STATE OF SOUTH CAROLINA

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S.C. SUPREME COURT

In The Supreme Court

CERTIORARI TO YORK COUNTY
Court of Common Pleas

The Honorable John C. Hayes, III, Circuit Court Judge

Appellate Case No. 2017-000843

JEREMY CORDERA MOBLEY,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

SUPPLEMENTAL APPENDIX

KATHRINE H. HUDGINS
Appellate Defender
S.C. Bar No. 65321

S.C. Commission on Indigent Defense
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ATTORNEY FOR PETITIONER

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ATTORNEYS FOR RESPONDENT

SUPPLEMENTAL APPENDIX INDEX

Plea Affidavit Form 1

STATE OF SOUTH CAROLINA
COUNTY OF YORK COUNTY

IN THE COURT OF GENERAL SESSIONS

CERTIFIED TRUE COPY
2014 OCT -7 AM 10: 50
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA

VS

[JM] = defendant's initials required

Jeremy Cordera Mobley

Total Time Served (days): Click here to enter text.

I want to plead guilty, no contest, or enter a plea under N.C. v. Alford to the charges listed below. I understand that the minimum and maximum penalties as well as some of the collateral consequences for the charges to which I am pleading are listed below:

Truebilled☐ Waiver☒
Indictment #: **2013-GS-46-04149** CDR: **2462** Statute #: **26-5-1210**
Original Charge: **Hit and Run; Great Bodily Injury**
Pleading To: **Same**
Misdemeanor ☐ Felony ☒
Penalty: **Not less than 30 days nor more than 10 years and fined not less than 5,000 nor more than 10,000**
☒Non-Violent ☐Violent ☐Serious ☐Most Serious ☐No Parole ☐ Sex Offender Registry
☐Mandatory GPS ☐Increased Punishment for Future Offenses ☐Murder Day for Day

[JM]

List **General Sessions** Charges Being Dismissed: **None**
List Pending **General Sessions** Charges not being resolved: **None**

YOA: ☐Eligible ☒Ineligible due to: ☒Age ☐Offense ☐Other: Click here to enter text.
List Prior Convictions: **11/08- DUI; 9/09- Possession of Marijuana 1st; 1/11- Possession of Marijuana 2nd; Distributing Prescription Drugs; 8/12- DUI 2nd; Distributing Prescription Drugs; 9/12- Forgery**
Currently on Probation? ☒Yes ☐No Is this plea a violation of the probation? ☒Yes ☐No

[JM] I have agreed to plead guilty, no contest, or enter a plea under N.C. v. Alford as part of a plea arrangement. The Solicitor, my lawyer, and I have informed the court that the following contains all of the terms of conditions of my plea:

Type of Plea ☒Guilty ☐N.C. v. Alford ☐Nolo
Recommendation☒ Negotiated☐ Without Recommendation☐

[JM] State is recommending or the negotiation is: ~~10 Years S/O~~ **Cap of 5 years** ~~followed by probation~~ **with restitution**

[JM] This plea is not the product of any other promises or any threats whatsoever, except as indicated below:

[JM] I understand that, upon entering a plea under N.C. vs. Alford, I will be treated as being guilty whether or not I admit that I am in fact guilty.

N/A I understand that a no contest plea is treated by the Court the same as a plea of guilty.

The Solicitor is making a recommendation to the judge, as listed above. I understand the Judge is not required to accept the recommendation given by the Solicitor and the Judge may accept it, may go below the recommendation, or may go above the recommendation.

N/A This plea is a negotiated plea and the negotiation is listed above. I understand the Judge may refuse to accept the negotiation and that if the Judge refuses, the plea will not go forward.

N/A This plea is without negotiation and I understand I could receive from the minimum to the maximum sentence on each charge to which I am pleading guilty and that those sentences could also be run consecutive to other.

I am not currently under the influence of any intoxicants, drugs, or narcotics.

N/A I currently DO take the following prescribed medications:

_____

_____

I am entering my plea today freely, voluntarily, knowingly, and intelligently.

