MYRICK: Well, I -- we're not there, Your Honor.

State v. Jolly (9-1-15)

12

1 We're not there, but if, if Your Honor looks at, and I can't
2 cite it. I'm, I'm, I'm giving you the law from my memory.
3 If, if Your Honor looks at the leading two or three contempt
4 cases from our Supreme Court, what they make clear is a court,
5 any court in the State of South Carolina has the authority to
6 ensure that its orders are followed, and Your Honor has that
7 authority. So the question is --

8 THE COURT: Okay. Let's say I order, I order
9 restitution, he doesn't pay it, I hold him in contempt, I send
10 him to jail for a year, he comes out, does he still owe the
11 restitution?

12 MR. MYRICK: If Your Honor found him in criminal
13 contempt, yes, it would, and civil contempt is different than
14 criminal contempt, but we are here in a criminal proceeding,
15 not a civil proceeding.

16 THE COURT: A criminal proceeding where he's already
17 served his sentence in full. See that's the dilemma I'm
18 finding myself in.

19 MR. MYRICK: His, his sentence of imprisonment which is
20 separate from restitution. He's still profiting from his
21 crimes, Your Honor. There's no doubt.

22 THE COURT: He has -- he served a prison sentence. I
23 mean, it's, it's -- I understand your argument.

24 MR. MYRICK: Respectfully, respectfully --

25 THE COURT: I understand.

1 MR. MYRICK: -- Your Honor, I don't, I don't think
2 because he went to prison he should be allowed to keep Ms.
3 Reinhardt's or anyone else's money.

4 THE COURT: Okay. All right. I'm going to take it under
5 advisement. I've got a clear handle of it. I know exactly
6 what happened. I've just never had this come up before. My
7 question is can I order restitution, and if I can order
8 restitution can I order a transfer of assets to satisfy that
9 restitution or can I just order that he pay restitution, and
10 then if he doesn't pay it, what is the enforceability
11 technique, and I don't know that. I have never held anyone in
12 contempt for failing to pay restitution. It's always been
13 restitution conditioned upon a probationary sentence. Here
14 there was no probationary sentence. It was a term of
15 imprisonment. He went to prison. He maxed out, served the
16 sentence in full.

17 MR. BOUCHETTE: Your Honor, if I may just, if I may just
18 briefly that's, that's exactly our position is that --

19 THE COURT: And I understand. I -- it's -- he gives his
20 argument. You reply. Then he goes reply. I've heard enough.
21 I've got it. So I'm going to have to take it under advisement
22 because I don't know, number one, as a matter of a fact, why
23 don't both of you just submit proposed orders, cite
24 specifically from you the authority that allows me to order
25 restitution and that also allows me to transfer an asset

1 rather than just ordering payment, that allows me to transfer
2 an asset for satisfaction of the restitution.

3 MR. MYRICK: It'd be my pleasure, Your Honor.

4 THE COURT: And then you submit your proposed order that
5 addresses, you know, your counter-argument would be that the
6 Court either cannot order restitution, or if we can't order
7 restitution, all we can do is order him to pay. I mean,
8 typically what happens is a person doesn't pay restitution,
9 you violate the probation, they go and serve the sentence and
10 at the very most, the victim gets a civil judgment for the
11 balance due under the restitution because it wasn't paid, but
12 you've got a Defendant that has served their sentence in full
13 and so they come out with a civil judgment. I've never seen
14 it where a probationer has been held in contempt of court on
15 top of the sentence that was imposed initially. That's the
16 dilemma I'm thinking I'm in.

17 MR. BOUCHETTE: We have a question with regard to that.
18 Judge, in the proposed order the State made certain
19 allegations, allegations have to be that there was a finding
20 that the LLC is, in fact, sort of a, a -- not a separate
21 entity, that it's the alter-ego of my client. Do we have to
22 do anything on that?

23 THE COURT: Well, just address all of that in your --
24 address all of that in your order. Okay. All right.

25 MR. BOUCHETTE: Thank you, Judge.

1 MR. MYRICK: Thank you, Your Honor.

2 THE COURT: All right. Thank you.

3 (Adjourned.)

