

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM THE STATE GRAND JURY  
Richland County  
Court of General Sessions

Carmen T. Mullen, Circuit Court Judge

Case No. 2017-GS-47-12, -13, -32

**RECEIVED**  
FEB 12 2019  
SC Court of Appeals

The State,.....Appellant

v.

Richard M. Quinn, Jr.,.....Respondent

Appellate Case No. 2018-000494

**RECORD ON APPEAL**

David. M. Pascoe, Jr.  
First Circuit Solicitor

W. Baker Allen  
Assistant Solicitor  
First Judicial Circuit

P.O. Box 1525  
Orangeburg, SC 29116  
(803) 533-6252

ATTORNEYS FOR APPELLANT

Matthew T. Richardson  
Attorney

Wyche, P.A.  
Post Office Box 12247  
Columbia, SC 29211  
(803) 254-6542

ATTORNEY FOR RESPONDENT

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FILED

MAR 6 2018

James R. Parks

Clerk, State Grand Jury

## IN THE STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA,

v.

RICHARD M. QUINN, JR.,

Defendant.

## INDICTMENT NUMBERS:

2017-GS-47-12

2017-GS-47-13

2017-GS-47-32

STATE OF SOUTH CAROLINA,

v.

RICHARD M. QUINN, SR.,

Defendant.

## INDICTMENT NUMBERS:

2017-GS-47-42

2017-GS-47-43.

**ORDER DENYING STATE'S MOTION  
TO RECONSIDER**

THIS MATTER is before the Court on the State's Motion to Reconsider. For the reasons below, the State's Motion to Reconsider is DENIED.

**BACKGROUND**

On December 13, 2017, the State, by Solicitor David Pascoe, and Defendants Richard M. Quinn, Sr. and Richard M. Quinn, Jr., appeared before this Court for the purpose of entering guilty pleas. The pleas were the result of a plea agreement entered into by the State and Defendants. As the record reflects, pursuant to the agreement, the State agreed to dismiss all charges against Richard Quinn, Sr. personally, with prejudice, and allow First Impressions, Inc. to plead guilty to a single misdemeanor Failure to Register as a Lobbyist. Additionally, the State agreed to dismiss all charges against Defendant Quinn, Jr. with prejudice in exchange for his guilty plea to a single misdemeanor count of Statutory Misconduct in Office based solely on a limited admission of facts regarding the failure to disclose payments made by a lobbyist principal to a related company. The agreement specifically states Defendants Quinn, Sr. and Quinn, Jr.

and First Impressions, Inc., understand the State plans to make arguments about a wider range of conduct, however they deny every allegation and inference beyond their limited admission. The express terms of the plea agreement (Court Ex. 2) state:

2. He (Rick Quinn, Jr.) is pleading guilty to one misdemeanor statutory misconduct in office on the limited allocation below based only on failure to disclose.
3. All other charges against Rick Quinn will be dismissed with prejudice which means that all information and documents obtained in the investigation cannot be used against him...

The terms of the agreement were then entered into the record to include the limited statement of facts to which the Defendants were entering their plea and to which Solicitor Pascoe indicated his agreement, stating, "Also, I'm fine with the limited allocation." The hearing lasted one hour and forty minutes during which the pleas and sentencing arguments were fully presented by both the State and the Defendants. The Court, having accepted both guilty pleas, finding a substantial factual basis existed, and the decisions to plead guilty were reasonably and intelligently made, deferred sentencing due to the late hour (6:52 p.m.).

Thereafter, both parties filed memorandums for consideration by the Court. In the State's memorandum, Solicitor Pascoe again acknowledged: "As part of the package plea agreement, the State permitted the Defendant to accept responsibility for only a limited factual scenario articulated by his attorney during the hearing."

## DISCUSSION

The State's Motion to Reconsider and argument before the Court is Solicitor Pascoe's attempt to invalidate a plea agreement that is of his own making.

### I. Validity of Guilty Plea

The State's plea agreement with the Defendants was in writing, fully stated on the record, and made a part of the record as an exhibit. See Court Ex. 2. At the December 13, 2017 plea



hearing, Quinn, Jr. admitted his guilt to Statutory Misconduct in Office under a limited statement of facts as agreed upon by the State and accepted as valid by the Court. Additionally, on February 12, 2018, at Quinn Jr.'s sentencing, in an effort to address the State's purported concern raised in its January 25, 2018 letter to the Court, Quinn Jr. once again admitted he was pleading guilty to one count of Statutory Misconduct in Office for intentionally failing to report the name of USC on his ethics disclosure forms, thus providing the State with the relief they sought. I found then, as I do now, that the limited admission of facts Quinn Jr. admitted on the record with the State's agreement, provide a substantial basis for the plea and meet the elements required of Statutory Misconduct in Office.

## II. Sentencing Considerations

When sentencing a convicted defendant, in this case by virtue of a guilty plea, a trial court exercises a wide discretion regarding the sources and types of evidence it may use to assist it in determining the kind and extent of punishment to be imposed. "However, the admissibility of evidence is limited by constitutional provisions which require the evidence to be relevant, reliable and trustworthy." *State v. Gullede*, 326 S.C. 220, 487 S.E.2d 590 (1997). Inherent in that consideration is the Court's judicial discretion in determining the particular factual premises upon which a sentence will be based. Vital in this Court's sentencing consideration was the plea agreement entered into by the parties. As the record reflects, the plea agreement was negotiated and established the factual premise for the guilty plea. While the plea agreement includes the State will make allegations of a wider range of conduct, the State incorrectly assumes that in considering this information, the Court must take their averments as fact.

This case is not a typical plea, as the Solicitor suggests, akin to a burglary wherein the Defendant breaks into five houses, pleads guilty to one offense and admits to the other four. The

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charge of Misconduct in Office is far more complex. White collar crimes, such as alleged against Quinn, Jr., often involve fact patterns that are convoluted and controverted. Critical to the State's case was Quinn, Jr.'s involvement in Richard Quinn & Associates, which Quinn, Jr. adamantly denies. While Solicitor Pascoe presented documents and emails suggesting this involvement of Quinn, Jr. with RQA, I am not persuaded to extrapolate the solicitor's inferences to establish such a relationship. What the State presented in its PowerPoint are inferences and conclusions that this Court is not compelled to accept as established facts. This is what the State needed to prove through a trial.

The Court considered the information provided by the State and the Defendants during the December 13, 2017 hearing and sentenced the Defendants according to the evidence the Court found reliable and relevant.

### **III. Opportunity to Be Heard**

The hearing on February 12, 2018 was for the sole purpose of announcing the sentences of the parties, nothing more, and the State and Defense attorneys were both advised accordingly prior to the start of sentencing. All parties were given a full opportunity to argue their case at the December plea hearing. February 12<sup>th</sup> was not another opportunity for the parties to re-argue their case or pander to the media. A review of the transcript of the December 13, 2017 guilty plea, its exhibits and the filings in this matter before the February 12, 2018 sentencing show that there were no motions before the Court and all that remained was for the Court to issue sentence.

### **IV. Recusal**

During the hearing on the State's Motion, Solicitor Pascoe demanded this Judge recuse herself. To the extent I must address it, the State is unable to demonstrate nor do they have any evidence that the Court's actions have been affected by, or are the product of, bias or prejudice,



because there is none. *Doe v. Howe*, 367 S.C. 432, 626 S.E.2d 25 (Ct. App. 2005). Mr. Pascoe's allegations of improper *ex parte* communications are patently false as his consent to such communications is reflected in the record, to include the State's own filings. *See* State's Mot., Feb. 16, 2018. Most notably here, the fact that a trial judge ultimately rules against a litigant is not proof of prejudice by the judge. *Mortgage Electronic Systems, Inc. v. White*, 384 S.C. 606, 682 S.E.2d 498 (Ct. App. 2009). Curiously, the State's demand for recusal only comes after the Court imposed a sentence different than the State requested. At this point, the plea has been accepted and the sentence imposed. There is nothing pending to recuse from hearing. Solicitor Pascoe's comments impugning the character of both the Court and Defense counsel casts a pall on the judicial process in an unfortunate attempt to vacate a plea agreement that is of his own making.

#### CONCLUSION

Based on the above, the State's Motion to Reconsider is DENIED.

**AND IT IS SO ORDERED.**



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Carmen T. Mullen  
Presiding Judge

This 6 day of March, 2018.

FEB 16 2018

STATE GRAND JURY OF SOUTH CAROLINA

**JAMES R. PARKS  
CLERK, STATE GRAND JURY**

STATE OF SOUTH CAROLINA )  
 )  
 vs. )  
 )  
 RICHARD M. QUINN, JR., )  
 )  
 DEFENDANT. )

INDICTMENT NOS.: 2017-GS-47-12, 13, 32

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STATE OF SOUTH CAROLINA )  
 )  
 vs. )  
 )  
 RICHARD M. QUINN, SR., )  
 )  
 DEFENDANT. )

INDICTMENT NOS.: 2017-GS-47-42, 43

STATE'S MOTION TO RECONSIDER

That State of South Carolina respectfully requests the Court reconsider the sentence imposed on Defendant Richard M. Quinn, Jr. (Defendant). For the reasons that follow, the Court should revisit its sentencing decision and take into consideration the facts offered by the State during the plea hearing on December 13, 2017 or in the alternative vacate the plea.

**Factual Background**

During a hearing in Beaufort County on November 28, 2017, the undersigned informed the Court and all parties the State intended to call the above captioned cases together. The Court was well aware that even a joint trial would last at least several weeks, and therefore, separate trials would last months and work a considerable burden on the State. Unfortunately, the Court granted severance to the defendants without affording the State the opportunity to oppose the ruling at a severance hearing. See State v. Smith, 359 S.C. 481, 489, 597 S.E.2d 888, 892 (Ct. App. 2004) (criminal defendants are not entitled to separate trials as a matter of right). The above captioned cases are factually and legally intertwined and ideal examples of types of cases to be jointly tried.

On December 13, 2017, Defendant pleaded guilty to a violation of Section 8-1-80 of the South Carolina Code of Laws, statutory misconduct in office. The plea was part of a package agreement with the State that potentially resolved criminal charges against both the Defendant and his father, Richard M. Quinn, Sr. As part of the package plea agreement, the State permitted the Defendant to accept responsibly for only a limited factual scenario articulated by his attorney, Matthew Richardson, Esq., during the hearing.

The State agreed to permit the Defendant to limit his acceptance of responsibility as long as it was factually accurate and was made knowing the State would offer an additional factual recitation for the Court's consideration beyond the Defendant's limited allocution. As with any plea, the Defendant would be required to admit the elements of misconduct in office with the knowledge that the rules of evidence are inapplicable in a sentencing proceeding, and that the Court has wide discretion in the information it may consider in determining an appropriate sentence. State v. Thomason, 355 S.C. 278, 285, 584 S.E.2d 143, 147 (Ct. App. 2003) (citing State v. Gullledge, 326 S.C. 220, 228, 487 S.E.2d 590, 594 (1997)); S.C. Code Ann. § 17-23-80.

Much of the plea agreement was largely negotiated and discussed in chambers prior to the hearing. At this time, the undersigned agreed to permit the Defendant to plead guilty to the limited factual allocution with the understanding that the State would be presenting a more detailed recitation of some of the evidence collected during the State Grand Jury investigation. Counsel for the Defendant agreed at this time, as well as on the record, that the State would be presenting this evidence. See Plea Transcript at 9:12-14 (“we understand Mr. Pascoe’s going to make his argument about a wider range of conduct today”); id. at 11:12-14 (“And I understand Mr. Pascoe intends to make other, broader allegations.”). However, the record does not reflect the Court’s request to the undersigned in chambers immediately prior to the hearing to, “go light on the facts

so the plea won't blow up." Nor does the record reflect the undersigned's response to the Court that the State had no intention to go easy on the facts. Instead, the State made it clear both on and off the record that it sought the maximum sentence on the basis of the facts presented by the State prior to the hearing.

Following the Court's questions to the Defendant and the guilty plea, the State offered a PowerPoint presentation containing numerous exhibits and testimony demonstrating the Defendant's culpability far beyond the facts for which the Defendant is willing to accept responsibility. This presentation occurred *after* the Court established that the Defendant knowingly and intelligently waived his rights by pleading guilty. See id. at 15:19-16:10.

On January 16, 2018, the Defendant submitted a sentencing memorandum to supplement mitigation. While preparing a response to Defendant's supplemental sentencing memorandum, the State closely reviewed the hearing transcript and discovered potential issues in the guilty plea procedures used by the Court that required either remedy by the Court or invalidation of the package guilty plea. Because the Defendants had not been sentenced, the State elected to bring the potential issues with the guilty plea to the Court's attention through a memorandum in lieu of moving the Court to vacate the guilty plea altogether in an effort to correct the issue and honor the terms of the agreement.

The Defendant submitted a memorandum in reply on January 24, 2018 opposing issues raised by the State. Again, rather than move the Court to invalidate the guilty plea, the State filed a letter the following day which raised concerns about the plea but believed it could be cured. After submitting the letter on January 25, 2018, the State received no response from either the Court or opposing counsel.

On February 12, 2018—two full months after the Defendant’s guilty plea—the Court held a sentencing hearing in Beaufort County. Because the issues raised in the State’s post-plea filings remained unresolved, the undersigned intended to address the issues on the record and lodge objections as necessary to preserve the State’s rights. However, prior to the 9:30 hearing, Judge Mullen’s law clerk, Crystal Swinford, informed the parties that no statements would be permitted by either party. The State informed Ms. Swinford that it insisted on being heard on the record prior to sentencing to ensure the plea is sufficient. Ms. Swinford informed the undersigned that the Judge would meet in chambers, but the undersigned informed the clerk that the State respectfully declined any in chambers discussion and objected to any further ex parte communications.<sup>1</sup>

Once the hearing began, the undersigned immediately asked to be recognized so that the State could be heard on the record. The Court refused to permit the State to be heard or lodge objections on the basis of potential flaws with the guilty plea. Despite the undersigned’s insistence that the State be permitted to raise the issues with the plea, the Court continued to deny the State a ruling on the validity of the plea colloquy.

The sentencing hearing itself lasted less than ten minutes. After sentencing Richard Quinn and Associates in lieu of defendant Richard Quinn, Sr., the Court engaged the Defendant in a short colloquy. As proposed by the State’s memorandum filed prior to sentencing, the Court inquired directly of the Defendant whether he intentionally failed to report the payment from the University of South Carolina (USC) and if he was pleading guilty to misconduct in office. The Defendant replied in the affirmative, confirming that he did. The State believes the Court wisely resolved some of the State’s concerns over the validity of the Defendant’s guilty plea through this colloquy.

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<sup>1</sup> As the court is aware, it solicited all the parties in this matter to see if they would consent to having ex parte communication with the court prior to the plea. The parties consented.

However, it does not fully remedy the State's concern, nor does it preserve the issue for appellate review, as the Court has yet to issue an express ruling on the State's concerns. Moreover, it establishes that the Court agrees the original colloquy may not have been sufficient.

Following the colloquy, the Court sentenced the Defendant to a probationary sentence that fell short of the State's recommendation. In explaining the rationale of its sentencing decision, the Court for the first time opined that while the State offered a lengthy presentation of evidence and conduct beyond the Defendant's limited allocution, it could not consider that material because to do so would violate the Defendant's constitutional right to be presumed innocent until proven guilty.

Incredibly, the Court cast blame on the State for the Defendant's light sentence. The undersigned again insisted on being granted an opportunity to be heard or to lodge an objection on the record to preserve the matter for appellate review after sentencing. Again, the Court merely instructed the undersigned to sit down.

The State entered the plea agreement with the knowledge that State Grand Jury evidence was properly before the Court once the Defendant professed his guilt and waived his right to be tried by a jury under the presumption of innocence. However, the State did not, nor could it have, anticipated the Court's judicial error. If the State had known the Court would misapply the law by limiting its consideration to facts selected by the Defendant, it would not have agreed to the plea.

**I. The Court's failure to take the State's factual recitation into consideration during sentencing is a mistake of law, and the Court should reconsider the sentence.**

Under normal circumstances, the State would not take issue with the sentence handed down by the Court, as that is within its prerogative after consideration of the materials properly before it. "A judge or other sentencing authority is to be accorded very wide discretion in determining an appropriate sentence, and must be permitted to consider any and all information that reasonably

might bear on the proper sentence for the particular defendant, given the crime he committed.” State v. Hicks, 377 S.C. 322, 325, 659 S.E.2d 499, 500 (Ct. App. 2008) (citing Wasman v. United States, 468 U.S. 559, 563 (1984)). However, in the instant case the basis for the Court’s sentence and the manner in which the guilty plea was conducted constitute an abuse of discretion based on errors of law. Stokes-Craven Holding Corp. v. Robinson, 416 S.C. 517, 536, 787 S.E.2d 485, 495 (2016).

A guilty plea is more than an administrative act by which a Defendant is processed, “it is itself a conviction.” Boykin v. Alabama, 395 U.S. 238, 242 (1969); State v. Armstrong, 263 S.C. 594, 598, 211 S.E.2d 889, 891 (1975). Before any guilty plea can be accepted, “[t]he Judge [must] be certain that the defendant understands the charge and the consequences of the plea and that the record indicates a factual basis for the plea.” Id. at 598, 211 S.E.2d at 891. By pleading guilty, the Defendant waived several constitutional rights enjoyed prior to and during trial of the underlying matter. Boykin, 395 U.S. at 243.

During the February 12, 2018 sentencing hearing, the Court sentenced the Defendant to one year of incarceration, suspended upon the service of two years’ probation and 500 hours of community service. While handing down this sentence, the Court addressed the facts which formed the basis of its sentencing decision. The Court indicated that its sentence was based solely on the limited factual allocution offered by the Defendant’s counsel during the December 13, 2017 guilty plea. The Court went beyond merely stating that its sentence was based solely on these facts, and declared that consideration of the factual presentation offered by the State following the guilty plea

would be a violation of the Defendant's constitutional rights. As the Court indicated, if the State wanted the Court to consider these facts, it should have tried this case.<sup>2</sup>

This statement by the Court—that it was constitutionally prohibited from considering the factual recitation offered by the State—is simply a misstatement of applicable State and Federal law and a departure from accepted sentencing procedure. The law is clear that when a defendant pleads guilty, he waives his constitutional right to be proven guilty. The guilty plea is itself a conviction, and the Defendant no longer enjoys the presumption of innocence because he has admitted his guilt. *Id.* at 242.

The mere fact that the Defendant chose to admit guilt to only a limited factual scenario in which he failed to report the name of a single entity in a single year does not limit the Court's ability to look to facts presented by the State for guidance in determining whether a sufficient factual basis exists or in determining an appropriate sentence. By the Court's logic, no guilty plea entered pursuant to North Carolina v. Alford<sup>3</sup> would be valid because the Court would not be able to look to the State's factual recitation to determine a sufficient factual basis for the plea where a defendant does not agree with the State's view of the facts. Indeed, this Court could have done its own inquiry into the State Grand Jury investigation concerning the Defendant's conduct during the almost nine weeks it took to pass its sentence. Thus, to blame the Court's sentence on the State has no merit.

Contrary to the Court's view of the facts available for its consideration during a guilty plea, "the trial judge is free to use any appropriate procedure for determining the accuracy of the guilty

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<sup>2</sup> This logic is flawed because it presumes what a jury would find relevant in convicting a defendant.

<sup>3</sup> North Carolina v. Alford, 400 U.S. 25 (1970).

plea.” State v. Rikard, 371 S.C. 295, 301, 638 S.E.2d 72, 75 (Ct. App. 2006). Having accepted the guilty plea, “the circuit court may conduct an inquiry **broad in scope, largely unlimited** either as to the kind of information it may consider or the source from which the information may come, to assist it in determining the sentence to be imposed.” State v. Thomason, 355 S.C. 278, 285, 584 S.E.2d 143, 147 (Ct. App. 2003) (quoting State v. Gulledge, 326 S.C. 220, 228, 487 S.E.2d 590, 594 (1997) (emphasis added)).

The South Carolina Court of Appeals decision in State v. Rikard, 371 S.C. 295, 638 S.E.2d 72 (Ct. App. 2006), is instructive on the Court’s discretion to consider facts presented by the State but disagreed with by the defendant. In Rikard, the defendant was indicted for felony DUI causing death and other related offenses. She thereafter chose to plead guilty without any recommendation or negotiated sentence. After accepting Rikard’s guilty plea, the judge permitted the solicitor to recite the facts, at which time he asked the court to impose the maximum sentence. Rikard was permitted to make remarks in mitigation, and during those remarks defense counsel challenged various points in the State’s facts, including key elements such as whether or not the defendant was under the influence of alcohol at the time of the collision. Despite the defendant’s disagreement with the State’s facts, the court imposed a severe sentence on Rikard. In a motion to withdraw the plea or reconsider the sentence, Rikard again stated that she did not agree with the State’s recitation of facts. Rikard’s motion was denied.

In affirming the trial court’s denial of Rikard’s motion, the Court of Appeals noted that a trial judge establishing a factual basis for a plea, “is free to use any appropriate procedure for determining the accuracy of the guilty plea.” Id. at 301, 638 S.E.2d at 75 (quoting Armstrong, 263 S.C. at 598, 211 S.E.2d at 891). Further, the court determined that it was appropriate for the solicitor to give a recitation of the facts. Although Rikard did not acknowledge the accuracy of

those facts and her attorney challenged the State's presentation during mitigation, she did not object to the State's facts and voluntarily admitted that she was guilty of the offenses charged. Thus, "[b]ecause *the solicitor* provided a sufficient factual basis in the record to support each of the DUI charges" the plea court's decision was affirmed. *Id.* at 302, 638 S.E.2d at 76.

The present matter is remarkably similar to the case presented in Rikard. Defendant pleaded guilty to the charged offense, and thereafter the State presented evidence collected through the State Grand Jury investigation to demonstrate the Defendant's culpability. Defendant did not acknowledge the accuracy of the State's presentation and even took advantage of the opportunity to challenge aspects of the State's presentation. However, unlike Rikard, the Court in this case failed to recognize that the State's presentation was properly before it in determining an appropriate sentence. Instead, the Court followed the erroneous statement of the Defendant's counsel that, "what Mr. Pascoe says here today is not evidence."<sup>4</sup> Plea Trans. at 70:17-18.

The Court's decision to sentence the Defendant on the basis of a narrow set of facts that he prefers, and to reject the State's evidence against the Defendant because "he is innocent until proven guilty" is a fundamental mistake of law. A defendant who pleads guilty voluntarily waives his constitutional right to be tried by a jury, which includes his right to present and be judged on a selective version of events that is more favorable to him. Boykin, 395 U.S. at 243.

**II. The guilty plea cannot be supported by sufficient facts on the basis of the Court's erroneous interpretation of the facts properly before it during the guilty plea.**

While a trial judge has the inherent power to maintain order and decorum in her courtroom, the judge is also bound by the Judge's Oath to seek justice, and justice alone. In re Adoption of

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<sup>4</sup> It is particularly puzzling for the Court to discount the State's recitation of the facts and adopt the Defendant's version of events in light of the Court's request to the undersigned immediately prior to the plea hearing to "go light on the facts so the plea won't blow up."

Judge's Oath, 356 S.C. 236, 588 S.E.2d 588 (2003). Here, the Court impeded a just and fair sentencing hearing by denying the State an opportunity to be heard and raise its concerns with the Defendant's plea on the record. Despite being advised of the issue through memorandums and the undersigned's explicit request to be heard on the record immediately prior to the sentencing hearing, the Court did not provide a channel for the State to be heard nor did the Court rule on the issues raised by the State. The Court's denial of the State's opportunity to address relevant concerns before sentencing the Defendant was extremely unusual.

The Court stripped the State of any opportunity to preserve an issue for appeal as it muted the State altogether. While there are exceptions to the rule that counsel's failure to object forfeits the issue on appeal, none apply in this case. See State v. Passmore, 363 S.C. 568, 584-86, 611 S.E.2d 273, 282-83 (2006) (exceptions include lack of subject matter jurisdiction, doctrine of futility and interests of minors or incompetents are involved). The State recognizes that neither party has filed an appeal at this time and part of the State's concern may not be ripe, but the conduct of the plea and sentencing hearing is a cause for concern.

It is not unique for a criminal defendant to plead guilty and voluntarily submit to sentencing by the Court while simultaneously maintaining his innocence. Indeed, as the United State Supreme Court announced in North Carolina v. Alford, 400 U.S. 25 (1970), the Constitution is not offended where a defendant determines that a guilty plea is in his best interest, despite an unwillingness to accept culpability for the offense. See also, James v. State, 377 S.C. 81, 84, 659 S.E.2d 148, 150 (2008) ("As a primary matter, it is well-settled that a defendant need not admit guilt in order to enter a valid guilty plea. Instead, a guilty plea need only represent a voluntary and intelligent choice among alternative courses of action open to a defendant." (citing Alford, 400 U.S. at 31)). However, Alford does not vacate the requirement that a court accepting a guilty plea must be

satisfied that a substantial factual basis exists the Defendant did in fact commit the crime. Rollison v. State, 346 S.C. 506, 511, 552 S.E.2d 290, 292 (2001).

To be valid, a guilty plea must apprise the Defendant of the nature and elements of the underlying offense in addition to ensuring the Defendant is knowingly and intelligently waiving his constitutional rights by entering the plea. Anderson, 342 S.C. at 57, 535 S.E.2d at 651 (2000). Among those elements required for commission of an underlying offense is a mental state required of the Defendant which operates to “separate wrongful conduct from otherwise innocent conduct.” Elonis v. United States, 135 S. Ct. 2001, 2010 (2015) (internal quotations omitted). In other words, “[c]riminal liability is normally based upon the concurrence of two actors, an evil meaning mind [and] and evil doing hand.” State v. Jefferies, 316 S.C. 13, 17, 446 S.E.2d 427, 430 (1994) (internal quotations omitted). In the instant case, the charge underlying the Defendant’s guilty plea requires that the Defendant be guilty of either official misconduct, habitual negligence, corruption, or fraud. S.C. Code Ann. § 8-1-80.

During the December 13, 2017 guilty plea hearing, the Court determined, after hearing from all parties, that a substantial factual basis existed for accepting the plea. Plea Trans. at 85:2-3. While the facts offered by the State clearly establish a substantial factual basis for a violation of Section 8-1-80 of the South Carolina Code of Laws, those facts were not considered by the Court in evaluating the validity of the guilty plea. Thus, the analysis of whether or not a sufficient factual basis exists must be based entirely on the statements of facts offered by the Defendant and his counsel.

The statement of facts offered by Mr. Richardson as the basis of the guilty plea are ambiguous as to intentionality. See id. at 10:7-17. Later in the hearing, during mitigation, Mr. Richardson expanded on the limited allocution, indicating the Defendant’s conduct was *not*

intentional, thus resolving the ambiguity of his statement of the limited factual allocution. *Id.* at 71:19-21 (“he admits that *had he known that*, he should have disclosed that”). On the basis of the limited allocution of the Defendant, and the Court’s erroneous interpretation of the facts which were properly within its consideration during the guilty plea and sentencing, a substantial factual basis did not exist for the Court to accept the guilty plea because those facts lacked an essential element of the underlying offense—intent.

Prior to the sentencing hearing, the State offered a potential remedy to the problems with the plea hearing in its filings following the hearing, and, to the Court’s credit, it did enter into an additional colloquy with the Defendant in an effort to remedy the plea. The State does appreciate this attempt to address its concerns. Yet, because the Court would not permit the State to be heard and preserve its issues by ruling on the matter, it is necessary to raise the issue here to do so.

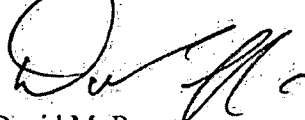
#### Conclusion

On a motion to reconsider, the decision to resentence rests solely with the sentencing judge in the exercise of her discretion. *State v. Smith*, 276 S.C. 494, 498, 280 S.E.2d 200, 202 (1981). However, “[i]t is an equal abuse of discretion to refuse to exercise discretionary authority when it is warranted as it is to exercise the discretion improperly.” *Id.* “[M]ere recital of the discretionary decision is not sufficient to bring into operation a determination that discretion was exercised. It should be stated on what basis the discretion was exercised.” *Id.* (citations omitted).

The Court’s conduct throughout the guilty plea and sentencing of Defendant Richard M. Quinn, Jr. flies in the face of constitutional law and South Carolina law. *See Boykin v. Alabama*, 395 U.S. 238 (1969); *State v. Rikard*, 371 S.C. 295, 638 S.E.2d 72 (Ct. App. 2006); *State v. Thomason*, 355 S.C. 278, 584 S.E.2d 143 (Ct. App. 2003). The State’s faith in the Court’s impartiality has been undermined. If the Defendant was unwilling to accept the consequences of a

guilty plea, he should not have pleaded guilty. However, the Defendant knowingly and intelligently waived his constitutional right to the presumption of innocence, and instead chose to plead guilty to the charge against him. This Court should reconsider its position regarding the facts properly before it, and impose a sentence upon the Defendant that is appropriate under the facts as presented by the State of South Carolina—not the facts presented by the Defendant's attorney.

Respectfully submitted by,



David M. Pascoe  
First Circuit Solicitor

February 16, 2018,  
Orangeburg, South Carolina.

FEB 27 2018

JAMES R. PARKS  
CLERK, STATE GRAND JURY

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

INDICTMENT NOS.: 2017-GS-47-12, 13, 32

STATE OF SOUTH CAROLINA

vs.

RICHARD QUINN, JR.,  
DEFENDANT.

**DEFENDANTS' RESPONSE**  
**TO THE STATE'S**  
**MOTION TO RECONSIDER**

STATE OF SOUTH CAROLINA

vs.

RICHARD QUINN, SR.,  
DEFENDANT.

INDICTMENT NOS.: 2017-GS-47-42, 43

COMES NOW Defendants Richard "Rick" Quinn, Jr., and Richard Quinn, Sr., by and through undersigned counsel, in response to the State's Motion to Reconsider the sentence imposed by this Court on February 12, 2018. In addition to the request to reconsider the sentence, the defendants will also address the State's assertion that the guilty plea is not supported by sufficient facts.

On December 13, 2017, Rick Quinn appeared before this Court for the purposes of entering a guilty plea and sentencing. After both sides put on the record all the terms of the plea agreement, including the limited facts both sides agreed provided the sufficient basis for the guilty plea, the Court accepted the guilty plea and proceeded directly to sentencing. After more than an hour in

which all parties were allowed to fully address matters related to the sentencing, the Court deferred pronouncing the sentence.

On January 19, 2018, Mr. Pascoe filed a Memorandum Seeking Clarification of Defendant's Limited Allocution for two reasons. First, the State suggested the guilty plea may be invalid because the State could not locate any payments from the University of South Carolina to Capitol Investments, II, LLC. Second, Mr. Pascoe suggested that the guilty plea could be invalid because the factual basis for the plea may be insufficient to satisfy the elements of the charge. This filing was factually wrong and misleading to the Court.<sup>1</sup>

On January 24, 2018, Defendant replied to the Memorandum providing ample evidence that sufficient facts were presented for the guilty plea and arguing that those facts and the plea colloquy supported criminal responsibility for the charge.<sup>2</sup> The next day, the State conceded in a letter filed with the Court that "the plea is sufficient if defendant intentionally failed to report as stated in defendant's reply." In that same letter, Mr. Pascoe assured the Court that a further statement on the intent issue would "ensure no issue is raised on appeal." On February 12, 2018, all parties appeared before this Court for pronouncement of sentence. Before pronouncing the sentence, the Court granted the State's requested relief that the Defendant clarify on the record he intentionally failed to report USC paid funds to Capitol Investments in 2015.

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<sup>1</sup> Mr. Pascoe filed a letter on January 25, 2018, conceding his January 19 filing was wrong. Mr. Pascoe failed, however, to disclose to the Court that he had evidence of the payment from USC to Capitol Investments at the time he raised those concerns. Mr. Pascoe produced on Discovery Disk 6 in a folder labeled "Capitol Investments\email 22," an email from Coastal Carolina National Bank (successor to Vista Bank) to SLED Lieutenant Jeremy Smith on Feb 7, 2017, showing he had the Capitol Investments deposit slip for the \$28,063.31 USC payment on August 24, 2015. See Email from D.Weiss to Lt. Jeremy Smith sent Tue 2/7/2017 2:47 PM (containing the subject line: "FW: State Grand Jury Case# 2016-257 Secur e [sic] Delivery #21" and an attachment labeled "DDA Credits - Acct #; [redacted] - Amount; \$28063.31 - 8-24-2015.pdf"). See Attachment A.

<sup>2</sup> See Defendant's Reply dated January 24, 2018 and its exhibits, incorporated herein.

As discussed herein, the Court did not abuse its discretion in sentencing Rick Quinn to two years of probation; a fine of \$1,000; and 500 hours of community service. Furthermore, the transcripts of the February hearing and the December guilty plea and sentencing hearing, as well as the filings related to the sufficiency of the plea, demonstrate that the parties' agreed-upon facts and the Court's colloquy were more than sufficient to support the guilty plea. The Motion to Reconsider should be denied.

