

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Union County

Honorable G. Thomas Cooper, Circuit Court Judge

JEREMY LEE MOODY,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-001529

APPENDIX

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S.C. SUPREME COURT

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1 STATE OF SOUTH CAROLINA)
 2 COUNTY OF YORK) COURT OF GENERAL SESSIONS
 3) 2014 GS 44 0053 through 0059
) (as to Christine Moody)
) 2014 GS 44 0060 through 0066
) (as to Jeremy Moody)
 4 STATE OF SOUTH CAROLINA)
 5)
 6 versus) TRANSCRIPT OF RECORD
 7)
 8 CHRISTINE MOODY and)
 JEREMY MOODY)
 9)
 Defendants)
 10)
 York, South Carolina
 11 May 6, 2014
 12
 13 B E F O R E :
 14 HONORABLE LEE S. ALFORD, Judge
 15
 16 A P P E A R A N C E S :
 17 For the State: K. BRACKETT, Esq.
 Assistant Solicitor
 18 For Defendant Christine
 19 Moody: D. CHIARENZA, Esq.
 20 For Defendant Jeremy
 Moody: HARRY DEST, Esq.
 21
 22 HARRIET P. BENNETT
 Reporter, S. C. Court Administration
 23 46 Regency Oaks Drive
 Summerville, S.C. 29485
 24
 25

1 (The within matter came before the Court for hearing
2 on May 6, 2014)

3 SOLICITOR: Your Honor, may it please the Court?

4 THE COURT: Yes.

5 SOLICITOR: Your Honor, this is in reference to two
6 cases. The State of South Carolina versus Jeremy Moody,
7 the State of South Carolina versus Christine Moody.

8 Mr. Moody is in Court with his attorney, Public De-
9 fender Harry Dest. Ms. Moody is represented by Derek
10 Chiarenza, and they are also present.

11 THE COURT: What are the indictment numbers for the
12 record?

13 SOLICITOR: The Indictment Numbers for Jeremy Moody
14 are 2014 GS 44 060, 061, 062, 63, 64, 65 and 66.

15 These are indictments, respectively, for the crimes
16 of murder, murder, kidnapping, possession of a firearm
17 during the commission of a violent crime, another count
18 of possession of a firearm during the commission of a
19 violent crime, another count of kidnapping, a count of
20 burglary, first degree.

21 As to Christine Moody, the Indictment Numbers are
22 2014 GS 44 053, 054, 055, 56, 57, 58 and 59.

23 Respectively, Your Honor, these Indictments charge
24 murder, murder, possession of a firearm during the commis-
25 sion of a violent crime, kidnapping, possession of a

1 firearm during the commission of a violent crime, kid-
2 napping, burglary, first degree.

3 The Defendants are present in the Courtroom with
4 their counsel. They have indicated to their counsel that
5 they wish to enter pleas to the indictments as indicted.

6 There are no negotiations in this matter.

7 THE COURT: All right, you are Jeremy Moody?

8 MR. MOODY: Yes, sir.

9 (Defendant Jeremy Moody sworn by the Clerk for pur-
10 poses of this proceeding.)

11 THE COURT: You are Christine Moody, is that correct?

12 MS. MOODY: Yes, sir.

13 THE COURT: I need you to speak up a little bit so
14 the Court Reporter can hear you.

15 MS. MOODY: Yes, sir.

16 (Defendant Christine Moody sworn for purposes of the
17 proceeding.)

18 THE COURT: How old are you, Mr. Moody?

19 J. MOODY: Thirty-one.

20 THE COURT: And how far did you go in school?

21 J. MOODY: College.

22 THE COURT: What do you do or what is your occupation?

23 J. MOODY: I work several security jobs.

24 THE COURT: Are you married, sir?

25 J. MOODY: Yes, sir.

1 THE COURT: Do you have children?

2 J. MOODY: I do. Yes, sir.

3 THE COURT: What are their ages?

4 J. MOODY: Eleven, twelve.

5 THE COURT: How much time have you spent in jail on
6 these charges?

7 J. MOODY: Your Honor, I have two hundred and eighty-
8 seven days incarcerated.

9 THE COURT: Mr. Moody, you are charged along with other
10 things with two counts of murder, each of which carries a
11 sentence of thirty years up to life in prison.

12 Do you understand that charge as far as the maximum sen-
13 tence is concerned?

14 J. MOODY: Yes, sir.

15 THE COURT: You are also charged with two counts of kid-
16 napping, each of which carries a maximum sentence of thirty
17 years. Do you understand that?

18 J. MOODY: Yes, sir.

19 THE COURT: You are also charged with two counts of the
20 possession of a weapon during the commission of a violent
21 crime, sir, each of which is classified as a felony as is kid-
22 napping, and carries a maximum punishment of five years. Do
23 you understand that penalty?

24 J. MOODY: Yes, Your Honor.

25 THE COURT: You are also charged by the State with

1 burglary in the first degree which carries a minimum punish-
2 ment of fifteen years to a maximum sentence of life without
3 parole.

4 Do you understand that?

5 J. MOODY: Yes, sir.

6 THE COURT: Now, the murder charges, kidnapping charges
7 and the burglary first degree charge all are classified as
8 most serious offenses.

9 Do you understand all of that?

10 J. MOODY: Yes, sir.

11 THE COURT: Because of that fact if you were to be con-
12 victed of two more of those most serious or serious offenses,
13 you could receive a sentence of life without parole.

14 Do you understand that?

15 J. MOODY: Yes, sir.

16 THE COURT: Understanding all of that, how do you plead
17 to these charges, guilty or not guilty?

18 J. MOODY: Guilty.

19 THE COURT: Do you understand that by pleading guilty
20 you give up your right to remain silent?

21 J. MOODY: I do, yes.

22 THE COURT: Okay, and do you understand that by pleading guilty
23 you give up your right to a trial by jury?

24 J. MOODY: Yes, sir.

25 THE COURT: If you give up your right to a trial by jury

1 you also give up your right to assert any legal defenses you
2 might have at a trial.

3 J. MOODY: Yes, sir.

4 THE COURT: And if you plead guilty and give up your
5 right to a jury trial you also give up your right to confront
6 all the witnesses against you and to cross-examine them.

7 If you had a trial you would have a right to confront
8 those witnesses and to put up witnesses in your own defense.
9 You have a right to testify in your own defense but no one
10 can make you take the stand and testify in your own defense.

11 If you were to have a trial and decide not to testify
12 the Judge would tell the jury that the fact that you did not
13 testify could not be held against you and that fact could not
14 be considered in any manner whatsoever.

15 If you decided to have a jury trial the State would have
16 to prove you guilty beyond a reasonable doubt, and all twelve
17 members of the jury would have to agree that you were guilty.

18 If you were found guilty by the jury you would still have
19 a right to appeal that verdict of the jury. Do you understand
20 all of that?

21 J. MOODY: I do, yes.

22 THE COURT: Understanding that right, you still want to
23 plead guilty or not guilty and ask for a trial?

24 J. MOODY: Plead guilty.

25 THE COURT: Now, has anybody promised you anything or

1 held out any hope of reward to you in order to get you to
2 plead guilty to this charge?

3 J. MOODY: No, sir.

4 THE COURT: Are you satisfied with the way your attorney
5 has advised and represented you in this case?

6 J. MOODY: Yes, sir..

7 THE COURT: Have you fully discussed with him the charges
8 against you?

9 J. MOODY: Yes, sir.

10 THE COURT: Has your attorney advised you of the witnes-
11 ses and evidence the State has against you in this case?

12 J. MOODY: Yes, sir.

13 THE COURT: Has your attorney discussed with you any pos-
14 sible legal defenses you might have if you were to go to a
15 trial?

16 J. MOODY: Yes, sir.

17 THE COURT: Have you told your attorney everything that
18 is concerned with your case and anything you might want to
19 bring out if you had a trial?

20 J. MOODY: Yes, sir.

21 THE COURT: Are you today under the influence of any sub-
22 stance, alcohol, drugs or medications, which would affect your
23 judgment as to what you are doing here today or to understand
24 what we are doing here today?

25 J. MOODY: No, sir.

1 THE COURT: Do you have any mental or emotional condi-
2 tions which would interfere with your judgment or your abil-
3 ity to understand what we are doing here in the Courtroom
4 today?.

5 J. MOODY: No, sir.

6 THE COURT: Are you pleading guilty today of your own
7 free will?

8 J. MOODY: Yes, sir.

9 THE COURT: And are you in fact guilty of these
10 charges?

11 J. MOODY: Yes, sir.

12 THE COURT: Before we go further with these matters,
13 is there anything further you would like to tack on?

14 SOLICITOR: Yes, sir. One thing I neglected to point
15 out in the beginning is that I believe counsel for Mr. (in-
16 audible) has indicated that we should look into the issue
17 of competency, and that neither counsel has any issue in
18 that regard.

19 THE COURT: I understand that is not an issue in this
20 case.

21 MR. DEST: Yes, sir. We will go with that, but I would
22 state for the record, as I did in Chambers, that we had Dr.
23 Harold Morgan, a forensic psychologist, evaluate him. That
24 is not an issue in the case.

25 THE COURT: It is not an issue?

1 SOLICITOR: Yes, Your Honor. For the record, that is
2 our understanding.

3 THE COURT: Let me go ahead and ask the same questions
4 of Ms. Moody here.

5 For the record, you are Christine Susan Moody.

6 C. MOODY: Yes, sir.

7 THE COURT: And how old are you?

8 C. MOODY: I'm thirty-seven, Your Honor.

9 THE COURT: And how far did you go in school?

10 C. MOODY: I got my GED.

11 THE COURT: What do you do for a job or occupation?

12 C. MOODY: (Inaudible)

13 THE COURT: And are you married?

14 C. MOODY: Yes, sir.

15 THE COURT: To Jeremy Moody here and you have two children?

16 C. MOODY: Yes, sir.

17 THE COURT: How long have you been in jail on these
18 charges?

19 C. MOODY: Two hundred eighty-seven days.

20 THE COURT: Mrs. Moody, you have been charged with two
21 counts of murder, each of which carries a sentence of up to
22 thirty years and a maximum sentence of life, that being life
23 without parole.

24 Do you understand that?

25 C. MOODY: Yes, sir.

1 THE COURT: Do you understand that this is considered a
2 most serious offense. Do you understand that?

3 C. MOODY: Yes, sir.

4 THE COURT: You are charged with two counts of kidnap-
5 ping, each of which carries a maximum sentence of thirty
6 years, and which is also considered a most serious offense.
7 Do you understand that?

8 C. MOODY: Yes, sir.

9 THE COURT: You are also charged with two counts of
10 possession of a weapon during the commission of a violent
11 crime, which are classified as felonies, and carries each a
12 maximum punishment of up to five years.

13 Do you understand that?

14 C. MOODY: Yes, sir.

15 THE COURT: You are also charged with burglary, first
16 degree, which carries a sentence of fifteen years up to a
17 maximum sentence of life without parole, and is considered
18 a most serious offense. It is also a felony.

19 Do you understand that?

20 C. MOODY: Yes, sir.

21 THE COURT: If you were to be convicted of two more most
22 serious offenses or serious offenses, you could receive a sen-
23 tence of life without parole.

24 Do you understand that?

25 C. MOODY: Yes, sir.

1 THE COURT: Understanding all of that, how do you wish
2 to plead to these charges, guilty or not guilty?

3 C. MOODY: Guilty.

4 THE COURT: Do you understand that by pleading guilty
5 that you give up your right to remain silent?

6 C. MOODY: Yes, sir.

7 THE COURT: And do you understand by pleading guilty you
8 as well give up your right to a trial by jury?

9 C. MOODY: Yes, sir.

10 THE COURT: If you give up your right to a trial by
11 jury you give up your right to assert any legal defenses you
12 might have if you went to trial?

13 C. MOODY: Yes, sir.

14 THE COURT: If you were to ask for a jury trial you
15 would be able to confront witnesses against you and cross-
16 examine them as they testify.

17 You would also have the right to put up witnesses in
18 your own defense. You could testify in your own defense if
19 you choose to do so, but nobody could force you to do so.

20 If you were to have a trial and decide not to testify,
21 the Judge would tell the jury that the fact that you did not
22 testify could not be held against you and that that fact
23 could not be considered by them in any manner whatsoever.

24 If you were to have a jury trial, the State would have
25 to prove you guilty beyond a reasonable doubt, and that all

1 twelve members of the jury would have to agree in order to
2 find you guilty.

3 If you were found to be guilty by the jury you would have
4 a right to appeal that verdict of the jury.

5 Do you understand that?

6 C. MOODY: Yes, sir.

7 THE COURT: Understanding those rights, do you still wish
8 to plead guilty or do you wish your case to be set for trial?

9 C. MOODY: Plead guilty, sir.

10 THE COURT: Has anybody promised you anything or held
11 out any hope of a reward in order to get you to enter pleas
12 of guilty to these charges?

13 C. MOODY: Just my day in Court.

14 THE COURT: Are you satisfied with the way your attorney
15 has advised and represented you in these cases?

16 C. MOODY: Yes, sir.

17 THE COURT: Have you and your attorney fully discussed
18 this case?

19 C. MOODY: Yes, sir.

20 THE COURT: Has your attorney told you of the witnesses
21 and evidence the State has against you if you were to have
22 a trial?

23 C. MOODY: Yes, sir.

24 THE COURT: Has your attorney discussed with you any
25 possible legal defenses you might have if you were to ask for

1 a jury trial?

2 C. MOODY: Yes, sir.

3 THE COURT: Have you told him everything about your case
4 in order to assist him in your defense?

5 C. MOODY: Yes, sir.

6 THE COURT: Are you today under the influence of any
7 substances, any alcohol or drugs, any medication, that would
8 affect your judgment and your ability to understand what we
9 are doing here?

10 C. MOODY: No, sir.

11 THE COURT: Have you had ample time to talk to him about
12 your case?

13 C. MOODY: Yes, sir.

14 THE COURT: Do you wish to speak with him further at
15 this time before we go forward?

16 C. MOODY: No, sir.

17 THE COURT: Are you pleading guilty here today of your
18 own free will?

19 C. MOODY: Yes, sir.

20 THE COURT: And are you in fact guilty of all of these
21 offenses you are charged with?

22 C. MOODY: I am, sir.

23 THE COURT: Solicitor, if you would inform me of the
24 facts?

25 SOLICITOR: Yes, sir, Your Honor.

1 Your Honor, at eight P.M. on the 22nd of July the Sher-
2 iff's Office received a call from Furman Findley. The caller
3 stated that the door at the subject location was open and
4 no one was home. He felt that a burglary or something else
5 was going on, and he wanted some from the Sheriff's Office
6 to go and look into it.

7 A deputy responded to that call and went to the house
8 to try to figure out what was going on. There was no re-
9 sponse, and he became suspicious so he felt he needed to go
10 in and check on the well-being of the people who resided at
11 the house. There was a no trespassing sign in the yard.

12 He entered the residence and checked the residence and
13 found the bodies of Charles and Gretchen Parker inside the
14 living room. The bodies were located one in a chair and one
15 on the sofa there.

16 From their condition it was indicated or it appeared
17 that they had died violently. Later shell casings were act-
18 ually found in the living room under the couch and in that
19 area.

20 An investigation ensued, during the course of which it
21 was learned that the Parkers had a ^{video}/security system that was
22 functional and operating; actually maintained. There were
23 some photographs of the house and they pulled the tape from
24 the system. It showed that at around four thirty P.M. on
25 the 21st of July, the day before, a vehicle approached the

1 residence. A man, Mr. Parker, came out and seemed to examine
2 the car or looked up under the hood and got in the vehicle.
3 There was some discussion around the car. A woman got out of
4 the car on the passenger side. After a period of time the
5 man pulled a gun and the woman appeared to have something in
6 her hand as well. They directed Mr. Parker into the home at
7 gunpoint.

8 Shortly thereafter, a couple of folks were seen running
9 from the home. They emerged from the house approximately an
10 hour and a half later. The man on the tape was identified as
11 Mr. Jeremy Moody by officers who knew Mr. Moody, who is the
12 man standing before you now.

13 Mrs. Moody was also identified. She was known to drive
14 a vehicle like the one shown.

15 Officers entered the home and it was found that Mr.
16 Parker had been shot and stabbed. Both of them had been shot
17 and stabbed. Mrs. Parker had been stabbed in the neck and
18 the chest in addition to a gunshot wound in the chest. Mr.
19 Parker has been shot twice in the chest and stabbed several
20 times. Mr. Parker's liver had been perforated.

21 In addition and what information they received from
22 the tape, after an investigation Mr. and Mrs. Moody were
23 arrested.

24 After being mirandized, Jeremy Moody admitted to the
25 Sheriff's investigators his responsibility. He stated he

1 planned the murder for some time. He did not mention any
2 motive for that, and Mrs. Moody admitted she was present
3 during the crimes but that she did not participate; that
4 she had no knowledge that he was going to do this, that
5 Mr. Moody was going to do this, but later when she was inter-
6 viewed she admitted that she was a willing accomplice and
7 she admitted she was the one with the knife and in fact had
8 stabbed the Parkers. She gave information about that.

9 Interestingly, Mrs. Moody in her final statement she
10 admitted that she asked Mr. Moody to be present.

11 We believe they were both involved in the murders, and
12 they both were on the surveillance video. They both gave
13 information when questioned by law enforcement.

14 In a search of their residence, the officers found or
15 discovered a 380 caliber semi-automatic handgun, and this
16 handgun was sent to the State Law Enforcement Division which
17 in their analysis found that handgun fired the bullets that
18 were found on autopsy of the victims. They analyzed the
19 cartridges and shell casings that were found from that gun
20 which were at the residence came from that gun on comparison.

21 At the household of the victims, the kidnapping itself
22 involved the taking of the victims inside the house to the
23 point where they were killed and it was indicated that the
24 knife that was used in the stabbings were taken out in a
25 white athletic sock and placed outside the house. Mr.

1 Moody was still wearing the shoes that he had been wearing
2 when he committed the murders. The knife was recovered by
3 the officers who were told where it was by both of the De-
4 fendants.