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C E R T I F I C A T E

I, the undersigned, Grace L. Hurley, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the Restitution Hearing held in the case of The State versus Robert Steve Jolly, held in the Court of General Sessions for Horry County, Horry County Courthouse, Conway, South Carolina, on September 1, 2015.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.

Grace L. Hurley, CVR-CM-M
Official Reporter

February 9, 2016.

Tidelands Bank

Account Number: 0
Item Date: 7/10/2008
Item Number: [REDACTED]
Amount: 500.00

ESTHER M REINHARDT SCDL [REDACTED] LARRY C REINHARDT SR SCDL [REDACTED] MYRTLE BEACH, SC 29588 PH [REDACTED]		3286 67-7194/2532
PAY TO THE ORDER OF <u>Steve & Jolly</u>		DATE <u>July 1-08</u>
<u>five hundred</u>		\$ <u>500.00</u>
DOLLARS		Plus
 First Federal SURFSIDE BEACH, SC 29575		<u>Esther M Reinhardt</u>
FOR [REDACTED]		

PAY TO THE ORDER OF TIDELANDS BANK FOR DEPOSIT ONLY JOLLY & ASSOCIATES 042001117	
--	--

Tidelands Bank

Account Number: 0
Item Date: 8/07/2008
Item Number: XXXXXXXXXX
Amount: 500.00

ESTHER M REINHARDT SCDL [REDACTED]
LARRY C REINHARDT SR SCDL [REDACTED]
[REDACTED] LONNIE DR
MYRTLE BEACH, SC 29588

3308
67-7194/2532

PAY TO THE ORDER OF Steve Kelly July 31-08 DATE
five hundred \$ 500.00
DOLLARS  Security Features
on back

 **First Federal**
8URFSIDE BEACH, SC 29575

FOR [REDACTED] Esther M Reinhardt Plus

PAY TO THE ORDER OF
TIDELANDS BANK
FOR DEPOSIT ONLY
JOLLY & ASSOCIATES
0420001117

Tidelands Bank

Account Number: 0
Item Date: 9/05/2008
Item Number: [REDACTED]
Amount: 500.00

ESTHER M REINHARDT SCDL cc [REDACTED] LARRY C REINHARDT SR SCDL cc [REDACTED] E LONNIE DR MYRTLE BEACH, SC 29588 PH [REDACTED]		3335 87-7184/2532
PAY TO THE ORDER OF <u>Steve Jolly</u>		DATE <u>Aug 31-08</u>
<u>Five hundred</u>		\$ <u>500.00</u>
 First Federal SURFSIDE BEACH, SC 29578		DOLLARS  Security Features Plus
FOR [REDACTED]		<u>Esther M Reinhardt</u>

92522338 77 2 888218	PAY TO THE ORDER OF TIDELANDS BANK FOR DEPOSIT ONLY JOLLY & ASSOCIATES 062091117
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Tidelands Bank

Account Number: 0
Item Date: 10/07/2008
Item Number: [REDACTED]
Amount: 500.00

ESTHER M REINHARDT SCDL [REDACTED] LARRY C REINHARDT SR SCDL [REDACTED] MYRTLE BEACH, SC 29588 PH [REDACTED]		3366 67-7194/2532
PAY TO THE ORDER OF <u>John Jolly</u>		DATE <u>Oct 3-08</u>
<u>Five hundred</u>		\$ <u>500.</u>
 First Federal SURFSIDE BEACH, SC 29575		DOLLARS  Plus
FOR [REDACTED]		<u>Esther M Reinhardt</u>

9/7/2008 77 2 000123		PAY TO THE ORDER OF TIDELANDS BANK FOR DEPOSIT ONLY JOLLY & ASSOCIATES 0420001117
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Tidelands Bank