- I. **Because Rick Quinn, Jr., at the guilty plea hearing and again at the pronouncement of sentence, admitted to intentionally failing to report required information, the proffered facts were sufficient to support a valid plea, and the plea cannot be set aside.**

The State's Memorandum Seeking Clarification of Defendant's Limited Allocution argued the guilty plea may be invalid because Rick Quinn, Jr. did not admit to intentionally failing to report the name of the lobbyist principal that paid a business with which he was associated but did not own. In a letter filed with the Court, Mr. Pascoe proposed that the Court clarify that the failure to report was intentional. He acknowledged the guilty plea would be valid if Rick Quinn admitted his intent *explicitly* on the record.

Before the pronouncement of sentence on February 12, 2018, the Court gave Mr. Pascoe exactly what he requested by placing Rick Quinn under oath and having him again admit he intentionally failed to report that USC paid Capitol Investments in 2015. No remaining issues were raised by the State about the sufficiency of the guilty plea, and the Motion to Reconsider fails to even identify any potential error that has not been fully addressed consistent with the State's requests for clarification.

Although the Court indulged the State's request for clarification, the State was wrong in its January 19<sup>th</sup> assertion that this Court had erred at the guilty plea phase. The record was clear that this Court asked Rick Quinn if he is guilty of statutory Misconduct in Office, and Mr. Quinn

responded in the affirmative. The record also reflected that Rick Quinn admitted to this Court that he accepted criminal responsibility for *intentionally* failing to report the name of USC in violation of S.C. Code Ann. § 8-13-1130 of the Ethics Act. Because the record was clear that Rick Quinn accepted responsibility for an admitted violation of the law for which he was charged, the Court's colloquy with him was sufficient in December. Again, however, the Court remedied any hint or suggestion of error raised by Mr. Pascoe prior to the pronouncement of sentence by, again, eliciting from Rick Quinn an express statement of intent.

Both the record of the guilty plea and pronouncement of sentence are clear that the State got exactly what it agreed to—a guilty plea based on the proffered facts and terms of the plea agreement. The State also got clarification and an explicit acknowledgement that the conduct was intentional. Therefore, as the Court plainly stated at the guilty plea hearing in December and again on February 12, 2018, before pronouncement of sentence, “the plea is valid.”

**II. Because the State's sentencing presentation at the December 13, 2017, hearing was neither limited nor ignored by the Court, Mr. Pascoe's suggestion that the Court erred in not considering this information should be rejected.**

The State's Motion claims the Court did not take into consideration the State's position when sentencing the defendant. The Court, however, gave great consideration to the State, as evidenced by the lengthy and uninterrupted presentation the Court allowed the State to make at the guilty plea hearing. Further, the Court noted at the sentencing that “[y]ou all have had an adequate time to argue your side and I have heard it and I appreciate it.” (Transcript of 2/12/18, at 4, lines 18-21) Mr. Pascoe's arguments ignore the record, and they should be rejected.

During the sentencing hearing on December 13, 2017, the Court gave Mr. Pascoe all the time he wanted, without any limitations, to make his presentation. (Transcript of 12/13/17, at 21-45) For more than thirty minutes during the sentencing hearing, Mr. Pascoe was given unlimited

time to present his allegations in the form he wanted and without interruption.<sup>3</sup> The Court also provided the defense sufficient time during the sentencing hearing to deny and refute all the State's accusations that were outside the plea agreement. The Court listened patiently to the "very thorough presentation, bordering almost on a trial" by the parties. (Transcript of 12/13/17, at 84, lines 20-21) The sentencing hearing lasted beyond 6:30 PM, and the Court, rather than sentence the defendant immediately, as is typical in most state plea hearings, decided to defer sentencing to further consider all the information presented. No credible argument exists that this Court failed in any way to give any of the parties the opportunity to make a full presentation or have its day in court.

At the pronouncement of sentence on February 12, 2018, the Court acknowledged it heard and appreciated the State's sentencing presentation. The Court then proceeded to set forth the reasons for a probationary sentence. Like many judges, the Court found it significant that the defendant had no prior criminal record and, under the terms of the plea agreement, had accepted

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<sup>3</sup> In his recent filing, Mr. Pascoe focused on one statement allegedly made by the Court in chambers prior to the guilty plea hearing. First, even Mr. Pascoe makes it clear that he did not follow the alleged suggestion—making it irrelevant for his legal arguments. Second, without a contemporaneous objection or even putting the issue on the record for the Court to answer or address the spurious accusation, Mr. Pascoe is prohibited from raising the issue at this stage. Third, it is routine and accepted practice for lawyers to meet with the Court in chambers pursuant to Judicial Canon 3B(7)(d), which provides: "A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to mediate or settle matters pending before the judge." Canon 3B(7)(d), SCACR 501. There is no question the parties consented prior to the plea hearing. Fourth and last, neither the record nor Mr. Pascoe's own admissions in his filings provide any support for his insinuation that the Court adversely influenced his full presentation during the sentencing hearing on the December 13, 2017 or failed to hear and consider the State's sentencing presentation. See Transcript 12/13/17, at 21-48; Mot. to Reconsider at 3 ("[T]he State had no intention to go easy on the facts. Instead, the State made it clear ... it sought the maximum sentence on the basis of the facts presented by the State ....").

responsibility for only limited facts, a bargain struck with the State's consent. In addition, the Court noted every defendant is presumed innocent of all allegations that are not part of a guilty plea or conviction at trial. The Court also found persuasive that the plea agreement dismissed all other charges. (Transcript of 2/12/18, at 9, lines 21-23) The terms of the plea agreement included that "all the materials and information obtained in the investigation, including searches and seizures by the State, are not to be used in any way by the State against these defendants in exchange for these pleas." (Transcript of 2/12/18, at 8, lines 22-24 & at 9, lines 18-22)

In its most simple form, Mr. Pascoe's complaint is that the Court failed to accept as true facts alleged by the State but denied by Mr. Quinn. Mr. Pascoe finds fault with the Court for sentencing Mr. Quinn on the basis of the facts to which he pleaded guilty. Mr. Pascoe can make no credible legal argument and cites no authority that the Court must take as true all accusations made by the State during the plea hearing. No requirement exists that the Court must sentence the defendant on the full range of *alleged* wrongdoing, particularly when the prosecutor agreed to a "narrow set of facts" for the guilty plea and allowed the defendant in the plea agreement to deny culpability for any other allegation. Moreover, Mr. Pascoe agreed to a term of the plea agreement specifically limiting his use in any way of other information from the investigation against the defendant in exchange for the plea agreement.

In this case, the State failed to overcome the presumption of innocence on the disputed allegations. Mr. Pascoe made his full presentation of other accusations for the Court "to make a determination on whether it should be held against him or not for not accepting responsibility for other acts."<sup>4</sup> The Court exercised its discretion, after hearing both sides during the sentencing

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<sup>4</sup> Transcript of 12/13/17, at 12 & 43; State's Mem. Seeking Clarification of Def.'s Limited Allocation at 9 & 11.

hearing, and imposed a sentence greater than that requested by the defense and less than what Mr. Pascoe wanted. There is no error of law or abuse of discretion.

III. **Because all parties presented arguments regarding a severance, the State's argument is that it had no opportunity to be heard is false and should be rejected.**

In its Motion to Reconsider, the State raises for the first time that the Court granted a severance to the defendants without affording the State the opportunity to be heard. This argument is irrelevant to the present motion before this Court and has been waived by the State. It is also moot because the guilty plea and terms of plea agreement have been accepted and the defendant has been sentenced. Finally, the argument lacks merit because the State, in fact, was afforded the opportunity to be heard on the severance issue.

Mr. Pascoe again mischaracterizes the record and ignores the Court's fair and impartial efforts to accommodate all parties. During the November 28, 2017 hearing setting this case for trial separately from the other defendants, this Court made it abundantly clear that the severance motion was being heard on that day:

THE COURT: I was just clarifying first, procedurally, where we are at. Because you, Mr. Pascoe, there were times you were referring to if we have a severance motion and when we get to a severance motion. I know that we are here to talk about scheduling and trial dates, and I think that one goes with the other, I mean, obviously. If I set a trial date, then I am inevitably ruling on a potential whether or not cases can be tried together, just based on the argument. *I guess my question to you is, is there anything else that you want or need to put on the record?* Because, obviously, me setting the trial is going to affect whether or not they can be tried together. Does that make sense?

(Transcript of 11/28/2017 Hearing, 44, line 20 to 45, line 8 (emphasis added))

The transcript of the November 28, 2017 hearing is clear. Mr. Pascoe was both given time to be heard and asked directly if there is anything more he wanted to put on the record. Mr. Pascoe was present and fully participated—and both the State and the Defendants' counsel made legal arguments regarding severance and the defendants' opposition to consolidate the trials. Moreover,

case law was cited in support of these arguments on the record, and the State was given a full opportunity to respond to these arguments and did, in fact, respond. (Transcript of 11/28/17, at 30, line 16 to 31, line 15 & at 39, line 8 to 44, line 19) After the Court ruled on severance and set the trials separately, the State made no other objections or motions.

The record is clear that Mr. Pascoe was given a full opportunity to oppose the ruling at the November 28, 2017 hearing on severance. Accordingly, the State's contentions that the Court did not allow it to make arguments on the severance issue are wholly without merit.

#### IV. CONCLUSION

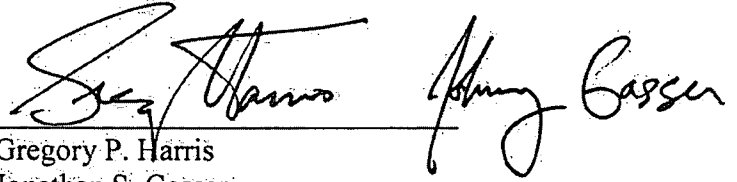
All of Mr. Pascoe's pre-sentencing objections were ruled on by the Court, and he was given all the specific relief he sought prior to sentencing. The Court exercised its discretion fairly and considered all information presented by the plea agreement and both sides in imposing the sentence. It was only after the Court did not impose the sentence Mr. Pascoe had sought that he began attacking the Court.<sup>5</sup> These attacks are without merit and should be rejected.

Based on the foregoing, the defendants respectfully request that this Court deny the State's Motion for Reconsideration.

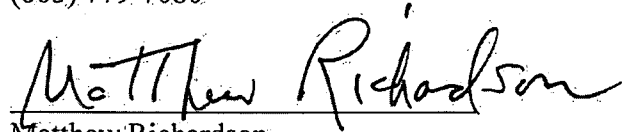
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<sup>5</sup> Mr. Pascoe's motives become clear when considering he submitted his Motion to Reconsider by email to the Court and defense attorneys on Friday, February 16, 2018, at 3:30 PM. *The State* newspaper in Columbia posted online an article about his personal attack on the Court eight minutes later at 3:38 PM. While the author of that article is an experienced and capable journalist, it is obvious he did not receive the Motion after the Court, read the thirteen-page motion, write the article, edit it and then post it all within eight minutes of the Court and opposing counsel receiving the motion. (found at <http://www.thestate.com/news/local/crime/article200570334.html>).

Respectfully submitted,

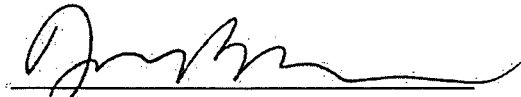


Gregory P. Harris  
Jonathan S. Gasser  
Harris & Gasser Law  
1529 Laurel Street  
Columbia, SC 29201  
(803) 779-7080



Matthew Richardson  
Wyche, P.A.  
801 Gervais Street, Suite B  
Columbia, SC 29201  
803-254-6542

Attorneys for Rick Quinn, Jr.



Deborah B. Barbier, LLC  
1811 Pickens Street  
Columbia, SC 29201  
803-445-1032  
Email: [dbb@deborahbarbier.com](mailto:dbb@deborahbarbier.com)

Attorney for Richard Quinn, Sr.

Columbia, South Carolina  
February 27, 2018

# ATTACHMENT A

**From:** Debra Weiss [mailto:debra.weiss@myccnb.com]  
**Sent:** Tuesday, February 07, 2017 2:47 PM  
**To:** Smith, Jeremy  
**Subject:** FW: State Grand Jury Case# 2016-257 Secur e Delivery #21

Lt. Smith:

I will attempt to email the requested documents referencing State Grand Jury Subpoena 2016-257. Our email has restrictions for the size of files that can be sent. Therefore, I will send five separate email files. When I have sent all files, I will follow up with an email to you to ensure they were received. Please contact me with any questions or concerns. Thank you.

Capitol Investments I LLC  
Capitol Investments II LLC  
~~Capitol Investments III LLC~~ DEPOSITS  
R Quinn Sr  
R Quinn Jr.

**Debra Weiss**  
Vice President  
Compliance Specialist  
Coastal Carolina National Bank  
1012 38th Ave. N  
Myrtle Beach, SC 29577  
[debra.weiss@myccnb.com](mailto:debra.weiss@myccnb.com)  
Office: (843) 839-3063  
Cell: (843) 455-2706  
Fax: (843) 839-3079



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DEPOSIT TICKET

CAPITOL INVESTMENTS III, LLC  
PO BOX 12528  
COLUMBIA, SC 29211-2528

DATE 3/20/15

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

ENDORSE & LIST CHECKS SEPARATELY  
OR ATTACH LIST

 VISTABANK



	DOLLARS	CENTS
CURRENCY		
COIN		
TOTAL CASH		
CHECKS		
1 WSC	28,063	31
2		
3		
4		
5		
6		
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21		
22		
23		
TOTAL FROM ATTACHED LIST		
PLEASE PRINT CHECK NUMBER	28,063	31

TOTAL ITEMS

\$

009

28,063.31

CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT

STATE OF SOUTH CAROLINA  
 COUNTY OF RICHLAND

IN THE COURT OF GENERAL SESSIONS

INDICTMENT NOS.: 2017GS4712

STATE OF SOUTH CAROLINA

vs.

RICHARD QUINN, JR.,

DEFENDANT.

**DEFENDANT RICK QUINN JR.'S**  
**SUPPLEMENTAL SENTENCING**  
**MEMORANDUM**

**FILED**

**JAN 16 2018**

**JAMES R. PARKS**  
**CLERK, STATE GRAND JURY**

On December 13, 2017, Defendant Rick Quinn appeared before this Court on one count of statutory Misconduct in Office for failing to comply with a reporting requirement. At the conclusion of the guilty plea hearing, the Court deferred sentencing to a later date. This memorandum provides the Court with information regarding other recent sentences for Misconduct in Office.

**INTRODUCTION**

Rick Quinn accepted full responsibility for failing to comply with a reporting requirement under Code section 8-13-1130 by pleading guilty to one misdemeanor charge of statutory Misconduct in Office, which carries a maximum sentence of one year. With his guilty plea, Rick Quinn resigned from public office, leaving a long life of public service that has meant so much to him. By waiving his right to a trial on all allegations, Rick Quinn saved the state substantial time and money. Rick Quinn is remorseful for his actions and acknowledges he disappointed his constituents and undermined his legacy as a public servant. As Rick Quinn is waiting to be

sentenced, he asks the Court to consider his acceptance of responsibility and also the sentences in the other recent cases described below involving Misconduct in Office.<sup>1</sup>

### DISCUSSION

At the plea hearing, Rick Quinn requested probation as the appropriate sentence in this case based on his having no prior record, his good character and background, and the limited allocution of guilt. As further support for a probationary sentence, we ask the Court to consider recent and similar cases in which the defendants were not sentenced to prison after pleading guilty to Misconduct in Office. As this Court is aware, sentences imposed "upon others for similar offenses are among a wide variety of factors which may be properly considered in determining a proper punishment." *State v. Brewington*, 267 S.C. 97, 103, 226 S.E.2d 249, 251 (1976).

We submit eight such cases over the past five years to illustrate this point. While some of these cases are relatively similar to the Quinn case, most involved substantially more egregious underlying conduct.

#### 1. Deputy Dereck Johnson

Last year, Dereck Johnson, a former Orangeburg County Sheriff's Deputy, was charged with common law Misconduct in Office after he engaged in oral sex with a woman during a domestic violence call against her boyfriend. After pleading guilty to common law Misconduct in Office, he faced up to ten years imprisonment and was sentenced to three years' probation and community service by the Honorable Edgar W. Dickson.

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<sup>1</sup> It should also be noted that there are many instances in the House of Representatives when Members fail to disclose the name of a party that should have been reported in their ethics disclosures. Those cases are typically handled by the House Ethics Committee with the result of a fine, reprimand or an amended report.

**2. Police Chief Richard Combs**

In 2011, Eutawville Police Chief Richard Combs shot an unarmed man, resulting in the man's death. Combs was tried for murder twice. Both trials resulted in hung juries, with the majority of jurors in each trial favoring conviction. He subsequently pleaded guilty to common law Misconduct in Office and faced up to ten years in prison. He was sentenced by the Honorable Edgar W. Dickson to one year of home detention and five years' probation.

**3. Police Officer George Ralph Bobo**

In 2015, Simpsonville police officer George Ralph Bobo was charged with one count of Obstruction of Justice and one count of common law Misconduct in Office for destroying evidence in a homicide case. He pleaded guilty to statutory Misconduct in Office before the Honorable Perry Gravely and received eighteen months' probation and a \$1,000 fine.

**4. Sheriff Jason Booth**

In 2012, Saluda County Sheriff Jason Booth was charged with common law Misconduct in Office for using an inmate to build and maintain various structures at his personal home. Between 2006 and 2012, Booth brought an inmate to his home and utilized him for personal services in exchange for preferential treatment and favors. Booth faced up to ten years in prison for the charge, pleaded guilty before the Honorable Jack Early, and received five years' probation and a fine of \$900.

**5. Lt. Governor Ken Ard**

In 2012, Lieutenant Governor Ken Ard was charged with multiple counts of statutory Misconduct in Office for committing 106 ethics violations in a single political campaign in 2012. He pleaded guilty to seven statutory counts: four counts of unlawful reimbursement of campaign contributions; two counts of falsely filing campaign reports; and one count encompassing multiple

acts of personal use of campaign funds. Although Ard faced up to seven years in prison and a \$35,000 fine, he was sentenced by the Honorable G. Thomas Cooper, Jr. to five years' probation, a \$5,000 fine, and 300 hours of community service.

#### **6. Senator Robert Ford**

In 2015, Senator Robert Ford was charged with multiple ethics violations, Misconduct in Office, and Forgery stemming from allegations that he converted campaign money for personal use. Senator Ford pleaded guilty to four total counts, including common law Misconduct in Office, Forgery, and two ethics violations, all occurring between 2008 and 2013. Although he faced up to fifteen years in prison, Ford received a sentence of five years' probation and 350 hours of community service by the Honorable Robert Hood. At sentencing, Judge Hood pointed out that a major reason he did not give Ford any prison time was to avoid "unwarranted disparities" in similar situations.

#### **7. Speaker Bobby Harrell**

In 2014, Speaker of the House Bobby Harrell was charged with numerous counts of statutory and common law Misconduct in Office. He ultimately pleaded guilty to six counts of statutory Misconduct in Office for misusing campaign money stemming from improperly reimbursing himself for use of his private plane. Although Harrell faced up to six years in prison, he was sentenced to three years' probation and fined \$30,000 by the Honorable Casey Manning.

#### **8. Representative Jim Merrill**

Representative Jim Merrill was charged with common law and statutory Misconduct in Office for using his position as a lawmaker for personal profit, in using his position in office to collect money through his business, and failing to disclose money received from trade, advocacy and political groups in violation of state ethics law. Last year, Merrill pleaded guilty to the one

charge of statutory Misconduct in Office for failing to report money his business received and was sentenced to one year of probation and no fine by the Honorable Robert Hood.

Each of these defendants described herein pleaded guilty to some form of Misconduct in Office and received some form of probation, rather than prison time. While some of the defendants previously described are similarly situated to Quinn, a few of them committed much more serious crimes, leading to loss of life or sexual trauma, and pled to more serious misconduct than failure to report. Some of these other defendants, like Senator Ford, Speaker Harrell, and Jason Booth, faced maximum sentences greater than the one-year maximum in this case, yet those defendants received probation as well.

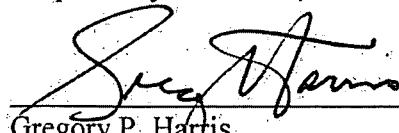
Most notable of these cases may be the Combs and Johnson cases, in which Solicitor Pascoe's office made no requests for incarceration. In Combs, although Solicitor Pascoe asked two juries to send Combs to jail for life, he ultimately stood silent at the plea when it came to a request for punishment of incarceration. Combs pleaded guilty to unlawful use of deadly force by shooting an unarmed man three times, yet Solicitor Pascoe did not recommend prison time. In the Johnson case, the First Circuit Solicitor's Office again stood silent as to a custodial sentence in a case involving a sexual assault by a law enforcement officer while he was supposed to be protecting the crime victim.

In this case, Rick Quinn accepted responsibility for failing to comply with *reporting requirements*, yet Solicitor Pascoe recommended prison time. Pascoe's recommendation of prison for Rick Quinn is unwarranted and inequitable when compared to the solicitor's position in Combs, Johnson, Harrell, and Merrill. Indeed, the eight cases discussed herein demonstrate that the interests of justice are best served here by a probationary sentence, which will avoid a disparate sentence in which a less culpable party receives a greater punishment.

CONCLUSION

The law recognizes that sentences cannot be handled down by formula. We look to judges who bring life experience, wisdom, and humility to the task; and we ask judges to consider a defendant and his life in whole, not in isolation of the only criminal accusations ever made against him. When you look at Rick Quinn's life in whole, you see a life characterized by hard work, integrity, and service to others. An examination of his life and consideration of the sentences described herein given to similarly-situated defendants strongly encourages a noncustodial sentence in this case is sufficient, but not greater than necessary, to satisfy the goals of sentencing. For the reasons stated herein, the defense asks that Rick Quinn be sentenced to probation.

Respectfully submitted,



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Gregory P. Harris  
Jonathan S. Gasser  
Harris & Gasser, LLC  
1529 Laurel Street  
Columbia, South Carolina 29201  
803) 779-7080

Matthew Richardson  
Wyche Law Firm, P.A.  
801 Gervais St. Suite B  
Columbia, SC 29201  
(803) 254-6542

Attorneys for Defendant

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA )  
 )  
 vs. )  
 )  
 RICHARD M. QUINN, JR., )  
 )  
 DEFENDANT. )

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INDICTMENT NOS.: 2017-GS-47-12, 13, 32

**FILED**

**JAN 19 2018**

JAMES R. PARKS  
CLERK, STATE GRAND JURY

STATE OF SOUTH CAROLINA )  
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 vs. )  
 )  
 RICHARD M. QUINN, SR., )  
 )  
 DEFENDANT. )

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INDICTMENT NOS.: 2017-GS-47-42, 43

STATE'S MEMORANDUM SEEKING  
CLARIFICATION OF DEFENDANT'S  
LIMITED ALLOCUTION AND RESPONSE  
TO DEFENDANT'S MEMORANDUM

The State of South Carolina respectfully submits the following memorandum seeking clarification of Defendant Rick Quinn, Jr.'s ("Defendant's") limited allocution and the State's response to Defendant's Supplemental Sentencing Memorandum. The State has closely reviewed the hearing transcript and for reasons explained more fully below, is concerned the limited allocution that forms the basis of the Defendant's guilty plea may be flawed for two reasons and must be remedied prior to sentencing. First, after a review of its investigative file, the State has not located any payments from the University of South Carolina to Capitol Investments II, LLC in 2015. Instead, the State has located payments from the Carolina Alumni Association—which is not a lobbyist's principal and would not trigger disclosure requirements under S.C. Code Ann. § 8-13-1130. If the Defendant did not receive funds from USC in the manner he claimed, the plea must be vacated.

Second, the limited allocution offered by the Defendant, even if true, amounts to a single, unintentional failure to file. While this conduct does violate S.C. Code Ann. § 8-13-1130, it likely

does not amount to the crime to which the Defendant pleaded guilty, a violation of S.C. Code Ann. § 8-1-80. In short, the Defendant pleaded guilty to “*mistake in office*” rather than “*misconduct in office*.” This problem arises at the end of the plea hearing when the Defendant appears to not accept responsibility for misconduct in office, but only for a mistake.

Because of these flaws, the Court should inquire further into the factual basis for the plea. If the Defendant’s limited allocution is untrue or does not constitute a crime, the State will be compelled to file a motion to vacate the plea. In the alternative, the Defendant’s plea must be remedied by revisiting the plea and the Defendant should offer new or additional facts which unquestionably amount to a violation of S.C. Code Ann. § 8-1-80. See State v. Thomason, 355 S.C. 278, 283, 584 S.E.2d 143, 146 (Ct. App. 2003) (“However, once a defendant enters a guilty plea, whether to allow withdrawal of the plea is left to the sound discretion of the circuit court.” (quoting State v. Riddle, 278 S.C. 148, 150, 292 S.E.2d 795, 796 (1982))).

However, to the extent the Court accepts the sufficiency of the Defendant’s plea, the materials presented by the State, as well as the misrepresentations made by counsel for the Defendant, should weigh heavily on the Court’s sentencing decision.

#### **Factual Background**

On December 13, 2017, Defendant Richard M. Quinn, Jr. pleaded guilty to statutory misconduct in office, a violation of S.C. Code Ann. § 8-1-80, before the Honorable Carmen Mullen in Richland County.<sup>1</sup> The plea was part of a package agreement with the State that potentially

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<sup>1</sup> Contrary to the assertion in Defendant’s sentencing memorandum, the Defendant did not plead guilty to “statutory Misconduct in Office for failing to comply with a reporting requirement.” Def. Memo. at 1. The Defendant pleaded guilty to violating S.C. Code Ann. § 8-1-80. The limited allocution offered by the Defendant is just that—a limited allocution. The issue is whether those limited facts form a substantial factual basis for a violation of S.C. Code Ann. § 8-1-80. See Indictment 2017-GS-47-12, attached as **Exhibit A**.

resolves criminal charges against both the Defendant and his father, Richard M. Quinn, Sr. See Hearing Transcript at 6, attached as **Exhibit B**. During the plea, Defendant would accept responsibility for only a specific set of facts, as articulated by his attorney during the hearing. The limited factual recitation made by the Defendant was as follows:

Rick Quinn agrees that in 2016, while a member of the House of Representatives, he failed to report to the House Ethics Committee **the name of USC, which he knew was a lobbyist principal**, and which in the previous calendar year had leased office space for less than \$30,000 total from Capitol Investments II, LLC, a business with which Rick was associated as an agent by receiving a benefit from Capital Investments of being relieved from payments on the mortgage note from that property as a guarantor, and also, by helping them negotiate the mortgage note for Capital Investments II.

Hr. Trans. at 10 (emphasis added).

Notably, the State did not know the specific facts the Defendant intended to admit prior to the hearing. While the State was aware of payments similar to those referenced by the Defendant in his plea, they were not part of the charges originally contemplated and had not been closely examined. Nonetheless, the State agreed to a limited allocution as long as it was factually accurate, amounted to statutory misconduct in office, and was made knowing the Court can consider all facts offered by the State in sentencing the Defendant. See id. at 9 (“we understand Mr. Pascoe’s going to make his argument about a wider range of conduct today”); id. at 11 (“And I understand Mr. Pascoe intends to make other, broader allegations.”).

While preparing this response to Defendant’s sentencing memorandum, the State examined the Defendant’s limited factual basis more closely and discovered two concerns that should be clarified by the Court before the Defendant is sentenced. First, the State’s records do not reflect

payments from the University of South Carolina to the Capitol Investments entities.<sup>2</sup> The State's records do, however, reflect payments from the University of South Carolina Alumni Association, which is not a lobbyist's principal. Defendant is not required to report an economic benefit from an entity that is *not* a lobbyist's principal. Failure to report these payments does not constitute a crime. Second, if the Defendant failed to report the name of a single lobbyist's principal in a single year, this conduct alone may not amount to a criminal charge of statutory misconduct in office.

As part of the package plea agreement, both defendants agreed that the State would present a recitation of the facts during the hearing that encompassed a much broader range of criminal conduct by the Defendant and his father. See id. at 9, 11. Following the Court's questions to the Defendant and the guilty plea, the State offered a PowerPoint presentation containing numerous exhibits and testimony demonstrating the Defendant's culpability far beyond the facts for which the Defendant is willing to accept responsibility. This presentation occurred *after* the Defendant knowingly and intelligently waived his rights by pleading guilty.

At the conclusion of the State's presentation, counsel for the Defendant offered remarks in mitigation of sentencing. Following the presentations by the parties, the Court found a "substantial factual basis for this plea[.]" Id. at 85. Some of the remarks offered to counter the evidence presented by the State conflicted with testimony and evidence in the investigation-in-chief. To verify their accuracy, the State examined defense counsel's claims more closely during the intervening period between the plea and sentencing. Unfortunately, some of these claims are simply false and will be discussed more fully below.

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<sup>2</sup> The State does not mean to suggest that payments from the University of South Carolina could not have been received by the Capitol Investments entities. The State is merely bringing to the Court's attention that it received no record of such payments in response to a subpoena served on Vista Bank for all payment information from the time the account was opened through February 1, 2017.

### Argument

Prior to sentencing, the Court should revisit the Defendant's plea and closely examine the limited factual basis for which the Defendant accepts responsibility to determine whether those facts support the charge of statutory misconduct in office. Any defect in the Defendant's plea must be remedied at this stage. If the Court determines that the Defendant's plea is sufficient, the Court should take into consideration all materials presented by the State in sentencing the Defendant.

**I. The State is concerned that USC did not give money to Capitol Investments as stated by Defendant which would mandate nullification of the package plea agreement.**

Defendant indicated to the Court that he only accepted responsibility for a limited factual scenario, and pleaded guilty on that basis. The factual scenario asserted by the Defendant involves rent payments by the University of South Carolina ("USC") to a real estate holding company which held a mortgage over commercial buildings at 1600 Gervais St. Counsel for the Defendant stated the Defendant knew USC was a lobbyist's principal, and because the Defendant was a guarantor on the loan he should have reported the payments.

After receiving Defendant's sentencing memorandum on January 15, 2018, the State re-examined the Defendant's statement of facts and compared those facts to bank records provided by Vista Bank, the banking institution where the Capitol Investments companies maintain accounts. Those records contain a series of checks paid to Capitol Investments I, LLC from the Carolina Alumni Association (the "Alumni Association"), using the address 1600 Gervais St. See Alumni Association Checks, attached as **Exhibit C**. The State has no records indicating USC made payments to Capitol Investments II, LLC. Rather, the Alumni Association made payments to Capitol Investments I, LLC during the year 2015.<sup>3</sup> While USC is a lobbyist's principal, and did

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<sup>3</sup> Defense counsel also stated that the payments amounted to less than \$30,000. The payments from the Alumni Association during the year 2015 amount to \$113,833.96.

pay a retainer to Richard Quinn and Associates, the Alumni Association is *not* a lobbyist's principal. It is a separate entity from the university and the Defendant was not required to report the economic benefit he received from these rent payments.

Having only recently discovered this error, the State believes the matter must be brought to the Court's attention prior to any sentencing. During his statement of the Defendant's limited allocation, Mr. Richardson made an affirmation to the Court that USC paid money to Capitol Investments II, LLC. See Hr. Trans. at 10. The State is seeking clarification from the Defendant that his company received payments from USC as stated in his allocation rather than the payments from the Alumni Association.

If the facts pleaded to by the Defendant do not constitute an unlawful act, the Defendant would likely prevail on an appeal of any sentence handed down by the Court. Because this is a package plea deal, such an appeal would likely result in the reinstatement of charges against both the Defendant and his father, Richard Quinn, Sr. However, the State intends to call Richard Quinn, Sr. to testify before the state grand jury soon after sentencing. If Mr. Quinn, Sr. testifies before the state grand jury under a cloak of immunity as a result of this plea and relies on that immunity to his detriment, reinstatement of charges against Mr. Quinn, Sr. following an appeal may not be possible.

To prevent this scenario from unfolding—which would effectively permit Mr. Quinn, Sr. to become prosecution proof by way of a factual error originating from the defense itself—the State would be compelled to move to vacate the plea if it is not satisfied the plea would withstand an appeal. Therefore, the Court should revisit the Defendant's plea and remedy this error while it has the opportunity to do so. If necessary, the Court should require additional factual grounds for

the Defendant's allocation that ensure the grounds for accepting a guilty plea are completely satisfied.