5 THE COURT: Mr. Moody, you have heard the facts as re-
6 ported by the Solicitor. Do you disagree with what he has
7 told me?

8 J. MOODY: No, sir.

9 THE COURT: Mrs. Moody, you have heard the facts as
10 given by the Solicitor's Office. Do you disagree with what
11 they say happened?

12 C. MOODY: No, sir. It happened.

13 THE COURT: The Defendant, Jeremy Moody, and the Defen-
14 dant, Christine Moody, have each entered guilty pleas to
15 these seven charges, and I find that these guilty pleas were
16 made freely, voluntarily and intelligently; they have had
17 representation by competent attorneys with whom they say
18 they are satisfied, and after hearing the facts as recited
19 by the Solicitor's Office as to the charges.

20 I will accept the pleas as being voluntarily and intel-
21 ligently made.

22 Mr. Moody and Mrs. Moody, if you disagree with any de-
23 cision I have made in this matter you would have the right
24 to appeal your guilty pleas, and you would have ten days
25 to file your notice of intent to appeal.

1 Do you understand your right of appeal, Mr. Moody?

2 J. MOODY: Yes, sir.

3 THE COURT: Mrs. Moody?

4 C. MOODY: Yes, sir.

5 SOLICITOR: Your Honor, at this time we have some ad-
6 ditional information we would like to provide to the Court,
7 starting with members of the family of Mr. and Mrs. Parker.

8 THE COURT: All right, sir.

9 (Brief pause in proceeding)

10 THE COURT: Please state your full name for the re-
11 cord.

12 MS. FRANKLIN: My name is Brenda Franklin.

13 THE COURT: Yes, maam, Ms. Franklin.

14 MS. FRANKLIN: Your Honor, the victims are my brother
15 and my sister-in-law. I don't know what -- about the only
16 thing I can say is that this was a senseless act, and I can
17 only imagine the horror that they both were going through
18 during this time.

19 They both deserve without question life without par-
20 ole. If they were to get out, they would certainly go on
21 to kill somebody else. We certainly would not wish on any-
22 body else the horror they created.

23 Please sentence them to life without parole.

24 (Portion not audible)

25 Not only did they take their lives, but they stole

1 their lives and you stole them from us.

2 (Speaker very emotional and difficult to understand)

3 That's all I can say. Thank you.

4 THE COURT: State your name, please.

5 MR. KERRY: John Kerry.

6 THE COURT: Yes, sir.

7 MR. KERRY: Your Honor, as I stand here I'm speaking
8 for my Aunt Gretchen.

9 Your Honor, I understand that there are ranges of sen-
10 tences, but what they did was premeditated. I ask that
11 you run the sentences concurrent and give them the maximum
12 penalty that you can.

13 That's all I ask.

14 SOLICITOR: Your Honor, as to a prior record, Ms.
15 Moody has two prior counts of shoplifting.

16 Mr. Moody had a shoplifting in 2012. In 2013, a dis-
17 tribution of schedule three drugs for which he received a
18 sentence of three years suspended on eighteen months pro-
19 bation. I believe he is still on probation for that of-
20 fense.

21 As regarding sentences, the State also has some in-
22 formation it would like to convey. First, I have some
23 photographs that I would like to share with the Court, and
24 I have shown these to defense counsel in the course of dis-
25 covery.

1 One photograph shows both of the Moodys leading Mr.
2 Parker into the house. At some point you can see a gun in
3 the hand of Mr. Moody as he walks him into the house.

4 They went there ostensibly because they claimed they
5 were having difficulty with their car but according to the
6 statements of the Moodys once they entered the house they
7 went forward with their plan, and it was very clear they
8 were not there about car problems.

9 They went there to kill them and that's what they told
10 them. Apparently they had been focused on Mr. Parker par-
11 ticularly because he was a sex offender. Mrs. Parker was
12 not.

13 According to Mrs. Moody's statement they killed her
14 because she had the poor judgment to be with Mr. Parker.
15 That was enough to justify executing Mrs. Parker.

16 Their statements indicate a certain pattern, Your
17 Honor, an absolute cavalier and casual disregard for the
18 lives of the Parkers.

19 In fact, they don't seem concerned at all with what
20 they did. It seemed to be something that they are proud
21 of.

22 An additional thing we'd ask you to consider. In
23 looking at Mr. Moody, he has a skinhead tattoo on his skull
24 a tattoo of white power.

25 In a manuscript that Mr. Moody reportedly wrote and

1 a book called Yesterday, Today and Forever, and based on
2 the things we know about Mr. Moody there is sort of an
3 Aryan or white supremacist outlook on life

4 The manuscript sort of lays bare that society's be-
5 liefs, a neo-nazi outlook on life, as well as he feelings
6 about sex offenses and that segment of society's feelings
7 about African Americans.

8 His feelings about sex offenders are what apparently
9 led him to take the lives of the Parkers. Now they will
10 have to pay for it.

11 Mr. Parker was convicted and held accountable in a Court
12 very similar to this. He had a trial and was represented
13 by counsel. He had an opportunity to present a defense,
14 and all of the things that have been provided here to them
15 here today were provided to him at that time.

16 Mr. and Mrs. Moody likewise have gone through due pro-
17 cess under the law according to the Constitution of this
18 State and the United States. That is something that they
19 chose not to give to the Parkers.

20 In addition, after he was arrested Mr. Moody directed
21 investigators to an envelope, and on the envelope was writ-
22 ten the name of another sex offender. Maybe that was
23 another part of their plan.

24 After their arrest and interrogation, Mrs. Moody had
25 been incarcerated for some period of time and she was helping

1 employees at the detention center by handing out snacks to
2 the prisoners in the detention center. She was talking to
3 an inmate who had similar offenses and was in the hole.
4 She said to him that she slit Mrs. Parker's throat from ear
5 to ear to slow her mouth down.

6 The nature of the crime and brutality of the crime,
7 just casually shooting them and stabbing of them, even after
8 they had been shot -- the plan of Mr. and Mrs. Moody was
9 cold and calculating. They left them lying there in their
10 living room dying. They had planned it all out in advance.

11 Your Honor, if there ever was a case where a life sen-
12 tence was called for, it is this case. In behalf of Mr.
13 and Mrs. Parker, the State would ask the Court to sentence
14 the Defendants to a life sentence.

15 PROBATION OFFICER: Your Honor, Mr. Moody was given a
16 sentence for distribution of schedule three drugs of three
17 years, suspended to eighteen months of probation. He is
18 still on probation.

19 THE COURT: Thank you.

20 MR. DEST: May it please the Court? Before I begin in
21 behalf of the Defendant, I would like to relate to the Court
22 my thoughts to the family with respect to moving forward.
23 It is my belief after talking to all of the parties who
24 have been affected by this tragedy can somehow find the
25 strength to move forward, and I would like to express that

1 in behalf of my Defendant.

2 Your Honor, I first met Mr. Moody 287 days ago at the
3 commencement of this case. During that time, I have come
4 to learn a good deal about him, about his family, his past,
5 what was good, what was bad, what was tragic.

6 I can affirm to you that every interaction I have had
7 with Mr. Moody from the beginning of this case has been
8 productive and positive in terms of an attorney-client
9 relationship. The Court is aware of the time I've spent.

10 Every time I have met with him, he has been polite, he
11 has been respectful and, above all, he has been candid in
12 terms of what has taken place, Your Honor, since the be-
13 ginning of the case, and Dr. Harold Morgan, the forensic
14 psychiatrist who was hired to examine him, addressed psy-
15 chiatric problems.

16 Judge, he is here today taking responsibility for what
17 he has done. He is fully aware that the Court holds in
18 his hands whether he will spend life in jail or not. He
19 is here to accept whatever sentence the Court deems appro-
20 priate in this case.

21 Judge, when you have been representing someone for
22 nearly a year you come to learn a lot about him and his
23 family, and it is difficult for people to understand that
24 the person I have come to know is much different from the
25 person you have been hearing about here.

1 That is one thing that is difficult for people to un-
2 derstand. The person I have come to know is much differ-
3 ent from this man. I have been doing this for many years,
4 and I understand that with respect to certain aspects of
5 this case, and specifically talking about the tattoos and
6 his views on race, but I can tell you that what I have come
7 to learn from my perspective and my knowledge of him --
8 what I have come to learn about him has nothing to do with
9 the killing of another human being. They are entirely dif-
10 ferent from my view of him.

11 Judge, the case is about a young man who has had a se-
12 vere mental illness that started when he was seventeen years
13 old and unfortunately got progressively worse. It was the
14 type of mental illness that causes one to have psychotic
15 symptoms like extreme paranoia, delusions, and thoughts that
16 were, quite frankly, out of touch with reality.

17 Dr. Morgan will address that in a few moments, and he
18 feels that he has suffered from a psychiatric disorder which
19 is, Your Honor, a mixture of a bipolar disorder and schizo-
20 phrenia.

21 This case also, Your Honor, is about a young man who
22 has had dark fantasies for many years. We believe that
23 has evolved from family. In fact, what I learned from his
24 grandfather is that virtually every member of his family has
25 suffered from similar problems.

1 And, Judge, this is not meant to be an excuse or a
2 rationale for what is in the case. Please understand that,
3 but it is meant to be in the nature of an explanation or
4 an indication of why.

5 Your Honor has learned first-hand of the destructive
6 nature of sexual abuse and how victims are emotionally,
7 physically and psychologically scarred for their entire
8 lives, and that is the type of obsession that he has, a
9 hyper-sensitivity, I would submit respectfully, regarding
10 sexual abuse and of those who have been victimized by sex-
11 ual abuse.

12 Of course, Your Honor, this is exacerbated by the fact
13 that he has a severe mental illness which unfortunately if
14 it is not controlled can lead to terrible things.

15 I have talked to Jeremy many times about his psychia-
16 tric condition, Judge, and from what he has told me he is
17 now on medication. (Portion inaudible)

18 I have come to know that the type of disorder that
19 he suffers from may be affected by the combination of schizo-
20 phrenia and the bipolar disorder. The symptoms of that are
21 extreme paranoia, delusions, irrational thoughts, hallucina-
22 tions, being out of touch with reality.

23 I have come to know that he has suffered from all of
24 those at some point in his life.

25 To compound his difficulty with that aspect of the

1 schizo-affective disorder he also has a significant bipolar
2 disorder, and I'm sure the Court is aware of those issues.
3 These things seem to go back and forth with him, back and
4 forth, causing depression and loss of self-esteem as well.

5 Judge, Dr. Morgan has been with me on this case since
6 we had Jeremy treated for depression, after which he was
7 tested. Dr. Morgan did an evaluation of Jeremy.

8 At this time, Your Honor, if you will allow it, I'd
9 ask Dr. Morgan to speak with the Court. Dr. Harold Morgan.

10 THE COURT: Yes, sir.

11 DR. MORGAN: Good morning, Your Honor.

12 THE COURT: Good morning.

13 DR. MORGAN: I saw Mr. Moody for the first time back
14 in October after being asked by his counsel to come. He
15 had been seen some time back by a psychiatrist in the past
16 but he had not gone back to him. That was I believe at
17 the mental health center.

18 The diagnosis at that time was depression with psy-
19 chotic features. He was put on medication and he seemed
20 to respond well at that time.

21 I found out that in the weeks before this happened
22 that he was on a number of medications but he had had a
23 problem with them and had stopped taking them.

24 Other than the mood disorder, which is simply the
25 depression, he seemed to do quite well on the medication

1 that was prescribed for a while, but then he began to
2 suffer according to my information with hallucinations and
3 hyper-activity, along with the depression, the so-called
4 bipolar disorder and things typical of schizophrenia.

5 There was irritability which is typical -- a typical
6 affect of a mood disorder. At that time he was not involved
7 with taking medication for those things that he would typi-
8 cally be given.

9 A few years ago -- about four years ago he got in-
10 volved with a church. I understand he got very active with
11 a church for a while and he then began to develop some of
12 the characteristics of his illness. He had then stopped
13 his medication.

14 I believe he thought he did not need those drugs, and
15 so he began to think that God had appointed him to avenge
16 all victims of sexual assault. He felt like he was in a
17 sense the right hand of God, and he began to think about
18 how to do that.

19 He began to look on the Internet to find out who
20 the sexual offenders were and try to locate them or have
21 access to them in order to kill them, anyone who was a
22 sex offender.

23 That was a part of his illness, his paranoid delus-
24 ions, and what God wanted him to do and had directed him
25 to do.

1 This was something that God wanted him to do, and all
2 of that was a result of his illness, so what happened then
3 was that at that point he began to make plans to do what
4 he thought he had to do.

5 As I said, he was very active in the church, and on this
6 particular Sunday Morning he began to have an idea or a
7 conviction that this was something he had to do and he had
8 to do it right away.

9 So he left church and that very afternoon he -- let
10 me say this is the type of thing you see with people who
11 have those types of illnesses and feel that they are called
12 to do certain things.

13 They feel that they cannot be stopped and they have
14 to do this. With this type of delusion. He does not ap-
15 pear to be out of touch with reality, does not seem to be
16 violent in any way.

17 He has been diagnosed with schizo-affective disorder
18 which is (portion inaudible), and he would be planning to
19 carry out these actions without acting out in any kind of
20 way.

21 If he had been taking medication, he would be much
22 better theoretically to handle these symptoms and could
23 have been treated with outpatient treatment.

24 He has now been treated with the medications and is
25 doing well with them. Over a period of time those

1 have stablized, Your Honor.

2 I am not talking about a cure, but he does and he
3 has responded to treatment. In a sense he is now in re-
4 mission.

5 If he gets off of medication, then that is another
6 story and he could again get out of control because of
7 his symptoms returning.

8 But in the meantime he has become stablized, as I
9 said. Thirty years is a long time, and after the thirty
10 years he will be a different person and in a different
11 situation.

12 He is worried about the future if he should not be
13 given his medication. He is at this point thinking about
14 what might occur to him in the future.

15 Your Honor, I think it has been mentioned that he
16 suffered a head injury a couple of years ago and had some
17 symptoms from that for a while. He has had a couple of
18 seizures, I believe.

19 At the present time he is symptom free as far as
20 the irritability, the hyper-activity, delusions, and the
21 symptoms he has suffered before.

22 We have spent a great deal of time talking about it
23 in length.

24 I would say that he seems more relaxed and more
25 competent.

1 THE COURT: Are you talking about him knowing right
2 from wrong competency?

3 DR. MORGAN: No, he knows right from wrong. He knows
4 exactly what he's doing.

5 He's motivated by the delusion that he's doing what
6 God wants him to do; that he has to do what God wants.

7 THE COURT: Thank you.

8 DR. MORGAN: It's clear he knows what he's doing. It's
9 very clear.

10 THE COURT: So do you have any doubt as to his compe-
11 tency, his mental competency?

12 DR. MORGAN: Not at all. I have no doubt at all.

13 THE COURT: Thank you.

14 DR. MORGAN: I spent some time with him this morning.
15 He knows what he's doing. It's very clear.

16 MR. DEST: Your Honor, it is clear that Jeremy under-
17 stands now what he's doing as Dr. Morgan said, and I have
18 several letters written in his behalf. Every let-
19 ter expressed shock that he would do something like this.
20 Many of the letters come from people within his church.

21 Judge, if I may, I would read to you a few of these
22 letters that have come. They may be long but I think if
23 you listen to them you will understand.

24 This is a letter from Reverend James Anderson. To
25 whom it may Concern: I write this letter in behalf of

1 -- with deep respect I write this letter concerning Jeremy
2 Moody.

3 I have known Jeremy for twenty-three years as a pastor.
4 Jeremy came to church every time the doors were open --
5 never missed a Vacation Bible School and even after growing
6 up would help with the young children.

7 During Jeremy's late teens he expressed a desire to
8 preach to young people. Jeremy was given an opportunity
9 to preach at a local school and he spoke encouragingly to
10 youth at the church to stay in the church.

11 I look back now at all those times and wonder what
12 went wrong. What would cause a young man to (inaudible).

13 Jeremy left the church and I believe that is when he
14 began a change in heart. He relocated up north. It was
15 then that he began to hear the wrong message, of hate.

16 Presently I hear that he is preaching to people who
17 know what it is to fall from grace, to go down the wrong
18 path.

19 My prayers go out to Jeremy's mom and father. We all
20 have sinned and fallen short of the glory of God. I judge
21 not my fellow man. During the years I have known Jeremy
22 he was a fine young man. He was ready to help and be there
23 for us. It pains me to know what he has done.

24 My heart goes out to the families on both sides.

25 The next letter, Your Honor, is from Reverend Melvin

1 Pressley. My name is Melvin Pressley. I'm a Sunday school
2 teacher at First Freewill Baptist Church in Clemson,
3 South Carolina.

4 Jeremy was a student of mine and here are a few things
5 that I know about Jeremy.

6 He was always ready to help someone less fortunate. He
7 was always a tender-hearted kid. He was a good Sunday
8 School student and helped teachers. He loved his mother.

9 In visitation to other churches he always had good
10 and tender testimony to give. Signed by Melvin Pressley.

11 The next letter is from Wendy Hinson.

12 I have been a member of First Freewill Baptist Church
13 for around thirty years. I remember Jeremy as a child when
14 he would come to church. He was a faithful member and
15 would help teach Sunday School classes; was an usher.

16 The last letter is from Ken Carson and in regards to
17 Jeremy Moody and Christine.

18 To whom it may concern: I have known Jeremy for ap-
19 proximately two and a half years.

20 (Portion inaudible) I have not known them as other
21 than my brother and sister in Christ.

22 They are kind, loving and tender hearted. They have
23 expressed love for our Lord. Jeremy taught a Sunday School
24 class and did a great job.

25 I remember one service where he asked (inaudible).

1 In the two and a half years I have known him I have
2 never seen him show anger or malice at any time.

3 I know the crimes he committed were very,very serious,
4 and I know he must be punished, and I hope he will receive
5 whatever mental help he needs until he comes to the end of
6 his time.