Account Number: 0
Item Date: 11/05/2008
Item Number: [REDACTED]
Amount: 500.00

ESTHER M REINHARDT SCDL [REDACTED] LARRY C REINHARDT SR SCDL [REDACTED] MYRTLE BEACH, SC 29588 PH [REDACTED]		3396 67-7194/2532
PAY TO THE ORDER OF <u>Steve Jolly</u>		<u>1100 3-08</u> DATE
<u>Five Hundred</u>		\$ <u>500.00</u>
 First Federal SURFSIDE BEACH, SC 29578		DOLLARS  Security Features Change as they evolve
FOR [REDACTED]		<u>Plus</u> <u>Esther M Reinhardt</u>

 PAY TO THE ORDER OF TIDELANDS BANK FOR DEPOSIT ONLY JOLLY & ASSOCIATES 0420001117
--

Tidelands Bank

Account Number: 0
Item Date: 12/08/2008
Item Number: [REDACTED]
Amount: 500.00

ESTHER M REINHARDT SCDL [REDACTED] LARRY C REINHARDT SR SCDL [REDACTED] MYRTLE BEACH, SC 29588 PH [REDACTED]		3182 67-7194/2532
PAY TO THE ORDER OF <u>Steve Jolly</u>		<u>Dec 3-08</u> DATE
<u>five hundred</u>		\$ <u>500.00</u>
 First Federal SURFSIDE BEACH, SC 29576		DOLLARS  Security Features Outline on Back
FOR [REDACTED]	<u>Esther Reinhardt</u> Plus	

PAY TO THE ORDER OF TIDELANDS BANK FOR DEPOSIT ONLY JOLLY & ASSOCIATES 00000117		<u>Steve Jolly</u>
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Tidelands Bank

Account Number: 0
Item Date: 1/07/2009
Item Number: [REDACTED]
Amount: 500.00

ESTHER M REINHARDT SCDL [REDACTED] LARRY C REINHARDT SR SCDL [REDACTED] MYRTLE BEACH, SC 29588 PH [REDACTED]		3205 87-7194/2532
PAY TO THE ORDER OF <u>Steve Jolly</u>		DATE <u>Jan 1-09</u>
<u>five hundred</u>		\$ <u>500.00</u>
DOLLARS  Security Features: Outback 2.0		Plus
 First Federal SURFSIDE BEACH, SC 29578		
FOR <u>[REDACTED]</u>		<u>Esther M Reinhardt</u>

1-7-2009 77 2 883158	PAY TO THE ORDER OF TIDELANDS BANK FOR DEPOSIT ONLY JOLLY & ASSOCIATES 0420001117	<u>Steve Jolly</u>
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Tidelands Bank

Account Number: 0
Item Date: 2/05/2009
Item Number: [REDACTED]
Amount: 500.00

ESTHER M REINHARDT SCDL [REDACTED] LARRY C REINHARDT SR SCDL [REDACTED] E LONNIE DR MYRTLE BEACH, SC 29588 PH [REDACTED]		3230 87-7184/2532
DATE Feb 3 - 09		DATE
PAY TO THE ORDER OF	Steve Jolly	\$ 500. ⁰⁰
five hundred		DOLLARS
First Federal		Plus
SURFSIDE BEACH, SC 29575		
FOR	[Signature: Esther M Reinhardt]	

2/5/2009 77 2 886338	PAY TO THE ORDER OF TIDELANDS BANK FOR DEPOSIT ONLY JOLLY & ASSOCIATES 0420001117	[Signature]
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Tidelands Bank

Account Number: 0
 Item Date: 3/09/2009
 Item Number: [REDACTED]
 Amount: 500.00

ESTHER M REINHARDT SCDL [REDACTED] LARRY C REINHARDT SR SCDL [REDACTED] [REDACTED] E LONNIE DR MYRTLE BEACH, SC 29588 PH [REDACTED]		3254 87-7194/2532
PAY TO THE ORDER OF <u>Steve Jolly</u>		<u>march 1-09</u> DATE
<u>five hundred</u>		\$ 500. ⁰⁰
 First Federal 8URFSIDE BEACH, SC 29576		DOLLARS  Security Features Details on Back
FOR [REDACTED]		<u>Plus</u> <u>Esther M Reinhardt</u>

3-9-2009 77 2 888548		PAY TO THE ORDER OF TIDELANDS BANK FOR DEPOSIT ONLY JOLLY & ASSOCIATES 0420001117
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RECEIVED~~STATE OF SOUTH CAROLINA~~

COUNTY OF HORRY

GENERAL SESSIONS COURT NOV 16 2015

15th JUDICIAL CIRCUIT

INDICTMENT # 2009-GS-26-2948

SC Court of Appeals

State of South Carolina

v.