N/A I understand that I have the right to be represented by a lawyer at all stages of the proceedings. I can hire my own lawyer, or the court will appoint a lawyer for me if I cannot afford one. I understand an attorney would be of benefit to me, and since I am not an attorney, there is a danger in my representing myself. Understanding this, I give up this right.

I understand that I have the right to plead not guilty and be tried by a jury, and that I am presumed innocent until such time as the jury is convinced of my guilty beyond a reasonable doubt. Understanding this, I give up that right.

I understand I have the right to have the Court issue subpoenas to bring my witnesses and evidence to a trial at no cost to me. Understanding this, I give up that right.

I understand I have the right to testify or remain silent at trial. Understanding this, I give up this right.

My lawyer has reviewed with me all the factual and legal issues surrounding my case, including any defenses I may have and he or she has done everything I have asked him to do. I am satisfied with his or her services.

I understand that I have the right to remain silent, that is, the right against self-incrimination. Understanding this, I give up this right.

I understand that in a jury trial I have the right to see and hear all witnesses called to testify against me and to confront, cross-examine, and question them.

[ ] I give up, for each of the charges listed above, my right to a jury trial, my right to a bench trial (trial by Judge with no jury), my right to confront and cross examine witnesses, my right to remain silent and not incriminate myself, and my right to produce evidence and to present a defense, including my right to testify on my own behalf.

[ ] I understand that by my pleading to each charge, I am waiving all defenses, including, but not limited to the right to challenge any evidence the State may have used in its case against me and the voluntariness of any statements made to law enforcement.

[N/A] I understand that upon my conviction I may be ordered to pay restitution to any persons directly and proximately injured as a result of my commission of these crimes and that a civil judgement in favor of each person may be docketed against me and will be a lien against any real estate I own now or may own in the future.

[N/A] I understand that if I am not a citizen of the United States, my plea of guilty, no contest, or my plea under N.C. v. Alford may result in my deportation, exclusion from re-entry to the United States, and denial of naturalization and amnesty.

[ ] I understand that I have 10 days within which to appeal this guilty plea.

[ ] I understand that I am pleading guilty, no contest, or under N.C. v. Alford to the charges shown above.

[ ] I now personally plead (✓)guilty; ( )under N.C. v. Alford; ( )no contest to the charges above.

Acknowledgement

I have read or have had read to me this form and have initialed each of the items that applies to my case. If I have an attorney, I have discussed each item with my attorney. By putting my initials next to the items in this form, I am indicating that I understand and agree with what is stated in each item that I have initialed. The nature of the charges, possible defenses, the effects of any prior convictions and enhancements, have been explained to me. I understand each of the rights outlined above, and I give up each of them to enter my plea.

Defendant's Signature: Jeremy Malley Date: 11-19-2013

Defense Counsel's Statement

I, the attorney for the defendant in the above entitled case, personally read and explained to the defendant the entire contents of this plea form and any addendum thereto. I discussed all charges, all discovery provided by the State, and possible defenses with the defendant and the consequences of the plea, including any immigration consequences. I personally observed the defendant fill in and initial each item, or read and initial each item to acknowledge his or her understanding and waivers. I observed the defendant date and sign this form and any addendum. I concur in the defendant's plea and waiver of constitutional rights.

Print Name: Michael Matthews Bar # 61295

Attorney Signature

Date: 11/19/2013 Circle One: PD Retained Appointed

Solicitor's Review

I have reviewed this form as completed by the Defendant or by the Defendant with his Defense Attorney for completeness and accuracy.

Solicitors Signature: _____ Bar # 100930

Date: 19 Nov 13

Judge's Confirmation

Upon consideration of the record, evidence or factual presentation offered, answers of defendant, and statements of the lawyer for the defendant and the prosecutor and the contents of this plea and waiver form, the undersigned finds that:

1. There is a factual basis for the entry of the plea,
2. The defendant is satisfied with his/her lawyer's legal services,
3. The defendant is competent to stand trial, and
4. The plea is the informed choice of the defendant and is made freely, voluntarily, knowingly, and intelligently.

The defendant's plea is hereby accepted by the Court.

_____ Judge's Code: _____ Date: _____

Judge's Signature