7 I ask God to have mercy on them and ask Your Honor as
8 well to have mercy and not impose a life sentence.

9 Judge, as I have indicated in Chambers, I have been in
10 touch with Jeremy's mother. She did not feel comfortable
11 addressing the Court but she did write a letter, and she
12 did want me to thank the Court on her behalf. She wrote,
13 when I look at Jeremy I see the baby son born to me, a
14 little boy that (inaudible), a little boy that played
15 shortstop in our Dixie Youth Baseball, a little boy who
16 played peek-a-boo with me while I prepared dinner, a teen-
17 ager who spoke on Sunday at church; the young son who part-
18 icipated in karate class, a young man who began dating for
19 the very first time, a young man who went to church on Sun-
20 day with his wife, Christine. A person who (inaudible).
21 A teenager who would be concerned about his best friend who
22 took his own life. I know he had a mental illness,
23 and I can only ask that you extend mercy to him in what-
24 ever way you can.

25 Your Honor, I recognize that this is a difficult case,

1 an extremely difficult case, and I understand how it is
2 affecting everybody here. We can only ask for your mercy.

3 I would ask in behalf of my client, respectfully, Your
4 Honor, that you consider all that has been presented for my
5 client and that you give my client thirty years.

6 Thirty years from now Jeremy Moody will be a different
7 person. As Dr. Morgan said, with the passage of time he
8 will have put away the things and feelings he was acting on
9 at this terrible time. I ask the Court to consider that.

10 I ask the Court to give him a sentence of thirty years,
11 which is a long, long time.

12 Thank you.

13 THE COURT: Mr. Moody, do you want to say anything?

14 J. MOODY: Yes, sir. Your Honor, I take full respon-
15 sibility for everything that happened. I believe that God
16 will forgive me, Your Honor.

17 I am sorry for what this has done to my wife and my
18 family. Please have mercy on my wife. We may not have a
19 chance to grow old together without your mercy.

20 Thank you.

21 THE COURT: All right, Mr. Chiarenza.

22 (Brief pause)

23 MR. CHIARENZA: Your Honor, may it please the Court?

24 THE COURT: Yes, sir.

25 MR. CHIARENZA: I just would like to hand up to you

1 an affidavit that I received from Christine yesterday for
2 the Court's file.

3 THE COURT: Yes, sir.

4 MR. CHIARENZA: Thank you, Your Honor.

5 Your Honor, you are aware that over the years I have
6 been before you and I have mentioned at times that this is
7 a tough job and as defense attorneys we at times have our
8 work cut out for us.

9 In talking with Mr. Dest I am sure he agrees with me.
10 He has done an admirable job in this case for his client.
11 I wanted to say that for the record.

12 It is amazing what has gone on in Christine's life,
13 parallel to Mr. Moody's life, and how these two ultimately
14 got together in the first place, leading up to where they
15 are today. It's an unfortunate story.

16 Your Honor, if this case was simply about what hap-
17 pened and that was all the Court had to consider, it would
18 be a simple matter.

19 Two people were murdered in their home and there was
20 premeditation involved. A family was destroyed certainly.
21 The Court is fully aware of that, as are the victims.

22 But there are some things of which the Court may not
23 be aware and we are here to tell the Court about that and
24 to ask that be considered in the following few minutes.
25 We ask that respectfully, Your Honor.

1 To give this some perspective, it is not just about
2 them. Things don't happen in a vacuum, and I would like
3 to speak about that.

4 I met with Christine at the detention center just a
5 couple of weeks after this occurred and when I was appointed.
6 I believe there was another attorney involved with this case
7 at some point before that but I believe there was a poten-
8 tial conflict between the defenses.

9 I probably met with Mrs. Moody eight or ten times at
10 the detention center from then until right now, and I have
11 found her to be ashamed but she has been intent on helping
12 me.

13 Throughout my interactions with her she has been ex-
14 tremely involved with her case and has done certain things
15 that were totally different from what I would have expected,
16 and I will touch on that in a few minutes.

17 At one point, Your Honor, we were approaching the
18 case from the standpoint of a trial and whether or not
19 Christine would have a problem with that. It would have
20 been a tremendous challenge for her in her proportionate
21 culpability.

22 Because of that and what I gathered, I could not
23 strategically or in good conscience advise her to do that,
24 knowing that she did not want that.

25 It was her decision to plead guilty today knowing of

1 possibility according to what we were told that a
2 trial would be challenging for the defense, and I told her
3 that. In all likelihood if we had proceeded to trial it
4 would have been a capital case and could call for a death
5 penalty.

6 Additionally, the plea negotiations were such that it
7 was either a full plea or go to trial, and I understand
8 the purpose for their doing that. That was a consideration
9 the State had to make at the time, and the State had said
10 we only would have the benefit of pleading for a life sen-
11 tence or go to trial.

12 Now I just want to talk for a little bit, Your Honor,
13 about a ten year old girl -- As to how she got here, I
14 just want to think a bit about a two year old child -- not
15 a fifteen or twenty year old -- think about a two year old
16 girl who from the age of two had suffered sexual abuse.

17 From the age of two, Christine had suffered from sex-
18 ual abuse, and that continued on up until her early teens.
19 The way it stopped was that she got pregnant by a twenty-
20 eight year perpetrator or pedophile who was convicted and
21 sentenced to three years in California -- did eight months.

22 The father continued to harrass and assault her and
23 that is a part of how we get here today. It is not given
24 as an excuse, Your Honor, but is what happened to her in
25 the past, what she suffered.

1 All of this led to acting out on her part, to alcohol
2 abuse, drug abuse, violent behavior. She was taken out of
3 regular school and put in another school, put in an alterna-
4 tive school, and after a period of time no longer went to
5 school. That was when she turned eighteen.

6 Her family members were not at all sympathetic and
7 not much engaged in helping her through all of those years.
8 In fact, the relationship got so bad that with her acting
9 out they didn't try to control her. They did not acknow-
10 ledge the fact that she had been abused all of those years.
11 This led to a strained relationship. It still exists.

12 Her mother in law is her mother now. She came to
13 South Carolina and married Jeremy. They met on line and
14 she became a part of his family. She essentially was
15 adopted by them. He married her in December of 2009. He
16 brought her and her daughter out here. Her daughter is
17 ten and they lived together as a family. Her daughter (por-
18 tion inaudible)

19 Her alcohol and drug use ended when she came to South
20 Carolina with Jeremy. She was married once before she
21 married Jeremy, but that marriage did not last very long.
22 That individual now has custody of her daughter due to the
23 situation she finds herself in.

24 Like I said, her early alcohol and drug use stemmed
25 from what she went through early in life but that ended some

1 years ago.

2 Your Honor, Christine was examined by Dr. Thomas Martin
3 of Columbia just to take one last look at any possibility
4 of a possible defense before trial, and as to whether or
5 not there were any competency issues.

6 Dr. Martin unequivocally did not believe there were
7 any competency issues or anything that would interfere with
8 her ability to stand trial, nor did he believe that we could
9 in any way prevail in the assertion of a defense of not
10 guilty by reason of insanity.

11 He found that she manifested as a result of her his-
12 tory -- he diagnosed a post-traumatic stress disorder; that
13 she had a borderline personality disorder, an anti-social
14 personality disorder.

15 That she suffered from an inability to show empathy
16 for others essentially and something that he wouldn't char-
17 acterize particularly as a diagnostic -- to diagnose as a
18 disorder, but that Christine may have an ineffective abil-
19 ity that causes her to need to have some feeling of suprem-
20 acy or control in her life in any given situation, which
21 is so much what she didn't have in her earlier years.

22 I think in her life with Jeremy she looked at these
23 things as something problematic and something I need to do
24 something about.

25 So with her background and Jeremy's background, I

1 think the dye was cast, so to speak, for what happened, with
2 Jeremy's mental illness and certainly with Christine's con-
3 dition. She did not have much control over her life in
4 the earlier years and certainly in targeting a registered
5 sex offender it was symbolic of something they could set in
6 motion (inaudible).

7 But there is no argument with the fact that the ac-
8 tions she took on that day were not in accordance with the
9 law. The fact of the victim being registered as a sex of-
10 fender is not necessarily dispositive of her part in what
11 went on. She takes issue with some of the facts as stated.
12 She takes issue with the statement that she went there to
13 take a life, nor was it a pay-back of what had happened to
14 her in the past. She wanted me to set the record straight
15 in that regard.

16 Your Honor, as I mentioned earlier, this isn't just about
17 some sort of strict notion of punishment. This is about
18 where she will be thirty years from now, and I would ask
19 the Court to take that into consideration.

20 Where she is now and where she will be thirty years
21 from now I would ask the Court to take that into considera-
22 tion. Christine suffers from post-traumatic stress
23 disorder, has a borderline personality order, an anti-social
24 personality disorder, and I've got to imagine thirty years
25 in the Department of Corrections, given all of her health

1 concerns -- Christine is a cancer survivor -- thirty years in
2 the Department of Corrections given that particular health
3 concern -- this is not a sentence of time served. She also
4 has a (inaudible), and, again, I cannot speak from a med-
5 ical standpoint but I would expect that condition would
6 degenerate over time as well. She has a very difficult
7 time walking, difficulty moving at all.

8 She is on prescription medication that will be ongoing
9 in the Department of Corrections, and she wanted me to
10 point out, Your Honor, that that stems from a car accident.
11 She will need ongoing care.

12 She also mentioned to me that she has been involved in
13 helping others at the jail since she has been there. She
14 indicated to me that she would like to be able to reach out
15 and help others in her situation even with her disabilities.

16 She wants to do what she can do in that regard over
17 the next thirty years and becoming educated in whatever
18 way she can while at the detention center in that regard.

19 I would like to point out that thirty years in the
20 Department of Corrections cannot be viewed as a cake walk
21 by any means. So I am not asking the Court so much to
22 give her a break as I am asking the Court to acknowledge
23 that a life sentence is not right for Christine and asking
24 the Court to consider all of this in deciding what is ap-
25 propriate for her.

1 I am asking the Court to take into consideration what
2 the Defendants have done and what is appropriate for her,
3 and, Your Honor, I had hoped that Christine could receive
4 some sort of consideration under the notion of proportion-
5 ate culpability here.

6 We have addressed that and I no longer believe that
7 is something that can be pursued, particularly after seeing
8 what was determined by Dr. Martin. I'm sorry that's the case.

9 I was hoping that Dr. Martin's diagnosis would indicate
10 something that would go to perhaps Christine no longer being as
11 responsible, but not only did Dr. Martin shoot that down that
12 she could no longer be held as culpable but based upon the
13 particular facts of the matter, and the fact that she would
14 not allow me make that assertion.

15 Let the record be clear that about her admissions --
16 again, there was an admission that Christine gave -- she
17 made one statement to law enforcement initially extricating
18 herself, indicating that a lot had happened very quickly
19 and she was not aware of what was going to occur, but that,
20 taken with what occurred, was not something we felt we'd
21 be able to use at trial.

22 I spoke about that with the Solicitor early on in the
23 beginning of this case but we did not feel we could go
24 forward with that. We did explore that early on.

25 That having been said, Your Honor, I will proceed on

1 to just address with you some personal matters, and we've
2 got a couple of letters. These are more or less the type
3 of letters that were written on Jeremy's behalf.

4 I won't take very long.

5 Your Honor, this letter is from Jeremy's mom to the
6 Court, Christine's mother in law.

7 I am Christine Moody's mother in law, my daughter to
8 me. I first met Christine four years ago at the time she
9 and Jeremy were married.

10 It is true that Christine has had a hard life growing
11 up. She was sexually abused from her childhood.

12 She was in a serious car wreck three years ago from
13 which she suffered an injury to her foot and has pins in
14 her foot. She also suffered from post-traumatic stress dis-
15 order.

16 She was married to her first husband, only to have it
17 end in divorce. She also had a daughter.

18 She later married my son, and after three
19 months of marriage we found out that she had breast can-
20 cer. She and my son moved in with me and my children.
21 She was a devoted wife and mother.

22 She later accepted the Lord as her Savior and she re-
23 mained active in church.

24 She was a loving person, a loving wife and daughter,
25 even when she was so sick.

1 Your Honor, I know that Christine with proper medica-
2 tion can live a normal life outside of prison. She would
3 not be in trouble. She has already spent her life in
4 prison anyhow.

5 She misses her daughter, who is growing into a young
6 lady.. Please spare her life. Give her a chance by giv-
7 ing her a life sentence. Sentence her to life.

8 Thank you.

9 Your Honor, I would say that these letters essentially
10 reiterate the notion that Christine was a loving mother;
11 Christine was actively involved in her church and that this
12 continued until this happened.

13 I have three photographs, Your Honor, to hand up that
14 basically depict their normal family life, the children.

15 We ask you to remember what Christine has suffered as
16 a young girl, a young child, and that she was not helped
17 by her own mom; that in turn Christine developed into the
18 person she became.

19 As I hand these up to the Court, Your Honor, it is
20 clear there is more to Christine than what she has been
21 charged with, what she is pleading to today. This is a
22 tragedy all the way around.

23 Please, just to reiterate one more time, Your Honor,
24 that no child should have to suffer what Christine has suf-
25 fered.

1 We realize that it is hard for us to put ourselves
2 in the situation Christine was in. I thank you, Your
3 Honor, for your mercy and consideration.

4 I am not sure if Christine wishes to speak to the
5 Court at this time.

6 (Brief pause)

7 THE COURT: Do you have anything to say?

8 C. MOODY: Yes, sir. I'd like to read from Psalms
9 69, one through 20. Save me, O God, for the waters have
10 come to my soul. I sink in deep mire where there is no
11 standing.

12 I have come into deep waters where the floods over-
13 flow me.

14 I am weary of my thoughts. My throat is dry. My eyes
15 fail me while I wait for my God.

16 Those who hate me without cause are more than the
17 hairs of my head. They are mighty who want to destroy me,
18 being mine enemies wrongfully. Though I have stolen nothing
19 I still must restore what I have not stolen away.

20 O God, you know my foolishness and my sins are not
21 hidden from you. Let not those who wait for you, O Lord
22 God of hosts, be ashamed because of my sins.

23 Let not those who seek you be confounded because of
24 me, O God, of my sins, O God of Israel.

25 For your sake I have borne reproach. Shame has covered

1 my face. I have become a stranger to my brothers and an
2 alien to my mother. Zeal for your house has eaten me up,
3 and the reproaches of those who reproach you are fallen
4 on me.

5 When I wept and chastened my soul with fasting that
6 became my reproach. I also made sackcloth my garment. I
7 became a byword to them. Those who sit at the gate speak
8 against me and I am the song of the drunkards.

9 But as for me, my prayer is to you, O Lord, in the ac-
10 ceptable time, in the multitude of your mercy, hear
11 me in the truth of your salvation, deliver me out of the
12 mire and let me not sink.

13 Let me be delivered from those who hate me and out of
14 the deep waters. Let not the floodwater overflow me, nor
15 let the deep swallow me up, and let not the pit shut its
16 mouth on me.

17 Hear me, O Lord, for your loving kindness is good.
18 Turn to me according to the multitude of your tender mer-
19 cies and do not hide your face from your servant, for I
20 am in trouble. Hear me speedily. Draw near to my soul
21 and redeem it. Deliver me because of my enemies.

22 You know my reproach, my shame, my dishonor. My ad-
23 versaries are all before you. Reproach has broken my
24 heart and I am full of heaviness. I looked for someone
25 to take pity but there was none. For comforters but I

1 have found none.

2 The Bible says thou shall not kill, and I am sorry
3 I broke that Commandment but I truly do believe that God
4 will forgive Jeremy and I. I hope that others will.

5 What I have been through has taught me a lot of
6 things, and one of them is that his love will always
7 show up. Jeremy and I have been through a lot of things.

8 I believe from my soul that Jeremy and I will have
9 an opportunity to grow old together with our children
10 and, God willing, with our grandchildren.

11 I could not close without saying something about my
12 husband. I love him so much. He has been my faithful
13 friend, He helped me fight my cancer when I was so sick.
14 I believe he helped to save my life. He is a part of
15 my heart.

16 If I could take a brief moment, if possible, I would
17 like to talk with my husband. (Short portion inaudible)

18 Thank you, Your Honor. Please sentence Jeremy and
19 I for the same offenses to the sentence of thirty years
20 so that we may have some possibility of life together.

21 Thank you.

22 (Brief pause in proceeding)

23 THE COURT: I would like to say a few things before I
24 proceed with the sentencing.

25 I want to ask each one of you, all the lawyers, the

1 Defendants, their families and friends, and everyone here
2 to understand that we must have order in the Courtroom.
3 If you have an agreement or a disagreement with any of my
4 remarks or with my sentence, please do not show a reaction
5 here in the Courtroom. We cannot allow you to do that.

6 So if you are in this Courtroom and you do not be-
7 lieve that you will be able to control your emotions, I
8 would ask you to leave now before we begin.

9 Thank you.

10 (Whereupon, the Court took a brief recess, after
11 which the matter resumed)

12 THE COURT: The Defendants are now before me with
13 their counsel for sentencing.

14 I feel in this case that justice has been done. I
15 have heard many murder cases, and, of course, this is a
16 case in which the State has chosen not to seek the death
17 penalty.

18 I believe the State has a strong case against both
19 Defendants, but the State chose not to seek the death pen-
20 alty in return for guilty pleas from the Defendants.

21 The cases were separated but both Defendants with their
22 counsel have before me today entered their pleas of guilty
23 to these charges, seven charges against each Defendant.

24 There was certainly proof which the State has of the
25 killing of the two victims as well as that they had no way

1 or chance to defend or protect themselves. They were very
2 brutally killed, and because of this I am going to impose
3 a life sentence on each Defendant. They have each come in
4 and admitted their guilt to the offenses charged, and there
5 is no question of their competency.

6 It is clear that they made a plan and the plan was
7 carried out. They killed a man and killed his wife as
8 well. I think this is a case in which it is appropriate
9 that the Defendants receive life, a life sentence.

10 Finally, let me say that as to Jeremy Moody on the
11 matter of the probation violation which he wilfully and un-
12 lawfully violated that I revoke the term of his probation
13 and that would run concurrently with the other sentences.