Robert Steve Jolly,

Defendant

ORDER FOR RESTITUTION

RECEIVED
CLERK OF COURT

2015 OCT 29 PM 2:01

FILED

Before the court is the State's Motion for Restitution filed on behalf of the victim in this case, Ms. Esther Reinhardt.

On May 19, 2015, the defendant, Robert Steve Jolly, pled guilty to the above-referenced indictment charging him with Breach of Trust/Obtaining Signature By False Pretense. He was sentenced to "time served."¹

On September 1, 2015, this court conducted a restitution hearing in this case. Present at the hearing were the State, represented by attorney Wayne Allen Myrnick, and the defendant, represented by attorney T. Jarrett Bouchette.

Based upon the record of this case, the defendant's guilty plea to the indictment in this case, and the evidence presented at the restitution hearing, I do hereby find the following salient facts and conclusions of law:

¹ Prior to the defendant's guilty plea in this case, he was convicted by jury trial on a number of indictments charging him with the same crime against various other victims. For those convictions, he received concurrent sentences of five years in prison. In a pre-trial motion at the defendant's jury trial on the other indictments, the court dismissed the indictment in this case; however, that decision was reversed on appeal and the State resumed prosecution of the indictment in this case. At the time of the defendant's guilty plea to the indictment in this case, he had completed his sentence for the prior convictions.

/ BHC

~~The victim issued checks totaling \$4,500.00 payable to a purported business~~
 known as "Jolly and Associates, LLC." These checks were negotiated by the defendant and deposited into an account at Tidelands Bank. Though the bank account is in the name of "Jolly and Associates, LLC" (account no. [REDACTED]) that entity does not conduct any legitimate business activities. Further, the defendant is the sole signator to this account. This account presently has funds in it which would offset any restitution owed by the defendant to the victim.²

South Carolina Code of Laws (1976) § 17-25-322 states as follows:

"When a defendant is convicted of a crime which has resulted in pecuniary damages or loss to a victim, the court *must* hold a hearing to determine the amount of restitution due the victim or victims of the defendant's criminal acts. The restitution hearings *must* be held unless the defendant in open court agrees to the amount due, and in addition to any other sentence which it may impose, the court *shall* order the defendant make restitution or compensate the victim for any pecuniary damages." (emphasis added).

The defendant argues that he is not liable for restitution in this case because he has completed his criminal sentence, restitution was not ordered at the time of sentencing, and probation is not available to monitor the payment of a restitution award. However, Code § 17-25-120 provides that the Court order stolen money, goods, or chattels be returned to the aggrieved party and Code § 17-25-322(B)

² Suspecting that the defendant used this account for the deposit of fraudulently obtained funds in this and other cases, the State obtained an order "freezing" this account in 2008. The account remains "frozen."

/mc

~~provides that the Court may determine the "manner, method, or amount of~~
restitution."

This court finds that the defendant fraudulently obtained \$4,500.00 from the victim in this case and deposited those funds in the bank account^{FD} at Tidelands Bank in the name of Jolly and Associates, LLC (account no. [REDACTED]). This court concludes that the defendant's completion of his sentence that included neither restitution nor probation does not absolve him of his restitution obligation as a matter of law. As a result, the victim is entitled to \$4,500.00 in restitution from the defendant.

Since this court determines the manner and method of restitution, I conclude that the court may order the payment of restitution to the victim from the bank account at Tidelands Bank in the name of Jolly and Associates, LLC (account no. 0420001117).