**II. Even if USC made payments in the manner described by Defendant's counsel, the State is concerned Defendant's response concerning his limited allocation does not amount to a violation of S.C. Code Ann. § 8-1-80.**

While the State's evidence indicates Capitol Investments II, LLC did not receive any payments from USC in 2015 that should have been reported on Defendant's 2016 disclosure, assuming, arguendo, the company received payments from USC that the State is unaware of, the State is concerned this does not rise to the level of statutory misconduct in office.<sup>4</sup>

Statutory misconduct in office, as defined by S.C. Code Ann. § 8-1-80, requires the Defendant (1) to be a public officer and (2) to be guilty of "any official misconduct, habitual negligence, habitual drunkenness, corruption, fraud, or oppression." S.C. Code Ann. § 8-1-80. The Defendant is certainly a public officer, thus the question presented is whether a single act of failure to disclose the name of a lobbyist's principal on a statement of economic interest constitutes official misconduct, habitual negligence, corruption, or fraud.

The statutory offense of misconduct in office was established by the passage of Act 2482 of 1829, (5 Stat. 390), and current version of the statute is largely identical to the original. The statutory version of misconduct in office is distinguished from the common law version because the common law offense requires a higher level of criminal intent than the statutory offense. The common law offense of misconduct in office is defined by the South Carolina Supreme Court as:

any act, any omission, in breach of duty of public concern by persons in public office provided it is done wilfully and dishonestly. (Again, it should be noted, the wilful and dishonest character of appellant's conduct was the threshold fact issue to be determined by the jury.)

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<sup>4</sup> The State is hopeful the defense can produce payments from USC and that the State simply doesn't have the records; however, if no such payments exist, pleading the Defendant to misconduct in office is either an egregious error or worse.

State v. Hess, 279 S.C. 14, 20, 301 S.E.2d 547, 551 (1983) (internal quotation marks omitted).

The statutory offense does not require dishonest intent, and may be implicated by a negligent failure to observe a filing requirement on numerous occasions or by any act of official misconduct. The negligence by the public official must be habitual. Under the facts presented by the Defendant's limited allocution, the Defendant only admits to having failed to file on a single occasion. While a failure to file on a number of occasions would likely constitute habitual negligence, failure to file on a single occasion likely does not amount to habitual negligence contemplated by S.C. Code Ann. § 8-1-80.

This singular failure to file does, however, violate S.C. Code Ann. § 8-13-1130, and thus presents a question as to whether a singular failure to report constitutes "official misconduct" as contemplated by statutory misconduct in office.<sup>5</sup> The South Carolina Attorney General's Office has offered guidance on the definition of "official misconduct" as "any unlawful behavior by a public officer in relation to the duties of his office, **willful in character**, involving intentional wrongdoing or total lack of concern for the conduct." 2014 WL 2538230, at \*2 (S.C.A.G. May 12, 2014) (citing 67 C.J.S. Officers § 121, p. 490) (emphasis added); see also, Black's Law Dictionary (10th ed. 2014) ("**willful** *adj.* (13c) Voluntary and intentional, but not necessarily malicious"). Thus, while the offense of statutory misconduct in office encompasses both intentional or corrupt acts as well as unintentional yet negligent acts, it is doubtful that the statutory offense intends to criminalize a single, unintentional act of failure to report the name of a lobbyist's principal. Under defense counsel's recitation of the limited allocution, the Defendant pleaded guilty to "*mistake in*

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<sup>5</sup> Indeed, as defense counsel notes, "almost every other instance of failure to disclose the name of a lobbyist principal" is handled by the House Ethics Committee. Hr. Trans. at 72.

office” and not “*misconduct* in office,” which does not constitute a violation of S.C. Code Ann. § 8-1-80.

Following the State’s presentation of the factual basis for the plea, the Court indicated that it found a “substantial factual basis” to accept the plea. Hr. Trans. at 85. However, because the Defendant clearly stated on the record that the only violation for which he was willing to accept responsibility was the factual recitation provided by his attorney, there is a question as to what the Court considers to be the substantial factual basis for the plea. See id. at 83 (“MR. RICK QUINN: No, your honor. I’m pleading guilty only to the fact that has been described today”). Mr. Quinn’s statement to the Court when combined with Mr. Richardson’s earlier statement that Defendant’s actions are “a stretch under the definition of benefit” casts doubt on the sufficiency of his limited allocution. Id. at 71. If the Court were to accept only the Defendant’s limited recitation of the facts, the State is concerned that these facts do not comprise the offense of statutory misconduct in office. For this reason, and for the concerns raised in Section I above, the State respectfully requests the Court inquire further into the factual basis for the plea offered by the Defendant.<sup>6</sup>

**III. The Court should properly consider the factual recitation offered by the State in determining an appropriate sentence for Defendant.**

If the Court determines that the limited factual basis for which the Defendant accepts responsibility does meet the elements of statutory misconduct in office, the refusal of the Defendant to accept responsibility for the numerous acts of corruption demonstrated by the State during its presentation should weigh heavily in favor of sentencing the Defendant to the maximum penalty allowed by statute. Contrary to the statement by Mr. Richardson to the Court that “what

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<sup>6</sup> The purpose of this request for clarification is identical to that in section I. It could present a scenario in which immunity is granted to, and relied on by Richard Quinn, Sr. prior to an appeal.

Mr. Pascoe says here today is not evidence”, the contents of the State’s presentation are properly before the Court. Hr. Trans. at 70. A Court sentencing a defendant following a guilty plea may consider any relevant material before it, and by pleading guilty the Defendant has waived his constitutional rights.<sup>7</sup>

**a. The Court should consider the facts and evidence presented by the State.**

The State asks that the Court consider all the facts and evidence presented by the State at the guilty plea hearing. The Supreme Court of South Carolina has held that a trial court exercises wide discretion regarding the sources and types of evidence it may use to assist it in determining the kind and extent of punishment to be imposed during the sentencing phase. State v. Cantrell, 250 S.C. 376, 158 S.E.2d 189 (1967). “[I]n a sentencing proceeding, evidentiary rules are inapplicable, and the court may consider inadmissible evidence, so long as the information is relevant, reliable and trustworthy.” State v. Thomason, 355 S.C. 278, 286, 584 S.E.2d 143, 147 (Ct. App. 2003) (quoting State v. Gulledge, 326 S.C. 220, 228, 487 S.E.2d 590, 594 (1997)).

Here, the State presented relevant evidence of misconduct in office, S.C. Code Ann. §8-1-80, the crime to which the Defendant was pleading guilty. Any inference to the contrary by Mr. Richardson during the hearing is patently false. The State made it clear to the Court and both Defendants that there would be a factual presentation that went beyond the scope of both Defendants’ limited allocution. See Hr. Trans. at 9, 11. The State also asked the Court to take into

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<sup>7</sup> “THE COURT: I just want to make sure you understand and appreciate that by pleading guilty, you are waiving that constitutional right to a jury trial; you’re waiving all the other constitutional rights that go along with a jury trial.... Do you understand that, sir?”

MR. RICK QUINN, JR.: Yes, ma’am.”

Hr. Trans. at 15-16.

consideration the Defendant's failure to take responsibility for the egregious acts of corruption he has perpetrated upon the State of South Carolina.

A similar situation arose in State v. Thomason, 355 S.C. 278, 584 S.E.2d 143 (Ct. App. 2003), in which the Court of Appeals examined the proper scope of material for a court to consider in sentencing a defendant following a guilty plea. There, the defendant pleaded guilty with an understanding with the solicitor that the plea agreement contemplated a limited factual recitation by the State. Following the defendant's mitigation, the court, *sua sponte*, summoned the police officers assigned to the case to the court for examination. The defendant then moved to withdraw his guilty plea, bringing to the court's attention the plea agreement with the state limiting the factual recitation. The court refused to permit the defendant to withdraw his plea and listened to the officers detailed facts adverse to the defendant's remarks in mitigation. The defendant argued that he was not permitted the benefit of cross-examination as he would be at trial. However, "Thomason's argument that he was prejudiced by his inability to cross-examine the witnesses is unavailing because he waived his right to cross-examination of the witnesses when he knowingly, voluntarily, and intelligently entered his guilty pleas." *Id.* at 287.

The Court of Appeals affirmed the defendant's sentences, noting, "the only constraint on the information which may be considered by the circuit court at sentencing is that it be relevant and have sufficient indicia of reliability." *Id.* at 288. "All that is required before a plea can be accepted is that the defendant understand the nature and crucial elements of the charges, the consequences of the plea, and the constitutional rights he is waiving, and that the record reflect a factual basis for the plea." *Id.* at 283 (quoting Rollison v. State, 346 S.C. 506, 511, 552 S.E.2d 290, 292 (2001)). "However, once a defendant enters a guilty plea, whether to allow withdrawal of the

plea is left to the sound discretion of the circuit court.” Id. (quoting State v. Riddle, 278 S.C. 148, 150, 292 S.E.2d 795, 796 (1982)).

In the present matter, the Court engaged the Defendant in a colloquy to determine whether the Defendant understood the charges against him, the consequences of his plea, and the rights he waived by pleading. See Hr. Trans. at 14-15. As addressed above, the State has some concern regarding the sufficiency of the facts for which the Defendant accepted responsibility.<sup>8</sup> However, if the Court determines that the record reflects a sufficient factual basis to accept the plea in light of the issues raised in this memorandum, the facts and evidence presented by the State in its PowerPoint presentation during the hearing are both highly relevant to the breadth of the Defendant’s public corruption and reliable evidence gathered through state grand jury subpoenas and through documents seized from the Defendant’s own computer systems. As such these materials are properly before the Court, and should weigh heavily on the Court’s sentence.

**b. The cases cited in Defendant’s memo are distinguishable from the present case.**

Defendant’s memorandum references multiple cases in which a defendant entered a guilty plea to misconduct in office and received a probationary sentence. Defendant submits these cases are similar and that the Defendant should receive a probationary sentence because he only “accepted responsibility for failing to comply with *reporting requirements...*” First, trial courts are not required to consider the sentences of codefendants, much less unrelated defendants who were merely convicted of the same offense. State v. Charping, 333 S.C. 124, 504 S.E.2d 851 (1998). Second, as discussed below, the criminal conduct of the Defendant as represented by

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<sup>8</sup> The factual basis offered by the State during its presentation provides ample factual sufficiency to support a plea to statutory misconduct in office, however the Defendant stated that he did not accept responsibility for those facts, and was pleading only to the facts recited by Mr. Richardson. Hr. Trans. at 83.

Solicitor Pascoe during the guilty plea is more egregious and reprehensible than the conduct of the defendants cited by Defendant in his brief.

**Deputy Dereck Johnson:**

The first case cited by Defendant is that of Deputy Dereck Johnson, the deputy who engaged in oral sex with a woman during a domestic violence complaint. The credible evidence revealed that the sexual encounter was consensual. Furthermore, the complainant and her attorney declined to appear for the guilty plea. Despite this, the State still refused to recommend probation for Johnson. However, based on the consensual nature of the encounter and the lack of input from the complainant, the trial court imposed a suspended sentence.

**Police Chief Richard Combs:**

Defendant also cites the case of former Eutawville Police Chief Richard Combs who shot a wanted man behind the wheel of a pickup truck as Combs attempted to arrest him. Despite the Defendant's assertion that the deceased was "unarmed," Mr. Combs vehemently argued to the jury that the wanted man was operating a deadly multi-ton truck and further argued that Mr. Combs, who had a duty to arrest this man, was in fear of being run over when he discharged his service weapon. Two juries from two different counties could not come close to reaching a unanimous verdict. Jurors who spoke with the trial attorneys afterwards confirmed that point. Ultimately, Combs pleaded to the original charge of misconduct in office. While Mr. Combs' actions resulted in death, those actions were the result of a split-second decision that unfortunately law enforcement officers all too often are forced to make. The Defendant's actions are the result of years of conspiracy, collusion, and conniving.

**Speaker Bobby Harrell:**

Defendant correctly identifies that Harrell pleaded guilty to improperly reimbursing himself for use of his private plane from his *campaign account*; Mr. Harrell was not convicted of misconduct in office. There was never any evidence to suggest that Harrell used his position to enrich himself or his family by receiving unreported lobbyist's principal money. Contrary to Harrell, the Defendant, through his family businesses, received more than \$4 million, none of which he disclosed to the public. Furthermore, instead of recusing himself, the Defendant voted on legislation that directly impacted these lobbyist's principals, often times to the detriment of the citizens of South Carolina.<sup>9</sup> It is also important to note that Harrell, soon after indictment, proffered to both SLED and the FBI.

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<sup>9</sup> Contrary to defense counsel's representation during the guilty plea, the record clearly proves that Rick Quinn did not recuse himself from legislation lobbied by clients of Richard Quinn and Associates.

**Representative Jim Merrill:**

Representative Merrill pleaded guilty to one count of misconduct in office based on an agreed upon, limited factual basis. Unlike the Defendant, Merrill never attempted to publicly characterize the investigation as a “witch hunt.” On the other hand, Merrill offered to cooperate within weeks of being indicted. Without any plea offer or even a proffer agreement, Merrill met with SLED agents and provided significant and valuable information to assist the investigation. This level of cooperation was recognized by Solicitor Pascoe and rewarded by the Honorable Robert Hood, who cited Merrill’s cooperation prior to imposing a probationary sentence. Also, it is worth noting that Merrill pleaded guilty without the luxury of closure, as twenty-nine charges against Merrill are still pending.

**Senator Robert Ford and Lt. Governor Ken Ard:**

The cases against Senator Ford and Lt. Governor Ard were not prosecuted by the First Circuit Solicitor’s Office. However, on their face these cases are not analogous to the allegations against Defendant as these cases, like Representative Harrell, involve the use of campaign funds. The allegations raised during the hearings for Ford and Ard never called into question the public official’s duty to represent the best interest of his constituents regarding legislation. While using campaign contributions for personal benefit is improper, it pales in comparison to the public deception of voting on legislation that will directly impact every citizen of the State.

**Sheriff Jason Booth and Police Officer George Ralph Bobo:**

The cases against Booth and Bobo offered by Defendant are not familiar to this office. Furthermore, like the cases against Deputy Johnson and Chief Combs, these cases have no value for comparative purposes.

If the Court is inclined to consider similarly situated defendants, the State urges the Court to review the sentences in Lost Trust, specifically Senator Rick Lee. Lee had only taken two payments amounting to a total of \$3,000. Prosecutors requested leniency for Lee, informing the court that Lee was one of the first targets to sign a plea agreement, Lee provided information regarding Lost Trust and other new matters, and Lee agreed to serve as a witness in future trials. John V. Crangle, *Operation Lost Trust and the Ethics Reform Movement 185-186* (The Crangle Company, 2016). Despite the prosecutor’s request for leniency, Lee was sentenced to six months

in a halfway house in addition to five years of probation. Id. As outlined in the State's factual basis for the plea that the Court accepted, Defendant's level of corruption and amount of money involved vastly exceeds the legislators involved in Lost Trust.

**IV. The Court should also take into account the misrepresentations made to the Court by Defendant's counsel.**

Following the State's factual recitation, counsel for the Defendant offered a rebuttal to the State's presentation delivered by defense counsel Johnny Gasser. While the State does not wish to belabor these issues at this time, it is compelled to address a few of them here briefly. Mr. Gasser offered spirited rebuttal, however, a number of the issues he raised conflicted with the truth.

During its factual presentation the State offered an email from Kevin Hall, a prominent South Carolina attorney representing Infilaw in the attempted purchase of the Charleston School of Law, sent to the Defendant and Jim Merrill. See Email from Kevin Hall to Rick Quinn, attached as **Exhibit D**. In it, Mr. Hall discusses an August 5, 2014 meeting which details numerous tasks assigned to the Defendant related to Infilaw—a client of Richard Quinn and Associates at the time. The email was offered to demonstrate that the Defendant routinely performed work for Richard Quinn and Associates. In rebuttal to this email, Mr. Gasser asserted:

When Rick Quinn found out he was a client and Kevin Hall sent that email, he immediately called Kevin Hall, and said, I can't do this, Kevin, I can't do this; Infilaw's a client of my father's.

Kevin Hall acknowledged that. He acknowledged that to my law partner, Greg Harris. That's when he – he is correct; I was wrong; I didn't realize that; I never should have sent that email. But that's not in that presentation. *And Greg Harris, of course, he talked to Kevin Hall about that, an officer of the Court.*

Hr. Trans. at 56 (emphasis added). Mr. Gasser is correct about one thing—that his recusal is not in the State’s presentation, because it simply isn’t true.<sup>10</sup> The day after the plea, Mr. Hall’s attorney contacted the State because Mr. Hall was displeased with the statements made by Mr. Gasser. Mr. Hall indicated that the statements were false, and memorialized his recollection in a letter which is attached hereto as **Exhibit E**. Mr. Hall informed the State that Rick Quinn never told him he could not perform a task because it was improper, and he denies any such conversation with Mr. Harris.

A second example concerns the Ally Financial car loan application that was offered by the State to demonstrate that the Defendant claims to be an officer of Richard Quinn and Associates to attempt to qualify for a loan, but denies being associated with the business to avoid reporting requirements. See Ally Loan Application, attached as **Exhibit F**. During his rebuttal, Mr. Gasser addressed the document stating:

He talked with an individual there whether or not to get an extension on the car loan. So that person, on his own, decided to re-do the paperwork, and used the same information, information that was wrong, but he used the same information without Rick’s knowledge, **without Rick’s signature**.

Hr. Trans. at 54-55 (emphasis added). A simple examination of the document reveals that it is clearly signed by both the Defendant and his wife at the bottom of the page. See Ex. F. Interestingly, the signature does not appear on the PowerPoint slide, but an inspection of the original document reveals the signature.

While the State could take issue with many more statements made by defense counsel during its rebuttal, these two examples are sufficient to demonstrate the self-serving

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<sup>10</sup> In fairness to Mr. Gasser—whom the undersigned knows very well and considers to be a very ethical attorney—he was relying on information presumably communicated to him by Mr. Harris. Unfortunately, this is not the first time Mr. Gasser has provided erroneous information to the Court based on information provided to him by co-counsel in this case.

misrepresentations that defense counsel is willing to make to the Court in an effort to avoid an appropriately harsh sentence in light of the extensive corruption presented by the State.

**V. The State continues to receive more examples of the Defendant's rampant corruption.**

The State firmly stands by its position that evidence of the Defendant's corruption is vast and certainly more than failing to file once. As detailed above, the Court should properly consider all materials before it in determining an appropriate sentence, and the State respectfully submits that the breadth of conduct presented at the plea hearing merits the maximum sentence available under the law.

To further illustrate the breadth of corruption presented by this case and the need for the Court to send a stern message to this Defendant and other members of the South Carolina General Assembly, the State has attached new materials it received after the plea hearing as **Exhibit G** ("We(you) hired Richard *and Rick* for which *they* get paid about \$100,000 a year."). In these documents, representatives of a lobbyist's principal discuss engaging the Defendant—not just his father—in performing legislative work in exchange for a significant amount of money. The Defendant personally worked with the lobbyist's principal in the emails and voted on the legislation it was lobbying. These materials demonstrate yet another example of the Defendant's clear association with Richard Quinn and Associates and its clients, in this case.<sup>11</sup>

**Conclusion**

While the State wishes to honor the terms of the plea agreement, and does not submit this memorandum with the goal of invalidating the plea, it is incumbent upon the undersigned as an officer of the Court to bring these potential defects in the plea to the Court's attention as soon as


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<sup>11</sup> The emails attached in Exhibit G were found among the documents seized from the Defendant's place of business and involve his work for the Trial Lawyers Association (now known as the SC Association for Justice), which is a registered lobbyist's principal.

practical. If this potential defect had not been discovered, a scenario could arise in which the Defendant and his father are sentenced and the State calls the Defendant's father to testify before the state grand jury under a grant of immunity. The Defendant could then invalidate the pleas by appeal, and his father will have detrimentally relied on his grant of immunity and be beyond the reach of the State. Therefore, to address this potential issue, the State respectfully requests the Court make a further inquiry into the facts underlying the plea. If these facts are untrue or are insufficient to constitute a violation of the crime pleaded to, the plea must be remedied by an additional factual allocution or the State will be compelled to submit a motion to vacate the package plea agreement in its entirety.

If the Court should determine the plea is sufficient, the State respectfully requests the Court take into consideration all of the facts and evidence presented to it by the State during the plea hearing, as well as the statements made by defense counsel, and send a stern message to the Defendant by sentencing him to search the full year allowable by law.

Respectfully submitted by,



David M. Pascoe  
First Circuit Solicitor

January 19, 2018  
Orangeburg, South Carolina.

# **Exhibit A**

**Indictment No. 2017-GS-47-12**  
**Statutory Misconduct in Office**

STATE GRAND JURY OF SOUTH CAROLINA


STATE OF SOUTH CAROLINA	)	CASE NO. 2017-GS-47-12
	)	
-VERSUS-	)	INDICTMENT FOR MISCONDUCT
	)	IN OFFICE
RICHARD M. QUINN, JR.	)	
	)	
DEFENDANT.	)	S.C. Code Ann. §8-1-80
	)	



At a session of the State Grand Jury of South Carolina, convened at Columbia, South Carolina, on this 16th day of May, 2017, the State Grand Jurors present upon their oath:

MISCONDUCT IN OFFICE  
S.C. Code Ann. §8-1-80

That on or about April 1, 2010 through on or about April 15, 2017, in Richland County, the Defendant, RICHARD M. QUINN, JR., a public officer, knowingly committed acts and omissions constituting official misconduct, fraud, corruption or habitual negligence, to wit: the Defendant, while an elected member of the South Carolina House of Representatives and Candidate for State Office, violated provisions of the Ethics Government Accountability and Campaign Reform Act of 1991 in order to obtain a personal profit and benefit.

All against the peace and dignity of this State and in violation of §8-1-80, Code of Laws of South Carolina (1976), as amended.

  
David M. Pascoe  
First Circuit Solicitor

A.  Bill  


**FILED**

MAY 16 2017

JAMES R. PARKS  
CLERK, STATE GRAND JURY

# **Exhibit B**

Transcript of December 13, 2017 Plea Hearing

# **Exhibit C**

Seven checks written by the Carolina Alumni  
Association to Capitol Investments I, LLC, totaling  
\$113,833.96

SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

Carolina Alumni Association  
1600 Gervais Street  
Columbia, SC 29201

TO BANK, NATIONAL ASSOCIATION  
Columbia, SC 29208  
67-219730

4239

1/22/2015

PAY TO THE ORDER OF Capitol Investments I, LLC \$ 26,189.60

Twenty-Six Thousand One Hundred Eighty-Nine and 60/100 DOLLARS

Capitol Investments I, LLC  
PO Box 12526  
Columbia, SC 29211

Alumni Association *[Signature]*

MEMO

██████████ 19 ██████████

STATE 066214

SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

Carolina Alumni Association  
1600 Gervais Street  
Columbia, SC 29201

TO BANK, NATIONAL ASSOCIATION  
Columbia, SC 29208  
67-219730

4271

2/19/2015

PAY TO THE ORDER OF Capitol Investments I, LLC \$ 13,094.80

Thirteen Thousand Ninety-Four and 80/100 DOLLARS

Capitol Investments I, LLC  
PO Box 12526  
Columbia, SC 29211

Alumni Association *[Signature]*

MEMO

██████████ ██████████

STATE 066210

4356

**CAROLINA ALUMNI ASSOCIATION**  
1600 GERVAIS STREET  
COLUMBIA, SC 29201

TD BANK, NATIONAL ASSOCIATION  
COLUMBIA, SC 29201  
67-219/639

5/7/2015

PAY TO THE ORDER OF Capitol Investments I, LLC \$ 26,317.76

Twenty-Six Thousand Three Hundred Seventeen and 76/100 DOLLARS

Capitol Investments I, LLC  
PO Box 12526  
Columbia, SC 29211

MEMO

*[Signature]*

STATE 066215

4374

**CAROLINA ALUMNI ASSOCIATION**  
1600 GERVAIS STREET  
COLUMBIA, SC 29201

TD BANK, NATIONAL ASSOCIATION  
COLUMBIA, SC 29201  
67-219/639

5/14/2015

PAY TO THE ORDER OF Capitol Investments I, LLC \$ 13,094.80

Thirteen Thousand Ninety-Four and 80/100 DOLLARS

Capitol Investments I, LLC  
PO Box 12526  
Columbia, SC 29211

MEMO

*[Signature]*

STATE 066211

FOR DEPOSIT ONLY - NO OTHER USES - SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

**CAROLINA ALUMNI ASSOCIATION**  
1800 GERVAIS STREET  
COLUMBIA, SC 29201

**TD BANK, NATIONAL ASSOCIATION**  
COLUMBIA, SC 29201  
67-219/530

**4421**

6/18/2015

PAY TO THE ORDER OF Capitol Investments I, LLC. \$ 13,094.80

Thirteen Thousand Ninety-Four and 80/100 DOLLARS

Capitol Investments I, LLC  
PO Box 12526  
Columbia, SC 29211

*[Signature]*

MEMO

[REDACTED] [REDACTED] [REDACTED]

STATE 066212

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**CAROLINA ALUMNI ASSOCIATION**  
1800 GERVAIS STREET  
COLUMBIA, SC 29201

**TD BANK, NATIONAL ASSOCIATION**  
COLUMBIA, SC 29201  
67-219/530

**4492**

8/6/2015

PAY TO THE ORDER OF Capitol Investments I, LLC \$ 8,947.40

Eight Thousand Nine Hundred Forty-Seven and 40/100 DOLLARS

Capitol Investments I, LLC  
PO Box 12526  
Columbia, SC 29211

*[Signature]*

MEMO

[REDACTED] [REDACTED] [REDACTED]

STATE 066209

Carolina Alumni Association  
900 Senate Street  
Columbia, SC 29201

TD Bank, National Association  
Columbia, SC 29208  
87-219738

4777

12/17/2015

PAY TO THE ORDER OF Capitol Investments I, LLC.

\$ 13,094.80

Thirteen Thousand Ninety-Four and 80/100

DOLLARS

Capitol Investments I, LLC  
PO Box 12526  
Columbia, SC 29211

Attn: [illegible]

*Norm Hill*  
*[Signature]*

MEMO



STATE 066213

# **Exhibit D**

August 6, 2014 email from Kevin Hall to Rick  
Quinn and Jimmy Merrill

**To:** Daddy[rquinn9218@aol.com]  
**From:** Rick Quinn  
**Sent:** Wed 8/6/2014 1:55:18 PM  
**Importance:** Normal  
**Subject:** Fwd: To Do list from yesterday  
**Received:** Wed 8/6/2014 1:55:19 PM

FYI

Sent from my iPhone

Begin forwarded message:

**From:** "Hall, Kevin" <Kevin.Hall@wcsr.com>  
**Date:** August 6, 2014 at 11:50:49 AM EDT  
**To:** "Rick Quinn (rick@rqasc.com)" <rick@rqasc.com>, "Jimmy Merrill (jmgeech@homesc.com)" <jmgeech@homesc.com>  
**Subject:** To Do list from yesterday

Jimmy and Rick, it was great to see y'all yesterday and to catch up. I enjoyed it. Below is my attempt to come up with a "to do list" from my notes. Let's set a target date of August 22 touch base on the below and see what we have each Lord from our "to do" items. Thanks.

Rick	Jimmy	Kevin
Elizabeth Jackson – to see up to her and take her temperature on InfiLaw.		Vacant at-large seat-touch base with Gov.'s office for possible appointees, including Eddy Roe Willard.
Citadel – talk to James Smith regarding willingness for Dylan Goff to serve and ability to withstand Kay Hearn pressure.	Public Tech Colleges – talk to Mary Thornley to get lay of land on tech colleges, whose turn it is to have a CHE seat, and who might be a reliable nominee.	Public Tech Colleges – talk to Gov.'s office to see if they have any more information on "whose turn" it is.
Jennifer Settlemyer – ask Ted Vick about her and see what we can learn.		
Adm. Chuck Munns -		

coordinate with legislative colleagues to arrange his reappointment to 2nd District seat.		
Dianne Kuhl - call Tommy Stringer to learn more about her, her views on InfiLaw, and how to secure her support.		
Kim Phillips (5 <sup>th</sup> Dist.) - identify possible "grassroots" replacements for him that can become Gary Simrill's idea and his preferred appointment.		
Hood Temple (6 <sup>th</sup> Dist.) - talk to Ed Givens to come up with possible "grassroots" nominee from African-American community.		
Vacant 7 <sup>th</sup> Dist. Seat - Rick and Jimmy to confer with each other to identify possible appointee.		

**KEVIN A. HALL**  
ATTORNEY AT LAW

**WOMBLE CARLYLE SANDRIDGE & RICE, LLP**  
1727 Hampton Street | Columbia, SC 29201  
T 803 454 7710 | F 803 381 9110 | [kevin.hall@wcsr.com](mailto:kevin.hall@wcsr.com)  
[Firm Website](#) | [My Bio](#) | [VCard](#)

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# **Exhibit E**


January 1, 2018 Letter written and signed  
by Kevin Hall in response to statements made by  
defense counsel

In the course of working as legal advisor to InfiLaw on the Charleston School of Law licensing matter, I interacted from time to time with RQA and Rick Quinn, including the period of time around a meeting held on August 5, 2014. After that meeting, I prepared an email summarizing what was discussed. There were times in the course of the InfiLaw matter that we would try to schedule a meeting or task with Rick Quinn who from time to time had scheduling conflicts or other personal time conflicts. I recall him letting me know about scheduling issues and, at times, letting me know that he could not participate in a meeting or participate in a call as scheduled. He did on an occasion suggest that someone else might be better for a task. I do not recall Rick Quinn declining to meet, talk or perform a task for reasons other than the types of scheduling issues described above, and Rick Quinn never told me that he could not perform a task or do something saying

he thought it would be improper, unethical, or a conflict of interest for him to do so.

I have known Greg Harris and Johnny Gasser for many years, and we have worked together on legal matters from time to time. I do not practice in the area of criminal law, and I have routinely referred matters requiring criminal law expertise to Harris & Gasser. I also consider Greg and Johnny friends, and we interact socially on occasion. I received a call from Greg Harris at some point in which he told me that he was representing RQA or members of the Quinn family with regard to Solicitor Pascoe's ongoing investigation. I do not recall when I received the call from Harris, but I believe it was prior to the indictment of Jim Merrill in late 2016, and I am pretty sure that I was in my car at the time. Greg asked me some general questions about the Quinn's work related to Infilaw. I

recall Greg asking me to describe the CHE licensing process and the background and controversy arising out of InfiLaw's contract to purchase the Charleston School of Law. While I do not recall all of the details of what was a casual conversation with Greg Harris, at no time was I asked nor did I "confirm" to Greg that Rick Quinn had declined to perform any task saying it would be improper, unethical or a conflict of interest for him to do so. Further, Greg never followed up, requested an in-person meeting or asked for a statement. We had one brief impromptu telephone conversation, and that was it. While I don't doubt Greg's sincerity, he is simply incorrect if he claims that I confirmed that Rick Quinn declined to perform any task saying that he believed it would be improper, unethical or a conflict of interest for him to do so.

 1/10/2018

# **Exhibit F**

Ally Financial loan application signed  
by Rick and Amy Quinn



# **Exhibit G**

April 2-3, 2011 emails from Pete Strom  
to Richard and Rick Quinn

**Unknown**

**From:** Pete Strom <petestrom@stromlaw.com>  
**Sent:** Saturday, April 02, 2011 4:33 PM  
**To:** rquinn9218@aol.com; Rick Quinn  
**Subject:** Fw: Richard Quinn and SCAJ money to Repubs

See below. Please, very confidential. Mark is in a panic  
 Sent from my Blackberry

Pete Strom  
 Strom Law Firm LLC  
 (O)803-252-4800  
 (C)803-414-1700  
[petestrom@stromlaw.com](mailto:petestrom@stromlaw.com)  
[www.stromlaw.com](http://www.stromlaw.com)

----- Original Message -----

**From:** Mark C. Joye <markjoye@joyelawfirm.com>  
**To:** Pete Strom; Kirk Morgan <km@walkermorgan.com>  
**Sent:** Sat Apr 02 15:17:36 2011  
**Subject:** Richard Quinn and SCAJ money to Repubs

Pete,

Kirk just called me and I told him I would send you this email on it because we think it is a huge point to make to McConnell and is something that Richard should make to him and not me.

If word gets out that McConnell turned on us in this bill, it will have a pretty chilling effect on us giving the amount of money that we have consciously been doing the last 3 years while you, Kirk and I have been presidents. And with this PAC we started where we are going to be pooling our money (hopefully) at 1 million dollars, that could be quite a bit of money. Granted, that is dangerous play since we would need to pay money anyway to get into the game. But the fact of the matter is that we would be catching all sorts of hell from our members who have so far gone along with us on this paying republican favor only to have it backfire at the critical moment.

None of us can tell that to McConnell but wondering if that is something that Richard can. We (you) hired Richard and Rick for which they get paid about \$100,000 a year. I know Richard also does a lot of work for you. I know I just sent an earlier email questioning Rick but Richard is someone who must now get involved and help out in any way he can.

We are going to have a lot of egg on our faces if the main person we have to fight on this becomes McConnell.