14 On case 20 14 GS 44 060, on which Jeremy Moody pled
15 to the charge of murder, it is the sentence of the Court
16 that he be committed to the Department of Corrections for
17 life.

18 He is to be given credit for two hundred eighty-seven
19 days that he has been incarcerated

20 On case 2014 GS 44 061, on which Jeremy Moody pled
21 guilty to a charge of murder, it is the sentence of the
22 Court that he be committed to the Department of Corrections
23 for a term of life, to run consecutive to the previous one.

24 He will be given credit for 287 days that he has
25 been incarcerated.

1 As to 2014 GS 44 066, the charge of burglary in the
2 first degree, it is the sentence of the Court that Jeremy
3 Moody be committed to the Department of Corrections for
4 a term of life, and that sentence is to run concurrent
5 with the murder sentences.

6 He will be given credit for time served of 287 days.

7 On 064, the possession of a weapon during the commis-
8 sion of a violent crime, the sentence of the Court is
9 that he be committed to the State Department of corrections
10 for a term of five years to run concurrent.

11 He will be given credit for time served of 287 days.

12 On 063, possession of a weapon during the commission
13 of a violent crime, that he be given the same sentence as
14 064 to run concurrent; that he be given credit for the
15 time served.

16 On 062 and 065, the two counts of kidnapping, the
17 Court has sentenced Jeremy Moody on the two murder charges
18 and will not impose a sentence on the kidnapping counts.

19 As far as Christine Moody, she has pled guilty to
20 the offense of murder on 2014 GS 44 053. The sentence of
21 the Court is that Christine Moody be confined to the De-
22 partment of Corrections for a term of life.

23 She will be given credit for 287 days in jail.

24 On 054, a count of murder, it is the sentence of the
25 Court that she be confined to the Department of Corrections

1 for a term of life, consecutive to the other sentence
2 for murder, having pled guilty to this murder charge.

3 That she be given credit for 287 days in jail.

4 On 2014 GS 44 059 for first degree burglary, it is
5 the sentence of the Court that Christine Moody receive a
6 sentence in the Department of Corrections for the term
7 of her life, to run concurrent with previous sentence.

8 That she receive credit for her time served of 287
9 days in jail.

10 On 055, possession of a weapon during the commission
11 of a violent crime that she receive a sentence of five
12 years in the Department of Corrections, concurrent with
13 other sentences given.

14 On 058, possession of a weapon during the commission
15 of a violent crime that Christime Moody receive a sentence
16 in the Department of Corrections for five years, concur-
17 rent with other sentences.

18 On cases 056 and 057, the two counts of kidnapping,
19 the Court has sentenced Mrs. Moody on the murder charges
20 and declines to sentence on the kidnapping charges.

21 ----- END OF REQUESTED TRANSCRIPT OF RECORD-----

22

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CERTIFICATE

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I, HARRIET P. BENNETT, Court Reporter for South Carolina Court Administration, hereby certify that the foregoing Transcript was prepared to the best of my ability from the records of Phyllis Campo, having been heard in the Court of General Sessions for York County, South Carolina, on May 6, 2014.

FURTHER, I certify that I am neither of kin nor of counsel to any party to this matter, nor do I have any interest in the same.

August 3, 2016

A handwritten signature in cursive script, reading "Harriet P. Bennett", followed by a checkmark.

2015 -CP-44-

294

STATE OF SOUTH CAROLINA

County of UNION

In the Court of Common Pleas

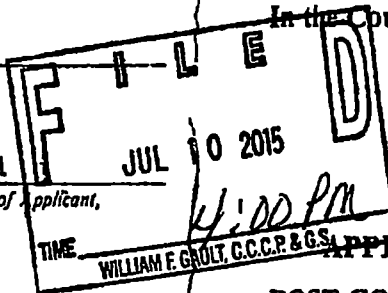
Jeremy Lee Moody, #359801

Full name and prison number (if any) of Applicant,

vs.

State of South Carolina

Name of Respondent.

APPLICATION FOR
POST-CONVICTION RELIEF**INSTRUCTIONS — READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make it clear to which question any such continued answer refers.

Since every application must be sworn to under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken *in forma pauperis*, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which applicant was convicted.

Perry Correctional Institution, 430 Oaklawn Rd., Pelzer, S.C. 29669

1. Place of detention _____
2. Name and location of Court which imposed sentence Union County Courthouse, 210 West Main St., P.O. Box 703, Union S.C.
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
 - (a) 2013A4410100553, 2013A4410100554
 - (b) 2013A4410100563
 - (c) 2013A4410100556, 2013A4410100557
4. The date upon which sentence was imposed and the terms of the sentence:
 - (a) May 6, 2014 - Murder, 2 Counts Life Sentence
 - (b) May 6, 2014 - 1st Degree Burglary, Life Sentence
 - (c) May 6, 2014 - Poss. of Weapon During Violent Crime, 5 Years

5. Check whether a finding of guilty was made

- (a) after a plea of guilty _____
 (b) after a plea of not guilty _____
 (c) after a plea of nolo contendere _____

6. Did you appeal from the judgment of conviction or the imposition of sentence?

Yes

7. If you answered "yes" to (6), list

(a) the name of each Court to which you appealed:

i. **South Carolina Court of Appeals**

ii. _____

iii. _____

(b) the result in each such Court to which you appealed:

i. **Dismissed**

ii. _____

iii. _____

(c) the date of each such result:

i. **June 30, 2014**

ii. _____

iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. **Rule 203 (d)(1)(B)(iv) of the S.C. Appellate Court Rules (SCACR)**

ii. _____

iii. _____

8. If you answered "no" to (6), state your reasons for not so appealing:

(a) _____

(b) _____

(c) _____

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) **Ineffective Assistance of Counsel**

(b) **Denied The Right To Due Process And A Fundamentally Fair Trial**

(c) _____

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

(a) **See attached "additional page" to Post-conviction Relief Application**

(b) **1 of 2 pages.**

(c) _____

(ADDITIONAL PAGE TO POST-CONVICTION RELIEF APPLICATION)

10. State concisely and in the same order the facts which support each of the grounds set out in (10):

HISTORY

(a) Applicant plead guilty to (2) two counts of murder, (2) two counts of kidnaping, (2) two counts of possession of a weapon and (1) one count of 1st degree burglary.

Applicant contends that his plea was not voluntary and intelligently made. The plea given, was to escape a death sentence. Applicant's attorney had a duty and obligation to inform his client of all available defenses, evidence, (exculpatory or otherwise), as it is a requirement not only legally, but morally and ethically as well. To simply dismiss this violation as "hindsight" is to deny the right to "effective assistance of counsel".

Council was ineffective where he hired a forensic science expert to conduct an evaluation which was not properly conducted or evaluated. Applicant contends that the Supreme Court held the Due Process Clause of the Fourteenth Amendment obligates states to provide a defendant with access to psychiatric examination and assistance when the defendant has made a preliminary showing that his sanity at the time of the offense is likely to be a significant factor at trial. Ake v. Oklahoma, 105 S.Ct 1087.

In a PCR proceeding, the Applicant bears the burden of establishing that he is showing that counsel's representation fell below an objective standard of reasonableness. Ake held that under some circumstances a state must assure an indigent defendant access to a competent psychiatrist who will conduct an appropriate examination and assist in evaluation, preparation, and presentation of the defense.

The lead attorney nor the forensic science expert Dr. Harold Morgan, who was the wrong expert, were "trying to be adversarial" or not trying to make the court aware of applicant's black out spells or the mental health treatment he was receiving before this crime, which is the Caskey test after discovery. Applicant can satisfy the Caskey test, applicant must show that the evidence upon which it is based.

1. Is such as would probably change the result if a new trial was held had the proper psychiatrist conducted an appropriate examination.

As in the circumstance in this case, the state must assure an indigent defendant "access to a competent psychiatrist" who will conduct an appropriate examination and assist in evaluation, preparation, and presentation of his defense. Ake v. Oklahoma, 105 S.Ct. 1087.

Clearly, counsel should be held to the responsibility of being prepared by knowing all of the relevant facts pertaining to the instant case in order to put the state's case to a "meaningful adversarial prosecution". Counsel's performance was deficient and disgrace the standards generally to label as acceptable the performance of a lawyer

who does not research or study the discovery of evidence, nor one who chooses not to use **KNOWN EXCULPATORY EVIDENCE** for the benefit of his client.

(b.) Effective assistance is a constitutionally mandated requirement. It is not simply a requirement of the assignment and representation of an attorney. When the state chooses to prosecute someone, then that person must be afforded "due process" allowed by the law in order to protect him from the possibility of wrongful prosecution and conviction. In order to reach this goal, counsel is appointed to represent the client in a "zealous" capacity, and in doing so, they must be charge with fulfilling the duties and obligations owed to their client to the fullest extent of their experience, wisdom, training and skill.

In fact, it is required that an attorney's skills be more than a feeble attempt of "just being at the counsel's table" during necessary times of pleading or trial, especially given the fact that a persons "life and liberty" are at stake. The Fourteenth Amendment provides that no state shall deprive any person of life, liberty, or property, without due process of law.


Jeremy L. Moody
Applicant

11. Prior to this application have you filed with respect to this conviction

(a) any petition in a State Court under South Carolina Law? No

(b) any petitions in State or Federal Courts for habeas corpus or post-convictions relief? No

(c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? No

(d) any other petitions, motions or applications in this or any other Court?

No

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. _____

ii. _____

iii. _____

iv. _____

(b) the name and location of the Court in which each was filed:

i. _____

ii. _____

iii. _____

iv. _____

(c) the disposition thereof:

i. _____

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. _____
- iii. _____

15. If any ground set forth in (9) has not previously been presented to any Court, State or Federal, set forth the ground, and state concisely the reasons why such ground has not previously been presented:

- (a) _____
- (b) _____
- (c) _____

16. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? Harry Alfred Dest, Esquire, Eric Daniel, Esquire
- (b) your trial, if any? _____
- (c) your sentencing? Same as (a) above
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Robert M. Dudek, Esquire
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

17. If you answered "yes" to one or more parts of (16), list:

(a) the name and address of each attorney who represented you

- i. Harry A. Dest, Public Defender, 16th Judicial Circuit,
Moss Justice Center, 1675 York Hwy., York, S.C. 29745
- ii. Erik D. Delaney, Public Defender, P.O. Box 1,
Union, S.C. 29379
- iii. Robert M. Dudek, Appellate Defender, Appellate Defense
1205 Pendleton St., Rm. 306, Columbia, S.C. 29201

(b) the proceedings at which each such attorney represented you:

- i. Plea and Sentencing
- ii. Plea and Sentencing
- iii. Appeal

18. State clearly the relief you seek in filing this application.

A Fundamentally Fair Jury Trial

19. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA

VERIFICATION

County of UNION

I, Jeremy Lee Moody, #359801, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Jeremy Moody
Jeremy Moody ✓

SWORN to and subscribed before me this 7thday of July, 19 2001

Adrey C. Mendenhall (L.S.)
 Notary Public

My Commission Expires: 1-23-2023

**APPLICATION TO PROCEED WITHOUT PREPAYMENT
 OF COSTS AND AFFIDAVIT
 IN SUPPORT THEREOF**

I, Jeremy Lee Moody, #359801, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security therefor.

Jeremy Moody
 Applicant

SWORN or affirmed to and subscribed before me this

7th day of July, 19 2001

Adrey C. Mendenhall
 Notary Public

My Commission Expires 1.23.2023

STATE OF SOUTH CAROLINA)
COUNTY OF UNION)
Jeremy Lee Moody,)
S.C.D.C. No. 359801,)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS
OF THE SIXTEENTH CIRCUIT

2015-CP-44-294

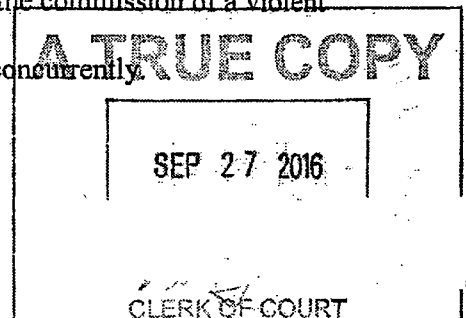
RETURN

FILED FOR RECORD
2015 SEP 27 AM 10 43
CLERK OF COURT
UNION, SC

In response to the post-conviction relief application filed July 10, 2015, the Respondent would show this Court:

I.

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Union County Clerk of Court's orders of commitment. The Union County Grand Jury indicted Applicant at the January 2014 term of General Sessions for two counts of murder (2014-GS-44-0060, -0061), two counts of possession of a firearm or knife during the commission of a violent crime (2014-GS-44-0063, -0064), and first-degree burglary (2014-GS-44-0066). Harry Dest, Esquire, and Erik Delaney, Esquire, and represented Applicant. On May 6, 2014 the Applicant pled guilty as indicted. The Honorable Lee S. Alford sentenced the Applicant to life imprisonment for murder, life imprisonment for the second count of murder, five years imprisonment for possession of a weapon during the commission of a violent crime, five years imprisonment on the second count of possession of a weapon during the commission of a violent crime, and life imprisonment for first-degree burglary – to be served concurrently.



Applicant timely filed a notice of appeal. The South Carolina Court of Appeals dismissed Applicant's appeal by an order filed June 30, 2014. The Remittitur was submitted on July 16, 2014.

II.

In his application for post-conviction relief, the Applicant alleges he is being held in custody unlawfully for the following reason:

1. Ineffective assistance of counsel.
2. Involuntary Guilty Plea.
3. Denial of Due Process.

Attached herewith and incorporated herein by reference are the records of the Union County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, and the guilty plea transcript.

III.

Respondent submits plea counsel rendered effective assistance of counsel. In a Post-Conviction Relief action, the applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable

professional judgment. Strickland, 466 U.S. 668. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366 (1985).

Respondent submits that Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Applicant further alleges his guilty plea was not voluntarily made. Respondent submits that Applicant's allegation that his guilty plea was involuntary is without merit. In PCR cases, a defendant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (1999). A defendant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that

(1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001). A defendant alleging that his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985). A guilty plea is a solemn, judicial admission of the truth of the charges against the defendant. Statements made during the plea should be considered conclusive unless the defendant presents reasons why he should be allowed to depart from the truth of those statements. Crawford v. U.S., 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976).

Respondent submits that the record fully supports the knowing and voluntary nature of Applicant's plea. However, allegations regarding ineffective assistance of counsel and the voluntariness of the plea may raise a question of fact which is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing on this allegation. Sharper v. State, 305 S.E.2d 247.

V.

Applicant also alleges due process violations. These allegations appear to be merely recitations of her grounds for ineffective assistance of counsel. Therefore, Respondent submits these allegations are without merit and incorporates its response in Part III, supra.

In the event Applicant alleges independent claims of due process violations, Respondent submits such claims are likewise without merit. A due process violation only occurs "when a defendant in a criminal trial is denied the fundamental fairness essential to the concept of

justice." State v. Hornsby, 326 S.C. 121, 129, 484 S.E.2d 869, 873 (1997) (citing 21 Am.Jur.2d, Criminal Law § 640 (1981)). Respondent submits the record fully demonstrates Applicant's plea procedures fully complied with the requirements of due process. Accordingly, Respondent submits this allegation should be dismissed pursuant to Rule 12(b)(6), SCRCP.

VI.

Respondent denies each allegation not expressly admitted, qualified or explained.

VII.

WHEREFORE, having made its Return, the Respondent requests that an evidentiary hearing be held.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Deputy Attorney General

JOHANNA C. VALENZUELA
Senior Assistant Deputy Attorney General

JUSTIN J. HUNTER
Assistant Attorney General

P.O. Box 11549
Columbia, S.C. 29211

By: 

ATTORNEYS FOR RESPONDENT

September 23, 2016

STATE OF SOUTH CAROLINA
COUNTY OF UNION

IN THE COURT OF COMMON PLEAS

2015-CP-44-0065

JEREMY LEE MOODY, #359801,

Applicant,

vs

AFFIDAVIT OF SERVICE BY MAIL

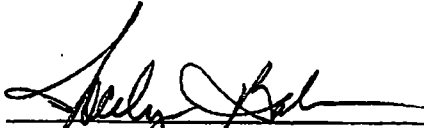
STATE OF SOUTH CAROLINA,

Respondent.

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return** of the respondent in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

N. Beth Faulkner, Esquire
Faulkner Law Firm, LLC
PO Box 1030
York, SC 29745-1030

DATED this 23th day of September, 2016.



Jocelyn Baker, Legal Assistant
For Respondent

State of South Carolina.,) In the Court of Common
) .Pleas of York
)
 County of York.) Case No.: 2015-CP-44-00294

Jeremy Lee Moody.,)
)
 Applicant.,)
)
 -vs-) Transcript of Record
) Post Conviction Relief
 State of South Carolina.,)
)
 Respondent.)
)

April, 18-19, 2017
 York, South Carolina

B E F O R E:

The Honorable G. Thomas Cooper, Jr., judge.

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

Mrs. N. Beth Ramsey Faulkner
 Faulkner Law Firm, LLC
 PO Box 1030
 York, South Carolina 29745
 beth@faulknerlawfirm.com
 (803) 818-5700
 Attorney for the Petitioner

ORIGINAL

Mr. Justin James Hunter
 South Carolina Attorney General's Office
 PO Box 11549
 Columbia, South Carolina 29211-1549
 jhunter2@scag.gov
 (803) 734-3737
 Attorney for the Respondent

Wanda Nelson, CVR-M
 Official Court Reporter
 To the Honorable John C. Hayes, III
 Sixteenth Judicial Circuit
 Union and York Counties

I-N-D-E-XE-X-H-I-B-I-T-S.

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD.</u>
Ct.1	Notebook - Mental		
	Health Records		P.17

Reporter's Note: All Exhibits were filed with the Union
County Clerk of Court's Office.

-4-

1 (COURT IN SESSION IN THE MATTER OF JEREMY MOODY VERSUS
2 STATE OF SOUTH CAROLINA TUESDAY, APRIL 18, 2017 AT 12:17
3 PM.)