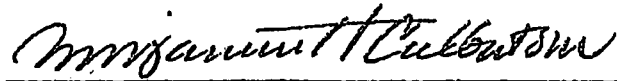
NOW, THEREFORE, based upon the above findings of fact and conclusions of law, it is hereby

ORDERED, that the victim in this case, Esther Reinhardt, is entitled to restitution from the defendant, Robert Steve Jolly, in the amount of \$4,500.00; it is further

ORDERED, that the defendant's restitution obligation hereunder be paid to the victim by Tidelands Bank out of the funds presently held in the account

~~maintained at Tideland Bank in the name of Jolly and Associates, LLC (account~~
no. 0420001117).

AND IT IS SO ORDERED.



Benjamin H. Culbertson
Presiding Circuit Court Judge

October 29, 2015
Conway, South Carolina

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

STATE

AKA:

Race:

Sex:

Age:

DOB:

SS#:

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

☐ CONVICTED OF or ☒ PLEADSTO: Obtaining property by false pretensesIn violation of § of the S.C. Code of Laws, bearing CDR Code # 3591☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury,

(def.'s initials)

The plea is: ☒ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Solicitor

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 X yearsand/or to pay a fine of \$ X; provided that upon the service of X days/months/years and or payment of \$ X; plus costs and assessments as applicable*, the balance is suspended with probation for X

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: 4/14/2011☒ 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. Time Served (MHC)☐ The Defendant is to be placed on 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 (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)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter:

Melanie Huggins Ward

Grace Hurley

Presiding Judge:

Judge Code:

Sentence Date

Morganum/Bullock
2148
May 19, 2015

Restored 5/29/13
Appeal Granted file made

WITNESSES

Inv. Larry Huffstetler

ARREST WARRANT NUMBER

Direct Presentment

CDR 0531

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: JUL 30 2009

VERDICT

*Defendant's motion to
Dismiss is GRANTED.*

Benjamin H. Culbertson

Benjamin H. Culbertson
Presiding Judge

Foreperson of Petit Jury

Date: April 12, 2011

Docket Number 2009-GS-26-02948

The State of South Carolina
County of Horry

COURT OF GENERAL SESSIONS

Term:

THE STATE

vs.

Robert Steve Jolly
DEFENDANT

Indictment for:

Obtaining Property by False
Pretenses

SC Code: § 16-13-240
CDR Code:

ORIGINAL

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.

FILED
Horry County
2015 MAY 19 PM 6:07
CLERK OF COURT
COUNTY OF HORRY

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on July 30, 2009 the Grand Jurors of Horry County present upon their oath:

OBTAINING PROPERTY BY FALSE PRETENSES

That Robert Steve Jolly did, in Horry County, on or about the period from April 14, 2008 through March 1, 2009, commit the crime of obtaining property by false pretenses. To wit, the Defendant did obtain an amount of money greater than \$5,000 from Esther and Larry Reinhardt with the intent to cheat and defraud them of that property in violation of §16-13-240 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.



HENRY MCMASTER (WAM)
SOUTH CAROLINA ATTORNEY GENERAL

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AUG 17 2016
SC Court of Appeals **52**

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,

A handwritten signature in black ink, appearing to read "John H. Strom", written over a horizontal line.

John H. Strom
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 17th day of August, 2016.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Horry County
Honorable Benjamin H. Culbertson, Circuit Court Judge

RECEIVED

AUG 17 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

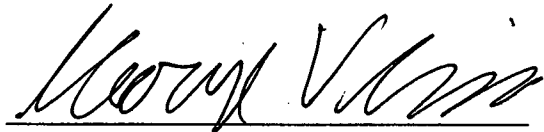
V.

ROBERT STEVEN JOLLY,

APPELLANT

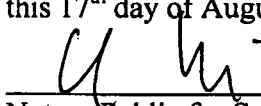
CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon J. Benjamin Aplin, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and upon Robert Steven Jolly, at 288 Stacey Lane, Thomasville, NC 27360, this 17th day of August, 2016.



George Vlasis
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 17th day of August, 2016.

 (L.S.)
Notary Public for South Carolina

My Commission Expires 5/12/2025.