Kirk, your point to me just now on this is right on. I know you are on Spring Break this week but if you can reach out to Richard now, now is that time. If for some reason you can't reach him, who can contact him about the above.

Thanks.

Mark

Sent from Mark Joye's iPad

**Unknown**

**From:** Rick Quinn  
**Sent:** Sunday, April 03, 2011 7:11 PM  
**To:** Pete Strom  
**Cc:** rquinn9218@aol.com; Rick Quinn  
**Subject:** Re: Conference Call

Pete,

For clarity...the issues on the bill that McConnell seemed to give on are...

- 1) the should have known language
- 2) the additional product liability language (presumably done for Sara)
- 3) the seatbelt language

Am I forgetting something?

**Rick**

Sent from my iPhone

On Apr 2, 2011, at 4:37 PM, "Pete Strom" <[petestrom@stromlaw.com](mailto:petestrom@stromlaw.com)> wrote:

Sent from my Blackberry  
 Pete Strom  
 Strom Law Firm LLC  
 (O)803-252-4800  
 (C)803-414-1700  
[petestrom@stromlaw.com](mailto:petestrom@stromlaw.com)  
[www.stromlaw.com](http://www.stromlaw.com)

----- Original Message -----

**From:** Kirk Morgan <[km@walkermorgan.com](mailto:km@walkermorgan.com)>  
**To:** Michael Gunn <[mgunn@forgeconsulting.com](mailto:mgunn@forgeconsulting.com)>  
**Cc:** Mark Joye <[markjoye@joyelawfirm.com](mailto:markjoye@joyelawfirm.com)>; Pete Strom; Mike Hemlepp <[mike@scaj.com](mailto:mike@scaj.com)>; Randall Hood <[rhood@mcgowanhood.com](mailto:rhood@mcgowanhood.com)>; Sharon Wilkinson <[sharongwilkinson@yahoo.com](mailto:sharongwilkinson@yahoo.com)>; Kenny Hastie <[kenny@scaj.com](mailto:kenny@scaj.com)>  
**Sent:** Sat Apr 02 15:22:58 2011  
**Subject:** Re: Conference Call

Our entire " bipartisan " out reach strategy will be jeopardized if McConnell rams something down our throat we cannot agree too. Many of our democratic friends would be happy and say I told you not to trust them. No easy solution but we need to beg GM not to do it without our consent or advise.

Kirk Morgan  
 Cell Phone  
 803 413 3660  
[km@walkermorgan.com](mailto:km@walkermorgan.com)

On Apr 2, 2011, at 3:09 PM, Michael Gunn <[mgunn@forgeconsulting.com](mailto:mgunn@forgeconsulting.com)> wrote:

**FILED****JAN 25 2018****STATE GRAND JURY OF SOUTH CAROLINA**

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

STATE OF SOUTH CAROLINA

vs.

RICHARD QUINN, JR.,

DEFENDANT.

JAMES R. PARKS  
CLERK, STATE GRAND JURY  
INDICTMENT NO.: 2017-GS-4712**DEFENDANT'S REPLY**

COMES NOW the Defendant Richard "Rick" Quinn, Jr., by and through undersigned counsel, who replies to the State's Memorandum Seeking Clarification of Richard Quinn, Jr.'s Allocution. The Court has requested a reply only on the issue of the factual basis for Rick Quinn's limited allocution as it pertains to the charge of statutory misconduct in office. This Reply should clarify and answer the State's newfound concerns.

On Friday, January 19, 2018, purportedly in response to the Defendant's Sentencing Memorandum relating only to other sentences for misconduct in office, the State filed a Memorandum without consultation, suggesting that the guilty plea that was accepted on December 13, 2017 may be invalid for two reasons. First, the State suggests the guilty plea may be invalid because, after performing a search of its extensive investigation results, the State cannot locate a payment from the University of South Carolina to Capitol Investments II, LLC. Second, the State suggests that the plea could be invalid because the factual basis agreed to by the State and accepted by the Court may be insufficient to satisfy the elements of the charge that Mr. Pascoe brought and to which Rick Quinn pled. Neither reason is valid.

The limited factual basis for the guilty plea is valid and supported by easily obtained documentation. In 2015, USC made a lease payment directly to Capitol Investments II under an

amended Lease Agreement (See Attachments A & B). Further, the statement of facts for the guilty plea, which clearly laid out the Rick Quinn's failure to report the name of USC in 2016 for its payment to Capitol Investments II in 2015 just like the attached documentation shows, remains sufficient to support the guilty plea under S.C. Code § 8-1-80 for criminal violation of the Ethics Act, specifically S.C. Code § 8-13-1130. The limited statement of facts for the guilty plea on statutory misconduct in office was also approved by and agreed to by Solicitor Pascoe both before and during the guilty plea phase of the December 13 hearing. Thus, the State has attempted to create the perception of a legal issue with the guilty plea, which does not exist, to distract the Court from the risk of a disparate sentence if imprisonment is imposed for the limited facts of the guilty plea.

I. **Clear documentation establishes the payment by USC to Capitol Investments II in 2015, and the State failed to exercise reasonable diligence when it made the claim in its Memorandum that the payment could not be supported with documentation.**

Typically before a plea hearing, the State and the defendant discuss the facts which will form the basis for the plea, as neither side wants any surprises. This case was no exception to this pre-hearing disclosure. Prior to the plea hearing, Matthew Richardson both read to and provided in writing the following statement to the State, through Mr. Pascoe, during a conference arranged to discuss issues that could arise during the plea hearing:

Rick Quinn agrees that in 2016, while a member of the House of Representatives, he failed to report to the House Ethics Committee the name of USC, which he knew was a lobbyist principal, and which in the previous calendar year had leased office space for less than \$30,000.00 total from Capital Investments II, LLC, a business with which Rick was associated as an agent by receiving benefit from Capital Investments of being relieved from payments on the mortgage note from that property as a guarantor, and also, by helping them negotiate the mortgage note for Capital Investments II.

(Tr. at 10 lines 7-17) Rick Quinn's counsel gave the State the document before the plea hearing during a conference with the court attended by attorneys Debbie Barbier, Matthew Richardson, Johnny Gasser and David Pascoe. In addition, Rick Quinn's counsel and Mr. Pascoe had discussed the limited statement of facts to which he would be pleading on two telephone conferences prior to the day of the hearing.

At no time, during any of these three discussions about the specifics of the limited facts of the plea did Mr. Pascoe raise any concerns about the facts to which Rick Quinn would be pleading guilty. The record actually demonstrates that Mr. Pascoe agreed to the limited factual statement during the guilty plea phase of the hearing on page 11, line 25, where Solicitor Pascoe stated plainly, "I'm fine with the limited allocution." He also agreed with the Court when asked, after the limited facts and other terms of the plea agreement were read into the record by all Defendants' counsel, "Is that correct, Mr. Pascoe?" He responded, "Yes, your honor." (Tr. at 11 lines 17-19)

Now, over a month later, Mr. Pascoe questions for the first time whether the facts to which he knew about prior to hearing and agreed to clearly on the record are accurate. Further, in raising the dubious concern, he improperly seeks to undermine the guilty plea that was accepted after a complete and thorough inquiry by the Court.

Any legitimate concerns about the proof surrounding the payment by USC, which the State's extensive investigation could not answer, could have been addressed through a request to the defense. With little effort, the Defendant could have provided the attached Lease Amendment Agreement (See Attachment B), the Contract Approval Form (See Attachment C), and the check from USC to Capitol Investments II (See Attachment A).

These attachments clearly answer any concerns raised by the State and about the support for the statement of facts for the guilty plea. Specifically, these records show that in early 2015, USC and

Capitol Investments II entered into a lease agreement to begin on or about January 18, 2015 through July 2015. This contract was subsequently extended, and payment was remitted by USC on August 17, 2015 in the amount of \$28,063.31.<sup>1</sup>

Because the factual basis for Rick Quinn's limited statement of facts for the guilty plea is supported by the payment and business relationship between USC and Capitol Investments in these records, the State's Memorandum as to this issue should be dismissed and disregarded.

**II. Because a sufficient factual basis for the plea was presented and a valid guilty plea was accepted, Rick Quinn should now be sentenced.**

Mr. Pascoe appears to suffer from "buyer's remorse" in his veiled attempt to set aside the plea as invalid. His position is made more offensive by his unwillingness to accept responsibility for the plea. No one plays a larger role in the factual basis for the plea than the prosecutor who must agree the facts meet the elements of his charge. Statutory misconduct in office is the charge Mr. Pascoe brought and selected for the guilty plea. Equally important, Mr. Pascoe agreed to and accepted the limited statement of facts as support for the charge on the record during the guilty plea phase of the hearing.

There are three fundamental flaws in his theory that the guilty plea is somehow invalid on the limited facts for statutory misconduct in office. First, Mr. Pascoe attempts to use Mr. Rick Quinn's statement during the sentencing phase on page 83 of the transcript, "I'm pleading guilty only to the fact that has been described today, and I take accountability for that;" to invalidate the guilty plea. Mr. Pascoe fails to point out in his Memorandum that the Court had already accepted

---

<sup>1</sup> Upon further inspection, the defense also determined that an earlier check from USC to Capitol Investments II was issued on January 29, 2015 in the amount of \$3,343.84 also for the lease of 1620 Gervais.

the guilty plea. (Tr. at 20 lines 9-10)<sup>2</sup> More importantly, the transcript is clear that Rick Quinn at no time made any statement that would invalidate the plea and instead accepted criminal responsibility under statutory misconduct in office for the failure to disclose. Moreover, the State agreed to the limited factual basis and its support of the statutory misconduct in office; and the Court accepted it. Therefore, Mr. Rick Quinn's subsequent statement during sentencing did nothing to change the guilty plea or his acceptance of criminal responsibility.

Second, until the State's Memorandum filed this past Friday afternoon, all parties had agreed that limited facts for failure to disclose one name (USC) for one year (2015) was factually sufficient. See Part I above. Additionally, everyone who spoke during the guilty plea phase of the hearing agreed to the limited facts: Richardson (Tr. at 10 lines 7-17), Pascoe (Tr. at 11 line 25), the Court (Tr. at 13 lines 17-19 and at 20 lines 9-11), and Rick Quinn, Jr. (Tr. at 14 lines 9-16). It is evident from the transcript and from the conferences before the hearing that the State had in fact knowingly agreed to and never questioned the limited facts offered and pleaded to in the guilty plea phase of the hearing.<sup>3</sup>

Once a valid guilty plea is accepted, then the defendant and the State must comply with the clear language and terms of the plea agreement. *See, e.g., State v. Gates*, 299 S.C. 92, 382 S.E.2d 886 (1989). Rick Quinn has upheld all conditions of the plea agreement, including resigning his House seat and pleading to the exact agreed-upon statement of facts for the guilty plea in open court in front of media and the public. Mr. Pascoe is trying to circumvent the terms of the plea

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<sup>2</sup> After accepting the guilty plea on page 20 of the transcript and at the request of all parties, the Court proceeded immediately to the sentencing phase. The State's repeated cite to page 85 in its Memorandum was when the Court was making clear that only sentencing was deferred and that the guilty plea and its terms had already been accepted.

<sup>3</sup> The Court also accepted the agreed upon limited statement of facts and allocution by Richard Quinn & Associates, Inc., which did not include any admission of individual wrongdoing. The State also received and agreed to these limited facts before the plea hearing.

agreement to which he agreed, including that "all the materials and information obtained in the investigation, including searches and seizures by the State, are not to be used in any way by the State against these defendants in exchange for these pleas" (Tr. at 8 lines 22-24 and at 9 lines 18-22).

In his Memorandum, Mr. Pascoe is asking the Court to hold against Rick Quinn that he did not plead guilty to other allegations that the State itself did not require him to plead to. The State asked the Court in its Response brief on pages 9 and 11 and also on the record during the guilty plea phase (Tr. at 12) and then again in the sentencing phase (Tr. at 43) to consider other allegations of wrongdoing during the sentencing phase solely "to make a determination on whether it should be held against him or not for not accepting responsibility for other acts." (Tr. at 12) This is the limited framework within which the Court was asked to consider allegations of potential violations other than the limited facts to which the State agreed during the guilty plea. The State did not require Rick Quinn to plead to other allegations, and he did not. It is too late for the State to attempt to renegotiate the terms of the guilty plea that has already been accepted. Last, the State should not be allowed to contradict its agreement on the limited facts and the limitation on use of investigation materials against him in any way.

Third, Mr. Pascoe's new argument as to whether Rick Quinn's admitted conduct is a violation of statutory misconduct in office, under Code section 8-1-80, is also wrong. The State has waived its objections and should be estopped from denying the sufficiency of a criminal violation of the Ethics Act as a basis for statutory misconduct in office. In raising the issue only now, after indicting him for the same conduct, having relied upon the same provision of the Ethics Act, having known the limited statement of facts for the guilty plea before the plea hearing, and agreeing to its sufficiency on the record twice makes it even more incredible. However, more

problematic is that he mischaracterizes this Court's record by suggesting that Rick Quinn admitted only to a "mistake in office." The record actually reflects that Rick Quinn admitted to this Court that he accepted criminal responsibility for having intentionally failed to report the name of USC, a lobbyist principal that made payments to a business with which he was associated, a violation of S.C. Code Ann. § 8-13-1130 of the Ethics Act and basis for statutory misconduct in office. The State's sentencing presentation pointed out to the Court that the misconduct indictment alleges the defendant violated Code section 8-13-1130, which mandates legislators report all lobbyist principal money paid to businesses with which they are associated. (Tr. at 22 lines 15-23)

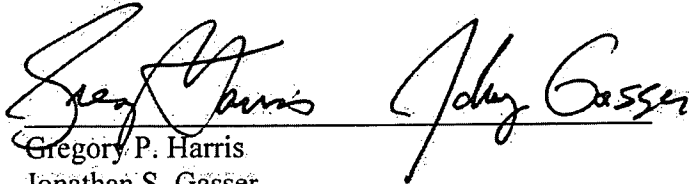
The record further reflects that the Court asked Rick Quinn if he was guilty of statutory misconduct in office, to which he responded in the affirmative. (Tr. at 20 lines 9-16) The Court's colloquy with the Rick Quinn and his admissions undermine any argument that he did not admit to and accept criminal responsibility for statutory misconduct based on failure to disclose under the Ethics Act. This second reason for the State's collateral attack on the guilty plea should also be dismissed and disregarded by the Court because there are no defects in the facts supporting the guilty plea, the law to which he pleaded guilty and accepted criminal responsibility or the Court's colloquy with the parties in accepting the guilty plea.

### CONCLUSION

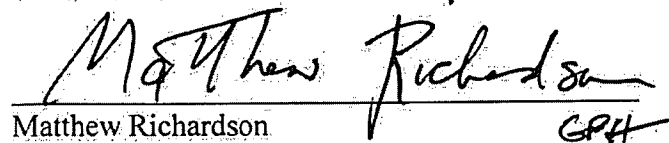
The State's latest filing attempts to undermine the integrity of a valid plea. Mr. Pascoe's zeal for a sentence of active incarceration resulted in reckless and unsupported allegations that have undermined and maligned the process especially as Rick Quinn detrimentally relied on the plea when he stepped down from public office. Again, the 2015 negotiated check from USC to Capitol Investments II and the executed lease agreement should satisfy any concern about the factual basis that supported the guilty plea. Further, the transcript is clear that this Court accepted

the plea based on facts agreed upon by Mr. Pascoe. Those same facts clearly set out a failure to report violation of the Ethics Act that is a criminal violation of statutory misconduct in office, S.C. Code Ann. § 8-1-80. Mr. Pascoe presented this failure to report under Code section 8-13-1130 as a violation of statutory misconduct in office, and it is, in fact, a violation of the statute for which Rick Quinn pleaded and accepted criminal responsibility. Having accepted a valid guilty plea, the Court should move forward with sentencing expeditiously as possible.

Respectfully submitted,



Gregory P. Harris  
Jonathan S. Gasser  
Harris & Gasser, LLC  
1529 Laurel Street  
Columbia, South Carolina 29201  
(803) 779-7080



Matthew Richardson  
Wyche Law Firm, P.A.  
801 Gervais St. Suite B  
Columbia, SC 29201  
(803) 254-6542

Attorneys for Defendant

January 24, 2018  
Columbia, South Carolina

# ATTACHMENT A



# **ATTACHMENT B**

## LEASE AMENDMENT AGREEMENT

THIS LEASE AMENDMENT AGREEMENT ("Agreement") is made as of the Effective Date (which is the date on which the University of South Carolina, executes this Lease as set forth on the signature page) by and between Capitol Investments II, LLC ("Landlord") and the University of South Carolina/College of Social Work (COSW) ("Tenant"). LANDLORD and TENANT hereby agree to amend the Lease between Landlord and Tenant dated December 15, 2011, which is incorporated herein by reference, for premises known as, 1620 Gervais Street, Suite B, Columbia, SC 29201 (more fully described in the Lease) upon all the same terms, provisions, covenants and conditions of the Lease with the following exceptions:

**Term** - This lease will be renewed/amended for a period of time beginning January 18, 2015 until June 30, 2015 and will continue on a month-to-month term on the same terms and conditions. USC shall provide 90 days written notice to vacate. The College of Social Work of the University of South Carolina will be responsible for any rent, including additional rent, beginning January 18, 2015 until they vacate the premises. All rent payments and additional rent payments shall be pro-rated as appropriate due to occupancy.

**Basic Rent** - The lease rent shall be set at \$15.65 per square foot until June 30, 2016 and paid on a monthly basis of \$4,009.03 per month ( $\$15.65 \times 3,075\text{sf}$  divided by 12 = \$4,009.03/mo).

The prorated portion of rent for January 2015 (January 18 - 31) is \$1,737.25 and is due on February 1, 2015 along with the February 2015 regular rent payment.

Starting July 1, 2016, the rental rate will increase 5% every 2 years.

Article 4. 4.1 will change as follows space to be used as general office use pertaining to the College of Social Work.

THE LEASE, as so renewed, extended and modified by this Agreement, shall continue in full force and effect in accordance with the provisions thereof and as modified by the provisions of this Agreement.

\*\*\*REMAINDER OF PAGE INTENTIONALLY LEFT BLANK \*\*\*

SH

IN WITNESS WHEREOF, the parties have executed this lease as of the day and year indicated under their signature.

WITNESS

David Stringer

LANDLORD

Capitol Investments II, LLC

Richard M. Quinn  
(signature for landlord)

RICHARD M. QUINN, OWNER  
(printed name and title of signatory)

1/13/2015  
Date

WITNESS:

Strakelle 2/3/15

TENANT:

University of South Carolina COSW

Amy E. Stone  
(signature for tenant)

AMY E. STONE

SECRETARY, UNIVERSITY OF S.C.  
(printed name and title of signatory)

2/3/15  
Date

MR

# ATTACHMENT C

*Rust*

Legal Office Coding: \_\_\_\_\_

*Lease Agreements, Columbia*



UNIVERSITY OF SOUTH CAROLINA

Contract Approval Form

- The Board of Trustees has authorized only certain University officials to sign contracts on behalf of the University of South Carolina. Please read University policy BTRU 1.04 Authority to Sign Contracts or the summary on the following page to insure compliance.
- This form is to be completed and two copies submitted with two copies of the proposed contract to the Office of General Counsel, which is located in the Osborne Administration Building. The originating party should retain a copy of this form; three copies of which will print from this document.

1. COLLEGE/DEPARTMENT NAME: Facilities Planning and Programming for COSW (Alumni House move)

Direct Contract Questions To: Gus Hoffmeyer Phone: 777-3620  
 Return To: Gus Hoffmeyer 743 Greene Street 025  
Name Building Room Number

2. CONTRACT WITH:

Name: Capitol Investments II, LLC (Lease Amendment) - (1620 Gevaire St)

3. DESCRIPTION: (Goods and/or services to be procured, physical location, etc.)

Amending current lease for office space previously occupied by the Engineering Department and now will be occupied by COSW. This move is made because of conditions at the Old Alumni House. This is a short term lease which should end by 8/1/15.

4. CONTRACT TERMS:

Start Date: 1/18/2015 End Date: <sup>BY</sup> 8/1/2015 Renewal of Contract No.: n/a Contract Value: \$21,782  
(approximate if necessary)

5. LEGAL DEPARTMENT REVIEW:

1-30-2015 Cliff Scott [Signature]  
Date Name Signature

6. CERTIFICATION OF REQUESTING PARTY:

I have read this contract entirely. I am satisfied with its description of the goods and services to be provided to the University (including, for example, warranties, delivery terms, acceptance period, and maintenance terms). I am also satisfied with the description of the University's obligations (including, for example, payment due dates, late charges, tax charges, insurance, and confidentiality requirements) and all other provisions of this contract, except as noted in any attached memorandum.

1/22/2015 [Signature]  
Date Signature (Sign original in blue ink)

Gus Hoffmeyer Property Manager 777-3620  
Name Title Phone

7. CERTIFICATION OF DEPARTMENT HEAD:

I approve this contract. I am satisfied that it is consistent with departmental policy and resources and applicable requirements of the University Purchasing Department. I have obtained any approval required by my Dean or Vice President.

1/27/15 [Signature]  
Date Signature (Sign original in blue ink)

Derek Gruner University Architect 777-1184  
Name Title Phone

Contract I.D. # 47162

# The State of South Carolina

OFFICE OF SOLICITOR  
First Judicial Circuit

140 N. Main St., Suite 102  
Summerville, SC 29484  
(843) 871-2640  
FAX (843) 871-2643  
PTI (843) 873-7842



Courthouse, Amelia Street  
Post Office Box 1525  
Orangeburg, SC 29116  
(803) 533-6252  
FAX (803) 533-6004  
PTI (803) 533-6137

**DAVID M. PASCOE**  
Solicitor

**FILED**

**JAN 25 2018**

January 25, 2018

JAMES R. PARKS  
CLERK, STATE GRAND JURY

The Honorable Carmen T. Mullen  
102 Ribaut Road  
P.O. Drawer 1128  
Beaufort, SC 29901

Re: State v. Richard M. Quinn, Jr., 2017-GS-47-12, 13, 32

Judge Mullen,

The State respectfully submits the following response and proposal to help clarify and resolve the issues raised in the sentencing memorandums filed by the parties:

**Issue 1: The documents provided by the defense corroborate the factual allocation.**

As indicated in the State's response to Defendant's memorandum, we were hopeful the defense could produce documentary support for the payment from a lobbyist's principal. While the State is concerned that these documents were not produced by Vista Bank in response to a State Grand Jury subpoena, the documents brought forward by the defense in its reply are very helpful, and the State is grateful they have been produced.

The check and lease agreement submitted along with Defendant's Reply confirm that Capitol Investments II, LLC did enter into a contract and receive payments from the University of South Carolina, which was a lobbyist's principal during the relevant time period.<sup>1</sup> It is also a period in which the Defendant was sponsoring legislation and doing work for this lobbyist's principal as the State has pointed out in court. Therefore, the State believes this issue is resolved.

<sup>1</sup> The amended lease agreement appears to indicate the original lease began in December 2011, which would indicate that the failure to file Defendant admits extends to more than one year. However, for the reasons that follow, the State believes the issue of admitting to only a single failure may be resolved by the statement on page seven of Defendant's Reply.

**Issue 2: The plea is sufficient if Defendant intentionally failed to report, as stated in Defendant's Reply.**

To be clear, the State did not raise these issues as a matter of "buyer's remorse." The State does wish to honor the plea agreement, but we also must be absolutely certain the Defendant cannot argue on appeal that he did not plead guilty to facts sufficient to constitute statutory misconduct in office. This could result in the catastrophic scenario described in the State's memorandum.

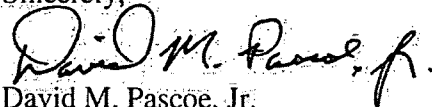
After carefully reading Defendant's Reply, the State believes these issues may be resolved by the statement on page 7 of Defendant's Reply that, "[the Defendant] accepted criminal responsibility for having *intentionally* failed to report the name of USC." The key is the word "intentionally." The specific concern raised by the State is that during the guilty plea, the factual allocution recited by defense counsel does not allege that the Defendant *intentionally* failed to report the payment from a lobbyist's principal in 2015. Thus, his allocution amounts to a single mistaken failure to file that constitutes neither habitual negligence nor official misconduct, which requires willful or intentional conduct.

Defendant's Reply indicates the conduct in the Defendant's allocution was meant to allege Defendant "intentionally failed to report the name of USC." This element is not clear from the statement of Defendant's allocution. See Hr. Trans. at 10:7-17. Further, Mr. Richardson's mitigation presentation to the Court appears to indicate the conduct was *not* intentional. See *id.* at 71:17-23 ("*had he known that, he should have disclosed that*" (emphasis added)).

The State believes that if this element is clarified, Defendant's limited allocution will be sufficient as it would constitute "official misconduct" under S.C. Code Ann. § 8-1-80. Therefore, the State proposes that the Defendant make this clarification on the record and admit the failure to report funds received by Capitol Investments II, LLC by USC in 2015 was intentional conduct. This will satisfy the elements of section 8-1-80 and ensure no issue is raised on appeal.

Thank you for your consideration. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,



David M. Pascoe, Jr.  
First Circuit Solicitor

cc: Johnny Gasser, Esq.  
Greg Harris, Esq.  
Mathew Richardson, Esq.  
Jim Parks, Clerk of the State Grand Jury

**FILED**

STATE GRAND JURY OF SOUTH CAROLINA

FEB 09 2018

JAMES R. PARKS  
CLERK, STATE GRAND JURYSTATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

INDICTMENT NO.: 2017-GS-4712

STATE OF SOUTH CAROLINA  
vs.  
RICHARD QUINN, JR.,  
DEFENDANT.**ADDENDUM TO SUPPLEMENTAL  
SENTENCING MEMORANDUM**

On January 16, 2018, Defendant Rick Quinn filed a Supplemental Sentencing Memorandum regarding other recent sentences for Misconduct in Office. This Addendum provides the Court with additional information regarding other recent sentences for Misconduct in Office.

1. **Councilman Danny Frazier**

In 2015, Lexington Town Councilman Danny Frazier was charged with Misconduct in Office for bribing Lexington County Sheriff James Metts and South Congaree Police Chief Jason Amodio. These bribes were paid in exchange for information regarding illegal video poker machines that had been lawfully seized by law enforcement. He was sentenced by the Honorable Lawton McIntosh to five years' probation and a \$10,000 fine.

2. **Police Officer Justin Craven**

In 2016, North Augusta police officer Justin Craven shot a 68-year-old unarmed driver, resulting in the man's death. Although prosecutors sought Voluntary Manslaughter charges against Craven, the grand jury refused to indict him on that charge. He subsequently pleaded guilty to

Misconduct in Office and was sentenced by the Honorable Frank Addy to three years' probation and 80 hours of community service.

**3. Major Brendan Shea Smith**

In 2015, Greenville County Sheriff's Department Public Information Officer, Major Brendan Shea Smith was charged with common law Misconduct in Office, for providing sensitive law enforcement information to an illegal gambling operation. In exchange for the information provided, Major Smith received money and other valuables from the operator of the illegal gambling organization. He pleaded guilty to statutory Misconduct in Office before the Honorable Perry Gravely and received a sentence suspended upon nine months' probation, a \$1000 fine and 60 hours of community service.

**4. Mayor Perry Eichor**

In 2015, Simpsonville Mayor Perry Eichor was charged with common law Misconduct in Office and Obstruction of Justice for attempting to influence Municipal Court Judge Leslie Shariff regarding a case pending on Judge Shariff's docket. At trial, a Greenville County jury convicted Eichor of common law Misconduct in Office, for which he faced a sentence of 10 years. He was sentenced by the Honorable Robin Stilwell and received a sentence suspended to one-year probation.

**5. Clerk of Court Elizabeth Smith**

In 2010, the Beaufort County Clerk of Court Elizabeth Smith, was charged with multiple counts of Embezzlement of Public Funds and one count of Misconduct in Office for embezzling approximately \$23,500 from two separate clerk's office accounts. At trial, the jury found Ms. Smith guilty of four counts of Embezzlement and one count of Misconduct in Office. She appeared

before the Honorable Brooks Goldsmith and received a sentence suspended upon five years' probation and 200 hours of community service.

**6. Deputy Brandon Strickland**

In 2017, Greenwood County Deputy Brandon Strickland was charged with Misconduct in Office and Embezzlement for converting department funds for his own personal use. He pleaded guilty to these charges before the Honorable Alexander Macaulay and received one year of probation.

Respectfully submitted,



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Gregory P. Harris  
Jonathan S. Gasser  
Harris & Gasser, LLC  
1529 Laurel Street  
Columbia, South Carolina 29201  
803) 779-7080

Matthew Richardson  
Wyche Law Firm, P.A.  
801 Gervais St. Suite B  
Columbia, SC 29201  
(803) 254-6542

Attorneys for Defendant

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2  
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In the State Grand Jury for the  
State of South Carolina

Case No.: 2017-GS-47-12  
2017-GS-47-13  
2017-GS-47-32

State of South Carolina,

vs.

Richard M. Quinn, Junior,  
Defendant.

\_\_\_\_\_ /

Case No.: 2017-GS-47-42  
2017-GS-47-43

State of South Carolina,

vs.

Richard M. Quinn, Senior,  
Defendant.

\_\_\_\_\_ /

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**STATUS CONFERENCE**

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November 28, 2017

Beaufort, South Carolina

BEFORE:

The Honorable Carmen T. Mullen

1

## APPEARANCES

2

3

**REPRESENTING RICHARD QUINN, SR.:**

4

Deborah Barbier, Esquire  
1811 Pickens Street  
Columbia, SC 29201

5

6

and

7

Matthew T. Richardson, Esquire  
Wyche Law Firm  
Post Office Box 12247  
Columbia, SC 29211

8

9

10

**REPRESENTING THE STATE GRAND JURY:**

11

James R. Parks, Clerk  
1000 Assembly Street  
Suite 519  
Columbia, SC 29201

12

13

14

**REPRESENTING ROBERT QUINN, JUNIOR:**

15

Gregory Poole Harris, Esquire  
Jonathan S. Gasser, Esquire  
1529 Laurel Street  
Columbia, SC 29201

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17

18

**REPRESENTING THE STATE OF SOUTH CAROLINA:**

19

David Pascoe, 1st Circuit Solicitor  
PO Box 1525  
Orangeburg, SC 29116

20

21

**REPRESENTING JOHN COURSON:**

22

Rose Mary Parham, Esquire  
PO Box 1514  
Florence, SC 29503

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25

1 PROCEEDINGS

2 THE COURT: Good afternoon. We are here to take  
3 up a possible trial date as well as -- we were talking  
4 about a discovery order, is that correct, as well? My  
5 understanding is that you all couldn't agree on?

6 MR. PASCOE: A scheduling order, yes, ma'am. I  
7 can get started and be very brief, Your Honor, if you  
8 would like me to.

9 THE COURT: Okay.

10 MR. PASCOE: May it please the Court, on October  
11 the 27th, and I hope that my dates are right, the Court  
12 informed both parties, meaning the State and Mr. John  
13 Courson that you were setting a tentative trial date of  
14 January 29th, 2018. That gave us over 90 days' notice  
15 which I believe is more than adequate -- very adequate  
16 notice for what I believe is a very simple trial, Your  
17 Honor.

18 You asked us, both sides, for our opinion on the  
19 length of the trial. I believe my position was, It'll  
20 take about a week. You also asked if we were okay with  
21 that date, if we had any conflicts, and you asked us to  
22 submit a scheduling order. The State submitted a  
23 proposed scheduling order on the due date that you  
24 asked for, which was November the 13th.

25 And, I'll just reiterate for the record for now,

1 the State is fine with the January 29th trial date. We  
2 think that is more than adequate notice for both  
3 parties. I know Ms. Parham has some objections and I  
4 will let her put those on the record before I address  
5 this.

6 THE COURT: Okay.

7 MR. PASCOE: Thank you.

8 THE COURT: Ms. Parham.

9 MS. PARHAM: Good afternoon. Thank you, Judge,  
10 may it please the Court. Judge, we have been given  
11 discovery on four different occasions by my count. The  
12 first discovery was in the form of eight discs, and  
13 they were -- well, they were provided in May and June  
14 of this year. And, Your Honor, those discs are Bates  
15 stamped by page number. Each page has a separate  
16 chronological number. And so the entirety of those  
17 eight discs that were provided in May and June are  
18 State pages 1 through State pages 119,919. So, those  
19 are the pages. We basically received just, you know,  
20 just under 120,000 pages in May and June.

21 THE COURT: And just so I understand, correct me  
22 if I am wrong, those are documents that were taken from  
23 a search warrant -- as a result of a search warrant  
24 from Richard Quinn and Associates, is that correct? Or  
25 a different --

1 MS. PARHAM: No. No, Your Honor, these are --

2 THE COURT: Where are these from?

3 MS. PARHAM: These are mainly bank records, it's  
4 just items that were provided by the State. Different  
5 interviews, SLED -- some grand jury transcripts. Some  
6 SLED interviews. A lot of bank records, emails, and  
7 things like that.