4 THE COURT: Before you bring ...

5 Mrs. Faulkner, you want to address this issue that
6 you've brought before the Court, I mean in chambers, you
7 brought to me in chambers, or has your thoughts changed or
8 is --

9 MRS. FAULKNER: Not really. I did talk to Mr. Moody.
10 I basically told him of what you had indicated; that you
11 would voir dire him. I would still respectfully request
12 the evaluation. I did hear back, if it matters, from
13 Doctor Swartz-Watts and she said she would charge seventeen
14 fifty because he is at Perry. And I would still --

15 THE COURT: He is what? He is where?

16 MRS. FAULKNER: Because he's at Perry ---

17 THE COURT: Perry.

18 MRS. FAULKNER: --- Correctional Institution. Yes,
19 sir. And I would still respectfully request that. Of
20 course in talking to my client he still says that he
21 doesn't have the capacity to enter into the plea at the
22 time, or not the plea at the time, that he didn't have the
23 capacity to understand what he was doing when he committed
24 a crime and, of course, that affected the plea that he
25 entered into.

1 THE COURT: Let's go back a minute. When was the
2 crime?

3 MRS. FAULKNER: It was in July, 2013. July 21st, if I
4 recall correctly.

5 THE COURT: And do you have any concerns about his
6 ability to testify today?

7 MRS. FAULKNER: I don't really have concerns about his
8 ability to testify today.

9 THE COURT: Of course you would want him -- I assume
10 you would want him to testify.

11 MRS. FAULKNER: And I would have to have him testify
12 yes, your Honor. I think I would have to in this case.

13 THE COURT: Go ahead.

14 MRS. FAULKNER: So what I would be requesting from the
15 Court is for someone to evaluate him to determine whether
16 or not he has the capacity, at this time, to understand
17 what he's doing, and of course, relating back to the time
18 of the incident whether or not he would have had the
19 capacity to understand what he was doing at that time based
20 on the very long history of mental illness includes
21 schizophrenia and some other mental health issues.

22 THE COURT: All right. Where is the evidence of that?

23 MRS. FAULKNER: Where is the evidence that he did not
24 have the mental capacity?

25 THE COURT: You said his history of mental illness.

1 MRS. FAULKNER: He had lots of --

2 THE COURT: You used the word schizophrenic. Where
3 did that come from?

4 MRS. FAULKNER: That came from his medical records
5 that I have obtained that Mr. Dest had obtained in his
6 file.

7 THE COURT: Do you have it?

8 MRS. FAULKNER: Yes, sir.

9 THE COURT: Well, why don't you let me consider it?

10 MRS. FAULKNER: Oh, absolutely.

11 THE COURT: Normally if there had been an evaluation
12 you would hand it up to the court and let the court at
13 least --

14 MRS. FAULKNER: I beg the Court's indulgence for one
15 moment.

16 THE COURT: All right. Thank you. What's the name of
17 the local mental health?

18 MRS. FAULKNER: He was actually evaluated at Union
19 County, it was Union County Mental Health.

20 THE COURT: When?

21 MRS. FAULKNER: Well, he was an ongoing patient for
22 many years. Actually ended there in 2013 when he was
23 incarcerated.

24 THE COURT: I'm just talking about if I ordered
25 someone to come up here from a local mental health unit to

1 evaluate him as far as his ability to go forward today, I
2 mean is he --

3 MRS. FAULKNER: He would come from Union County Mental
4 Health. I --

5 THE COURT: No. I'm not talking about Union County.
6 What's the name of the local mental health unit in York
7 County?

8 MRS. FAULKNER: Well there's Catawba Mental Health
9 here in York County ---

10 THE COURT: Okay.

11 MRS. FAULKNER: --- that's used.

12 THE COURT: Well they can send somebody.

13 MRS. FAULKNER: Yes, sir.

14 THE COURT: You got to have an order. You haven't
15 given me much to go on yet, Mrs. Faulkner.

16 (PAUSE.)

17 MRS. FAULKNER: Your Honor, if I may approach, Mr.
18 Dest has his notebook with just the medical records. And
19 mine was intermingled so.

20 MRS. FAULKNER: Do I have it marked?

21 THE COURT: Yeah.

22 MADAM COURT REPORTER: Court's 1, Judge?

23 THE COURT: Yes, ma'am.

24 MR. DEST: Your Honor.

25 THE COURT: Mr. Dest.

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1 MR. DEST: Yes, sir. Mrs. Faulkner had requested
2 records from my file. Obviously, previously I had provided
3 those to her. This was part of the records that I turned
4 over to her which were his medical records that were
5 obviously were viewed by Doctor Harold Morgan as well prior
6 to the plea, so for the sake of time I just wanted to allow
7 her to look at those again, and the Court deems it
8 appropriate to look at those. It does have his -- the
9 medical records that I was able to obtain in the course of
10 my representation.

11 THE COURT: And that was Sutton, his report's in
12 there?

13 MR. DEST: No, Doctor Morgan ---

14 THE COURT: Morgan. I'm sorry.

15 MR. DEST: --- did not issue a report. Those are just
16 various records from, I believe, Union and Spartanburg and
17 any records from Spartanburg as well when he was receiving
18 some treatment. That's the extent of the medical records
19 that I was able to obtain in the course of my
20 representation.

21 THE COURT: Okay. Did Morgan do an evaluation?

22 MR. DEST: Pardon me?

23 THE COURT: Did Morgan do an evaluation?

24 MR. DEST: Yes, sir, he did.

25 THE COURT: He did it through the court.

1 MR. DEST: Several times. No it was not subject -- It
2 was not pursuant to a court order. Early on in my
3 representation obviously I felt that at least we needed to
4 explore that given his mental health history. Doctor
5 Morgan did evaluate him at the Union County jail at least a
6 couple of times. And as part of my representation I felt
7 that some of the things that he observed, his findings were
8 clearly things that needed to be articulated in mitigation.
9 I will state for the record, even though it may be
10 premature at this point, there was never an issue regarding
11 competency.

12 THE COURT: To going forward?

13 MR. DEST: To go forward, no, sir. And that's
14 reflected in the transcript from the day of the plea.
15 There was never an issue in my recollection in looking back
16 through my notes and memos from Doctor Morgan with respect
17 to competency to stand trial. There was a discussion at
18 some point in time, to be candid with the court, and I've
19 relayed this information to Mrs. Faulkner, that perhaps a
20 guilty but mentally ill plea would have been more
21 appropriate, but there were strategic reasons and we didn't
22 do that, but I can elaborate at another time. But I just
23 wanted the Court to know that he was evaluated; competency
24 was never an issue; M'Naghten was never an issue, but the
25 issue of GBMI was something that we discussed throughout

1 the course of my representation with him.

2 THE COURT: Well that's --

3 MR. DEST: Just to give the Court some background.

4 THE COURT: I understand, and that's valuable
5 background, but I'm just wondering if this request on
6 behalf of his counsel is duplicative of what was done years
7 ago. I think we're just requesting that the same ground be
8 plowed and that's why I've hesitated. If I had to fashion
9 an order, or you had to suggest an order, to Judge -- I
10 mean Doctor Schwartz-Watts, what would it say? Is it
11 couched in a typical DMH orders in that fashion? We ask
12 DMH when we send him for an evaluation them to do specific
13 things and that's what I'm trying to get a grasp on here.

14 It's just easy to say I want an evaluation but an
15 evaluation for what? And if it's in some record that this
16 was done at the time of his plea, then it seems to me the
17 only other issue was whether he's competent today to
18 proceed with this proceeding. So that's what -- That's the
19 source of my concern.

20 MRS. FAULKNER: And, your Honor, from my perspective
21 in representing Mr. Moody, it's my position that he should
22 have -- what someone -- for a number of reasons to evaluate
23 him, but first and foremost of course to determine whether
24 or not he's competent today.

25 THE COURT: Uh-huh.

1 MRS. FAULKNER: Secondly, to determine whether or not
2 he was competent at the time or that the person evaluating
3 him thinks that he would have been competent at the time
4 that he entered into the guilty plea. And, whether or not
5 at the time the crimes were committed he knew what he was
6 doing which basically would cover sort of three different
7 basis; the time that in which it all covers mental
8 competence.

9 But the question is whether or not he had the mental
10 capacity, first and foremost, at the time he committed the
11 crimes to know what he was doing. And furthermore, when he
12 entered into the guilty plea to determine whether or not he
13 had the capacity to understand what he was doing. He says
14 and from his conversations with me, I think he understands
15 at least now what he's saying, but there's a question as to
16 whether or not he did know and whether or not he was even
17 competent enough to know whether he knew or not.

18 THE COURT: Well let me ask you this. What are the
19 grounds for his application?

20 MRS. FAULKNER: For ineffective assistance of counsel.
21 Basically to -- alleging that he did not have the capacity
22 to enter into the plea at the time that he did. And part
23 and partial, although its two different separate issues,
24 but he also did not understand what he was doing at the
25 time the crimes were committed.

1 THE COURT: What's the State's position?

2 MR. HUNTER: Well, your Honor, as far as him being
3 able to go forward today, the State would be fine if your
4 Honor would question him. And I guess the only really
5 hangup I have about his -- what was done at the plea -- I
6 guess that there were no -- an official evaluation findings
7 submitted to the judge. They do discuss it in the plea
8 transcript but it's more or less just we don't think
9 there's any competency issues. So I guess that's my only
10 real hangup is the fact that there was -- there was not an
11 official report submitted.

12 THE COURT: Report. No report.

13 MRS. FAULKNER: And that's the biggest issue that I
14 have also, Judge.

15 THE COURT: All right. Where is he housed?

16 MRS. FAULKNER: In Perry.

17 THE COURT: All right. Get me an order keeping him
18 over until tomorrow. Let him stay here. And if you can
19 draft me an order, Mrs. Faulkner, I'll take a look at it
20 and I'll see if it -- see if I can sign it.

21 I take it that you don't take the position that he is
22 incompetent to testify today, is that correct?

23 MRS. FAULKNER: I do not think so, that's correct,
24 your Honor.

25 THE COURT: You think he is competent?

1 MRS. FAULKNER: I would think competent to testify
2 today.

3 THE COURT: So I don't need to get somebody from the
4 local Department of Mental Health to answer that question?

5 MRS. FAULKNER: I don't think so, no, sir.

6 THE COURT: All right. As long as you're confident he
7 -- you're confident that he is competent, I'll take it up
8 tomorrow. I'll continue this case for twenty-four hours.

9 MRS. FAULKNER: Thank you, your Honor.

10 MR. HUNTER: Thank you.

11 THE COURT: But make sure we have some order so the
12 local detention center will hold him here over night.

13 MRS. FAULKNER: Do I need to draft that order to hold
14 him?

15 THE COURT: Well I -- Either you or one of the three
16 of you. It shouldn't be --

17 MRS. FAULKNER: I'll be happy to draft it if that's
18 needed, your Honor.

19 THE COURT: All right. Well hand write something. I
20 just want him held here. No sense in sending him back to
21 Perry and then have to do this all over again tomorrow.

22 There ought to be sort of a Form Order. Mr. Dest
23 probably knows where to get the Form Order that says that.

24 MR. DEST: Can I get my file back?

25 THE COURT: I'm gonna -- Let's withdraw that.

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1 MADAM COURT REPORTER: It's not marked, Mr. Dest.

2 THE COURT: I'm not gonna review that.

3 MR. DEST: Okay.

4 THE COURT: All right. Anything further for today,
5 Mr. Attorney General?

6 MR. HUNTER: Your Honor, I believe that's the last one
7 for today. Yes. Yes, your Honor, that's the last one for
8 today.

9 THE COURT: All right. 9:30?

10 MR. HUNTER: Yes, sir.

11 THE COURT: Thank you very much.

12 MRS. FAULKNER: Thank you, your Honor.

13 (COURT IN RECESS AT 12:34 PM.)

14 (COURT BACK IN SESSION WEDNESDAY, APRIL 19, 2017 IN
15 THE MATTER OF JEREMY MOODY VERSUS STATE OF SOUTH CAROLINA
16 AT 10:32 A.M.)

17 (APPLICANT JEREMY MOODY, WHITE MALE, REENTERS
18 COURTROOM AT 10:33 A.M.)

19 MR. HUNTER: May it please the court, your Honor, the
20 next case is *Jeremy Lee Moody versus State of South*
21 *Carolina* 2015-CP-44-294. Your Honor, he was indicted in
22 January of 2014 in Union County for two counts of murder,
23 two counts of possession of a firearm, and one count of
24 first degree burglary.

25 He was represented by Mr. Harry Dest. On May 6, 2014

1 he pled guilty as indited before Judge Alford. He was
2 sentenced to life in prison on both murder charges; life
3 for the burglary charge, and five years for the firearm
4 charges.

5 He filed a notice of appeal which was dismissed for a
6 failure -- for a failure to file a -- declaration. A
7 remittitur was sent July 16th, 2014. He filed this current
8 application November 17th, 2015. He's present today
9 represented by Mrs. Beth Faulkner.

10 THE COURT: Mrs. Faulkner.

11 MRS. FAULKNER: May it please the Court, your Honor.

12 Your Honor, at this time that before we proceed I
13 would like to renew my motion to have Mr. Moody evaluated.

14 THE COURT: Did you make that motion on the record?

15 MRS. FAULKNER: I think we were on the record
16 yesterday, your Honor, and I'd like to --

17 THE COURT: I was gonna make sure that you did put it
18 on the record.

19 MRS. FAULKNER: And I do recall also that it was on
20 the record. I think the court reporter has indicated that
21 it was. Your Honor, just for the record, I'd like to renew
22 that. Of course we had a conference in chambers regarding
23 that. But at this time I think it's appropriate to have
24 Mr. Moody evaluated. Your Honor, he was -- When he was
25 represented by Mr. Dest during the criminal proceedings,

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1 Doctor Morgan did talk to him. There was never a written
2 evaluation and thus I think it would be prejudicial to my
3 client on his post-conviction relief action to have to
4 proceed without having an evaluation from someone that
5 could determine whether or not Mr. Moody at the time the
6 alleged crimes occurred, or whether he had the mental
7 capacity to understand and conform his actions to the law.

8 Also, at the time the plea was entered into without
9 the evaluation there would be -- would be prejudicial to my
10 client if there were -- if he did not -- does not have
11 someone to be able to determine whether or not he
12 understood what was going on and was able to assist in his
13 defense, your Honor.

14 THE COURT: All right. I understand.

15 Sir, I understand that you are seeking an evaluation.

16 Now, his capacity, or understanding of what he was
17 doing, when was that -- when was his plea? 2014?

18 MRS. FAULKNER: Yes, your Honor.

19 THE COURT: In 2014. That's the purpose of your
20 request; is that correct?

21 MRS. FAULKNER: That is, that's correct, your Honor.

22 THE COURT: It's not that he is incompetent today to
23 testify or anything like that?

24 MRS. FAULKNER: I -- Of course, your Honor, it's hard
25 for me to make that determination. I will and plan to have

1 him testify but that's -- it's part of the reason I would
2 have him or request to have him evaluated because of his
3 long history of mental health conditions and which stem
4 back -- he started going to mental health in 2001. Your
5 Honor, he's on a number of medications including lithium
6 amongst a number of other medications which he was not on
7 at the time the crimes were committed.

8 I think that it is my understanding that he was on
9 those medications at the time that the plea was entered
10 into, and he's also on those medications now, your Honor.
11 But without an expert, or a report from an expert, it's --
12 I have no information, and nothing basically to go on.

13 Your Honor, on that motion I would like to submit to
14 the court my -- Mr. Moody's medical records if I may submit
15 those.

16 THE COURT: Yes, ma'am. Let the court reporter mark
17 that.

18 (WHEREUPON, APPLICANT'S EXHIBIT NUMBER 1, IDENTIFIED
19 AND MARKED, RECEIVED INTO EVIDENCE.)

20 THE COURT: All right, Mrs. Faulkner, your motions
21 respectfully denied. Call your first witness.

22 MRS. FAULKNER: Thank you, your Honor.

23 I call Jeremy Moody to the stand.

24 THE COURT: Come around, Mr. Moody.

25 MADAM CLERK: Mr. Moody, if I can have you stop here,

JEREMY MOODY: DIRECT BY MRS. FAULKNER

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1 place your left hand on the Bible and raise your right.

2 (WHEREUPON, JEREMY LEE MOODY,

3 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

4 MADAM CLERK: Thank you. Just have a seat. Just
5 watch your step up there.

6 THE COURT: You may proceed.

7 MRS. FAULKNER: Thank you, your Honor.

8 DIRECT EXAMINATION

9 JEREMY MOODY BY MRS. FAULKNER:

10 Q. Mr. Moody, will you please state your full name for
11 the record?

12 A. Jeremy Lee Moody.

13 Q. Okay. Mr. Moody, how old are you

14 A. Thirty-four.

15 Q. And when were you born?

16 A. '82.

17 Q. What's your date of birth?

18 A. Sorry, [REDACTED]/82.

19 Q. [REDACTED] 82?

20 A. Yeah.

21 Q. Okay. And you're currently incarcerated at what
22 facility?

23 A. Perry.

24 Q. And how long have you been at Perry?

25 A. Since I been charged pretty much.

1 Q. Okay. And you're currently serving what sentence?

2 A. Life.

3 Q. Life. And for what?

4 A. Double murder, first degree burglary, something else
5 about firearms or something, I don't know.

6 Q. Okay. And when were those crimes, the double murder
7 and the other crimes, allegedly committed?

8 A. The date?

9 Q. Yes. Do you know?

10 A. Oh, I don't know.

11 Q. Do you know the year??

12 A. Not really.

13 Q. 2013 sound familiar to you?

14 A. Yeah, that sounds about right.

15 Q. Now, you're serving a sentence from a guilty plea;
16 is that correct?

17 A. Yeah.

18 Q. You pled guilty to both counts of murder?

19 A. Right.

20 Q. And did you have a co-defendant in those charges?

21 A. Yeah.

22 Q. And who was your co-defendant?

23 A. My wife.

24 Q. Okay. And what's her name?

25 A. Christine Susan Moody.

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1 Q. And during the criminal proceedings who were you
2 represented by?

3 A. Mr. Dest.

4 Q. And did you have any other attorneys?

5 A. Yeah. Erik Delaney.

6 Q. Erik Delaney ---

7 A. Yeah.

8 Q. --- from the Public Defender's Office?

9 A. Yeah.

10 Q. Okay. And how many times did you meet with Mr. Dest?

11 A. Not too often. I met mostly with Erik Delaney and I
12 think he would kind of relay messages through Delaney
13 though to, you know, to speak with me but ultimately we
14 didn't have that great a -- I mean we didn't meet that
15 often.

16 Q. Could you estimate for me the number of times that
17 you met?

18 A. Yeah, three or four times.

19 Q. Okay. Can you estimate the number of times that you
20 met with Mr. Delaney?

21 A. At least twice a month, so I was in jail like eleven
22 months.

23 Q. Okay. So over twenty times ---

24 A. Yeah.

25 Q. --- is that fair to say?

1 A. Yes, ma'am.

2 Q. Okay. Now did Mr. Delaney review with you the
3 evidence against you in the discovery provided in this
4 case?

5 A. Yeah, he showed me some of it. We spoke -- we spoke
6 briefly about it, yeah.

7 Q. What evidence did he go over with you? Do you
8 remember?

9 A. No. He showed me the -- he showed me on the laptop
10 the home video of me having those people at gun point. And
11 that's really it. I mean, you know, some stuff he said he
12 couldn't show me which I don't understand. I did it, why
13 can't I look at it?

14 Q. So some of it you were now shown. Is that your
15 testimony?

16 A. Yes. It was a lot of it I wasn't shown, yeah.

17 Q. What do you mean there was a lot of it that you
18 weren't shown?

19 A. Like when I got -- when I got all that information
20 from you, there was a lot of stuff that was in there that
21 wasn't in what I had from Mr. Dest.

22 Q. Okay. Like what? Do you remember specifics?

23 A. No, I don't remember any specifics. I don't.

24 Q. Okay. Can you tell the court a little bit about your
25 mental health history?

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1 A. Yeah, I mean, you know, I been going to mental health
2 since I was seventeen. And sometimes I would start doing
3 really good then I would get off my medicine and then I
4 started -- I was always like in control of everything.
5 Like it's not -- its not like I just killed these people
6 whimsy dimsy. I mean I knew. I didn't know them but I
7 knew -- I found them on the internet, so that's kind of how
8 I come in contact with those people. Yeah.

9 Q. What -- You said you first started going to mental
10 health when you were seventeen?

11 A. Yeah.

12 Q. Did you have any mental health issues before you were
13 seventeen-years-old?

14 A. I believe so, yeah. I was -- I would hallucinate from
15 time to time but I didn't know what it was, you know what
16 -- I didn't understand any of it. And then I went to
17 mental health and then they -- went to the doctor up there,
18 Ratchcliff, explained it to me what was going on.

19 Q. Okay. And when you were seventeen you started going
20 to mental health. Why? Why did you start at that time?

21 A. Like I said, you know, I was hallucinating visually
22 and audioly. I was --

23 Q. For the same symptoms that you were having before then
24 that you just testified about?

25 A. Yeah, they were really more intense back then though

1 which is weird. I would see -- I would see unusual
2 things like shadow people, you know what I mean, you see
3 'em running across the sky and around the room. I don't
4 know, it was weird but, I mean, that's what it was.

5 Q. And at the time that the alleged crimes were you also
6 having those same symptoms or had those subsided? Can you
7 tell the court about that?

8 A. Yeah, I was definitely -- It been over a year since
9 I was on my medicine and, I mean, I was definitely
10 euphoric, hallucinating big time. But see, when I get like
11 that I just don't want -- I try to hide it so no one would
12 bother me about it, you know, and I guess I was scared to
13 get any kind of treatment for it because I didn't want it
14 to be like a back lash or something and hurt me later down
15 the road, you know.

16 Q. Do you remember what medicines, if any, you were on?
17 You said you had stopped taking them about a year
18 earlier? Do you remember what medicines those were that
19 you were taking before?

20 A. Yes, ma'am.

21 Q. What were they?

22 A. Lithium, Prozac, Abilify, Trazodone. I think that's
23 enough.

24 Q. And you stopped taking those about a year before the
25 crimes were --

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1 A. Yeah. Once I started to clear up, my head clears up,
2 I feel like I don't need it any longer. You know I feel
3 like -- I don't know, I just felt like I didn't need any
4 longer. I would always convince myself of that but it's
5 not true. I mean I should have definitely stayed on my
6 medication but I didn't.

7 Q. Okay. And when you were arrested and you were
8 represented by Mr. Delaney and Mr. Dest, did you have
9 any conversations with them about your past mental history?

10 A. Yeah. Me -- Delaney and I we really didn't talk
11 about those sorts of things. Mostly we'd just talk about
12 -- He just prepared me for I guess the inevitable. Mr.
13 Dest whenever he showed up, I mean he did a wonderful job
14 to my knowledge. I mean, you know, he spoke with me and
15 tried to help me and all those things, but regardless, you
16 know, too late now.

17 Q. Did you talk to him? Did you talk to Mr. Dest about
18 your past mental health conditions specifically?

19 A. Specifically? I don't believe so, no.

20 Q. You said he tried to help you and did a wonderful
21 job. Did you talk to him about those things?

22 A. Uh, I don't believe I would use those words but I'm
23 sure I may have mentioned it that he was doing it cause he
24 set up, you know, some things, some avenues for me but I
25 don't think -- I don't think he tried very hard because the

1 situation that I was in was, you know, meaning not really
2 something you worry about over the night because, you know,
3 I'm doomed either way.

4 Q. Okay. Did Mr. Dest or Mr. Delaney ever explore with
5 you the defense of insanity during the criminal
6 proceedings?

7 A. Uh, no.

8 Q. They never talked to you about it at all?

9 A. I mean if it did come up it would be with Delaney but
10 I don't remember that.

11 Q. Okay. Did they ever talk to you about pleading guilty
12 but mentally ill?

13 A. No.

14 Q. Never at all? Nobody ever talked to you about that?

15 Do you remember talking about potentially pleading
16 guilty? Do you remember talking ---

17 A. Yeah, yeah. Yeah.

18 Q. --- to Mr. Dest or Mr. Delaney about your guilty plea?

19 A. Right. Death row. See that's what I was wanting
20 anyways but it didn't come to that.

21 Q. You're testimony is that you did want death row?

22 A. Yeah.

23 Q. Did you ever tell Mr. Dest that?

24 A. I'm not sure. I don't believe I did.

25 Q. Okay. Did you ever have a conversation with him about

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1 how it being a goal to keep you or keep the State from
2 seeking the death penalty against you?

3 A. Say that again.

4 Q. Did you ever have a conversation with Mr. Dest about
5 it being a goal of yours, and Mr. Dest, to keep the State
6 from seeking the death penalty against you?

7 A. Yeah, I believe so.

8 Q. You think you did have that conversation?

9 A. Yeah.

10 Q. And what was the result of the conversation?

11 A. You know he just informed me some -- the way things
12 could unravel if we tried, you know, instead of taking it
13 to court -- take it to trial.

14 Q. What did he tell you what could happen or what could
15 unravel so to speak?

16 A. Well they explained to me how you can end up in a
17 state psychiatric facility indefinitely, you know. And
18 that picture just stop being so attractive after I heard
19 that. But that's pretty much it, yeah.

20 Q. So he had a conversation with you about being in a
21 psychiatric facility while on death row if that were in
22 fact your sentence? Is that what you're saying?

23 A. No, no. No.

24 Q. Let me say that again. What or what conversation did
25 you have with Mr. Dest?

1 A. In regards to what?

2 Q. In regards to the prosecution seeking the death
3 penalty.

4 Q. He -- He laid it out on the table and told me that
5 there's a chance that they could -- it could do that if I
6 wasn't willing to play ball. And I understand that I'm his
7 client so he's got to do what he's got to do to protect me,
8 but in hindsight, I mean that's what I want now. I'm not
9 depressed, I'm not sad or downtrodden. I just -- I just
10 want, you know, to be treated like everyone else. I know
11 what I did was terrible and I think that's part of the
12 punishment, you know.

13 Q. Did you -- And I ask you this a few minutes ago, but
14 did you ever have a conversation with Mr. Dest about -- You
15 said you talked to him about pleading guilty.

16 A. Yeah.

17 Q. We went through that. Did you have a conversation
18 with him about potentially pleading guilty but mentally
19 ill?

20 A. Yeah.

21 Q. You did have that conversation?

22 A. I'm pretty sure we did.

23 Q. And what was the result of that conversation or
24 can you tell me about that?

25 A. I mean he just let it be known, you know, that -- what

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1 the outcome could potentially be. And like I was telling
2 you one time before, the reason why I was shying away from
3 this death row thing is because of my family. Now that my
4 dad, he died, and my mom's health's not very good and so
5 its not a cop out, it's a -- I just want to just move on
6 with my life. It's just another chapter you know. Its
7 nothing morbid or any those crazy things or -- its just --
8 it really is something that I want to do. Yeah.

9 Q. Okay. What medicines are you currently on, Mr. Moody

10 A. Lithium, Prozac, Cogentin, Seroquel.

11 Q. Okay. And what -- For the Court's information, what
12 have you been diagnosed with or what mental health
13 conditions have you previously been diagnosed with?

14 A. Border line personality and anti-social personality.

15 Q. Have you ever been diagnosed with schizophrenia?

16 A. Yeah.

17 Q. Any other mental --

18 A. See, that's why I'm not quite sure because there are
19 certain things that kind of so I continue 'em and some
20 things over lap other things so I don't rightly know if
21 it's schizophrenia or if it's this other thing. I really
22 don't know.

23 Q. And do you remember talking to a Doctor Morgan when
24 you were represented by Mr. Dest?

25 A. Yeah. Yes.

1 Q. How many times did you meet with Mr. Morgan? Doctor
2 Morgan. Excuse me.

3 Q. Twice, maybe three times tops.

4 Q. Do you remember when the first time you met with him
5 was?

6 A. Yeah, it was at the jail matter of fact.

7 Q. At what jail? The Union County Detention Center?

8 A. Union, yeah. Yeah.

9 Q. Okay. How long did you talk to him?

10 A. Uh, about forty-five minutes, maybe an hour.

11 Q. Was anybody else present?

12 A. Mr. Dest.

13 Q. Okay. So it was you and Doctor Moore and Mr. Dest?

14 A. Right.

15 Q. Okay. Then you talked to him at least one other time.
16 When was that?

17 A. Right before I come in this courthouse and checked - I
18 guess he was, you know, checking to see if I was sane.

19 Q. Okay. Did you understand that why you were talking to
20 Mr. -- or Doctor Morgan, why you were talking to him the
21 first time did you understand that?

22 A. Uh, no, not really.

23 Q. So did you ever have a conversation with Mr. Dest
24 about why you were gonna talk to Doctor Morgan?

25 A. Yeah, we did and he was telling me how he would have

JEREMY MOODY: DIRECT BY MRS. FAULKNER

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1 to -- we'd have to get the money together so that we could
2 get this hot-shot psychiatrist to come from Georgia up
3 here. I mean he was really -- He did a really good job in
4 my opinion, the doctor did, but I don't think you can learn
5 enough about a person in forty-five minutes though.

6 Q. And did Mr. Dest ever go over with you the results of
7 your conversations with Doctor Morgan or --

8 A. He did. No. I don't think it was Mr. Dest. I think
9 it was Delaney.

10 Q. And what did he talk to you about?

11 A. Just what -- He just confirmed everything that they
12 said at mental health. It wasn't any new information.

13 Q. What do you mean confirmed everything?

14 A. Well he just from what, you know, like I said I been
15 going to mental health in Union for a number of years, and
16 when I entered the little room there we was talking and he
17 just -- he just kind of confirmed everything Doctor
18 Ratchcliff had already said and notes he had made and like
19 that, those things, yeah.

20 Q. Okay. At the time the crimes were committed do you
21 believe that you were in your right mind at that time?

22 A. My right mind. I don't know if I understand that. I
23 never killed anyone that didn't deserve to be killed. I
24 know that sounds cruel but it's true. These people hurt
25 children and then everybody wants me to walk with my head

1 down like I did something -- I did something wrong. I
2 didn't do anything wrong. In fact the system did something
3 wrong because they didn't protect babies so I had to go do
4 it. Sorry, that's true. I know it's not the answer you're
5 looking for.

6 Q. Do you believe that Mr. Dest provided ineffective
7 assistance of counsel to you during your criminal
8 proceedings?

9 A. Yeah, but I don't believe it was deliberate.

10 Q. Why do you think -- Well, why do you think he provided
11 ineffective assistance of counsel?

12 A. Well I think I should have went to Columbia and like
13 everyone else that's involved in a murder case they do down
14 there and they meet with doctors and things of that nature.
15 I didn't meet with anybody except Doctor Morgan. I mean
16 he's good, sure, but I think you need more than like I said
17 forty-five minutes with a guy.

18 Q. But you weren't ever evaluated for any long period of
19 of time?

20 A. No.

21 Q. And you were never evaluated by another doctor, it's
22 just Doctor Morgan, ---

23 A. Right.

24 Q. --- correct?

25 A. Yeah, I would see the counselor. I don't know if

JEREMY MOODY: DIRECT BY MRS. FAULKNER

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1 that counts. There is a counselor at Union or was.
2 Her name is Barbara something. But of course everything
3 was on the surface. We never, at least I didn't, I never
4 spoke
5 to her at a personal level.

6 Q. Okay.

7 MRS. FAULKNER: I beg the Court's indulgence for one
8 moment.

9 (PAUSE.)

10 Q. Is there anything else Mr. Moody, that you want to
11 tell the Court today?

12 A. Yeah. I feel like I deserve to go to -- I deserve
13 the death sentence, I'm pretty sure I do. Not because of
14 what I did do, but because of what I didn't do, if that
15 makes sense. I just don't understand. You know I don't
16 understand how persons can be so lively discarded and hated
17 over what my crime was. I mean, you know I've seen -- I've
18 seen people come in jail and have a pending murder charge
19 and PR out. I mean, you tell me where that makes sense.
20 We're the greatest country in the world, we let people out
21 of jail. I don't know. Sorry.

22 MRS. FAULKNER: I have no further questions from this
23 witness, your Honor.

24 THE COURT: Mr. Hunter.

25 MR. HUNTER: Just a couple of things.

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CROSS-EXAMINATION

JEREMY MOODY BY MR. HUNTER:

Q. So when you met with Mr. Dest and Mr. Delaney you said that there was, I guess, some evidence that y'all didn't look over?

A. Yeah.

Q. And you didn't realize that until now?

A. Yeah. I didn't have all the paperwork or the knowledge to know what all --

Q. Okay. So you didn't know at the time that you -- that you needed more information, more evidence?

A. Uh, yeah.

Q. And you -- But you wanted to plead guilty either way, right?

A. Uh, no, I don't believe so.

Q. So during that plea hearing did you ever tell your attorney's that you didn't understand what was going on?

A. Uh, no, I don't believe I did.

Q. So you knew basically why you were there that day, right?

A. What day?

Q. The day of the plea hearing.

A. Uh, I don't recall -- I don't recall the plea hearing. I don't remember even being there.

Q. So you're saying now that you don't recall being --

JEREMY MOODY: CROSS BY MR. HUNTER

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1 A. I mean I'm not saying it's not true. I just simply
2 can't recall.

3 Q. Okay. I understand. All right. And did you have any
4 issues with Doctor Morgan?

5 A. Issues?

6 Q. Right.

7 A. No.

8 Q. Just that he didn't meet with you long enough?

9 A. I mean, see there was things he could have said that
10 would have helped me better understand my situation, my
11 psychiatric situation other than just -- I don't know. It
12 sort of felt like he was just there like -- I'm sure he's
13 good at what he does, you know.

14 Q. And you cooperated with him during the meetings,
15 right?

16 A. Meetings with?

17 Q. With Doctor Morgan.

18 A. And, just Doctor Morgan?

19 Q. Right.

20 A. What was your question now?

21 Q. You were cooperative with Doctor Morgan during your
22 meetings?

23 A. I believe so, yeah.

24 Q. Okay.

25 A. I mean I always try to be.

HARRY DEST: DIRECT BY MRS. FAULKNER

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1 Q. Okay.

2 MR. HUNTER: I don't have any further questions.

3 THE COURT: Anything further?

4 MRS. FAULKNER: Nothing further from this witness,
5 your

6 Honor.

7 THE COURT: All right. You can come down and sit
8 with your lawyer.

9 MR. MOODY: All right.

10 (WITNESS LEAVES WITNESS STAND.)

11 MRS. FAULKNER: We call Harry Dest to the stand.

12 THE COURT: Come around, Mr. Dest.

13 (WHEREUPON, HARRY DEST, BEING
14 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

15 THE COURT: You may proceed.

16 MRS. FAULKNER: Thank you, your Honor.

17 DIRECT EXAMINATION

18 HARRY DEST BY MRS. FAULKNER:

19 Q. Please state your name for the record, Mr. Dest.

17 A. My name is Harry Dest.

18 Q. Okay. And Mr. Dest, where are you currently
19 employed?

20 A. I am employed by the South Carolina Commission on
21 Indigent Defense. I am the Sixteenth Circuit Public
22 Defender responsible for the public defender offices in

HARRY DEST: DIRECT BY MRS. FAULKNER

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17 both York and Union County.

18 Q. Okay. And Mr. Dest, you heard Mr. Moody testify a
19 few minutes ago, correct?

1 A. Yes.

2 Q. And you were in fact representing him in his charges
3 for which he is incarcerated right now; is that correct?

4 A. Yes.

5 Q. Okay. And do you remember how many times that you
6 met with Mr. Moody?

7 A. It was at least six or seven times, maybe more than
8 that.

9 Q. Okay.

10 A. I know that Mr. Delaney, who is the Union County
11 Public Defender, obviously met with him more frequently
12 than I did, and I certainly was kept apprised of everything
13 that was going on with respect to their conversations
14 throughout the course of representation, but I met with him
15 on numerous occasions. We spoke about the details of the
16 case. I also relayed whatever discovery information that I
17 had with him, and to him, and discussed the case in depth
18 from the very beginning.