8 THE COURT: Whose bank records?

9 MS. PARHAM: My client's bank records, some of the  
10 Quinns' bank records.

11 THE COURT: Okay.

12 MS. PARHAM: I don't -- I don't know what was  
13 taken in the search warrant, so I have no way of  
14 knowing what is provided to me is out of a search  
15 warrant or not. I am just --

16 THE COURT: Okay.

17 MS. PARHAM: So, I have no knowledge as to what is  
18 taken during a search warrant. I'm just going on what  
19 is provided to me.

20 THE COURT: So, what you have seen then, just so I  
21 understand this, some of them are grand jury  
22 transcripts; is that correct?

23 MS. PARHAM: Right, uh-huh.

24 THE COURT: What else?

25 MS. PARHAM: In this first batch?

1 THE COURT: Yes.

2 MS. PARHAM: OKay. In this first batch are bank  
3 records, grand jury transcripts, SLED interviews,  
4 interviews -- interviews of different witnesses in the  
5 case, emails.

6 THE COURT: Aren't they all directly related to  
7 Mr. Courson.

8 MS. PARHAM: Pardon?

9 THE COURT: Are they all related to Mr. Courson?

10 MS. PARHAM: No, they are now. I have to go  
11 through them and see what is related to my client and  
12 what is not. But the important point being that the  
13 first eight discs, each have a page number. And so we  
14 received a total in May and June of just under 120  
15 thousand -- well, 119,919 pages of discovery.

16 THE COURT: I understand that. The import,  
17 though, is what it is. It is not just 120 thousand  
18 pages because certain documents are easier to more  
19 quickly go through than others. So, that is why I want  
20 to know what exactly was turned over to you, whether or  
21 not it has anything to do with Mr. Courson.

22 And, Mr. Pascoe, you might be able to better help  
23 us.

24 MR. PASCOE: Yes, ma'am.

25 THE COURT: What were in these first eight discs?

1 MR. PASCOE: Your Honor, at least 95 to 99 percent  
2 of all John Courson's discovery, anything relevant to  
3 him, they received around May the 12th, 2017. We sent  
4 the defense discovery back on or about April the 24th,  
5 2017, which pertained just to John Courson. But I made  
6 a decision in either late April or early May, after  
7 some discussions with Ms. Parham, that the best thing  
8 for me to do with regard to all defendants in this  
9 case, just to turn over everything and get a disclosure  
10 order from the Court. That is what I started doing in  
11 May, and that's why there's been more production in  
12 May.

13 Now, there was another production in June the  
14 27th. Again, the vast majority of that dealt with Jim  
15 Merrill, MOIs they are not even entitled to, bank  
16 records of Richard Quinn and Associates. It's really,  
17 really important for me to point out, again, this is  
18 stuff that is not even discoverable under Rule 5 for  
19 Mr. Courson.

20 THE COURT: So why did you turn it over?

21 MR. PASCOE: Because I didn't want to have any  
22 complaints later that I didn't turn something over, so  
23 in an abundance of caution I just did it. On May the  
24 31st we turned over more stuff. As you saw today,  
25 discovery is a continuing process in this case. In

1 fact, we have got more documents today that I will be  
2 turning over to some of the parties. I may not turn it  
3 all over now. But there are documents such as AT&T,  
4 SCANA.

5 There was, I can let you know, on August the 31st,  
6 and I will point it out, what it is, right now. There  
7 is some John Courson relevant information in that  
8 discovery that we have just gotten from the FBI dealing  
9 with Mr. Courson. And I will pull that out and even  
10 show it to the defense if that will help.

11 But everything else, AT&T records, Jim Merrill,  
12 MOI, nothing really relevant to John Courson. On  
13 November the 1st and November the 8th we gave  
14 Mr. Courson more discovery. And almost none of it --  
15 the only items that I see that were relevant to John  
16 Courson, we already produced those on June the 27th, we  
17 just in an abundance of caution decided to produce it  
18 again.

19 And Your Honor, as Your Honor knows, and I have  
20 said this publicly, everybody knows it, for months I  
21 was willing to sit down with the defense and her client  
22 and go through the discovery that we were going to use  
23 in this trial and everything that pertains to  
24 Mr. Courson. Because, again, our position is that it  
25 is a very simple trial, it'll be a very simple case.

1 And they never took us up on that offer. In fact, they  
2 flat out refused in the emails that we had with the  
3 Court. I have never had that happen.

4 But none -- I would gladly hand deliver her  
5 anything that I think is relevant and anything that we  
6 intend to use and anything that I think is even  
7 exculpatory from the November 1st and November 8th  
8 productions of discovery.

9 MS. PARHAM: Judge, there's some important facts  
10 that you are not privy to. I would just like to make  
11 the record clear. Again, 119,000 pages in May and  
12 June. And then, after Your Honor emailed us and asked  
13 us to come to Your Honor with a scheduling order, on  
14 November the 2nd -- well, let me back up. Every time  
15 Solicitor Pascoe had provided me discovery, I have an  
16 office that I share in Columbia with other lawyers, I'm  
17 primarily in Florence, asked me if I wanted him to drop  
18 it off in Columbia or mail it. Every time previously I  
19 said, Mail it.

20 So, after Your Honor sends an email asking us to  
21 come up with a scheduling order I get an email from the  
22 secretary in the Columbia office saying, The  
23 Solicitor's office in Orangeburg dropped an envelope  
24 off for you. I said, Oh, okay, well, how about put it  
25 in the mail to me. And then on November 9th, the day

1           that he sends me the proposed scheduling order I get  
2           another phone call and email from Columbia saying that  
3           there is a second envelope from the -- you know,  
4           doesn't mail me, doesn't call me, doesn't send it to  
5           Florence, but drops it off at the office. I said, Put  
6           it in mail to me.

7           So, I didn't respond to the scheduling order  
8           because I wanted to see what was in that envelope.  
9           Well, it's seven more discovery discs. And the very  
10          important thing, Your Honor, is that up until this time  
11          every piece of paper had a number, so it was only  
12          120,000 pages of discovery. What I did not know, and  
13          even when I emailed Your Honor last night I did not --  
14          excuse me, last week, I did not know, because I was  
15          under the mis-impression that the Solicitor's office  
16          would continue doing discovery the way that they had  
17          been doing discovery, and that is Bates stamping every  
18          single page so that it is an accurate count of how many  
19          pages there is. I had no idea when I emailed Your  
20          Honor, before I had looked at those discs, that after  
21          they had presented the first eight discs, the last nine  
22          through 17 discs, the Bates numbers are no longer page  
23          numbers but document numbers.

24          So, when I emailed Your Honor and said, They gave  
25          me 70,000 additional pages, I was mistaken. It was

1 70,000 additional documents. And I have not been able  
2 to -- I still have not finished reading the first  
3 120,000 pages, although I have read a lot of it. But  
4 this last, in preparation for this hearing, I skimmed  
5 several of the discs. I picked two. I picked kind of  
6 two of the later two. Because I have not -- I have not  
7 had time to look at these 70,000 documents. But, you  
8 know, he says, Well, Ms. Parham doesn't need to look at  
9 it, they don't pertain to her client, but I'm giving it  
10 to her, which is a little bit suspicious.

11 It is also suspicious they arrive in my Columbia  
12 office the day that he sends me a scheduling order and  
13 wants me to agree to a quick trial. Well, just so Your  
14 Honor knows, I did a search and hit and miss because it  
15 is not like getting discovery from the Federal  
16 government where each page has a number. The Federal  
17 government does it the way that they started doing it,  
18 where everything is Bates stamped. But now -- and none  
19 of it is searchable. So, unlike the Federal government  
20 discovery, I can't put in my client's name and search  
21 it. There is -- none of this State discovery is  
22 searchable. So you have to manually go into every pdf  
23 file, click on it, see how many pages there are, and  
24 read it and see if your client's name is in there.

25 Just to give Your Honor an example, Bates stamped

1 No. 191,758 is 15,888 pages long. That is one Bates  
2 stamped number.

3 THE COURT: So, what is it? What is that  
4 document?

5 MS. PARHAM: Well, actually the last -- only the  
6 first page is legible. The last 14 -- excuse me,  
7 15,887 pages it says was messed up by their office and  
8 didn't load properly.

9 MR. PASCOE: What number was that again? I am  
10 sorry.

11 MS. PARHAM: 191,758. And, Your Honor, this is  
12 just a quick skim of this material. I focused on two  
13 discs for today, and those discs -- the discs that I  
14 received all fall into this category are nine through  
15 17, but I focused on discs 15 through 17. So, on disc  
16 15, the largest documents on that disc, 19 documents,  
17 are 18,705 pages. So, there are 10,000 documents on  
18 disc 15, over 10,000 documents on disc 15, and of the  
19 top 19 documents they make up 18,705 pages. So, I  
20 mean, there are -- I mean, you know, that is a large  
21 one. There are many documents that are 400 -- document  
22 182855 is 499 pages. 182069 is 407.

23 And Your Honor asked what these are, and I didn't  
24 make a list of everything, what everything was, but  
25 just to give you an example, document 188867 is 123

1 pages, and it is a SLED intelligence call log for phone  
2 number 803-467-1935. So, you know, just one Bates  
3 number whereas in the earlier discovery one Bates  
4 number was one page. Now with what we got the first  
5 week of November one Bates number could be one page or  
6 it could be 15,000 pages. Now, a lot of these Bates  
7 numbers are over 100 pages, but some of them are two  
8 pages and some of them are three pages. But, Your  
9 Honor, if you do the math and you say, conservatively,  
10 that the average of these documents is 20 pages, then  
11 that is 1.4 million pages that I was provided between  
12 the time Your Honor asked him to come up with a  
13 scheduling order and the time -- and actually the day I  
14 got the second envelope was November 9th. My office in  
15 Columbia marked the day that they received it. And  
16 that is the day that he emailed me the scheduling  
17 order. And obviously I didn't respond because I was a  
18 little bit suspicious about what might be in this  
19 envelope, and rightfully so.

20 And then he tells me, Oh, you don't need to look  
21 at it. Well, just on a cursory review of disc 15, the  
22 one that I am speaking of with over 10,000 documents  
23 and no telling how many pages, I would bet money, I  
24 would bet a lot of money, that this disc 15 has more  
25 pages than disc one through eight combined. I would

1 bet that just disc 15, based on 20 pages per document,  
2 has more than 120,000 pages. I would bet a throw-down  
3 bet on that.

4 And so he tells me, I don't need to look at it.  
5 On a cursory review of disc 15, I find 53 documents  
6 that directly pertain to my client. Fifty-three of  
7 10,000. Now, I have to look through all -- and I  
8 probably missed some. I mean, I am skimming in  
9 preparation for this hearing. I'm not, you know --  
10 that is a lot of paper to look at.

11 THE COURT: Mr. Pasco, sit down.

12 MR. PASCOE: Yes, ma'am.

13 MS. PARHAM: That is a lot of paper to look  
14 through. It is overwhelming to look through. And I  
15 take pride in representing Senator Courson. And you  
16 know he says, Well, she didn't come to my office.  
17 Well, you know what, that does me no good because I  
18 have to take this paperwork and go over it with my  
19 client and his wife, and I'm not going to do that at  
20 the Solicitor's office in Orangeburg. I mean, I am not  
21 going to sit there and go over things with my client  
22 that he feeds me. And I am not going to take his word  
23 for it that I don't have to look at it. If he sends it  
24 to me, I am going to look at it and I am going to see  
25 what pertains to my client.

1           So, out of this 10,000 documents on disc 15 there  
2           are at least 53 that pertain to my client. That is at  
3           least 221 pages. And I had to sift through all of it  
4           to find it. And then on disc 16 that I searched  
5           through, those are over a thousand documents, I found  
6           351 pages that pertain to my client with regard to  
7           Palmetto Health and other things.

8           So, my point is, I'm not going to take his word  
9           for it that I don't have to look at this because I have  
10          already looked at two discs and found stuff that  
11          pertains to my client. And I think this is 1.4 million  
12          pages.

13          I would predict that disc nine through disc 17  
14          that was given to me the first week of November, now if  
15          you do the math and think that I have five seconds to  
16          look at every page, and that is if it doesn't pertain  
17          to my client, if you do the math and figure five  
18          seconds per page, that is just a glance, glance,  
19          glance, you could look at this all day and all night  
20          without sleeping and it would take you 80 something  
21          days to go through all of that at five seconds a page.  
22          That is if you didn't sleep. That is if you did 24  
23          hours a day, 7 days a week, five seconds a page.

24          And, you know, my client is ready to have a trial,  
25          everybody is ready to have this over with. I am sure

1 the State is. My client is. But my client wants a  
2 fair trial and he deserves a fair trial. He's charged  
3 with a crime and we have every right to look over this  
4 paperwork that they have given us, absolutely every  
5 right.

6 THE COURT: Well, I think if you didn't you would  
7 be ineffective counsel and that would be a whole  
8 'nother issue. My concern is this, and I am just here  
9 telling you that the Court is available. You filed a  
10 March 29th motion for a speedy trial and the issues  
11 that you raised to me were Mr. Courson's health.  
12 Obviously, he is 72 years old. He has significant  
13 health issues, the stress of a trial is great and  
14 impact his health. And you also argue that he was  
15 suspended from his seat pending resolution of these  
16 charges. And everybody brought to my attention that  
17 the filing date is March 15th to be able to refile for  
18 his seat. I am going to assume that Senator Courson is  
19 up for filing.

20 MS. PARHAM: He is not.

21 THE COURT: He is not. So, he's not concerned  
22 about that. And your other argument was you wanted me  
23 to vindicate his name as quickly as possible. So, the  
24 Court obviously heard you. I granted your motion. The  
25 State joined in on it. And I am attempting to give you

1 as quick of a hearing as I possibly can. Of course,  
2 you know that I can't control what information is  
3 turned over to you. I hear what you are saying, but we  
4 can't have me granting you a speedy trial motion, me  
5 giving you a trial date and you saying, I need more  
6 time.

7 So, we just all need to all be on the record and  
8 understand what it is, in fact, that you want, what you  
9 need and what you are asking for on behalf of your  
10 client. Because we all know he has got a Sixth  
11 Amendment right to a speedy trial if he wants one.  
12 And, of course, justice is supposed to be swift, we are  
13 supposed to get it done.

14 But I hear you, I hear that you have a lot of  
15 documents that you need to go through. My question is,  
16 can we reach some type of happy medium here? If you  
17 are telling me that it is impossible to try this case  
18 by the January 29th date, tell me what time frame are  
19 you looking at.

20 MS. PARHAM: It depends on, Your Honor, I have  
21 contacted a computer expert. And let me just say, a  
22 lot of these documents that they gave me the first week  
23 of November I can tell from the documents themselves  
24 that they have had them since June.

25 THE COURT: Okay.

1 MS. PARHAM: OKay. So, that is a problem, you  
2 know, to send me over a million pages.

3 THE COURT: But what I hear him saying is he  
4 doesn't believe that those documents pertain to  
5 Mr. Courson, but he out of an abundance of caution  
6 because he didn't want to be accused, correct me if I  
7 am wrong, I am helping you with your argument, but you  
8 didn't want to be accused of not turning something  
9 over; is that correct?

10 MR. PASCOE: Not only is that correct, Your Honor,  
11 but many of those documents they got on November the  
12 21st were turned over on June 27th, but we have turned  
13 them over again in an abundance of caution. So, they  
14 are the same documents.

15 THE COURT: So, you turned them over twice?

16 MR. PASCOE: Yes, ma'am.

17 THE COURT: But you understand that she does still  
18 have to physically go through them to know what is in  
19 them and to know if they are as to him.

20 MR. PASCOE: Absolutely. And I would never say  
21 and I have never said, You don't need to look at those  
22 documents. That is crazy. That is why my offer still  
23 stands, she and her client can sit down with me and we  
24 will go through all of the documents that pertain to  
25 her client. I'll go through every piece of discovery.

1 For example, if she would sit down with me I would tell  
2 her.

3 One point I would like to make. She has already  
4 demonstrated, she's been very diligent. She's already  
5 spouted out things that were in the last two  
6 productions. She has looked through this stuff. And I  
7 think that's great, because she is a diligent lawyer.  
8 But the 50 documents in disc, I think it was 15, Your  
9 Honor, those were his campaign disclosure reports,  
10 SCI's, which she already has, and which are public  
11 record. And I'm not so sure that I even had to turn  
12 them over, but he has already got those.

13 So, anyway, I'm willing to sit down with them, go  
14 through all of this discovery and we can continue with  
15 the January 29th trial date.

16 MS. PARHAM: I have a duty to my client to look  
17 through all of this discovery. I cannot possibly do  
18 that by January, February. It depends on if I can --  
19 to answer your earlier question, I have contacted a  
20 computer expert to see if they can build a program to  
21 allow these things to be scanned in and search for my  
22 client's name. I'm still worried about doing that,  
23 because you are only as good as the program is that is  
24 searching for it.

25 THE COURT: It's only as good as actually using

1 his name.

2 MS. PARHAM: I'm worried about that process. So,  
3 if I can figure out a way to do that successfully then,  
4 you know, I might could be ready in February or March.  
5 But, I mean, Your Honor, to look through I don't know  
6 even how many pages, I'm guessing 1.4 million pages,  
7 that is by any stretch of the imagination, that is a  
8 huge task. And not only do I need to go through it, I  
9 don't necessarily need to go over all of it with my  
10 client, but I need to go over the pertinent parts. And  
11 I haven't even looked at the majority of these other  
12 discs.

13 And again, the ones that I skimmed, I skimmed  
14 looking for my client's name or things that pertained  
15 to my client. And so I'm just concerned -- I would  
16 ask, Your Honor, for us to be given time to look at  
17 this stuff. It was just provided the first week of  
18 November. And to be given ample time to go through it  
19 and see if I can build a computer software program or  
20 have it built to search for my client's name.

21 THE COURT: Okay.

22 MS. PARHAM: And the other thing that's not been  
23 pointed out is, you know, when they added an indictment  
24 against my client they charged him with conspiring with  
25 Richard Quinn. So, he's a coconspirator, co-defendant.

1           So maybe formerly, with the first indictments, I might  
2           have been mostly looking for my client's name, now I'm  
3           looking at a lot of other things because I have been  
4           charged -- my client has been charged with conspiring  
5           with Richard Quinn.

6           And a lot of this discovery has a lot of people's  
7           names in it. And, you know, not only does the  
8           indictment say -- it says, With others known to the  
9           grand jury. I mean, I have got to look at everything,  
10          Judge. And if he didn't think that I needed to look at  
11          it he shouldn't have provided it in discovery.

12          THE COURT: Mr. Pascoe.

13          MR. PASCOE: Yes, Your Honor. No good deed goes  
14          unpunished. I shouldn't have turned that stuff over in  
15          November, because it is -- other than 10 or 20 pages  
16          here or there. It just makes no sense. Most of the  
17          stuff doesn't even pertain to his client, and how do  
18          you turn down a prosecutor's offer since at least last  
19          August to sit down and go over the discovery with you.  
20          That doesn't make sense to me.

21          MS. PARHAM: Your Honor, I have a duty to go over  
22          it in private with my client. I mean, that is not an  
23          ideal situation for me to be going over the discovery  
24          with a solicitor who is prosecuting him. I mean, I  
25          have never done that in all of my years of practicing

1 as a prosecutor or as a defense attorney.

2 MR. PASCOE: I have never had one turn me down in  
3 doing that, so -- but again, all of this stuff from  
4 November the 1st on -- and I'm the one who will be  
5 taking a chance when I go to trial. If there's  
6 something in there that is relevant that she didn't  
7 know about or she didn't find, I will be the one -- the  
8 State will be taking the chance. And I am willing to  
9 do that because I know that everything we go forward on  
10 in trial I am going to point it out to her long before  
11 the trial starts, everything. I will even mark the  
12 exhibits weeks before the trial so she will know  
13 everything that is going in.

14 THE COURT: But she needs to know anything that is  
15 potential defense for her and helpful to her client.

16 MS. PARHAM: He is not going to use things helpful  
17 to me as exhibits in his case against me.

18 THE COURT: I understand.

19 MS. PARHAM: And so I have an obligation to find  
20 those documents, and I have found some.

21 MR. PASCOE: She's got 90 days to do it now. She  
22 is not gong to find any.

23 THE COURT: All right. Anything else on this?

24 MR. PASCOE: No, Your Honor.

25 THE COURT: Okay. Take a seat.

1           Okay, let's take a minute and I have another  
2 matter to take up and we might be able to figure out  
3 the Court's schedule in different ways.

4           (Pause.)

5           THE COURT: The first motion is obviously the  
6 State gave Defendants, Richard Quinn Senior and Richard  
7 Quinn Junior, notice that they wanted to consolidate  
8 the trials; is that correct Mr. Pascoe?

9           MR. PASCOE: Yes, Your Honor.

10          THE COURT: And I believe that you proposed a date  
11 in March, am I correct on that, March 14th; am I  
12 correct on that?

13          MR. PASCOE: Yes, Your Honor.

14          THE COURT: My understanding is that defense  
15 opposes that; is that correct? Both sides, Richard  
16 Quinn Junior and Richard Quinn Senior; is that correct?

17          MS. BARBIER: That's correct, Your Honor.

18          MR. HARRIS: We kind of have differing arguments,  
19 so I'll let Ms. Barbier begin.

20          THE COURT: Okay.

21          MS. BARBIER: Your Honor, may it please the Court.  
22 As Your Honor knows, my client, Richard Quinn Senior,  
23 was indicted on October the 18th. I was provided the  
24 same set of discovery, I believe, that Ms. Parham was  
25 describing for the Court on November the 6th, today is

1 November the 28th. So, I've had 22 days to look at  
2 that discovery. I think that it contains the 17 discs  
3 and more than a million documents. So, first and  
4 foremost, I would say, Your Honor, there's no way that  
5 I can be ready by the date that the Solicitor has  
6 suggested. I would be ineffective. I'm in the same  
7 boat that Ms. Parham is in in terms of documents not  
8 being searchable.

9 According to Mr. Pascoe, I believe that all of  
10 these documents or he believes, pertain to my client  
11 and things that he is going to allege against my client  
12 at trial. So, I can't be ready by that date. I would  
13 be doing a complete disservice to my client if I told  
14 you that I could. So, that is number one, Your Honor.

15 But, number two, Your Honor, we would object --  
16 well, the other -- let me say this, in conjunction with  
17 one: I'm scheduled to be in a trial in the middle  
18 district of North Carolina in Federal Court beginning  
19 March 5th and it is a three-week trial. I have  
20 informed the Solicitor of that and I have informed the  
21 Court of that and that hasn't changed. That is an  
22 order, you know, a court order for me to be up there.  
23 I am not going to be available on that day because I'm  
24 going to be in the middle district. And I believe that  
25 because it is in Federal court it takes precedence.

1 THE COURT: It takes precedence.

2 MS. BARBIER: So, that is a scheduling conflict  
3 that exists currently and I don't see it going away.  
4 And I'm the lead attorney for that defendant in the  
5 middle district of North Carolina.

6 THE COURT: Okay.

7 MS. BARBIER: Secondly, Your Honor, I would object  
8 to a joint trial on the basis that a joint trial would  
9 compromise a specific trial right of Richard Quinn.  
10 And that specific trial right would be the right to  
11 call Rick Quinn as a witness. Because his attorney,  
12 his attorneys have informed me that if we have a joint  
13 trial they will not allow him to testify in a joint  
14 trial if I called him as a witness. So, that is number  
15 one.

16 Secondly, Your Honor, a joint trial would prevent  
17 the jury from making a reliable judgment about a  
18 codefendant's guilt, okay. And the leading United  
19 States Supreme Court case on that, Your Honor, is  
20 Sophero (phonetic) versus the United States. That is  
21 at 506 US 334, 1993. There is a litany of South  
22 Carolina cases that discuss Sophero and I'm sure Your  
23 Honor is familiar with them, because I am sure you  
24 address this issue quite often. But, Your Honor, those  
25 two -- I understand that there are some cases where the

1 Court finds that those conditions don't exist, but this  
2 is a prime example of where the conditions do in fact  
3 exist.

4 And whatever proof Your Honor needs to the effect  
5 of the fact that I would not be allowed to call Rick  
6 Quinn in a joint trial and the vice verse of that, I  
7 would not allow him to be called as a witness in a  
8 joint trial by Mr. Rick Quinn. We can provide  
9 affidavits. My client is here today and can attest to  
10 that. I can attest to the Court as an officer of the  
11 court that I would not allow him to testify in a trial,  
12 in a joint trial. Because, Your Honor, clearly they  
13 would both be in jeopardy if they tried -- if they  
14 testified in a case in a joint trial together. So,  
15 that is my second point.

16 Your Honor, we can brief that. We can provide  
17 whatever the Court would like on that issue, but I  
18 would cite to the cases of State versus Dennis. 337 SC  
19 275 1999. State versus Maleek Trenton Barnes, that is  
20 an August 16th, 2017 opinion in the South Carolina  
21 Supreme Court. And then the Singletary case, Your  
22 Honor. We will be glad to brief the issues, provide  
23 affidavits, provide whatever assertions the Court  
24 requires on those issues, but that is a very critical  
25 issue, we believe, as to why these cases should not be

1           tried together.

2           Mr. Pascoe has treated them as separately from the  
3 beginning. He had indicted -- indicted Rick Quinn six  
4 months before he indicted Richard Quinn. They are  
5 still indicted in separate indictments, charged with  
6 separate offenses. Mr. Rick Quinn as you know is  
7 charged with a litany of things that my client has  
8 absolutely no connection to. He's charged with, and  
9 I'll just give you some examples, Your Honor, he's  
10 charged with conduct related to caucus activities.

11           My client has nothing -- or there's been no  
12 allegations that my client has anything to do with  
13 those sorts of activities. And so there will be a  
14 prejudicial effect to my client sitting as a  
15 co-Defendant with another defendant who has -- is  
16 accused and let me say from the outset, Your Honor, we  
17 don't believe that there's any validity to any of the  
18 allegations. My client firmly believes in the  
19 innocence of both himself and his son.

20           However, I don't want to be in a position where a  
21 jury is hearing all types of evidence that has no --  
22 doesn't pertain to my client at all. And I think that  
23 the prejudicial effect of that would certainly outweigh  
24 the State's right to call these cases together. So,  
25 that would be another basis, Your Honor, for our

1 severance.

2 Fourthly, Your Honor, my client -- I should have  
3 talked about this in the third basis, but my client has  
4 a right, just as Ms. Parham was talking about, to go  
5 through this discovery himself. My client will be 73  
6 in February. He has advanced chronic obstructive  
7 pulmonary disease and emphysema and is not in great  
8 health, so it's going to be very taxing and trying for  
9 him to review a million documents, as well as discuss  
10 those documents with me and go through them in a  
11 meaningful fashion. So, that in and of itself is going  
12 to require a great deal of time. So, that in a  
13 nutshell, Your Honor, is Mr. Richard Quinn's objections  
14 to the scheduling that he proposes and a joint trial in  
15 general.

16 THE COURT: Will you address for me the specific  
17 prejudice as to there being a separate allegation  
18 against Quinn Senior about failure to register as a  
19 lobbyist, and then also the converse of that which is  
20 the criminal conspiracy which is, I'm assuming they are  
21 alleging that he conspired with his son and others to  
22 do whatever they have alleged he is doing; is that  
23 correct? Because I could see it going both ways as far  
24 as I can see both of them being a problem.

25 Both that he has a completely separate offense and

1           it wouldn't be fair to try something like that with  
2           both of them in the same courtroom. And then just the  
3           opposite on the criminal conspiracy charges. Again, we  
4           are talking about the same issues. Is there any  
5           specific prejudice in the case, factually, that would  
6           make it significant where one charge, such as a failure  
7           to register as a lobbyist might bleed over to other  
8           charges against Quinn Junior? Does that make sense? I  
9           know I am kind of -- it sounds convoluted, but do you  
10          understand what I am saying?

11                 MS. BARBIER: I do, Your Honor.

12                 THE COURT: There's potential bleed-over is my  
13          question and concern.

14                 MS. BARBIER: I agree, Your Honor. The converse  
15          of that is, it is also prejudicial to Rick Quinn. And  
16          I'm certainly not his lawyer so I'm not arguing on his  
17          behalf. But one could argue that the illegal lobbying  
18          that my client is charged with and the corporate  
19          clients that those relate to, those charges relate to,  
20          and there's not as much specificity in the indictment  
21          as I would like, Your Honor, so I'm not exactly sure  
22          what all will be attempted to be brought out by the  
23          Solicitor. But some of those activities have nothing  
24          to do with Rick Quinn.

25                 So, my fear, Your Honor, is that the jury would be

1           confused and the State would try to paint a broad  
2           picture of just a lot of illegal activity by both  
3           defendants and all of it spilling over into the other  
4           and one being held accountable, Your Honor, for -- if  
5           the jury found that one of the codefendant's activities  
6           was illegal. So, I agree with Your Honor, I think  
7           there's a danger of prejudice there.

8           THE COURT: There is also a possibility of a  
9           confusion issue. Because even in talking about them  
10          between us, we are careful -- and I said this, told the  
11          attorneys back there, you know, I don't mean to be  
12          disrespectful and not say Mr. Quinn Senior but it seems  
13          like it is quicker to say we are talking about Quinn  
14          Senior versus, you know, Quinn Junior. And I think  
15          potentially you have that same problem in a trial  
16          because you want to make sure that a jury is catching  
17          who we are talking about, if we are talking about the  
18          Senior or the Junior and what exactly, which charges,  
19          are for each.

20          I mean, I know that the State's argument is gong  
21          to be, We can be specific about it, you know, we can  
22          try very hard. But I just think when we are talking  
23          about a lengthy trial and, you all tell me, Mr. Pascoe,  
24          correct me if I am wrong, you think that it is going to  
25          be a two or three-week trial regardless whether we try

1           them together or separately, correct?

2           MR. PASCOE: Yes, ma'am. I thought about that on  
3           the way over here, I mean, that is a minimum two to  
4           three weeks on either one of them.

5           THE COURT: Really, okay.

6           MR. PASCOE: I would say a minimum of two to  
7           three. And every witness just about for both  
8           defendants would be exactly the same. And almost every  
9           piece of evidence that we put in for both defendants  
10          will be exactly the same. That is why I don't believe  
11          that there's going to be any prejudice.

12          THE COURT: Okay.

13          MR. PASCOE: And we can better discuss that and we  
14          will be prepared if there's a severance motion filed by  
15          the defense. But I don't believe there would be any  
16          prejudice.

17          MS. BARBIER: Your Honor, I disagree with what  
18          Solicitor Pascoe just said in that every piece of  
19          evidence will relate to both of them. And my client  
20          has nothing to do with, and I haven't seen any evidence  
21          that suggests that he had anything to do with Rick  
22          Quinn's campaign disclosure documents. I mean, that is  
23          a specific duty that he has as a legislator that my  
24          client has nothing to do with. And I haven't seen any  
25          evidence that there's any collaboration or conspiracy

1 for him to submit, you know, false or fraudulent  
2 disclosure.

3 So, there is a whole body, and there's specific,  
4 there is 11 allegations contained within Rick Quinn's  
5 indictments, and I would argue, Your Honor that nine of  
6 them have nothing to do with Richard Quinn Senior.

7 To the other point that Your Honor made with  
8 respect to the confusion issue, they have the same  
9 name. That's been going on their entire life. And you  
10 can imagine, they haven't always been in the same  
11 field, but they have been in related fields. Richard  
12 Quinn Senior is a political consultant. Rick Quinn was  
13 a politician and a legislator, so some of their friends  
14 overlapped and there's always been confusion their  
15 entire life.

16 So, the danger of having a joint trial is very  
17 great that the jury can be confused about which Quinn  
18 are they talking about when that piece of evidence came  
19 in. So, I would say, Your Honor, that is a very good  
20 point and another reason why these trials should not be  
21 joined.

22 MR. PASCOE: Can I?

23 THE COURT: Mr. Pascoe, yes, absolutely.

24 MR. PASCOE: Sorry, Your Honor, thank you.

25 Everything that they did has to do with each other.

1 Just the specific points that Ms. Barbier mentioned,  
2 the failing to file. Why does that -- and I am going  
3 to be specific. I hate to try the case right now but  
4 you want -- the failing to file. If Rick Quinn had  
5 filed, then Richard Quinn would have had to shut down  
6 his business or would have been charged back then for  
7 illegal lobbying. So, they all relate. That is why  
8 they will be the exact same witnesses.

9 She mentioned earlier the caucus stuff, again that  
10 is a conspiracy that is in the indictments, that is a  
11 conspiracy with Richard Quinn. The exact same  
12 evidence. Interestingly the name confusion, we are  
13 going to produce evidence that that is part of their  
14 conspiracy together too with the press and others, and  
15 to use that to say, Well, people get us confused  
16 because of our names and emails. There will be no  
17 confusion in a trial between Rick Quinn Junior and  
18 Richard Quinn Senior, I assure you.