19 Q. Okay. And can you tell the court what conversations
20 you had with Mr. Moody about his previous mental health
21 history?

22 A. In our initial conversation that was certainly one of

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1 the first things that I addressed besides the fact or the
2 facts of the case was whether or not he had a mental health
3 history, and he was very clear to me that he did have one
4 and that he had been to the Union County Mental Health
5 facility and was receiving treatment for a period of time
6 since he was a teenager.

7 Based upon that information I thought that the first
8 thing we needed to do, or one of the first things we needed
9 to do, was to gather all of his medical records with
10 respect to the psychiatric treatment. and also hire a
11 forensic psychiatrist to do an evaluation. And also, to do
12 whatever testing the psychiatrist felt was appropriate
13 given his mental health history.

14 So as a consequence I was able to get all that
15 information. He was able to relay to me the places that he
16 had been to so I subpoenaed that information or got him to
17 sign a release and then subsequently obtained that
18 information. Then we hired Doctor Harold Morgan, who is a
19 forensic psychiatrist, who I have worked with many many
20 times over the past twenty-five years, and probably have
21 had a professional relationship with Doctor Morgan since
22 the early '90s, and every -- virtually every major case
23 he's been involved in with me throughout the course of my
24 career.

25 He now is retired and lives in the state of Georgia so

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1 there was some logistical issues we had to work through to
2 have him come back. But Doctor Morgan is somebody who I
3 trust, somebody I worked with before and has over fifty
4 years experience as a forensic psychiatrist.

5 Q. Now in going back for just a minute, you said that you
6 were able to obtain the medical records for which Mr. Moody
7 signed releases. Do you believe that you were able to
8 obtain all of his medical records?

9 A. I believe so, yes.

10 Q. So to your recollection --

11 A. To my knowledge. I don't know if there were any other
12 facilities that he attended but those were the ones that we
13 were aware of. And to followup, Doctor Morgan not only met
14 with Jeremy on several occasions, but he also talked to
15 family members to get a better sense of the family's mental
16 health history and whatever information he could get with
17 respect to other facilities he might have attended or been
18 treated by he was able to follow up on that as well.

19 Q. Okay. And did you discuss with Mr. Moody the
20 different defenses that he could have in this -- in these
21 charges?

22 A. We did. One of the things that I want to say is based
23 upon Doctor Morgan's evaluation, and which included
24 evaluations for competency which included an evaluation
25 with respect to the M'Naghten test of insanity, and GBMI.

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1 It was Doctor Morgan's opinion early on that because of his
2 mental health issues, which Doctor Morgan described as
3 primarily being bipolar disorder mixed with paranoid
4 schizophrenia, and others that over lap, that from a legal
5 and medical standpoint it was his opinion that guilty but
6 mentally ill was probably the more appropriate plea.

7 I certainly discussed that with Jeremy on several
8 occasions and talked about what Doctor Morgan's finding was
9 with respect to that. And Doctor Morgan believed that he
10 was delusional; that that certainly was the main
11 contributor to his behavior, and that because he was off
12 his medication which is consistent with his history, that
13 he was acting out.

14 Now, the reason why as I remember it, and in looking
15 back through my notes, is that Doctor Morgan felt there was
16 so much planning that he still knew right from wrong, so
17 therefore, M'Naghten was not an option to us. And when I
18 explained that to Jeremy that his mental health issue --
19 issues I should say -- were the main contributor to his
20 behavior, and that I thought from a mitigation standpoint
21 it would have been a more powerful argument to a judge that
22 with proper mental health treatment that he could be
23 restored some day to a productive life that we should have
24 gone that route.

25 Now, even though I presented that option to him, he

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1 did not want to plead guilty but mentally ill because his
2 words to me, and I'd go back and looked at my memos to the
3 file where that was a cop out; that he didn't think he did
4 anything wrong. And so, and the reason for that is, as
5 Doctor Morgan pointed out to me, that he was obsessed with
6 sex offenders. And he was obsessed with sex offenders
7 because unfortunately he had seen family members who were
8 sexually abused, and that that had a dramatic impact on
9 him, and that he was fixated on sex offenders.

10 Doctor Morgan went through a rather lengthy discussion
11 with him about that, and so he had a combination of a
12 mental health illness -- illnesses I should say on one end
13 -- and then you had on the other end this obsession with
14 sex offenders. And because he sought out who these sex
15 offenders were by the computer, by his own admission, and
16 that's how he tracked down these two individuals that were
17 ultimately killed; that there was a considerable amount of
18 planning and premeditation that would have negated any type
19 of M'Naghten defense.

20 And so, we were stuck primarily with a case of a young
21 man who had serious mental issues, who had either
22 experienced sexual abuse first hand according to Doctor
23 Morgan in his conversations with me, or had seen family
24 members who were abused, and had this obsessive need to act
25 out against them and he was proud of that fact, and that he

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1 felt that the mental health issue if we raised it would be
2 a cop out.

3 If I can go back to the very beginning of my
4 representation that I think is important to note, that
5 because two individuals were killed that this clearly was a
6 potential death penalty case; that the aggravating
7 circumstances could have been certainly proven with respect
8 to potential death penalty, so in our initial meetings I
9 told him that my two main objectives in this case after
10 listening to what happened, after reviewing the discovery,
11 were one: To try to convince the prosecution not to seek
12 the death penalty. And two: Be in a position where we
13 could get something less than a life sentence.

14 And so --

15 Q. And based on that conversation with Mr. Moody what
16 happened?

17 A. Well I mean that was something that was laid out to
18 him early on after obviously I agreed that his statements
19 and the discovery and also had an opportunity to talk to
20 him, and then getting Doctor Morgan on board, I told those
21 were really from my perspective the two things that we
22 needed to try to achieve in this case. And again, getting
23 back to the guilty but mentally ill plea I thought that
24 would have given us the best chance to do that. But he did
25 not want to go forward or proceed in that manner.

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1 And quite frankly at the end we just decided that we
2 could enter a plea of guilty but then have Doctor Morgan
3 testify at the plea as to some of those issues that he
4 believed were the most important that needed to be
5 addressed.

6 Either way it was a guilty but mentally ill plea from
7 my perspective in terms of the practical application of it,
8 but I still think that the guilty but mentally ill plea
9 would have been potentially a better way to go about it to
10 make it a more powerful argument. But needless to say
11 that's the route that we went.

12 Q. But ultimately, and just to be clear, why did you not
13 pursue the guilty but mentally ill?

14 A. Because he would not plead guilty but mentally ill.

15 Q. And did you think --

16 A. He would not -- Jeremy would not.

17 Q. Do you think based on your representation of him that
18 he understood that, that he was lucid enough and competent
19 enough to understand?

20 A. Let me just say, you know, I had many conversations
21 with Jeremy, and I think I may even mentioned this at the
22 plea, I felt despite the circumstances that existed, that
23 we had a very good attorney client relationship. I mean
24 there wasn't a cross word at any time; there wasn't any
25 tension between us. We discussed a lot of things, not just

1 the case and his history, but potential goals in life and
2 what we could potentially what he could look forward to if
3 he got out some day, or even if he didn't get out what type
4 of life he could live. So I had a very good attorney
5 client relationship with him. I know some people may not
6 understand that; I think every conversation that we had was
7 constructive and, you know, I mean one of the things I
8 remember is he liked baseball and so, you know, we talked a
9 lot about baseball. And so -- and when I say that I mean
10 that in the way that to show that he and I could
11 communicate about other things in a rational way.

12 Q. And in your conversations in discussing the guilty but
13 mentally ill plea with him, did you discuss the different
14 places that he might be placed or ramifications of that
15 plea if he ended up taking that route?

16 A. I did, yes. Obviously a guilty but mentally ill
17 plea, as I understand it and as my experience in it, and
18 the criminal justice system doesn't guarantee that you'll
19 be in a mental health facility the remainder of your life.
20 Basically they treat people for mental illness and when
21 they believe, the psychiatric experts believe, that a
22 person could be sent back into general population they will
23 do that. It doesn't mean that they're in a psychiatric
24 facility within the Department of Corrections for the
25 entire time they're there. It just means that they're

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1 there until they're well enough to get in the general
2 population.

3 Q. And you did discuss that thoroughly with Mr. Moody,
4 is that correct?

5 A. Yes, I did.

6 Q. Okay. Did Doctor Morgan ever provide a written report
7 ---

8 A. No.

9 Q. --- of his evaluation?

10 A. No, he did not. And I'll say as an officer of the
11 court I know the issue of competency has been raised, that
12 in my view was never an issue based upon my conversations
13 with Jeremy. Doctor Morgan felt the same way. I believe
14 even in the transcript on page 8 of the plea he indicates
15 that that was not an issue. So I basically in talking with
16 Doctor Morgan did not think that a written report was
17 necessary because those were not issues that needed to be
18 addressed.

19 And since M'Naghten was not gonna be a viable defense
20 I didn't that we needed to address that. There were some
21 other tests that were administered by Doctor Morgan, the
22 personality test, and that information was relayed to me
23 and certain parts of it I did not feel needed to be
24 revealed to the court.

25 Q. And I didn't hear what you said. What portion of the

1 evaluation? What was --

2 A. There was a personality test ---

3 Q. Personality test.

4 A. --- conducted, or administered to Mr. Moody, and
5 certain aspects of his personality that were relayed to me
6 by Doctor Morgan from that test and some of it was positive
7 and some of it was not, so from a strategic standpoint I
8 decided that that report was not necessary.

9 Q. Okay. Was there any other information that you
10 thought that you needed before allowing Mr. Moody to plead
11 guilty?

12 A. No.

13 Q. At any time did Mr. Moody have a conversation with
14 you about him desiring for you to allow the State to seek
15 the death penalty against him?

16 A. I don't recall that at all, because the goal,
17 initially the first goal was to convince the prosecution
18 not to seek the death penalty.

19 Q. Okay. So that at no time during your representation
20 of Mr. Moody, and in your consideration of his medical
21 records that you obtained, did you think it was necessary
22 to have anybody else evaluate Mr. Moody; is that correct?

23 A. I did not. Given my history, professional history
24 with Doctor Morgan I did not think that was necessary.

25 Q. And in your professional role in representing

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1 defendant's in charges such as Mr. Moody with past mental
2 health conditions such as the ones that Mr. Moody has,
3 what's your normal and do you have a normal standard
4 protocol that you follow in trying to get people evaluated
5 in your office?

6 A. I, as my personal opinion in terms of what I think is
7 best for the client, is to have my own private forensic
8 psychiatrist, not my own, but an independent forensic
9 psychiatrist who is not employed by the state mental health
10 department evaluate someone. And part of that reason is
11 quite candidly I think I have more confidence in someone
12 doing it that's not associated with the state's department
13 of mental health.

14 My experience has been that in the twenty-seven years
15 I've been practicing law very rarely do -- does the state
16 department of mental health give as thorough an opinion as
17 someone in the private sector. They're less reluctant to
18 find someone not competent to stand trial. They are
19 reluctant to find someone not guilty by reason of insanity
20 most of the time. So my personal and professional
21 preference is to get someone on the outside that I have
22 worked with, that I trust is gonna give me the good, the
23 bad, the ugly, give me a fair assessment and proceed in
24 that fashion. So that's why I had routinely sought out
25 funds to get my own private psychiatric expert.

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1 Q. Which is what you did with Doctor Morgan, correct?

2 A. Correct.

3 MRS. FAULKNER: I beg the Court's indulgence for one
4 moment.

5 (PAUSE.)

6 MRS. FAULKNER: I have no further questions for this
7 witness, your Honor.

8 MR. HUNTER: May it please the court.

9 Just a few things, Mr. Dest, to followup on.

10 CROSS-EXAMINATION

11 HARRY DEST BY MR. HUNTER:

12 Q. As far as the discovery was concerned, was there
13 anything that you can think of that wasn't shared with Mr.
14 Moody?

15 A. No.

16 Q. So there was nothing at the plea hearing that you
17 found out later on that you should have had?

18 A. No.

19 Q. Okay. Now during your -- I guess during your
20 conversations with him, did it ever seem like he had no
21 idea of what was going on?

22 A. No. Like I said, all of the conversations that I had
23 with Jeremy were constructive.

24 Q. And --

25 A. I never felt like he did not understand what I was

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1 talking about. He could communicate with me very well from
2 my standpoint. I never had any difficulty understanding
3 him and so, like I said, it was a good attorney-client
4 relationship from the very beginning to the end from my
5 perspective.

6 Q. And he was cooperative with you?

7 A. Yes.

8 Q. Okay. And as far as the plea hearing itself was
9 concerned, did you ever believe that he didn't understand
10 what was going on during that hearing?

11 A. No.

12 Q. So he knew why he was there?

13 A. I felt confident, yes, that he understood. And in
14 fact Doctor Morgan met with him prior to the plea,
15 obviously to make sure that everything was -- that he felt
16 comfortable moving forward.

17 Q. Okay. So, you never had any question about his
18 competency to enter that plea, correct?

19 A. Correct.

20 Q. And did you ever have any question in your mind about
21 his -- any issues with his criminal responsibility?

22 A. No. Like I said, I do think that a GBMI plea would
23 have been probably the better way to proceed based upon his
24 mental illness, and based upon what Doctor Morgan told me,
25 but he was unwilling to plead in that fashion.

1 Q. Okay. And, you know, we discussed that there was no
2 official written report from Doctor Morgan, but can you
3 just go over again what exactly he, Doctor Morgan,
4 evaluated on?

5 A. Well, anytime I had Doctor Morgan as hired he does a
6 full-fledged evaluation whether it's competency. You know,
7 competency whether its M'Naghten, or GBMI is appropriate.
8 He also will do a multi-personality test to try to discern
9 what this individual's strong personality traits are;
10 whether or not someone's anti-social or not; whether or not
11 someone is predatorily -- has a propensity for both
12 predatory violence which means they seek out people that
13 they don't know to inflict harm on.

14 Whether or not they have a personality which is more
15 compliant or more abstinent; in other words, do they --
16 likely to act out or are they likely to be compliant. So
17 those are some of the things that he looks at or test for
18 in a personality test in addition to a full-fledged
19 evaluation.

20 And obviously -- If I may just back up a second. If I
21 felt like I needed to have a written report on those issues
22 I would have certainly done that, but given what I
23 understood about the case, given the conversations that I
24 had with Jeremy, and Doctor Morgan's opinion, I didn't
25 think that was necessary. And quite frankly there were --

HARRY DEST: CROSS BY MR. HUNTER

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1 as I indicated there were certain things that were relayed
2 to me that I did not think were beneficial in presenting
3 his case. So I had to be somewhat careful -- I'll just put
4 it that way -- as to what I wanted in a written form or if
5 anything in written form.

6 Q. Okay. So you discussed Doctor Morgan's findings, all
7 of his findings with Mr. Moody?

8 A. I did.

9 Q. Okay. That's prior to the plea?

10 A. Yes. In fact, you know, I had -- If I can go back
11 and look at some of these memos where Doctor Morgan
12 actually wrote me an email suggesting GBMI. I documented
13 that in my file, my own personal file, handwritten notes
14 and even a typed memo where we discussed GBMI and I relayed
15 all that information to Jeremy back in, looks like October
16 of 2013; October 3rd, October 8th, October 30th. We had
17 another followup visit about the GBMI in February of 2014
18 based upon Doctor Morgan's recommendation.

19 Q. And again, the GBMI possibility was rejected?

20 A. Yes.

21 Q. Okay. And just to make sure, you never had any
22 concern during that plea hearing about his competency,
23 correct?

24 A. No. And certainly if I felt that that was an issue,
25 or a potential issue, then I would have done everything

1 within my power to stop the proceeding at that time.

2 MR. HUNTER: I beg the Court's indulgence one second.

3 (PAUSE.)

4 That's all I have. I appreciate it.

5 THE COURT: Any redirect?

6 MRS. FAULKNER: Nothing further from this witness,
7 your

8 Honor.

9 THE COURT: You may come down. Thank you very much.

10 (WITNESS LEAVES WITNESS STAND.)

11 THE COURT: Can this witness be excused?

12 MRS. FAULKNER: I have no objection to that, your
13 Honor.

14 THE COURT: Without objection. Mrs. Faulkner.

15 MRS. FAULKNER: Nothing further from Mr. Moody, your
16 Honor.

17 THE COURT: Okay. Any witnesses on behalf of the
18 State?

19 MR. HUNTER: Nothing from the State.

20 THE COURT: All right. Counsel, I'll accept proposed
21 orders within thirty days.

22 MR. HUNTER: Thank you.

23 THE COURT: Thank you very much.

24 MRS. FAULKNER: Thank you, your Honor.

25 THE COURT: Anything further, Mr. Hunter, to come

1 before the Court?

2 MR. HUNTER: Not this week.

3 THE COURT: Not this week.

4 (APPLICANT, JEREMY MOODY, EXITS COURTROOM.)

5 THE COURT: All right. This court's adjourned.

6 (COURT ADJOURNED AT 11:27 A.M.)

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CERTIFICATE OF REPORTER

State of South Carolina)
)
County of York)

I, Wanda Nelson, Official Court Reporter for the Sixteenth Judicial Circuit for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for York County, South Carolina, on the 18th and 19th days of April 2017.

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

Wanda Nelson

Wanda Nelson, CVR-M
Certified Verbatim Reporter,
Official Court Reporter,
Notary Public, in and for
The State of South Carolina.

My Commission Expires: 1/21/2021

DATE: September 2 / 2017

STATE OF SOUTH CAROLINA)
COUNTY OF UNION)

Jeremy Lee Moody,)
S.C.D.C. No. 359801,)
2015-CP-44-294)

Applicant,)

v.)

State of South Carolina,)

Respondent:)

ORDER OF DISMISSAL

FILED FOR RECORD
2017 JUN 23 AM 9 09
CLERK OF COURT
UNION, SC

This matter comes before the Court by way of an Application for Post-Conviction Relief (PCR) filed July 10, 2015. An evidentiary hearing into the matter was convened on April 18 and 19, 2017, at the Moss Justice Center in York, South Carolina before the Honorable G. Thomas Cooper, Jr. Applicant was present at the hearing and represented by Beth Faulkner, Esquire. Justin Hunter, Esquire, of the South Carolina Attorney General's Office represented Respondent. At the hearing, Applicant testified on his own behalf. Harry Dest, Esquire, also testified. This Court also had before it a copy of the records of the Union County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, Respondent's Return, and the plea transcript.

At the outset of the hearing, Applicant's counsel made a motion to have Applicant officially evaluated. Ms. Faulkner relayed to the Court that she had no issue of Applicant's competency to proceed with the PCR hearing, but stated that his grounds for relief included his plea counsel's failure to submit an official mental evaluation to the plea court. This Court continued the hearing until the next day, April 19, 2017. At the hearing, Ms. Faulkner renewed her motion for an evaluation, arguing that she wants Applicant evaluated for criminal

responsibility and competency. She submitted Applicant's medical records to the Court as Applicant's Exhibit 1. This Court denied Applicant's motion and proceeded with the evidentiary hearing.

I. PROCEDURAL HISTORY

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Union County Clerk of Court's orders of commitment. The Union County Grand Jury indicted Applicant at the January 2014 term of General Sessions for two counts of murder (2014-GS-44-0060, -0061), two counts of possession of a firearm or knife during the commission of a violent crime (2014-GS-44-0063, -0064), and first-degree burglary (2014-GS-44-0066). Harry Dest, Esquire, and Erik Delaney, Esquire, represented Applicant. On May 6, 2014 the Applicant pled guilty as indicted. The Honorable Lee S. Alford sentenced the Applicant to life imprisonment for murder, life imprisonment for the second count of murder, five years imprisonment for possession of a weapon during the commission of a violent crime, five years imprisonment on the second count of possession of a weapon during the commission of a violent crime, and life imprisonment for first-degree burglary – to be served concurrently.

Applicant timely filed a notice of appeal. The South Carolina Court of Appeals dismissed Applicant's appeal by an order filed June 30, 2014. The Remittitur was submitted on July 16, 2014.

Allegations

In his application, Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
 - a. "Counsel was ineffective where he hired a forensic science expert to conduct an evaluation which was not properly conducted or evaluated."

- b. "The lead attorney nor the forensic science expert Dr. Harold Morgan, who was the wrong expert, were "trying to be adversarial" or not trying to make the court aware of applicant's black out spells or the mental health treatment he was receiving before this crime, which is the Caskey test after discovery. Applicant can satisfy the Caskey test, applicant must show that the evidence upon which it is based."
- 2. Involuntary guilty plea
 - a. "Applicant contends that his plea was not voluntary and intelligently made"
- 3. Denial of due process

II. SUMMARY OF EVIDENCE PRESENTED AT PCR HEARING

Applicant's Testimony

Applicant testified that he was represented by public defenders Harry Dest and Eric Delaney. He testified that he met with Mr. Dest only three to four times but met with Mr. Delaney about twice a month prior to his plea. He testified that Mr. Delaney went over the evidence and discovery, which included a video of him holding the victims at gun point.

Applicant testified that he had been going to mental health since age seventeen. He testified that prior to that age, he had mental issues including hallucinations but was not sure what it was. He testified that he would be fine if he was on medication, but would regress when he would stop taking his medication. Applicant testified that at the time of the incident, it had been over a year since he took his medication. He testified that he had been experiencing some hallucinations and should have stayed on his medication.

Applicant testified that he did not talk to Mr. Delaney about his mental health history. He testified that he discussed it with Mr. Dest. He testified that they never explored the insanity defense. Applicant testified that he wanted to go to death row but did not tell Mr. Dest. He testified that he pled guilty to avoid a death sentence. He further testified that he discussed a plea of guilty but mentally ill (GBMI) and the possibility of being in a psychiatric facility.

Applicant testified that he met with Dr. Harold Morgan two to three times. He testified that Mr. Dest was present during these meetings in jail and right before he pled. Applicant testified that Dr. Morgan did a good job but he did not think that Dr. Morgan could learn enough about him in forty-five minutes. He testified that Mr. Delaney went over the results of Dr. Morgan's findings, which provided no new information and only confirmed what he already knew from mental health.

Applicant testified that he was in his right mind at the time he committed the crime. He testified that he did nothing wrong and never killed anyone who did not deserve to be killed. He testified that Mr. Dest was ineffective because he should have gone to Columbia and met with the doctors at the Department of Mental Health. He testified that Counsel was ineffective because Applicant was not evaluated for a long period of time.

Counsel Harry Dest's Testimony

Mr. Dest testified that he met with Applicant six to seven times. He testified that Mr. Delaney met with Applicant more times but he was still kept apprised of their conversations. Mr. Dest testified that he relayed the entire discovery to Applicant during their meetings and discussed his mental health history. He testified that Applicant seemed to understand their conversations. Mr. Dest further testified that he and Dr. Morgan met with Applicant just prior to the plea hearing and he believed that Applicant understood what was occurring during the hearing.

Mr. Dest testified that he was able to obtain all of Applicant's mental health records and hired a forensic psychiatrist, Dr. Morgan. He testified that he has used Dr. Morgan many times in prior cases. Mr. Dest testified that Dr. Morgan evaluated Applicant, which included evaluations for criminal responsibility, competency, the possibility of a GBMI plea, *M'Naughten*, and other



personality tests. He testified that Dr. Morgan believed Applicant had been acting out because he stopped taking his medication. Mr. Dest also testified that Dr. Morgan did not believe that Applicant could be found not criminal responsible under a *M'Naughten* defense because of Applicant's extensive amount of planning he had undertaken prior to committing the crime. He testified that Applicant was obsessed with sex offenders because he had witnessed sex abuse in his family, and specifically sought out sex offenders to kill.

Mr. Dest testified that he and Dr. Morgan believed that a GBMI plea was probably more appropriate in Applicant's case. He testified that he discussed the possibility of a GBMI plea with Applicant and where he would be housed if he took the plea. Mr. Dest testified that Applicant refused the plea and saw it as a "cop out." He testified that Applicant had a need to act out against sex offenders and did not want to plead GBMI. Mr. Dest testified that this was a potential death penalty case and he wanted to convince the prosecutor to not seek the death penalty. He testified that when Applicant rejected the GBMI plea, their strategy was to plead guilty and have Dr. Morgan mitigate so Applicant could get less than a life sentence.

Mr. Dest testified that Dr. Morgan did not provide an official written report of his evaluation because competency was never an issue. He testified that he did not think that a written report was necessary to submit to the plea court and would have requested one from Dr. Morgan had he needed one. Mr. Dest testified that a report would have revealed other information from the evaluation that would not have been beneficial to Applicant's defense. He testified that he never believed that Applicant needed a second evaluation.

III. APPLICABLE LAW

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the



application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the Clerk of Court records regarding the subject



convictions, the guilty plea transcript, Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80 (2003), this Court makes the following findings of fact based upon all of the probative evidence presented.

As a matter of general impression, this Court finds Applicant's testimony and assertions to be not credible. In contrast, this Court finds Counsel's testimony to be credible and persuasive on all matters. These credibility findings have been applied to the Court's findings and conclusions set forth below.

Ineffective Assistance of Counsel

Applicant alleges Counsel was ineffective regarding his guilty plea. This Court finds that Applicant failed to meet his burden of proving that his plea counsel was ineffective. This Court finds Applicant's attorney demonstrated the normal degree of skill, knowledge, professional judgment, and representation that are expected of an attorney who practices criminal law in South Carolina. State v. Pendergrass, 270 S.C. 1, 239 S.E.2d 750 (1977); Strickland, 466 U.S. at 668; Butler, 286 S.C. 441, 334 S.E.2d 813.

An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the applicant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citations omitted). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the range of competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985). To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full



understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L.Ed.2d 274 (1969).

This Court finds that Applicant has failed to meet his burden of proving that Counsel was ineffective regarding Applicant's mental health evaluation. Applicant alleged that he was not evaluated by Dr. Morgan for a lengthy period of time and should have been evaluated at the Department of Mental Health in Columbia. Mr. Dest testified that he never had a question about Applicant's competency but employed Dr. Morgan, who Mr. Dest had used many times before, to evaluate Applicant for a wide variety of tests including criminal responsibility, competency, the possibility of a GBMI plea, *M'Naughten*, and other personality tests. Applicant was also concerned that a written report from Dr. Morgan was never presented to the plea judge. Mr. Dest testified that he did not think a written report was necessary since competency was not an issue and because certain findings from Dr. Morgan would not have been beneficial to Applicant's defense. This Court finds that Applicant has failed to prove that Counsel's actions were deficient as he has failed to show what an extended evaluation would have revealed and has failed to show that there were any deficiencies in Dr. Morgan's evaluation or his testimony in the plea hearing. This Court also finds that Applicant has failed to show that entering a written report from Dr. Morgan would have changed the outcome of his plea.

Furthermore, this Court finds that Applicant has failed to show that he was prejudiced by Counsel's actions because Applicant has failed to show that he otherwise would have elected to go to trial. Similarly, Applicant has not shown any error in Counsel's assistance that led him to plead guilty instead. Applicant admitted guilt in the plea and PCR hearings and made no indication that he would have gone to trial but for Counsel's actions regarding the mental health

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evaluation. Therefore he cannot prove any prejudice. Accordingly, this allegation is denied and dismissed with prejudice.

Involuntary Guilty Plea

Applicant alleges that his plea was given involuntarily. This Court finds that Applicant's allegation must be dismissed. To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L.Ed.2d 274 (1969). Defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton v. State, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63, 97 S. Ct. 1621, 52 L.Ed.2d 136 (1977)). Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. United States, 519 F.2d 347 (4th Cir.1975).

"A guilty plea constitutes a waiver of nonjurisdictional defects and claims of violations of constitutional rights." Jamison v. State, 410 S.C. 456, 467, 765 S.E.2d 123, 129 (2014) (citing State v. Rice, 401 S.C. 330, 331-32, 737 S.E.2d 485, 485-86 (2013); Hyman v. State, 397 S.C. 35, 44, 723 S.E.2d 375, 379 (2012)). Notably the South Carolina Supreme Court has held "[a] guilty plea represents a break in the chain of events which has preceded it in the criminal

process." Id. (citations omitted). "When a criminal defendant has solemnly admitted in open court that he is in fact guilty of the offense with which he is charged, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea." Id. (citing Rice, 401 S.C. at 332, 737 S.E.2d at 486).

This Court finds, and the record reflects, Applicant was fully advised that he was pleading guilty and therefore waiving any challenges to the evidence against him. The plea court's thorough colloquy with Applicant demonstrates that he understood the consequences of pleading guilty and the potential sentences he could receive. Applicant advised the plea court that no one had promised him anything in order to get him to plead guilty. Applicant also advised the plea court that he was pleading guilty freely and voluntarily. The record also reflects that Applicant fully admitted his guilt to the plea court and agreed with the State's version of the facts. Applicant presented no credible evidence at the PCR hearing as to why he should be able to depart from his statements at the plea hearing. This Court finds credible Counsel's testimony regarding his preparation and advice to Applicant prior to the guilty plea. After a full review of the guilty plea transcript, this Court finds the plea judge correctly found Applicant's plea was freely, voluntary, and intelligently made. This Court also finds that Applicant has presented no evidence that he did not understand the plea proceeding or that his plea was not freely, voluntarily, or intelligently made. Accordingly, this allegation must be dismissed.

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds Applicant failed to present any testimony, argument, or evidence at the hearing regarding such allegations. Accordingly, this Court finds Applicant has abandoned any such allegations.



V. CONCLUSION

Based on the foregoing, the Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Applicant failed to demonstrate counsels' performance was unreasonable under prevailing professional norms. Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625; Stalk v. State, 383 S.C. 559, 563, 681 S.E.2d 592, 594 (2009). Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. The application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant will remain in the custody of the South Carolina Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 5 day of June, 2017.

Caden, South Carolina


 G. THOMAS COOPER, JR.
 Presiding Judge
 Sixteenth Judicial Circuit

WITNESSES

T. Humphries/UCSO

ARREST WARRANT NUMBER

2013A4410100553

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury

Date: JAN 06 2014

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2014-GS-44-0060

The State of South Carolina

County of Union

COURT OF GENERAL SESSIONS

JANUARY 06, TERM 2014

THE STATE

vs.

JEREMY LEE MOODY

Indictment for

MURDER

SC Code: 16-3-10

CDR Code: 0116

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

[Signature]
Defendant

Witness:

[Signature]
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF UNION)

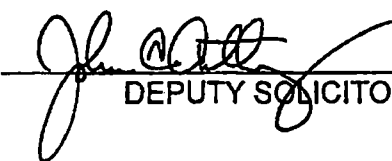
INDICTMENT

At a Court of General Sessions, convened on January 06, 2014, the Grand Jurors of Union County present upon their oath:

MURDER

That in Union County, South Carolina on or about July 21, 2013, Jeremy Lee Moody, acting together with Christine Susan Moody, did with malice aforethought, kill and murder Charles Parker by shooting the victim with a handgun and the victim died as a proximate result thereof, in violation of Section 16-3-10, 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.


DEPUTY SOLICITOR

WITNESSES

T. Humphries/UCSO

ARREST WARRANT NUMBER

2013A4410100554

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date: JAN 6 2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014-GS-44-0061

The State of South Carolina

County of Union

COURT OF GENERAL SESSIONS

JANUARY 06, TERM 2014

THE STATE

vs.

JEREMY LEE MOODY

Indictment for

MURDER

SC Code: 16-3-10

CDR Code: 0116

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

[Signature]
Defendant

Witness:

[Signature]
C.C.C. PL6. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF UNION)

INDICTMENT

At a Court of General Sessions, convened on January 06, 2014, the Grand Jurors of Union County present upon their oath:

MURDER

That in Union County, South Carolina on or about July 21, 2013, Jeremy Lee Moody, acting together with Christine Susan Moody, did with malice aforethought, kill and murder Gretchen Parker by shooting the victim with a handgun and the victim died as a proximate result thereof, in violation of Section 16-3-10, 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.


DEPUTY SOLICITOR

WITNESSES

T. Humphries/UCSO

ARREST WARRANT NUMBER

2013A4410100556

ACTION OF GRAND JURY

TRUE BILL

J. C. Wright
Foreperson of Grand Jury
Date: _____

VERDICT

Foreperson of Petit Jury
Date: _____

DOCKET NO. 2014-GS-44-0063

The State of South Carolina

County of Union

COURT OF GENERAL SESSIONS

JANUARY 06, TERM 2014

THE STATE

vs.

JEREMY LEE MOODY

Indictment for

POSSESSION OF A FIREARM OR KNIFE
DURING THE COMMISSION
OF A VIOLENT CRIME

SC Code: 16-23-490
CDR Code: 0549

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

X Jeremy Moody
Defendant

Witness: *W. Q. F. Felt*
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF UNION)

INDICTMENT

At a Court of General Sessions, convened on January 06, 2014, the Grand Jurors of Union County present upon their oath:

POSSESSION FIREARM OR KNIFE DURING COMMISSION
OF A VIOLENT CRIME

That in Union County, South Carolina on or about July 21, 2013, Jeremy Lee Moody did act together with Christine Susan Moody to possess a firearm or visibly display what appeared to be a firearm or visibly display a knife during the commission of a violent crime, to wit: the Murder or Kidnapping of Charles Parker, in violation of Section 16-23-490, 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.


DEPUTY SOLICITOR

WITNESSES

T. Humphries/UCSO

ARREST WARRANT NUMBER

2013A4410100557

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 7/11/2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014-GS-44-0064

The State of South Carolina

County of Union

COURT OF GENERAL SESSIONS

JANUARY 06, TERM 2014

THE STATE

vs.

JEREMY LEE MOODY

Indictment for

POSSESSION OF A FIREARM OR KNIFE
DURING THE COMMISSION
OF A VIOLENT CRIME

SC Code: 16-23-490
CDR Code: 0549

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

X Jeremy Moody
Defendant

Witness:

W. D. Zyl
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF UNION)

INDICTMENT

At a Court of General Sessions, convened on January 06, 2014, the Grand Jurors of Union County present upon their oath:

POSSESSION FIREARM OR KNIFE DURING COMMISSION
OF A VIOLENT CRIME

That in Union County, South Carolina on or about July 21, 2013, Jeremy Lee Moody did act together with Christine Susan Moody to possess a firearm or visibly display what appeared to be a firearm or visibly display a knife during the commission of a violent crime, to wit: the Murder or Kidnapping of Gretchen Parker, in violation of Section 16-23-490, 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.


DEPUTY SOLICITOR

WITNESSES

T. Humphries/UCSO

ARREST WARRANT NUMBER

2013A4410100563

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury

Date:

JUN 2014

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2014-GS-44-0066

The State of South Carolina

County of Union

COURT OF GENERAL SESSIONS

JANUARY 06, TERM 2014

THE STATE

vs.

JEREMY LEE MOODY

Indictment for

BURGLARY FIRST DEGREE (DWELLING)

SC Code: 16-11-311

CDR Code: 079

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

[Signature]
Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF UNION)

INDICTMENT

At a Court of General Sessions, convened on January 06, 2014, the Grand Jurors of Union County present upon their oath:

BURGLARY IN THE FIRST DEGREE (DWELLING)

That in Union County, South Carolina, on or about July 21, 2013, Jeremy Lee Moody did act together with Christine Susan Moody to willfully and unlawfully enter the dwelling located at [REDACTED], Jonesville, without consent and with the intent to commit a crime therein, and when, in effecting entry or while in the dwelling or in immediate flight there from, the Defendant or another participant in the crime:

- (a) was armed with a deadly weapon or explosive; or
- (b) caused physical injury to a person who was not a participant in the crime; or
- (c) used or threatened the use of a dangerous instrument; or
- (d) displayed what was or appeared to be a knife, pistol, revolver, rifle, shotgun, machine gun, or other firearm;

in violation of Section 16-11-311, 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.


 DEPUTY SOLICITOR