19 And there will be no prejudice if we try them  
20 together because every piece of evidence we produce  
21 will be relevant to both of them together. They were  
22 RQ and Associates. They were Mail Marketing Strategies  
23 and The Copy Shop. And we believe we will be able to  
24 prove that to a jury.

25 THE COURT: Okay. Anything further on behalf of

1 Richard Quinn Senior?

2 MS. BARBIER: No, Your Honor.

3 THE COURT: All right. Let's hear in reference to  
4 Quinn Junior.

5 MR. HARRIS: Thank you, Judge. I am Greg Harris  
6 on behalf of Richard Quinn Junior. Thank you for your  
7 patience that you have given us today. I think that my  
8 comments are a little bit different than the last  
9 comments you have had. We want a trial. You know we  
10 have, I believe, have reported to the Court on previous  
11 occasions and we have met with the Court with the  
12 Solicitor's office and we have all, in the reflective  
13 quiet, you know, not in a courtroom, we all thought  
14 that there's a party here that is unrepresented, and  
15 that is Richard Quinn's constituency. And they have a  
16 right for him to have a trial so that he can go back  
17 and represent them if they choose to re-elect him. And  
18 the only way that that can happen we all talked about,  
19 Your Honor, all of us, was to give us a trial on the  
20 date that the Court had made a tentative calendar  
21 trial, which is the date that we are still asking for.

22 THE COURT: Once again, do you have any concern  
23 about the filing date? I am sorry, I apologize, I  
24 didn't mean to lump both Mr. Courson and Mr. Quinn  
25 together but the House's filing, obviously, so

1 Mr. Courson is not up for filing, he is every four  
2 years, so this is not a filing year for him. But for  
3 Mr. Quinn Junior it is obviously a filing year, every  
4 two years, for him. And it is March 15th; is that  
5 correct?

6 MR. HARRIS: That is correct, Your Honor.

7 THE COURT: Okay.

8 MR. HARRIS: And that is a huge deal. I mean, it  
9 is a big deal for Mr. Quinn, but again it is also a big  
10 deal for the unnamed people that can't be here, his  
11 constituents. And because of that we all thought that  
12 that was a fair -- you know, that was the right thing  
13 to do. We have the benefit that Ms. Parham and Ms.  
14 Barbier don't have, and that is the benefit that we  
15 have been working on this case for six months. Because  
16 he was indicted back in May.

17 THE COURT: Right.

18 MR. HARRIS: So, the Solicitor has provided us  
19 discovery, and we have reviewed the discovery. The  
20 Solicitor has asked us to meet with him, and we have  
21 met with him. The Solicitor actually gave us a  
22 PowerPoint presentation, Your Honor. We sat there and  
23 we thoughtfully considered everything, and we  
24 appreciate the time that he gave us. But we have  
25 actually looked at some of the things that I heard him

1 say that he was willing to do for Ms. Parham. So, we  
2 have gone through that process.

3 THE COURT: Okay.

4 MR. HARRIS: We are in the process of asking this  
5 Court to allow us to share the discovery with our  
6 experts, and the Court has allowed us to do that, and  
7 we are in the process of obtaining experts and  
8 discussing many of these facts with them.

9 So, we have had the luxuries that Ms. Parham and  
10 Ms. Barbier have not had in terms of preparing this  
11 case. You know what I find interesting is that, you  
12 know, I think that he called it a simple trial, Senator  
13 Courson's trial is a simple trial. The Solicitor's  
14 Office would like to try that the month before us. It  
15 is a week-long trial. I don't see any reason if the  
16 Court pushes that case to trial in February -- which I  
17 don't know if the Court has ruled one way or the other.  
18 I have been in Ms. Parham's seat before; that is a  
19 difficult seat to be in.

20 But if that trial doesn't go, that is even all the  
21 more reason that we should all be ready to try this  
22 case in time for the constituents of Lexington County  
23 to determine whether they want to re-elect Mr. Quinn or  
24 not.

25 Well, you know, along those lines with the

1 tentative trial schedule being ordered, and I believe  
2 your law clerk asked us for dates, I spoke with the  
3 Solicitor last week. I think that you have a copy of  
4 the email of what I propose, Your Honor, and I still  
5 propose these. I asked -- I suggested that December  
6 the 11th be the date for discovery deadline.

7 And in my email, and in my conversations with the  
8 Solicitor, I acknowledge that there would be no  
9 restrictions on his continuing investigation. Because  
10 I understand, as do we all, that, you know, you can't  
11 ask a prosecuting agency to stop their investigation.  
12 I understand that people may come in and cooperate  
13 after that date. I understand that there may be  
14 subpoenas, there may be search warrants, there may be  
15 something that comes to the government and State  
16 between that date and the trial that helps them in  
17 their case. There would be, my understanding, no  
18 restrictions on discovery.

19 But I would like that to be the day in the sand  
20 when if they have got it they have got to turn it over  
21 to us. I quite frankly think that we are there now  
22 with exception of the search warrant that I want to  
23 discuss with the Court and some issues surrounding the  
24 search warrant.

25 THE COURT: Okay.

1           MR. HARRIS: But I would like that to be a line in  
2 the sand date for everything that they have accumulated  
3 over the last two years. Because they have been  
4 investigating this case for two years. So, to be ready  
5 in three months from today, I don't think that's  
6 unreasonable as well. I also suggested, Your Honor,  
7 working from the December 11th discovery deadline, I  
8 suggested that we have a deadline on us, Rick Quinn's  
9 attorneys, for January the 8th for all of our motions.  
10 That's one of the things that this Court I think has  
11 acknowledged in a previous hearing or in some context  
12 with all of us, is that there will be substantial  
13 motions.

14           THE COURT: Pre-trial motions.

15           MR. HARRIS: Pre-trial motions that will in large  
16 part determine what charges go forward. In large part  
17 determine what evidence is admissible and what evidence  
18 is not admissible. In large part restrict the  
19 government, the State of South Carolina, as to what  
20 they can present and in some part maybe restrict the  
21 defense in what we can present and how we can present  
22 it.

23           I think that if we have a deadline of December the  
24 11th, based on everything that we have now, I think  
25 that's sufficient. Thirty days. Even though it is

1 during the holidays, Your Honor, I think that's  
2 sufficient time for us to be capable and able to  
3 provide you and the Solicitor's Office with our motions  
4 deadlines.

5 Working from that I suggested that we allow the  
6 government two weeks, two and a half weeks, for their  
7 responses to those motions. And let me also say  
8 something about those motions. You know, some of those  
9 motions I think this Court has already heard. I can't  
10 imagine, and I can tell you this now, I can't imagine  
11 that my motion, our motion, as to some of the issues  
12 already raised by Ms. Parham will be much different.

13 You know, we will certainly need to preserve that  
14 issue, those issues, having to do with the expansion of  
15 his investigation and powers, having to do with some of  
16 the other matters that you have already heard. We are  
17 not going to test the Court's patience or judicial  
18 economy by re-litigating issues. I mean, certainly we  
19 may sharpen the pencil a bit on what she has offered to  
20 the Court. I can't imagine that there will be a huge  
21 difference in a few of those motions.

22 So, I think either a motions deadline -- you know,  
23 that is just something to be considered in the State's  
24 response thereto. But they would have plenty of time  
25 to respond to the motions by then.

1           My next deadline that I had suggested would  
2           restrict us to 7 days to a rebuttal. I think if we get  
3           their responses -- I didn't talk about a page  
4           restriction on our rebuttal, Your Honor. I would be  
5           fine -- I'm of the opinion that any rebuttal I have  
6           ever done, if it got more than five pages, it was  
7           either redundant or irrelevant or just way too much.  
8           So, I would be even open to a page restriction on the  
9           rebuttals.

10           And then my final pre-trial deadline that I had  
11           suggested. I thought that at the time that you had  
12           tentatively scheduled Senator Courson's was two weeks  
13           after that trial for them to have whatever time they  
14           need to have whatever lawyers they need to be in a  
15           position to be able to argue not only the motions but  
16           also address the rebuttals, which would obviously be  
17           part of the time that they would need to respond in  
18           court to anything that we filed, Your Honor. You know,  
19           that would give us -- those deadlines gave us all three  
20           weeks to get ready for trial and understand what the  
21           Court's rulings were.

22           It would give the Court a week if it so -- if it  
23           thought that it needed a week to maybe hash out some of  
24           the issues while giving us guidance on other issues. I  
25           just thought that was -- it seems to me -- these aren't

1 just dates that I pull out of a hat, these are dates  
2 that I thought were fair and equitable to both sides.  
3 We talked about that. Solicitor Pascoe responded to  
4 that email that he would get back with me next week on  
5 the dates.

6 So, here's where we are today, we are just asking  
7 to be tried on the date that we all agreed, you know, a  
8 month and a half ago. And we agreed on that date for  
9 the right reasons. And so we want to go forward, Your  
10 Honor, and ask that you set us a court date to be tried  
11 on that date.

12 THE COURT: Thank you. Mr. Pascoe, if you are not  
13 trying the Courson case in the end of January, are you  
14 able to be ready for a case against either Quinn Junior  
15 and Quinn Senior combined or just Quinn Junior on that  
16 date? Are you able to do that?

17 MR. PASCOE: If we don't try Courson, and the  
18 State, subject of course to whatever discovery we are  
19 still getting, okay. Let's put that aside. Everything  
20 is good.

21 THE COURT: I understand. And obviously, if  
22 anything new comes in in the investigation we all  
23 understand that we are going to have to reconvene and  
24 we can revisit it. And at that point it might be a  
25 joint motion where you are both saying that you just

1 haven't had enough time. Certainly subject to that.

2 MR. PASCOE: Absolutely. The State is ready to  
3 start its preparation to go forward with the trial on  
4 both Richard and Rick Quinn on February the 20 --  
5 whatever that date was. Yes, Your Honor, we will call  
6 them together.

7 A couple of things that I would like to put on the  
8 record.

9 THE COURT: Certainly.

10 MR. PASCOE: First of all, I'm not going to go  
11 into the contents of the letter that Mr. Gasser sent  
12 last week, other than to say I disagree strongly with  
13 what we discussed in chambers. In fact, Mr. Gasper was  
14 not even there, he was out of the country at the time,  
15 so I don't know how -- we never, nobody agreed to a  
16 trial date outside of this courtroom.

17 THE COURT: I agree. The only thing that we  
18 discussed, obviously I was there, it was in Columbia,  
19 was a concern that -- and I knew someone had raised it,  
20 about a filing deadline. Adn that seemed to be a  
21 paramount concern, and it was from Mr. Harris about his  
22 client.

23 MR. PASCOE: Yes, ma'am, there was no agreement  
24 about a trial date. Now, the other thing that I would  
25 like to also point out on the record is that when I

1 have dealt with one of these defendants, I deal with  
2 both of them. And I think that's important for the  
3 Court to know about, especially when we have -- if we  
4 have a severance hearing down the road.

5 Any time that I have dealt with Rick Quinn's  
6 attorneys, almost every time, Ms. Barbier -- and this  
7 is going way back prior to Mr. Rick Quinn Junior being  
8 indicted -- Ms. Barbier was always included in those  
9 discussions, almost always, whether it was on the  
10 telephone or in person. When they came to my office  
11 they almost always came together. In fact, when they  
12 came to look at the PowerPoint a few weeks ago, Your  
13 Honor, it was both Ms. Barbier and Rick Quinn's  
14 attorneys.

15 I don't know whether they have a joint defense  
16 attorney agreement, but I assure you when I dealt with  
17 one -- and this goes, again, before Rick Quinn got  
18 indicted I have always dealt with both. And I think  
19 that will be relevant. Maybe more relevant at a later  
20 date at the severance hearing. But we, yes, the long  
21 answer for your short question is that we will be ready  
22 to call --

23 THE COURT: You will be ready?

24 MR. PASCOE: We will be ready, yes, ma'am.

25 MR. GASSER: Let me make a point, a response

1           briefly?

2           THE COURT:   Okay.

3           MR. GASSER:   You know, I wasn't at that meeting,  
4           but obviously my co-counsel were present.  And this  
5           letter that we have seen, notice that he was seeking a  
6           request of a March 14th date I believe it was.  I got  
7           with Mr. Richardson, Mr. Richardson, Mr. Harris, and  
8           Ms. Barbier were all working on matters outside of  
9           their respective offices.  I was the only one in the  
10          office working on the cases, so a decision was made  
11          that my signature would go on the letter, because it  
12          had to go on our letterhead.  But, you know, I was not  
13          at the meeting but my understanding was, and what I  
14          just heard Mr. Harris say and the Court agree with is  
15          that all of the parties involved at that meeting did  
16          not have a problem with getting the matter done  
17          before -- and they thought that it was fair, all of the  
18          parties, including the State, thought that it was fair  
19          to schedule a case against Rick Quinn.

20          And there was no discussion whatsoever about the  
21          cases being called together.  That is what I was told  
22          by my co-counsel.  And then all of the parties agreed  
23          that it would be in everybody's best interest,  
24          particularly Rick Quinn's constituency, to try the  
25          case.  Subsequent to that meeting, we get -- all of the

1 lawyers get an email from your law clerk indicating a  
2 February 26, you know, tentatively scheduled February  
3 26th trial date.

4 THE COURT: For Rick Quinn Junior.

5 MR. GASSER: Richard Quinn Junior alone. And  
6 subsequent to that Ms. Barbier sends your law clerk a  
7 clarifying email saying, "I just need to understand  
8 that February 26 trial is for Rick Quinn Junior only,  
9 correct". And the response was, "Correct." And none  
10 of those, in any of those periods of time did anyone  
11 indicate that Mr. Pascoe or anybody from the State  
12 indicate in your chambers or during those email back  
13 and forth that his intent was to call the two cases  
14 together.

15 It wasn't until we got that one email from him  
16 when he said that his intent, which precipitated my  
17 letter which I do stand by, my co-counsel stands by.  
18 Because, at that time, there was no -- there was a  
19 clear, clearly, at least according to my co-counsels,  
20 when they walked out of your chambers that day it was a  
21 clear understanding in their view that everybody was  
22 in -- when I say agreement, there wasn't a specific  
23 date, you didn't give us that until afterwards, but  
24 there was a understanding, maybe I used the wrong word,  
25 but there was an understanding by all of the parties,

1 the Court, defense counsel, Solicitor Pascoe, that a  
2 trial date that would not interfere with the filing  
3 deadline was something that could be done. And then,  
4 subsequent to that, you set the date of February the  
5 26th.

6 THE COURT: Mr. Pascoe.

7 MR. PASCOE: Your Honor, I never agreed in  
8 chambers to anything like that. In fact, the reason we  
9 went back in chambers had nothing to do with the trial  
10 date. I told them, Come on, let's go back there  
11 because I am consenting to your request to have experts  
12 look at the evidence. I consented. Of course -- but  
13 anyway, that is why we went back there.

14 We talked, literally, for two seconds about a  
15 trial date. And I specifically moved from that  
16 discussion to the taint team stuff because I wasn't  
17 about to consent to any trial date until I knew what  
18 was about to happen with this, and I also knew that in  
19 less than a week I was indicting Richard Quinn and I  
20 was going to try them together.

21 My first full day back in the office was the day  
22 that I sent you that letter stating that we were going  
23 to call them together. I was out of state when I  
24 received the email on November the -- I can't remember  
25 the date, from Crystal, I apologize. My first full day

1 back was when I sent you that letter, because all along  
2 I intended on trying them together. But that is all I  
3 am going to say. Thank you.

4 THE COURT: I was just clarifying first,  
5 procedurally, where we are at. Because you, Mr.  
6 Pascoe, there were times you were referring to if we  
7 have a severance motion and when we get to a severance  
8 motion. I know that we are here to talk about  
9 scheduling and trial dates, and I think that one goes  
10 with the other, I mean, obviously.

11 If I set a trial date, then I am inevitably ruling  
12 on a potential whether or not cases can be tried  
13 together, just based on the argument. I guess my  
14 question to you is, is there anything else that you  
15 want or need to put on the record? Because, obviously,  
16 me setting the trial is going to affect whether or not  
17 they can be tried together. Does that make sense?

18 And let me tell you what I'm thinking, and just so  
19 you all understand because everyone is taking different  
20 stances on the trial dates. Obviously each of them is  
21 entitled to a speedy, fair and impartial trial. And  
22 what I'm hearing today that I am probably most  
23 concerned about is that I hear Rick Quinn Junior saying  
24 he wants a trial before his filing date, and that was  
25 something that we had always discussed. I don't know

1 if it was promised or agreed upon, we don't need to go  
2 that far, but I can tell you that obviously that Sixth  
3 Amendment right is here and now. So, I am concerned  
4 that he says he wants that trial date before that  
5 March 15th deadline, versus Ms. Barbier saying to me  
6 that, A, she's not ready and cannot jointly try those  
7 two cases.

8 And I don't think that it's fair to hamstring them  
9 both. To rule one way or the other is going to affect  
10 one of them and their constitutional rights. And that  
11 is what I have an issue with. So, I am inclined, I  
12 will go ahead and tell you this right now, I am  
13 inclined to go ahead and try the case February 26th  
14 against Rick Quinn Junior. So we will try that case.

15 He is asking for it, he wants it, it is prior to  
16 his filing. And because of that, and because of what I  
17 hear from Ms. Barbier that I not try Mr. Quinn Senior's  
18 case. So, that precludes me even making any judgment  
19 or telling you anything about whether or not they can  
20 be tried together, although I do have serious concerns  
21 about that as well.

22 I do think there are issues, and particularly  
23 because of the relationship of father/son not being  
24 able to testify either against each other or on each  
25 other's behalf, I think that is a problem. And I think

1 that it is problematic and certainly a lot of case law  
2 addresses that.

3 But I understand the State's willingness and  
4 argument that it is the same evidence. And again, out  
5 of judicial economy, we like to take care of things and  
6 get rid of them. But I will go ahead and order that  
7 Rick Quinn's case is set for trial February 26th.

8 I hear you, Mr. Harris, as far as your dates and  
9 deadlines. I'm going to ask you to give one more  
10 reach-out to Mr. Pascoe to see if he would like to  
11 change any of those or whether or not you two can agree  
12 specifically. I can tell you that I am going to go  
13 ahead and I am not going to set Mr. Courson's case for  
14 the January date that we proposed.

15 Ms. Parham I hear you and I am so concerned about  
16 any potential later effect of claiming ineffective  
17 assistance of counsel, inability. I just want to make  
18 sure that everyone is clear and everyone understands  
19 that you are withdrawing your motion for a speedy trial  
20 at this time because, obviously, that motion is  
21 countered. The Court is here and the Court is ready  
22 and would try the case in January and are prepared to,  
23 but you are asking me not to. I just want to make sure  
24 that you understand that.

25 And I want it clear for the record that it is your

1 request. And I want to make sure that Mr. Courson and  
2 his wife understand that that is per your request.  
3 Because I certainly am sympathetic and I hear your  
4 previous arguments when you talked about Mr. Courson's  
5 health and all of the issues that they have facing  
6 them.

7 So, again, I hear you but I want to make sure that  
8 everyone understands that that is the basis. And we  
9 are going to have to re-visit a possible trial date. I  
10 think that you need to give yourself an opportunity to  
11 get through some of these documents and really get a  
12 better handle of what you really have in all of this.  
13 And I think, probably through the holidays you might be  
14 able to do that, and we are probably better off having  
15 some kind of status conference with the State and your  
16 client, Mr. Courson, directly after the holidays, maybe  
17 the first week in January, second week in January,  
18 where you have had an opportunity to sit down and go  
19 through a lot of it with your client and then we can  
20 have a better date.

21 But I want these cases tried. And what I want  
22 everyone to know and understand is the Court is here  
23 and available. One of the things that I always hear  
24 people say is that, you know, justice is slow. I can  
25 tell you that the Court is available and willing to try

1 cases. We are here. I have made myself available and  
2 I will switch whatever terms of court I have to to get  
3 these cases tried for everybody. Because I agree, we  
4 need to bring some kind of resolution to all of this.

5 So, I just want to state that for the record, that  
6 we will not go forward in January. And, again, my  
7 office will contact you and Mr. Pascoe in that first or  
8 second week in January once you have had an opportunity  
9 to look at things we will talk about a potential trial  
10 date.

11 MS. PAREM: Thank you, Judge. Thank you.

12 THE COURT: And I guess that we need to get to you  
13 as well since we aren't trying your case, obviously,  
14 with Mr. Quinn Junior's case, we need to have an idea  
15 of what you need to do and what you are looking for as  
16 a trial date as well. Certainly understanding that  
17 possibly the outcome of the first trial may change  
18 things, as far as for everybody else subsequently. And  
19 we recognize that.

20 So, that would be my idea to do the same thing as  
21 far as first, second week in January talking with you  
22 about when exactly you are looking at for a trial date.

23 MS. BARBIER: Thank you, Your Honor.

24 THE COURT: And, again, understanding that your  
25 client is 73, so, again, and has some health issues as

1 well. So, we are available and ready to try cases if  
2 we can. I know that everyone is working hard and  
3 everyone has been moving forward.

4 MS. BARBIER: I appreciate that, Your Honor. I  
5 have discussed the speedy trial right with my client  
6 and he is willing to waive that right until we can be  
7 better prepared, wholly prepared, for trial. Thank  
8 you.

9 THE COURT: All right. Anything else as far as  
10 these two issues? I know that I am going back with the  
11 attorneys and we are going to continue working on this  
12 issue so we can get what needs to be turned over to the  
13 State taken care of and moved along and hopefully,  
14 again, progress with this case and get it taken care  
15 of.

16 MS. BARBIER: One brief matter, Your Honor.

17 THE COURT: Yes.

18 MS. BARBIER: We would like to put on the record  
19 that we would like -- we have been asking for months  
20 for a copy of the search warrant, the affidavit in  
21 support of the search warrant. We would also like a  
22 copy of any other search warrants that were conducted  
23 in this case.

24 THE COURT: I understand an AOL search warrant as  
25 well; is that correct?

1 MS. BARBIER: That is my understanding.

2 THE COURT: Do you have both of them?

3 MR. PASCOE: I think we have -- is it both? I  
4 have been told that we have them all in here, yes, Your  
5 Honor. And if they don't, they just contact me and let  
6 me know. But I have been told that they are all here.

7 THE COURT: So, I appreciate that. Thank you.

8 MR. PASCOE: Yes, ma'am.

9 THE COURT: And Mr. Pascoe has made them available  
10 and furnished them over to you today.

11 MS. BARBIER: Thank you, Your Honor.

12 THE COURT: Absolutely.

13 (Whereupon, the hearing concluded.)

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CERTIFICATE

STATE OF SOUTH CAROLINA:

COUNTY OF BEAUFORT:

I, MONA L. MANLEY, Court Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 19th day of February, 2018.

*Mona L. Manley /s/*  
MONA L. MANLEY  
Official South Carolina Court Reporter  
Circuit Reporter for the 14th Circuit  
(850) 893-6662  
mmanley@sccourts.org

STATE OF SOUTH CAROLINA  
FIFTH JUDICIAL CIRCUIT  
COUNTY OF RICHLAND  
GENERAL SESSIONS

STATE OF SOUTH CAROLINA

PLAINTIFF

VERSUS

RICHARD QUINN, JR.

DEFENDANT

CASE NUMBERS 2017-GS-47-00012  
2017-GS-47-00013  
2017-GS-47-00032

RICHARD M. QUINN, SR.

DEFENDANT

CASE NUMBERS 2017-GS-47-00042  
2017-GS-47-00043

FIRST IMPRESSIONS, D/B/A  
RICHARD QUINN & ASSOCIATES;  
AGENT, RICHARD QUINN, SR.

DEFENDANT

CASE NUMBER 2017-GS-47-00055

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DECEMBER 13, 2017

TRANSCRIPT OF PLEA

COLUMBIA, RICHLAND COUNTY, SOUTH CAROLINA

BEFORE

HON. CARMENT T. MULLEN, JUDGE

WANDA H. ROWE, CVR-M  
OFFICIAL COURT REPORTER

## APPEARANCES

ON BEHALF OF THE STATE:

HON. DAVID M. PASCOE  
SPECIAL PROSECUTOR  
HON. PHIL GIESE  
HON. THOMAS SCOTT  
HON. W. BAKER ALLEN  
ASSISTANT ATTORNEYS GENERAL  
STATE OF SOUTH CAROLINA  
OFFICE OF THE ATTORNEY GENERAL  
REMBERT C. DENNIS BUILDING  
POST OFFICE BOX 11549  
COLUMBIA, SOUTH CAROLINA 29211-1549  
803-734-3970

ON BEHALF OF DEFENDANT  
RICK QUINN, JR.:

HON. JOHNNY GASSER  
HARRIS & GASSER  
1529 LAUREL STREET  
COLUMBIA, SOUTH CAROLINA 29201  
803-779-7080

AND

HON. MATTHEW T. RICHARDSON  
WYCHE, P.A.  
801 GERVAIS STREET  
SUITE B  
COLUMBIA, SOUTH CAROLINA 29201  
803-254-6543

ON BEHALF OF DEFENDANTS  
RICHARD M. QUINN, SR. AND  
FIRST IMPRESSIONS, D/B/A  
RICHARD QUINN & ASSOCIATES,  
AGENT, RICHARD QUINN, SR.:

HON. DEBORAH B. BARBIER  
1811 PICKENS STREET  
COLUMBIA, SOUTH CAROLINA 29201  
803-445-1032

CLERK OF COURT:

HON. JAMES R. PARK  
CLERK OF THE STATE GRAND JURY  
POST OFFICE BOX 11508  
COLUMBIA, SOUTH CAROLINA 29211-1508  
803-734-0497

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1 BEGINNING 5:12 P.M.

2 BY THE COURT:

3 CLERK OF COURT: All rise. This court is now in  
4 session. The Honorable Carmen T. Mullen presiding.

5 THE COURT: Thank you. Please be seated. Good  
6 afternoon.

7 MR. PASCOE: Good afternoon, your Honor.

8 THE COURT: Good afternoon. All right. Mr.  
9 Pascoe, would you like to call your cases.

10 MR. PASCOE: May it please the Court?

11 THE COURT: Yes, sir.

12 MR. PASCOE: Your Honor, we're here in the interest  
13 of the State versus Richard M. Quinn, Sr., and Rick  
14 Quinn, Jr. Both of the defendants are here today with  
15 their attorneys. This is a negotiated package plea  
16 agreement, with both of these defendants, Richard M.  
17 Quinn, Sr. and Rick Quinn, Jr.

18 The package agreement is as follows, your Honor.  
19 Rick Quinn, Jr. is pleading guilty straight up and with  
20 the knowledge that the State is asking for prison time  
21 for Indictment Number 2017-GS-47-12. That's the  
22 statutory misconduct in office, your Honor. The State  
23 is -- and that charge carries up to a year in prison and  
24 a thousand-dollar fine, plus forfeiture of office. And  
25 I've been informed that Mr. Quinn has already resigned

1 from office.

2 The State is dismissing, as part of that plea, the  
3 other charges on the defendant. That's two charges:  
4 one count of criminal conspiracy, GS-47-32; and one  
5 count of common law misconduct, GS-47-13.

6 Also, as part of this agreement, your Honor,  
7 Richard Quinn, Sr., the State is dismissing both of his  
8 indictments. That's Indictments Number GS-47-42 and 43.  
9 He is, however, aware and been notified that he must  
10 cooperate with SLED and testify before the State Grand  
11 Jury, with immunity. But he does know and has been  
12 informed. I've been told he's been informed that that  
13 immunity does not preclude him from being prosecuted for  
14 perjury or obstruction of justice if he lies, or  
15 contempt of court if he fails to cooperate with the  
16 State.

17 The defendant, Richard Quinn, Sr., is also, your  
18 Honor, as part of this agreement, and as acting CEO for  
19 First Impressions, Incorporated, which does business as  
20 Richard Quinn & Associates, is entering a plea of guilty  
21 on behalf of that corporation. The corporation's  
22 pleading guilty to one count of failure to register as a  
23 lobbyist. The corporation and the CEO, Mr. Quinn, Sr.,  
24 are waiving presentment of that indictment to the grand  
25 jury. So this Will be on a waiver.

1           Also, as part of that plea, your Honor, the First  
2 Impressions, Richard Quinn & Associates, is agreeing to  
3 pay \$3,000.00 in restitution in York County for out-of-  
4 pocket expenses with regards to this case.

5           THE COURT: Okay. All right. Mr. Gasser, is that  
6 your understanding and your agreement, or Mr.  
7 Richardson, as to Rick Quinn?

8           MR. RICHARDSON: Thank you, your Honor. There are  
9 other terms and conditions agreed upon by the State and  
10 by Rick Quinn, Jr., as a court's exhibit. But I'd like  
11 -- if your Honor would like, I'm happy to read them into  
12 the record, as well.

13           THE COURT: Please.

14           MR. RICHARDSON: Thank you. Quinn, Jr. has  
15 resigned from the House as a condition of this plea  
16 agreement. He's pleading guilty to one misdemeanor  
17 statutory misconduct in office on the limited allocution  
18 that we will give below. That's the limited statement  
19 of facts, and that's based only on the failure to  
20 disclose a name.

21           All other charges against Rick Quinn are dismissed  
22 with prejudice, which means all the information and  
23 documents contained in this investigation cannot be used  
24 against him; and that Solicitor Pascoe has no more  
25 authority or jurisdiction over Rick Quinn under the

1 State Grand Jury or in his limited designation for  
2 prosecution by the Attorney General in his role as a  
3 legislator and in the operation of his businesses to  
4 date.

5 Since Solicitor Pascoe is not interested in Rick  
6 Quinn, Jr.'s cooperation, both sides agree that Rick  
7 Quinn Will not be interviewed or called to the grand  
8 jury in this investigation for any resulting  
9 prosecution, unless subpoenaed.

10 There are three other terms that cover both  
11 defendants and the corporation. These are:

12 Number 1: while we understand Mr. Pascoe's going  
13 to make his argument about a wider range of conduct  
14 today, Rick Quinn, Jr., Richard Quinn, Sr., and First  
15 Impressions, Inc., deny every allegation and inference,  
16 except what is in their limited factual allocutions that  
17 I'll read in a minute.

18 Number 2: all the materials and information  
19 obtained in the investigation, including searches and  
20 seizures by the State, are not to be used in any way by  
21 the State against these defendants in exchange for these  
22 pleas.

23 And Number 3: this plea by all defendants today is  
24 conditioned on the dismissal with prejudice of all other  
25 charges and the closure and end of any further

1 investigation or prosecution by Solicitor Pascoe or the  
2 State of Rick and Richard Quinn, their businesses, and  
3 their families for all past conduct and deeds.

4 Your Honor, the limited allocution, which is a  
5 statement of facts by which Rick Quinn, Jr. is accepting  
6 responsibility and pleading by today is the following:

7 Rick Quinn agrees that in 2016, while a member of  
8 the House of Representatives, he failed to report to the  
9 House Ethics Committee the name of USC, which he knew  
10 was a lobbyist principal, and which in the previous  
11 calendar year had leased office space for less than  
12 \$30,000.00 total from Capital Investments II, LLC, a  
13 business with which Rick was associated as an agent by  
14 receiving a benefit from Capital Investments of being  
15 relieved from payments on the mortgage note from that  
16 property as a guarantor, and also, by helping them  
17 negotiate the mortgage note for Capital Investments II.

18 Thank you, your Honor.

19 MS. BARBIER: May it please the Court? Good  
20 afternoon, your Honor.

21 Your Honor, as Mr. Pascoe said, all charges against  
22 Richard Quinn, Sr. Will be dismissed with the entry of  
23 the corporate plea by First Impressions. In doing so,  
24 your Honor, Mr. Quinn, Richard Quinn, Sr., is making no  
25 admission of any individual wrong doing. He is plead --

1 the corporation is pleading on a limited allocution, as  
2 Mr. Richardson indicated.

3 The limited allocution is as follows: Richard  
4 Quinn does not admit any individual wrong doing. First  
5 Impressions, Inc., has been in business since 1976.  
6 Over the past 40 years, First Impressions has had many  
7 employees and agents. First Impressions acknowledges  
8 that it had a former agent whose activities subjected  
9 First Impressions to the registration requirements, and  
10 it failed to register under South Carolina Code Section  
11 2-17-20.

12 And I understand Mr. Pascoe intends to make other,  
13 broader allegations. First Impressions denies those  
14 allegations, as well as Richard Quinn, Sr.

15 And the other conditions that have been put to the  
16 record, your Honor, are accurate.

17 THE COURT: Thank you. Is that correct, Mr.  
18 Pascoe?

19 MR. PASCOE: Yes, your Honor. With regards to Rick  
20 Quinn's cooperation, I just want to point out, Mr. Quinn  
21 has never reached out and said he wanted to cooperate,  
22 which is one of the reasons I said I didn't care to have  
23 his cooperation, and for other reasons, which I'll go  
24 into during my presentation.

25 Also, I'm fine with the limited allocution.

1 THE COURT: Allocution.

2 MR. PASCOE: Got it. But you know, of course, what  
3 you'll hear, the Court Will get to make a determination  
4 on whether it should be held against him or not for not  
5 accepting responsibility for other acts, which the State  
6 intends to go into today.

7 THE COURT: Okay.

8 MR. RICHARDSON: Your Honor, I apologize, but I  
9 have to dispute the factual statement that we've never  
10 reached out or offered to cooperate. That's not true.  
11 And your Honor, I just needed to establish that for the  
12 record. Thank you.

13 THE COURT: Okay. So are we ready to go forward,  
14 then?

15 MR. PASCOE: State's ready, your Honor.

16 THE COURT: And my understanding again, just so  
17 we're all clear for the record, do I have the  
18 indictments? Mr. Parks, do we have new indictments?

19 CLERK OF COURT: This is Richard Quinn.

20 THE COURT: This is Richard Quinn. Does somebody  
21 have something as to the corporation?

22 MS. BARBIER: I have.

23 THE COURT: Thank you. All right, just so we're  
24 all clear, obviously, today, the corporation, First  
25 Impressions, doing business as Richard Quinn &

1 Associates, is pleading guilty under failure to register  
2 as a lobbyist as a corporation. The maximum fine of  
3 which is \$2,500.00. Clearly, a corporation cannot be  
4 incarcerated. Therefore, my understanding is that is  
5 the maximum fine that can be levied against the  
6 corporation.

7 In addition, it's also my understanding that First  
8 Impressions has agreed to pay the restitution for the  
9 review, is that correct? to York County Solicitor's  
10 Office. Is that correct?

11 MR. PASCOE: Yes, your Honor.

12 THE COURT: Is that correct?

13 MS. BARBIER: That's correct, your Honor.

14 THE COURT: And that's the full agreement. Is that  
15 correct?

16 MS. BARBIER: That's correct.

17 THE COURT: All right. And as far as Rick Quinn,  
18 Jr., he is pleading guilty to one misdemeanor, statutory  
19 misconduct in office charge, on a failure to disclose.  
20 And it carries a maximum sentence of up to one year in  
21 prison and a fine of up to \$1,000.00. Is that correct?

22 MR. RICHARDSON: Yes, your Honor.

23 THE COURT: All right. Well, gentlemen, I think I  
24 need to go through the colloquy. I need to, obviously,  
25 to go through your rights for a typical plea. If it's

1 fine with you all, I'm going to talk with Rick Quinn,  
2 Jr., if I could, and then you can speak on behalf of the  
3 corporation for Mr. Quinn, Sr.

4 But just to begin, for you attorneys, have you  
5 explained and does your client understand the charge  
6 against him, the possible punishment, and his  
7 constitutional rights?

8 MR. GASSER: He does, your Honor.

9 THE COURT: And Mr. Quinn, do you wish to plead  
10 guilty or not guilty to this charge of misdemeanor  
11 failure to register -- excuse me, I apologize --  
12 misdemeanor statutory misconduct in office, sir?

13 MR. RICK QUINN, Jr.: Guilty.

14 THE COURT: All right. Sir, are you pleading  
15 guilty because you are in fact guilty?

16 MR. RICK QUINN, JR.: Yes, ma'am.

17 THE COURT: And you understand the possible  
18 sentence that it carries, as I told you, with a  
19 potential of up to one year in prison and a fine of up  
20 to \$1,000.00? Is that correct?

21 MR. RICK QUINN, JR.: Yes, ma'am.

22 THE COURT: All right. Sir, additionally -- yes,  
23 sir? I'm sorry?

24 MR. PASCOE: Did you swear him? Did you swear him,  
25 your Honor?

1 THE COURT: We did not swear him in, Mr. Parks.  
2 That probably would be a very good idea. Mr. Parks,  
3 would you swear him in?

4 CLERK OF COURT: Mr. Quinn, would you raise your  
5 right hand? Do you solemnly swear or affirm that the  
6 testimony you're about to provide shall be the truth,  
7 the whole truth, and nothing but the truth, so help you  
8 God?

9 MR. RICK QUINN, JR.: I do.

10 THE COURT: Thank you.

11 CLERK OF COURT: Your full name, sir?

12 MR. RICK QUINN, JR.: Richard Milton Quinn, Jr.

13 CLERK OF COURT: Thank you.

14 THE COURT: And Mr. Quinn, the answers you gave me  
15 previously, do you swear or affirm to them, sir?

16 MR. RICK QUINN, JR.: Yes, ma'am.

17 THE COURT: All right. Thank you, sir. All right.  
18 We can continue.

19 Sir, you have the right to have a jury trial in  
20 this matter. And as you know, some two weeks ago, we  
21 did set a jury trial for this matter to be tried on  
22 February 26. I just want to make sure you understand  
23 and appreciate that by pleading guilty, you are waiving  
24 that constitutional right to a jury trial; you're  
25 waiving all the other constitutional rights that go

1 along with a jury trial; you understand you're coming  
2 forward to the Court and you're telling me you're guilty  
3 of this charge; and you understand that you are being  
4 subject to being punished up to a year in prison, and  
5 again, a fine of up to \$1,000.00.

6 Do you understand all of that, sir?

7 MR. RICK QUINN, JR.: Yes, ma'am.

8 THE COURT: And understanding all of that, do you  
9 still wish to plead guilty, sir?

10 MR. RICK QUINN, JR.: Yes, ma'am.

11 THE COURT: Sir, are you completely satisfied with  
12 how your lawyers have represented you?

13 MR. RICK QUINN, JR.: Yes, ma'am.

14 THE COURT: Have they done everything you've asked  
15 them to do?

16 MR. RICK QUINN, JR.: Yes, ma'am.

17 THE COURT: And have you understood all your  
18 conversations with them?

19 MR. RICK QUINN, JR.: Yes, ma'am.

20 THE COURT: Sir, has anyone promised you anything  
21 or held out any hope of reward, other than the  
22 reduction, obviously, of the charges and dismissal of  
23 some charges? Has anyone promised you or threatened you  
24 or promised or told you you had to plead guilty here  
25 today?

1 MR. RICK QUINN, JR.: No, ma'am.

2 THE COURT: And has anyone told you what your  
3 potential sentence obviously is, other than what I told  
4 you your exposure is, sir?

5 MR. RICK QUINN, JR.: I'm sorry? That someone told  
6 me my potential sentence?

7 THE COURT: Well, I'm sorry. I shouldn't have said  
8 potential. Obviously, you know your potential sentence  
9 is up to a year in prison --

10 MR. RICK QUINN, JR.: Yes, ma'am.

11 THE COURT: -- and a fine up to \$1,000.00. Has  
12 anyone here promised you or told you in fact what the  
13 sentence is?

14 MR. RICK QUINN, JR.: No, ma'am.

15 THE COURT: All right, sir. And again, that's  
16 because no one knows what it is, because I haven't heard  
17 everything, as you well understand. So I just wanted to  
18 make sure you understand something.

19 Sir, do you suffer from any physical or mental  
20 impairment that would affect your understanding of what  
21 we're doing here today?

22 MR. RICK QUINN, JR.: No, ma'am.

23 THE COURT: And you're not under the influence of  
24 any alcohol or drugs or anything else that would impair  
25 your ability to comprehend what you're doing here today?

1 MR. RICK QUINN, JR.: No, ma'am.

2 THE COURT: All right, sir. Sir, you have ten days  
3 from today's date to appeal this guilty plea and the  
4 sentence of this court. If you can't afford an attorney  
5 for an appeal, one will be appointed for you at no cost  
6 to you, but you must request it. Do you understand  
7 that, sir?

8 MR. RICK QUINN, JR.: Yes, ma'am.

9 THE COURT: All right. Do you want me to go  
10 through the colloquy as far as for Richard Quinn, Sr.,  
11 as well? My understanding is the presentation Mr.  
12 Pascoe wishes to make is to both of them. Is that  
13 correct?

14 MR. PASCOE: Yes, your Honor.

15 THE COURT: Mr. Pascoe?

16 SOLICITOR PASCOE: Yes.

17 THE COURT: Would you like for me to go through  
18 that as far as the corporation is concerned?

19 MS. BARBIER: That would be fine, your Honor.

20 THE COURT: And again, obviously, I understand that  
21 a corporation through a shareholder agreement has agreed  
22 to plead guilty, is that correct? to this one  
23 misdemeanor charge. Is that correct?

24 MS. BARBIER: That's correct, your Honor. I have  
25 submitted to the Court a corporate resolution

1 authorizing. It's been entered into by the shareholders  
2 and authorizing me to speak on the corporation's behalf.  
3 And of course, Mr. Quinn, Sr. is also here. So we're  
4 prepared to answer any questions the Court has.

5 THE COURT: All right. I appreciate that. And as  
6 their attorney, First Impressions, doing business as  
7 Richard Quinn & Associates, you've been authorized,  
8 obviously, to come forward and plead guilty.

9 MS. BARBIER: That's correct.

10 THE COURT: On the corporation's behalf.

11 MS. BARBIER: That's correct, your Honor.

12 THE COURT: All right. And they understand that  
13 they are subject to up to a \$2,500.00 fine for this one  
14 charge that they are pleading guilty to. Is that  
15 correct?

16 MS. BARBIER: They do, your Honor.

17 THE COURT: And the corporation understands they're  
18 waiving their right to a jury trial. And again, we've  
19 spoken about that at length, about the potential of a  
20 jury trial. And of course, they understand the rights  
21 that they are waiving by coming forward. Is that  
22 correct?

23 MS. BARBIER: That's correct, your Honor. They  
24 also understand they're waiving their right to have the  
25 indictment presented.

1 THE COURT: Thank you. And I appreciate you  
2 reminding me of that. Again, there has been a new  
3 indictment brought in this case. Originally, the  
4 indictments that were brought were against Mr. Quinn,  
5 Sr., individually. Those are all being dismissed, Mr.  
6 Pascoe, is that correct, as a result of this guilty plea  
7 of the corporation, correct?

8 MR. PASCOE: Yes, your Honor.

9 THE COURT: All right. All right. I'm going to  
10 accept the plea, obviously. You can go ahead and be  
11 seated.

12 MS. BARBIER: Thank you, your Honor.

13 THE COURT: All right, Mr. Pascoe.

14 MR. PASCOE: Ready for the presentation, your  
15 Honor?

16 THE COURT: Yes, sir.

17 MR. PASCOE: We have a PowerPoint, your Honor, and  
18 while we're turning it on, I'll point out that, since  
19 the Court has had an opportunity to already review the  
20 PowerPoint, and the defense has had an good opportunity  
21 to review it, I'll be able to go through it pretty  
22 quickly.

23 THE COURT: Okay.

24 MR. PASCOE: I won't have to hit all the slides to  
25 it.

1 THE COURT: Thank you.

2 SOLICITOR PASCOE: Yes, ma'am. Thank you for  
3 taking the time to read over it before we got started.  
4 Saved some time.

5 BY SOLICITOR PASCOE:

6 SOLICITOR PASCOE: As your Honor knows, this SLED  
7 investigation and the SLED file was completed back on  
8 December of 2013. In fact, it was four years ago from  
9 this week. And the defendant, Rick Quinn, was mentioned  
10 in that SLED file. Present in the courtroom today are  
11 SLED Chief Agent Mark Keel, a number of the agents that  
12 were involved in the case. And I want to express my  
13 appreciation to them for a great job they've done  
14 continuing this investigation, because had they not  
15 continued, quite frankly, there would have only been one  
16 prosecution in this case. They're the ones that  
17 continued to look into this matter.

18 Your Honor, with regards to First Impressions,  
19 Incorporated, which does business as Richard Quinn &  
20 Associates, what we're going to prove to you and show,  
21 and what we would have proven to a jury is that this is  
22 a family business. First Impressions was incorporated  
23 in 1976 by Richard Quinn. Rick Quinn has been the  
24 listed vice president since 1989. There are other  
25 companies, such as The Copy Shop, Capital Investments

1 under it. Mail Marketing Strategies was formed in 1995,  
2 not just by the defendant, Rick Quinn, but with his  
3 father, Richard Quinn, as well.

4 All of the businesses, your Honor -- and this is  
5 now Slide 3 -- under First Impressions operate as a  
6 single enterprise, and this is going to be very relevant  
7 as to Rick Quinn's involvement in the legislature. In  
8 fact, as far as First Citizens Bank is concerned, Mail  
9 Marketing Strategies does business as Richard Quinn &  
10 Associates, and Richard Quinn & Associates checks were  
11 routinely deposited in the Mail Marketing Services  
12 [[sic] account, as well.

13 Very briefly, again, since you've had an  
14 opportunity to look at this and you already know the  
15 law, just some of the statutes that are applicable to  
16 what the State would have proven that both -- Rick Quinn  
17 is guilty of committing under the misconduct indictment,  
18 because the misconduct indictment, your Honor, alleges  
19 that the defendant committed multiple acts or multiple  
20 violations of the Ethics Act, and these are the some of  
21 the Statutes, 8-13-1130 mandates that legislators must  
22 report all lobbyist principal money that his business  
23 receives. We would have proven at trial that the  
24 defendant failed to disclose over four million dollars  
25 of lobbyist principal money that his companies received.

1 Four million dollars since 2010. And actually, that  
2 number's probably closer to five million.

3 8-13-100 discusses the definition of businesses  
4 which you are associated with. 8-13-700(A), your Honor,  
5 it's unlawful for a legislator to use his office to gain  
6 an economic interest for himself or a business with  
7 which he's associated. We would have proven at trial  
8 that the defendant used his position, and that First  
9 Impressions, which entered a plea of guilty today, used  
10 Representative Rick Quinn to make money for that  
11 company. You're going to see a little bit of an example  
12 of that in just a minute.

13 8-13-700(B) mandates that all legislators are  
14 required to -- if they're required to make a decision  
15 which affects an economic interest of themselves or  
16 their businesses, they have to conflict themselves out.  
17 They also have to deliver a written statement to the  
18 presiding officer. And as we're going to show you, Rick  
19 Quinn didn't do that. Rick Quinn voted on legislation  
20 and lobbied on legislation for his clients up at the  
21 State House.

22 2-17-20, the final statute I have makes it illegal  
23 for a person or a corporation to lobby. One other  
24 statute under Section 2 that I inadvertently left out,  
25 your Honor, is that, of course, legislators are not

1 allowed to lobby at the State House. That is also an  
2 ethics violation, all of which would be encompassed in  
3 the misconduct indictment.

4 Slides 9 and 10 are the preamble to the Ethics  
5 Government Accountability and Campaign Reform Act, which  
6 you've already read. The defendant was in the House of  
7 Representatives when that preamble -- when that act was  
8 passed in 1991.

9 The defendant, Rick Quinn, Jr., your Honor, he had  
10 two -- he has two stints in the legislature. One was  
11 from 1989 to 2005, where he was the majority leader in  
12 1989 to 2005. From 1999 to 2004, he was the majority  
13 leader of the GOP caucus. He was re-elected to the  
14 legislature, and has served District 69 since 2010.

15 Rick Quinn has always maintained -- and this is  
16 very important, your Honor -- he has always maintained  
17 publicly that he has no interest in his father's  
18 company. He has no interest, quote, in his father's  
19 businesses. And that is very important, because if he  
20 did have an interest, then, he'd have been violating  
21 those multiple acts that I just went over with the  
22 Court, involving millions of dollars.

23 And I can tell you that without a doubt, that  
24 public statement by the defendant has been an absolute  
25 fabrication, an absolute lie to the public. The

1 defendant had to lie, because he did accept lobbyist  
2 money and he didn't report it, over four million  
3 dollars. He did lie to the legislators on behalf of his  
4 companies' clients, and he did vote as sponsor on  
5 legislation for his clients.

6 Slide 13, your Honor, is a letter both to and from  
7 the Ethics Commission back in 2002, to Director Herb  
8 Hayden, who would have been a witness for the State, an  
9 expert witness on ethics for the State.

10 Back in 2002, the defendant sent a letter to the  
11 State Ethics Commission where he said:

12 *I am a fully sufficient adult, living in*  
13 *my own home, not dependent on my parents in*  
14 *any way.*

15 He went on to say:

16 *For the past seven years, I have*  
17 *operated my own business and derived no*  
18 *pay from my father's company or agency.*

19 The very next line -- and I also want to point this  
20 out because it goes to criminal intent. The State  
21 Ethics Commission sent him a letter back, and they said,  
22 well, if all that's true, then you're probably okay, but  
23 you need to be leery of these statutes, which I just  
24 went over with the Court earlier.

25 The problem is, none of that's true. And this one

1 email, Slide 14, proves beyond any doubt that none of  
2 that's true. This is an email between Rick Quinn that  
3 he sent to his father, Richard Quinn, back on May the  
4 15th, 2012. And it proves how fraudulent the  
5 defendant's claims have been for over a decade.

6 In it, he complains of how the family business is  
7 giving him, *inconsistent pay scheduling*. He goes on to  
8 talk about:

9 *What I do for the family would have --*  
10 *you'd have to admit that I by far carry more*  
11 *than my weight.*

12 He continues to say:

13 *I get that all of you think I'm*  
14 *unreasonable about what has finally become*  
15 *an issue that I Will not tolerate anymore,*  
16 *but I need to know that I Will have consistent*  
17 *checks, and that my withholding Will be done*  
18 *correctly. Please let me know by Friday if*  
19 *it's an issue, because, if not, I Will find*  
20 *different employment.*

21 For over a decade he said he didn't work with or  
22 for his father. And just one email proves that that was  
23 a lie to the public. And he had to lie, your Honor,  
24 because of the multiple violations he was committing up  
25 at that legislature every single day.

1           And what really makes it disturbing are the talking  
2 points, Slide 15. Just less than a month after he's  
3 telling his father I'm going to leave the family  
4 business if I don't start getting consistent pay, a  
5 month later they get concerned that the press is going  
6 to start talking or ask Rick Quinn about his business  
7 relationship. And he gets his talking points, the same  
8 ones he's been using for over a decade:

9           *You should stress that you're not a*  
10           *consultant; your dad has a P.R. agency and*  
11           *works as a consultant, but does not lobby.*

12           I would point out that Richard Quinn & Associates  
13 has pleaded guilty to lobbying today.

14           *You don't work for your father; you own*  
15           *a mail house and invest in real estate.*

16           But there's more. We had testimony from witnesses,  
17 including legislators, who said that Richard -- that  
18 Rick Quinn, Jr. was the face of RQ&A at the legislature.  
19 We have the corporate resolution in 1989, which lists  
20 First Impressions, d/b/a Richard Quinn & Associates,  
21 Vice President, Richard M. Quinn, Jr.

22           We have a car loan application from 2014, very  
23 recent, where Rick Quinn, Jr. signs this car loan  
24 application as the president of Quinn & Associates; puts  
25 his RQ&A phone number; puts his RQ&A email address up

1 there, in 2014.

2 We have loan documents from the banks as early as  
3 2014 for Capital Investments, where Rick Quinn is listed  
4 as a co-owner of Richard Quinn & Associates. Testimony  
5 and bank records that proved that the employees for Mail  
6 Marketing Strategies, that company that Rick Quinn  
7 supposedly owns by himself, your Honor, every employee  
8 at MMS got their paycheck from Richard Quinn &  
9 Associates, First Impressions.

10 And yes, Slide 22, the defendant was the one  
11 employed at RQ&A that didn't get his paycheck from Mail  
12 Marketing Strategies, but usually, your Honor, there  
13 weren't enough funds in the MMS account to pay the  
14 defendant, so First Impressions would wire the funds  
15 every single month to Mail Marketing Strategies, so Rick  
16 Quinn could get his paycheck.

17 Why is that important? Because, as we've already  
18 talked about, if you own a company or you're involved in  
19 a company, you can't lobby for your clients and you have  
20 to report lobbyist principal money. Why do you have to  
21 report lobbyist principal money? So the people know  
22 whether you have their interest up at the State House,  
23 your Honor, or the interest of SCANA, AT&T, Palmetto  
24 Health, and USC. These are just some of the lobbyist  
25 principals that have paid Richard Quinn & Associates

1 since 2010, on Slide 23.

2 Slide 24, your Honor, that's just some of the money  
3 that the defendant, Rick Quinn, and the defendant,  
4 Richard Quinn & Associates, received since 2010, during  
5 the defendant's second stint in the legislature. SCANA,  
6 all those right there. Those, your Honor, along with  
7 the other totals that we didn't put in there, add up to  
8 over four million dollars that the defendant didn't  
9 report when he was a legislator.

10 There is no other legislator close to Rick Quinn in  
11 Columbia, none. This alone is egregious misconduct in  
12 office, not reporting this income, after I've just  
13 proven what we would have proven to the Court and to the  
14 jury that the defendant was an owner and an employee of  
15 Richard Quinn & Associates.

16 Your Honor, I'm going to talk about one thing prior  
17 to 2010, only because it's what got this investigation  
18 started, how the whole thing got started with SLED. It  
19 also goes again to the defendant's relationship with the  
20 family business, the First Impressions, Richard Quinn &  
21 Associates. It also goes to how, when this defendant,  
22 Rick Quinn, woke up in the morning, it was a total  
23 violation of the preamble. It wasn't about the service  
24 of the people. It was about service to his pocketbook,  
25 to his wallet.

1           From 1999 to 2014, the defendant was a majority  
2 leader of the republican caucus. We had testimony and  
3 evidence that the majority leader has total control over  
4 the caucus account, even over the Speaker of the House.  
5 It's incredible. Total discretion on how to spend that  
6 money.

7           Before 1999, before Rick Quinn was a majority  
8 leader, the family businesses there, MMS, RQ&A, and The  
9 Copy Shop, received less than \$400.00 from the GOP  
10 caucus. After the defendant became the majority leader,  
11 at his direction, from 1999 to 2004, approximately  
12 \$271,881.69 went to his family businesses. And the  
13 worst part of it is, it was totally undisclosed to the  
14 public. Before 1999, that money would have been taken  
15 out of the campaign account, but when the defendant  
16 became the majority leader, coincidentally, they started  
17 taking the money out of the operating account, and they  
18 stopped disclosing the operating account to the public.  
19 This was all secret money that the defendant funneled to  
20 his companies when he was majority leader.

21           Now, in fairness to the defendant, the Attorney  
22 General's Office believes this is not a crime. The  
23 defense was nice enough to share --

24                   LOUD, DISRUPTIVE NOISE IN COURTROOM.

25           THE COURT: Okay.

1 MR. PASCOE: Did you get all that from the  
2 beginning?

3 THE COURT: I don't think we need speakers anymore.  
4 I think we're all just going to talk out.

5 MR. PASCOE: And what I was saying, your Honor, is  
6 that the defense, they even presented me with a report  
7 from one of their experts, somebody that I have a lot of  
8 respect for, that they didn't believe this was a crime;  
9 it was a close issue, but not a crime. We had experts  
10 that disagreed. And quite frankly, I disagree; that I  
11 believe when you use your position a majority leader to  
12 send yourself over a quarter of a million dollars,  
13 that's in violation of those statutes that I sent you.

14 Now, your Honor, I'm going to just specifically  
15 talk about some of the lobbyist principals and entities  
16 that Richard Quinn & Associates and Rick Quinn worked  
17 for since 2010. Now, relevant to that indictment that  
18 he's pleading guilty to, misconduct in office and  
19 violating provisions of the Ethics Act, first -- and I'm  
20 just going to talk about some of them. There are  
21 dozens, more than -- close to a dozen more I could have  
22 listed, but we're just going to give you a idea of some  
23 of them.

24 First, the South Carolinians for Responsible  
25 Government, they paid Richard Quinn & Associates over a

1 quarter of a million dollars since 2006 through 2013; a  
2 lot of that money after 2010; every year after 2010.  
3 They are a registered lobbyist principal, and they were  
4 advocates, your Honor, for school choice.

5 Slide 17, your Honor, is an email exchange with a  
6 witness whose name I have blacked -- we have blacked out  
7 for now, because he is not in any trouble and he is a  
8 cooperating witness. We met with him, and he went over  
9 this email with us. That witness sent an email to  
10 Richard and Rick Quinn, and he told us it was because  
11 Rick Quinn worked at RQ&A. It wasn't because he was a  
12 legislator; it was because he was an RQ&A employee.

13 He said:

14 *Richard or Rick, Bill --*

15 and Bill is Bill Wilson, who was the president of  
16 the -- of this alliance.

17 *Bill Wilson must talk --*

18 and my eyes are getting bad, your Honor --

19 *-- at 9:45. Can you all do that? He*  
20 *has a choice issue.*

21 The witness told us, and it was corroborated by  
22 this email, Richard Quinn did not participate in the  
23 conversation, but Rick Quinn, on behalf of Richard Quinn  
24 & Associates, did participate in the conversation.

25 And here's the next email from our witness to

1 Richard Quinn:

2 *We got Rick.*

3 He says he met -- that they spoke with Rick Quinn.

4 *You may want to tell Bill --*

5 -- that being Bill Wilson, your Honor --

6 *-- and tell -- call Bill and tell him*

7 *you're working with Rick --*

8 -- meaning Rick Quinn --

9 *-- to get Bingham --*

10 -- Representative Kenny Bingham --

11 *-- on board with this. We need*

12 *Bingham solid.*

13 This email in itself proves Rick Quinn lobbied

14 under the legislature to get Kenny Bingham on board.

15 The defendant, Rick Quinn, sponsored this legislation.

16 And what we didn't put on here, and I verified it again

17 yesterday, Kenny Bingham also sponsored this

18 legislation.

19 AT&T, another lobbyist principal that paid money to

20 Richard Quinn & Associates from 2010 on to 2015, a

21 registered lobbyist principal.

22 This email on Page 29, your Honor, is one of dozens

23 I could have shown the Court to demonstrate the access

24 that Richard Quinn & Associates could give its clients

25 to legislators. There is no lobbyist in the state that

1 can summon legislators to their office and have their  
2 clients meet with those legislators, other than Richard  
3 Quinn & Associates.

4 And that is an email with -- asking Kenny Bingham  
5 and Rick Quinn to join them to meet at Richard Quinn &  
6 Associates to meet with the AT&T folks, one of those  
7 being Pamela Lackey, who's the president of AT&T.

8 Number Slide 30, your Honor, this email's to the  
9 president of AT&T where we get evidence from a witness  
10 that Rick Quinn is collaborating with AT&T to deal with  
11 Jim Merrill, Representative Jim Merrill's opposition to  
12 Senate Bill 277, which favored AT&T.

13 I want to talk about Jim Merrill for a minute,  
14 because he's very, very important. Jim Merrill is very  
15 different from this defendant. Jim Merrill did not  
16 lobby for his clients, certainly nothing like Rick Quinn  
17 did. The things -- Jim Merrill did not fail to report  
18 over four million dollars' worth of lobbyist principal  
19 money. Jim Merrill, your Honor, was nowhere near as  
20 corrupt as this defendant. In fact, where Jim Merrill  
21 learned some of the things he did, as he told us, was  
22 from this defendant, Rick Quinn and Richard Quinn &  
23 Associates.

24 Jim Merrill, very important, after he got indicted,  
25 never stood up in front of the press and called this a

1       witch hunt. Within a month or two of his being indicted  
2       -- and this is what Judge Hood said on the record as to  
3       why he gave Mr. Merrill a suspended sentence -- a  
4       suspended sentence, and why the State did not oppose the  
5       suspended sentence, your Honor. Within a couple of  
6       months of his indictment, Jim Merrill came forward in my  
7       office with the SLED agents, and without any kind of  
8       offer or plea whatsoever, met with them and gave a  
9       statement. He didn't even have a proffer agreement,  
10      your Honor. He came and cooperated on his own, because  
11      he wanted to do the right thing for a change.

12             And if it wasn't for Jim Merrill, a lot of this  
13      stuff, including Bill 277, we would have known nothing  
14      about it. When Jim Merrill came into our office, he  
15      told SLED about how the Bill 277 -- let me read the  
16      email, also, before I get started. It mentions -- and  
17      this is an email to Pamela Lackey, the president of  
18      AT&T:

19                     *Also, Rick --*

20                     -- meaning Rick Quinn --

21                     -- just told me Merrill has been working  
22      the bill. He is a problem. Rick and I are  
23      talking at 1:00 on how to deal with him.

24      How to deal with Jim Merrill.

25      Before we had these emails, this wasn't even on our

1 radar screen. AT&T was not even on our radar screen.  
2 Jim Merrill told us and told SLED that Richard Quinn  
3 tried to call him; that he didn't return Richard Quinn's  
4 Calls. Rick approach Jim Merrill and asked him to  
5 return his dad's call. Jim Merrill was then summoned to  
6 Richard Quinn & Associates, where he met with both  
7 Richard and Rick. Rick was in and out of the meeting.  
8 Richard Quinn told Merrill that he was opposing  
9 legislation favorable to RQ&A's clients. And the quote  
10 from Jim Merrill is:

11 *Richard Quinn said it had been difficult*  
12 *explaining why someone on the team had*  
13 *blocked the bill, and his client was worried*  
14 *Merrill would continue to block the bill.*

15 Because Mr. Merrill had earlier successfully  
16 blocked the bill.

17 Rick, during the meeting, pointed out that it would  
18 look funny if Merrill flipped positions too quickly and  
19 too hard, so Richard Quinn asked Merrill, in the  
20 presence of Rick Quinn, to just not participate. That  
21 is what Jim Merrill told us back in March. As a result  
22 of what Jim Merrill told us -- and again, I'm not going  
23 to go into everything Mr. Merrill told us, because he  
24 told us some things that Will continue on with this  
25 investigation with others, too. But as a result of

1 that, we asked for AT&T's emails. We subpoenaed them,  
2 and AT&T cooperated, and they gave us those emails. And  
3 lo and behold, Mr. Merrill, amazingly -- I couldn't  
4 believe this was an email out there -- but he was  
5 corroborated. The president of AT&T was asked by some  
6 of the employees, what's the deal with Merrill, why did  
7 he not put up much of a fight. And this is what the  
8 president of AT&T said:

9 *Quinns, having talked with him prior,*  
10 *told him to lose with dignity, but not do*  
11 *any harm.*

12 Judge, that's lobbying by a legislator and by a  
13 corporation for their clients, who were paying them  
14 hundreds of thousands of dollars.

15 The University of South Carolina, Slide 32, they  
16 paid Richard Quinn & Associates \$514,763.46 since 2010.  
17 I can't tell you through this investigation, nor can my  
18 SLED agents, what exactly Richard Quinn & Associates did  
19 for this money. I guess they did a lot of consulting,  
20 because there's not much discernable stuff that they did  
21 for USC, other than Richard Quinn and Rick Quinn are --  
22 excuse me -- Richard Quinn & Associates and Rick Quinn  
23 making sure that legislators would show up at Richard  
24 Quinn & Associates to meet with Harris Pastides, because  
25 President Pastides expressed an interest in having an

1 informal lunch with our political family.

2 On the next email, we have a lobbyist at USC who is  
3 using Rick Quinn -- and by the way, Rick Quinn is almost  
4 on all the emails with USC, because he's with RQ&A; he's  
5 doing work for USC. And here's the lobbyist at USC on  
6 Slide 34, talking about how he used Representative Rick  
7 Quinn to nail down the chairman of the Ways and Means on  
8 the House floor.

9 The next slide, 35, Rick Quinn, Jr. sponsoring  
10 amendments to legislation for USC, a lobbyist, who he  
11 gets paid money from, who he gets his dinner and bread  
12 and butter from. And there are dozens of emails from  
13 USC that are damning towards this defendant and all the  
14 lobbying he did for them.

15 Slide 36, your Honor, deals with InfiLaw. InfiLaw  
16 is not a lobbyist principal, but you may recall, back in  
17 2012, '14, and '15, they attempted to purchase the  
18 Charleston School of Law. And even though they're not  
19 allowed as principal, they're still not allowed to lobby  
20 for them. I'd point that out. This is another area  
21 where Mr. Merrill was very, very crucial. InfiLaw was  
22 never really on our radar screen either, but he's the  
23 one brought it up and told us what to look for.

24 He pointed out to us this evidence Will show the  
25 depth of Richard Quinn's lobbying -- Richard Quinn &

1 Associates' lobbying, Rick Quinn's working for RQ&A, and  
2 lobbying on behalf of InfiLaw.

3 On Slide 37, this is an Attorney General's opinion  
4 that was issued benefitting InfiLaw on May the 30th,  
5 2014. Now, one thing I forgot. Notice the date when  
6 InfiLaw started paying Richard Quinn & Associates. It  
7 was on May the 29th, 2014. That's when they started  
8 getting their pay.

9 We had a witness in our office a few weeks ago, who  
10 showed up, and we subpoenaed his text messages and he  
11 was nice enough to bring them in. He showed me his text  
12 message that he received on May the 31st, right after --  
13 the day this opinion was issued, where Richard Quinn  
14 sent him a text:

15 Yes --

16 -- and I didn't put the person's name, because he  
17 hadn't been questioned yet.

18 *Yes, the Attorney General's Office*  
19 *employee issued it yesterday morning as a*  
20 *favor to me.*

21 That is evidence of lobbying a government agency.

22 This opinion, your Honor, along with Senator John  
23 Courson's letter, successfully delayed CHE's vote on  
24 InfiLaw's license, which is what Richard Quinn &  
25 Associates was hired to do. Richard Quinn & Associates

1 drafted the letter for John Courson to sign.

2 This next slide is Rick Quinn's involvement,  
3 because he is an employee at Richard Quinn & Associates.  
4 He is an officer of Richard Quinn & Associates. He is a  
5 boss. We put up witnesses who testified that he was a  
6 boss at Richard Quinn & Associates.

7 And these are the things that Rick Quinn agreed to  
8 do for InfiLaw: talk to James Smith regarding the  
9 willingness of Dylan Goff to serve on the Committee for  
10 Higher Education, your Honor. That would be lobbying.  
11 Trying to stack the CHE so InfiLaw can get the vote.  
12 That's what Rick Quinn agreed to do on behalf of Richard  
13 Quinn & Associates.

14 These final slides, your Honor, these next slides,  
15 and there are only a few left, demonstrate not only the  
16 corruption on the part of Rick Quinn and Richard Quinn &  
17 Associates, but their contempt for this process and  
18 their attempts to influence the investigation, and  
19 attempts to influence the judiciary through the media.

20 This email on Slide -- is that already -- which  
21 slide is that? 40? Yes, that's Slide 40. As I've  
22 already mentioned, the final SLED report on Bobby  
23 Harrell named Rick Quinn and prompted this  
24 investigation. And that was filed on December 5, 2013.  
25 This is an email, your Honor, back in July of 2014,

1 where Richard Quinn and Rick Quinn, both of RQ&A, are  
2 drafting a press release for the Attorney General's  
3 Office on this matter against Bobby Harrell. The  
4 defendant who's mentioned in the SLED report is helping  
5 to draft a press release for the Attorney General's  
6 Office.

7 SLED -- excuse me. 41, this is an email between  
8 the Attorney General's Office and Richard Quinn, which  
9 was three weeks after I told the Attorney General -- and  
10 this is all public knowledge -- three weeks after I and  
11 Chief Keel informed the Attorney General's Office that  
12 Rick Quinn needed to be investigated because of that  
13 SLED report, and they already knew about that. And yet,  
14 the father of the defendant is still writing press  
15 releases for the Attorney General's Office, so good that  
16 the AG's Office employee said that they don't need any  
17 edits.

18 Slide 42, your Honor -- make sure I got -- on  
19 October the 27th, 2014, the Attorney General asked Rick  
20 Quinn & Associates to assist him in drafting a letter to  
21 remove me from the case. A year after -- and well,  
22 weeks after I told them that Rick Quinn needed to be  
23 investigated, after SLED told them that he needed to be  
24 investigated, and they're getting Richard Quinn &  
25 Associates to draft a letter to remove me from the case.

1 And they obliged with Slide 43 with that letter to take  
2 me off the case.

3 And it doesn't end there. There are attempts to  
4 influence this investigation through the media and  
5 bragging about it to friends. In an email, Rick Quinn  
6 was sent an email that was an editorial going after the  
7 circuit court judge in the Bobby Harrell case, and  
8 trying to influence the decision in this case. I don't  
9 mean to hurt the media's feelings, but I don't think  
10 they realize judges don't pay a lot of attention to  
11 what's put in the papers.

12 But anyway, there was an editorial about it, and  
13 the email to Rick Quinn says:

14 *All the critical points I tried to make*  
15 *yesterday, and done in dazzling fashion by*  
16 *Cindi, below, obviously, she's been well*  
17 *briefed by Bob Cook.*

18 Of the Attorney General's Office.

19 Rick Quinn sends back an email:

20 *And others. Smiley Face.*

21 He is in the report, and he's bragging and joking  
22 about influencing the media on this investigation.  
23 There's nobody in Columbia like Rick Quinn. And nobody  
24 can compare him to Jim Merrill, Bobby Harrell, Robert  
25 Robbie Core (phonetic spell), Ken Ard, or anybody else.

1           In this final slide, your Honor -- this is the  
2           final slide that I have for you -- just really shows you  
3           and demonstrates the heights of hypocrisy that they  
4           have. My eyes are so bad, I can read it better from  
5           here. This is an email that the defendant and his  
6           father, Richard Quinn, came up with on a -- for a quote  
7           in the media about Bobby Harrell's guilty plea and his  
8           convictions. And Representative Quinn's quote is:

9                       *The greatest lesson in this tragic*  
10                      *saga is that power corrupts. We should keep*  
11                      *this lesson clearly in mind.*

12           And why can he make quotes like that? Because they  
13           were in touch with him. I think those last four or five  
14           slides I showed you is evidence as to why they thought  
15           they were in touch with him.

16           Your Honor, I want to thank you for your patience  
17           as I went through these slides, but I wanted to give you  
18           an idea of the depth that we're dealing with. Sure, he  
19           can do his limited allocation, but he's indicted for  
20           misconduct in office. He's indicted for multiple  
21           violations of the Ethics Act, which I've gone through.

22           And I would ask the Court to take into  
23           consideration that he won't accept responsibility for  
24           any of this and more.

25           I said it before, your Honor, I told the Supreme

1 Court this, I did not want this case. SLED and I tried  
2 to get the Attorney General's Office in October of 2014  
3 to take it. Now I know why they didn't want to take it.  
4 We tried on multiple occasions to try to get the United  
5 States Attorney's Office to take it, and they said, no  
6 thanks.

7 Judge, Richard and Rick Quinn, they do deserve  
8 credit. They deserve a lot of credit for being in this  
9 courtroom and finally pleading guilty to something.  
10 Because I'm going to tell you this, one of the reasons I  
11 took this plea is these two trials would have been well  
12 over ten weeks. In fact, Mr. Gasser and I were talking  
13 about probably twelve to fourteen weeks. And it would  
14 cost my office at least a half a million dollars to try  
15 this case. At least a half a million dollars. If not  
16 more.

17 So I had a hard time deciding on whether I wanted  
18 to accept this offer, because I think it's a tremendous  
19 offer by the State. I'm going to get a little bit out  
20 of it, especially next month. But it's a tremendous  
21 offer that we provided for this defendant.

22 But I would ask that you consider they got their  
23 break, as the defendant Rick Quinn doesn't have to plead  
24 guilty or face a conviction for fifteen years, and  
25 Richard Quinn doesn't have to face a conspiracy charge,

1 as well. I'd ask that you consider that.

2 I only agreed to this plea agreement after  
3 consulting with Chief Keel and SLED, my office, and  
4 other solicitors, like Kevin Brackett that I trust a  
5 lot. And there are a lot of reasons why I did it, but  
6 the most important reason I did it is, I believe that  
7 after four years -- I started off telling you, this  
8 investigation when SLED started, ran four years ago with  
9 a report. After four years, I think the people need to  
10 see what's been going on up there in Columbia, and  
11 there's been no one more corrupt than Rick Quinn in  
12 Columbia, South Carolina. And no entity more corrupt  
13 than Richard Quinn & Associates.

14 This is not a legislator, let me tell you. I would  
15 ask you to take into consideration what the defendant  
16 told John Monk: power corrupts. And I assure you,  
17 there is not a legislator who could consciously  
18 duplicate the level of this corruption that Rick Quinn  
19 has displayed in the last decade. And I'd ask you to  
20 send a message, not to the legislature -- most of the  
21 legislators I know, they're up there to do the right  
22 thing. I ask you to send a message to Rick Quinn by  
23 giving him every day of that year.

24 Again, thank you for your time.

25 THE COURT: Mr. Pascoe, I need you to explain to me

1 in more detail why, other than the money and the cost to  
2 the state in a trial, because we all know and recognize  
3 that this investigation has exceeded what it started as.  
4 Additionally, the cost to the State has already been  
5 great. Why are you, if the evidence is as damning, in  
6 your words, and extensive against Rick Quinn and Richard  
7 Quinn, as you said here in a PowerPoint, which are your  
8 allegations, why are you allowing them to plead guilty  
9 to Richard Quinn pleading guilty, and not even he's  
10 pleading guilty, the corporation is pleading guilty.  
11 There's no personal liability as to Richard Quinn. As  
12 to Rick Quinn, one count, the misdemeanor misconduct in  
13 office. I mean, why have you dismissed all the charges  
14 after four years?

15 MR. PASCOE: Richard Quinn is going to testify  
16 before the grand jury next month, and we're going to  
17 find out a lot next month. And if he doesn't tell the  
18 truth, he's going to get indicted for perjury, which  
19 carries as much as those indictments he's charged with.

20 THE COURT: So you believe he has so much more  
21 information --

22 MR. PASCOE: Absolutely.

23 THE COURT: -- that is more valuable than to go to  
24 trial and, again, expose them to what, potentially, you  
25 say you can prove at trial.

1 MR. PASCOE: We know he does, your Honor. And we  
2 know he does from some of the witness that have already  
3 corroborated and some of the witnesses I've talked about  
4 today. We know that. And he's going to have an  
5 opportunity to come in and tell the truth next month.

6 On Rick Quinn, I think a year in prison Will be  
7 enough of a message in this case. Furthermore, I Will  
8 point out, you're right, I never let money -- I try  
9 never to let money get in the way of an investigation.  
10 Our office has already spent hundreds of thousand of  
11 dollars. You know, I have not got -- I don't know if  
12 you know this. I have not gotten a dime of money from  
13 the State for this case.

14 THE COURT: Your office.

15 MR. PASCOE: My office, yes, ma'am.

16 THE COURT: Your office.

17 SOLICITOR PASCOE: And my office has a budget of  
18 three million dollars? Can you imagine what \$500,000.00  
19 would do? So that's a sixth of my budget. Those were  
20 factors as to why we considered this plea. And again, I  
21 think that a year in prison or close to a year in prison  
22 and resignation from office is enough of a message to  
23 this defendant. And Richard -- and I think I answered  
24 your question.

25 THE COURT: Thank you. I appreciate it.

1 MR. PASCOE: Thank you. Thank you, your Honor.

2 THE COURT: Thank you, Mr. Pascoe.

3 Would you like to go ahead and answer on behalf of  
4 your client for me, please.

5 BY MR. GASSER:

6 MR. GASSER: May it please the Court, your Honor.  
7 I think, you know, obviously, having been on that side  
8 for over twenty years as a state and federal prosecutor,  
9 you know, one of things a prosecutor's never going to  
10 acknowledge, particularly in the colloquy that you just  
11 had with him is, is one of the reasons this is being  
12 done is because of the weakness in their case. I mean,  
13 no prosecutor would ever speak out on that. No  
14 prosecutor would ever admit that. But I can assure you  
15 that one of the reasons why we would not have taken any  
16 sort of negotiated sentence anything short of what we're  
17 doing right now is because we have recognized, Mr.  
18 Harris, who is not here, Mr. Richardson, Ms. Barbier and  
19 I, over the last two years, while we hired experts,  
20 while we reviewed this and consulted with experts, a  
21 significance weakness in Mr. Pascoe and SLED's case. I  
22 mean, a profound weakness in many, many areas.

23 What this PowerPoint shows, Judge, is that they  
24 have taken emails and they have taken documents spread  
25 out over a period of years; and then they have used what

1 they believe to be is their context for their hearing of  
2 their case. I mean, these are emails and these are  
3 statements and these are documents that are spread out  
4 over years. And he has speculated -- he put this in  
5 front of you. There are no witnesses for us to cross-  
6 examine. There are no documents for us that have been  
7 used to cross-examine witnesses. We don't have the  
8 opportunity to call witnesses and to present to you  
9 expert testimony, experts from lawyers. And I'm going  
10 to get to that, what we would have presented.

11 But I just want to start my comments to you as, to  
12 put it in the context that's reality, which is we don't  
13 have the ability to cross-examine, and we don't have the  
14 ability to offer our own experts. And the problem with  
15 this case is that there are significant and glaring  
16 weaknesses and holes in the theories of their case. And  
17 we have -- like he said, one of the most prominent  
18 lawyers in the State of South Carolina shared, looked at  
19 this, and said, all of what he just told you in a crime  
20 regarding Richard -- Rick Quinn's caucus activities and  
21 sending money to his business, he said, that's not a  
22 crime; it's a close call; it's not a crime. It's not  
23 even an ethical violation.

24 One of the top legal minds in this state. And he's  
25 not the only one I'm going to share with you. That's

1 the problem. He tells you that they got this evidence,  
2 oh, and by the way, Judge, it's a violation of the  
3 Ethics Act. But that's their opinion. The fact of the  
4 matter is, there are ethics' opinions; there are House  
5 ethics' opinions; there are letters, there is a State  
6 Ethics Commission of opinion, and there's an Attorney  
7 General's opinion, and I'm going to get to all that.  
8 But the point is, one of the reasons why they offered  
9 this deal, and the only reason why -- we'll get to that  
10 -- the only reason why we accepted this deal is because  
11 there are glaring weaknesses in their case, and so much  
12 of what they just presented is simply not true, and is  
13 explainable. He made the same PowerPoint presentation  
14 about four or five weeks ago, and we appreciated that.  
15 And he's been very transparent, Solicitor Pascoe and his  
16 whole team and the SLED agents. And we've been very  
17 transparent with them, as well, sharing information.  
18 And that's actually one of the positive things that  
19 would come out of this investigation, because it is an  
20 adversarial process. But they have been very  
21 transparent in what they've shared with us.

22 And they shared this with us. And Mr. Richardson  
23 and myself and Mr. Harris, we took copious notes. And  
24 Mr. Pascoe and his staff gave us all the time in the  
25 world in his office and answered all of our questions.

1 And we were able to bring our notes back and share those  
2 with the documents they had. We had these documents  
3 with our experts and with the people that we have  
4 consulted with and other lawyers that we've consulted  
5 with that are friends of Rick Quinn or want to help him.  
6 And we have explanations for all of this.

7 Now, I'm not going to waste this Court's time and  
8 spend the next 45 minutes to an hour going through slide  
9 by slide with an explanation. I hope you accept the  
10 fact that we do have explanations; that this is all --  
11 these many thousands of emails, thousands of emails, and  
12 all of the witnesses that have been interviewed, and the  
13 thousands of documents, he takes a page here and page  
14 there and a page here, and he concocts it together and  
15 presents this what he wants you to believe and what you  
16 can believe, depending if you don't have -- you know, if  
17 you're not looking at it totally objectively, a  
18 compelling reason, and there's the demonstration, that  
19 Rick Quinn is this horrible human being, is publically  
20 corrupt.

21 And let me just point out a few things before I go  
22 into my organized notes. He said first of all that he  
23 benefitted over four million dollars he did not  
24 disclose. Well, you only believe that if he had a duty  
25 to disclose. And what our experts would have said,

1 looking at this evidence, is that there is no evidence  
2 that Rick Quinn was an employee of Rick [[sic] Quinn &  
3 Associates. He wasn't an employee. He wasn't an agent  
4 or listed as an agent. He wasn't an owner.

5 We have a business law professor who's been working  
6 with us for months that have looked at all of this  
7 evidence; that have looked at the business operation  
8 model of all of these businesses; that is an expert and  
9 teaches on business ethics; and he's got an expertise on  
10 multiple family-owned businesses. And he was going to  
11 explain to the judge and he was going to explain to the  
12 jurors how this is actually not unusual. You see this  
13 in family-owned businesses across the country. And you  
14 see this type of overlap and this type of communication  
15 and the type of language that's used. But as long as  
16 there's not --

17 You know, one of things is, is you look to the  
18 money. You follow the money. And that's why we hired a  
19 forensic account. Our forensic accountant we hired is  
20 hired by law firms throughout Columbia. Big law firms,  
21 medium-size law firms, criminal defense lawyers in a lot  
22 of federal cases. He was a federal IRS audit agent for  
23 26 years. He has looked at the books. He has looked at  
24 the books of all of the companies. He has followed the  
25 money. And he has looked at the evidence, and he has

1 interviewed the witnesses, the Quinn family. And he had  
2 -- he would have had an explanation for the jury on all  
3 of these entries, on all of them. Where the money's  
4 coming in; whether it's MMS money, Mail Marketing  
5 Strategies's money.

6 That email, Slide 14 that he talks about, that he  
7 says proves it without a doubt, that's Rick complaining  
8 about not getting two Mail Marketing Strategy paychecks.  
9 He missed two paychecks in two months. That's what that  
10 email's about, and it could have been easily explained  
11 by multiple witnesses. But if you just drove up there  
12 at a PowerPoint, and you put your own context in it, it  
13 doesn't tell the whole story.

14 And I could go on and on and on. But the point is,  
15 he did not have to disclose the money that RQ&A received  
16 from Richard Quinn's corporate clients because he was  
17 not an employee, owner, or agent of RQ&A, so there's no  
18 reason to disclose it. And our experts on ethics  
19 actually further said he wouldn't have had to disclose  
20 it. He didn't have to disclose if he wasn't a member,  
21 if he wasn't an owner.

22 The slide that says Rick Quinn, Jr. voted and  
23 lobbied on legislation up at the State House, those  
24 remarks? There was evidence of fifteen times he recused  
25 himself on legislation involving his father's clients.

1 The recusals are evidence. We have that evidence.  
2 Fifteen times he recused himself. And he -- also, he  
3 got legal advice that, in the law in the case, if it's  
4 legislation involving a large class exemption, meaning  
5 legislation that's going to implicate a huge number of  
6 individuals, he doesn't have to -- he doesn't have to  
7 recuse himself. The law is clear on that. He's the one  
8 that sought out that legal advice. And he never did, he  
9 never -- he did not vote on legislation when it involved  
10 his father's -- when it involved his father's clients.

11 Slide 15 re-affirms the truth. That email's  
12 showing that you are not an employer. I mean, there's  
13 an email he used that said it proves his guilt, and it's  
14 stating that you are not an employer or a consultant of  
15 RQ&A. That's what the email says, and we agree with  
16 that email.

17 The email concerning the car loan, that was a car  
18 loan extension. He first got the car loan when he  
19 wasn't in the legislature and he was an employee, a  
20 limited employee of RQ&A. And he was calling to  
21 determine whether or not to get an extension. He talked  
22 with an individual there whether or not to get an  
23 extension on the car loan. So that person, on his own,  
24 decided to re-do the paperwork, and used the same  
25 information, information that was wrong, but he used the

1 same information without Rick's knowledge, without  
2 Rick's signature. And the loan never even went through.  
3 The first time Rick saw that document is during this  
4 investigation. He never knew it existed. He didn't  
5 talk to the guy. He never talked to him. So there's an  
6 explanation for that.

7 There's an explan -- they never went and  
8 interviewed him. SLED never went and interviewed that  
9 witness. They got the document. They never went and  
10 interviewed the witness. To explain, I just used the  
11 same information in this year, and the year was he  
12 wasn't a member of the legislature. And that's what I  
13 mean by we don't have the opportunity to fully present  
14 that, but that was critical, because they were relying  
15 on it.

16 Concerning the -- they put up testimony that Rick  
17 Quinn is the face of RQ&A. You know who that is? You  
18 know who that is, Judge? That's Thad Viers. Thad  
19 Viers, a convicted stalker, a legendary dropper of the N  
20 word. Thad Viers, that's who they're relying on in that  
21 testimony. Thad Viers doesn't even have the credibility  
22 of Jerry Springer. And we're supposed to use his  
23 testimony, a convicted stalker?

24 You know, ten years ago there was an incident, ten  
25 years ago there was an incident, and he was quoted in

1 public as saying to Rick Quinn, *I'm going to get you;*  
2 *somehow, I'm going to bring you down.* And we have ten  
3 witnesses to that that we would have called to this  
4 trial. They're relying on Thad Viers and the  
5 credibility of Thad Viers. And is that fair? And  
6 they're relying on Thad Viers and asking you to put Rick  
7 Quinn in prison.

8 Concerning the InfiLaw, that InfiLaw Kevin Hall's  
9 to do list? when Rick Quinn saw that -- first of all,  
10 when he talked to Kevin Hall -- and Kevin Hall will tell  
11 you this. Kevin Hall will tell you this. When Kevin  
12 Hall first asked his help, InfiLaw was not a client of  
13 Richard Quinn & Associates. Months before InfiLaw  
14 became a client. When Rick Quinn found out he was a  
15 client and Kevin Hall sent that email, he immediately  
16 called Kevin Hall, and said, *I can't do this, Kevin, I*  
17 *can't do this; InfiLaw's a client of my father's.*

18 Kevin Hall acknowledged that. He acknowledged that  
19 to my law partner, Greg Harris. That's when he -- he is  
20 correct; I was wrong; I didn't realize that; I never  
21 should have sent that email. But that's not in that  
22 presentation. And Greg Harris, of course, he talked to  
23 Kevin Hall about that, an officer of the court.

24 Concerning all these Attorney General slides, Rick  
25 Quinn is included in all those slides, but they're not

1 being generated by Rick Quinn. I mean, the first slide  
2 they use showing that Rick Quinn is a member of First  
3 Impressions, they said Rick Quinn is listed as vice  
4 president since 1989. They put that on a slide. They  
5 reference it. They want you to believe, oh, my God,  
6 Judge, if I'm sitting there in your shoes, I'm seeing,  
7 and this was the vice president in 1989? You know what  
8 document that is? You want to know what document that  
9 is? That is a check-writing card. He was 23 years old,  
10 and he was an employee, and he was vice president, and  
11 as vice president, he could sign his name on RQ&A  
12 checks. Banks don't destroy those. Whether he -- he  
13 was an employee, then he wasn't an employee. Then he  
14 was an employee, then he wasn't an employee. And the  
15 banks are going to go back and just destroy those  
16 documents? But that's the explanation. It's a check  
17 card in 1989. A check-writing authorization card.

18 We could go on and on and on, but what this really  
19 comes down to, Judge, is all of this evidence, there  
20 were four categories that they claimed Rick Quinn  
21 violated ethic's laws -- that he violated the law. And  
22 they want you to put him in prison for that. We  
23 categorically and absolutely deny, absolutely deny,  
24 other than the admission of the failure to disclose that  
25 the USC rental, the rental money in USC when they were

1        paying rent to Capital Improvements [[sic], because that  
2        year the Capital Improvements relieved Rick having to  
3        pay down on the mortgage note. He did not do that in  
4        2015, and they acknowledge looking back that he should  
5        have disclose that. All he had to do -- all he had to  
6        do was file an amendment to say, hey, Capital  
7        Improvements received this money and I got a financial  
8        benefit that year; I just need to disclose that. That's  
9        what -- that's the crime that Rick Quinn has admitted to  
10       in this court today.

11                But basically, it all comes down to four groupings:  
12       Rick Quinn's caucus activities; his campaign accounts;  
13       that Mail Marketing Strategies and RQ&A are one in the  
14       same; and Rick Quinn's, with his role as a legislator,  
15       claiming he was lobbying as a legislator. Those are the  
16       four areas in which all of these criminal allegations  
17       really fall under.

18                So I'm briefly going to talk about Rick Quinn's  
19       caucus activities. And I appreciate Mr. Pascoe. I  
20       appreciate his candor and his honesty when he tells you  
21       that about the letter that we got from the top lawyers  
22       in South Carolina, that we got from them, and then we  
23       provided to Mr. Pascoe, and he simply says I just  
24       disagree with that lawyer. Which, Judge, there's also a  
25       House Ethics Committee opinion dated October the 12th,

1       2015. Now, before Rick Quinn did this, he talked to  
2       many lawyer friends of his, both democrats and  
3       republicans.

4             Many lawyer friends of his to make sure he could do  
5       it. And that would have been part of our defense, our  
6       reliance to this. He got verbal legal advice that,  
7       Rick, I've looked at it, and it appears that you can do  
8       this; apparently, you have the right to; there's no law  
9       out there to say you can't do it. But when this  
10      investigation was ongoing, he wanted to be proactive.  
11      So what Rick printed is he sent a request to the House  
12      Ethics Committee asking this:

13                    *Is there a violation of South Carolina*  
14                    *Code 8-13-700 when an officer or a member*  
15                    *of a house legislative caucus refers caucus*  
16                    *business to himself or to a business with*  
17                    *which he is associated and from which he*  
18                    *makes a profit?*

19             That's exactly why Mr. Pascoe's saying he's a  
20      criminal; that he did that. And Rick Quinn did that.  
21      Rick Quinn did that exact same thing after he got legal  
22      advice saying he did it. But during this investigation,  
23      that's the question. I'm reading this from the actual  
24      advisory opinion, your Honor, Opinion Number 2015-2.  
25      Their first initial executive summary:

1                    *It is not a violation.*

2                    I repeat --

3                    *It is not a violation of Section 8-13-700*  
4                    *or any other portion of the Ethics Government*  
5                    *Accountability and Campaign Reform Act of 1991*  
6                    *when an officer or member of a house*  
7                    *legislative caucus -- the caucus refers caucus*  
8                    *business to himself, herself, or a business*  
9                    *with which the officer or member of the caucus*  
10                    *is associated, and from which he or she makes*  
11                    *a profit.*

12                    What he did, according to the House Ethics  
13                    Committee, made up of esteemed lawyers, and which all  
14                    these lawyers, republicans and democrats, have this  
15                    opinion. That's their opinion, too. Those would have  
16                    been -- we would have called those witnesses and put  
17                    this advisory opinion in front of them.

18                    Beth Bernstein, Mike Gambrell, Jenny Horne, Murrell  
19                    Smith, Leon Stavrinakis are all that ethics committee.  
20                    All of them. And that was their opinion. And they even  
21                    -- they even put in their conclusion:

22                    *Section 8 -- Section 8-13-700(A) would*  
23                    *not apply to the activity of a member of the*  
24                    *House who is also a member of the legislative*  
25                    *caucus and who earns income from doing*

1           *business with that caucus. A house legislative*  
2           *caucus does not constitute an official officer*  
3           *for purposes of the Act. Furthermore, a caucus*  
4           *member would not be using his or her office as*  
5           *a member of the House of Representatives to*  
6           *gain a economic benefit from a contract with*  
7           *the state or its subdivisions.*

8           *The caucus does not qualify as a*  
9           *governmental entity for purposes of the Act's*  
10          *disclosure requirements.*

11          He's saying that he disclosed. And the House  
12          Ethics Committee is saying he did not have to disclose,  
13          not an ethical violation, not a legal violation.

14          *Therefore, a caucus member would not*  
15          *violate Section 8-13-700(A), or any other*  
16          *portion of the Act, by engaging in a*  
17          *transaction with the caucus.*

18          Adopted October 12, 2015.

19          But it doesn't stop there. It doesn't stop there,  
20          because Mr. Pascoe himself, while he was investigating  
21          this matter, asked the Attorney General's Office for an  
22          Attorney General's opinion on these same issues. And on  
23          December the 11th, 2015, Bob Cook, the senior research  
24          attorney at the Attorney General's Office, who has  
25          written thousands of Attorney General's opinions over

1 the years, Bob Cook sent Solicitor Pascoe a letter, an  
2 Attorney General's Office opinion:

3 *Your questions are as follows:*

4 *Whether it is a violation of South*  
5 *Carolina law for a member of the General*  
6 *Assembly to pay for campaign services*  
7 *performed by a business in which the*  
8 *member or a member of the member's family*  
9 *has an economic interest; whether it is*  
10 *violation of the South Carolina majority*  
11 *leader to cause or influence the House*  
12 *Legislative Caucus to hire and pay a*  
13 *business in which the majority leader has*  
14 *an economic interest.*

15 He starts off the letter -- and your Honor, in one  
16 of the first paragraphs:

17 *Based upon extensive analysis set forth*  
18 *below, it is our opinion that a court would*  
19 *likely conclude that the answer to your*  
20 *questions is no.*

21 He then single-spaced 46 pages, single-space, 46  
22 pages; lays out the legal analysis why what Rick Quinn  
23 did, because all that is exactly what Rick Quinn did.  
24 It is not a violation of the law.

25 *That is our opinion that based upon the*

1           *information provided, the answer to each of*  
2           *your questions is no.*

3           Now, your Honor, we're all lawyers here, every one  
4           that's involved in this process. And one of the things  
5           for a person in this country to be convicted of a crime  
6           is there has to be criminal intent; it has to be willful  
7           and criminal intent to violate the law. In the  
8           overwhelming majority of statutes, including these  
9           statutes, you've got the House lawyer saying, House  
10          Ethics lawyer, saying it's not a crime. You got lawyers  
11          advising Rick Quinn before he did it that it's not a  
12          crime. You've got an Attorney General's Office opinion  
13          saying that what he did with the witness caucus and the  
14          money he made is not a crime. And yet, the government  
15          wants for you to reject all that and just somehow say,  
16          well, you know, I think it's a crime, too, and I'm going  
17          to put him in prison over it.

18          All these other lawyers, and you've got advice that  
19          it wasn't a crime, is that really how we operate? Is  
20          that how we should operate? That some lawyers say this  
21          is a crime. This is not -- is it a crime to traffic in  
22          cocaine or not? Well, I've got a lawyer telling me it's  
23          not a crime to traffic in cocaine. Is it a crime to  
24          have sex with a fourteen-year-old? Well, I got a lawyer  
25          telling me it's not a crime. The Court is not that

1       absurd. Everybody knows and every lawyer knows it's a  
2       crime to traffic in cocaine. And every lawyer knows  
3       it's a crime to have sex with a fourteen-year-old girl.  
4       But these are issues that are subjective. These are  
5       very, very subjective, and he went out of his way to get  
6       legal advice before he did it and after he did it. And  
7       the advice that he has received, that we have received  
8       from our experts, as he insisted, that it's not a  
9       violation of the law. And we ask you, your Honor, not  
10      to consider that. Not to consider that in your  
11      sentence. He hasn't admitted to it, and they presented  
12      it, but we believe it's not a violation of the law.

13             And I'll be quick, your Honor, because that's the  
14      most time I've been spending on any one issue.

15             As to the campaign accounts, your Honor, we've got  
16      the same thing. We have two letters. One letter, your  
17      Honor, is on May the 9th, 2016. Again, this is from  
18      Jane Shuler, General Counsel to House Ethics Committee.  
19      In January of 2016, Greg Harris and Matthew Richardson  
20      gathered and collected and turned over to Mr. Pascoe and  
21      SLED agents four years' worth of campaign records,  
22      expenditures, invoices, all the records for over a  
23      period of four years. We provided those records to SLED  
24      and the prosecution team. We then did the same thing,  
25      and we provided the same information to the House Ethics

1       Committee. On May the 9th, Jane Shuler sent a letter to  
2       Rick Quinn concerning the audit, because they did an  
3       audit of Rick Quinn's campaign expenditures and invoices  
4       for four years.

5                *On April 25, 2015, I audited your*  
6                *campaign disclosure records from January 10,*  
7                *2012 through April 10, 2016. Thus, this*  
8                *audit covered four years and one-quarter of*  
9                *your campaign disclosures. For the audit,*  
10               *you provided me with your campaign bank*  
11               *records, copies of expenditure invoices,*  
12               *contribution checks, as well as your deposit*  
13               *slips. I personally commend your filer,*  
14               *Rebecca Mustian, for the organization*  
15               *of your records.*

16       It goes on to list some of the amendments and some  
17       -- a list of amendments, and it goes on to list certain  
18       things and items and certain reports. The most  
19       important thing about this letter is what it doesn't do.  
20       Here's the general counsel of the House Ethics Committee  
21       that did an audit of four years' worth of his campaign  
22       records, and she did not find inappropriate  
23       disbursements; she did not find any violations of any  
24       ethics laws. She did not refer any issue involving his  
25       campaign records to a law enforcement authority. She

1 found no irregularities, your Honor. And that is the  
2 General Counsel, Ms. Shuler, who we all know, of the  
3 South Carolina Ethics Committee.

4 Then, on July the 20th, 2016, the State Ethics  
5 Commission issued an opinion. The question was:

6 *Is it a violation of South Carolina law*  
7 *8-13-1348, or another provision of the*  
8 *Ethics Act, for a candidate to use campaign*  
9 *funds to pay for services performed by a*  
10 *candidate's business, a family business, or*  
11 *a family member? And having determined that*  
12 *it is not -- it is not -- it is not, per se,*  
13 *impermissible, the Committee acknowledges that*  
14 *using campaign funds or services rendered by*  
15 *a candidate's business, a family business, or*  
16 *a family is a practice susceptible to abuse.*  
17 Well, obviously.

18 *Accordingly, this general statement of*  
19 *permissibility comes with several caveats,*  
20 *the paramount one being that the expenditures*  
21 *must be bonafide.*

22 Okay? Which, obviously, it's got be justified. We  
23 all know that. That's why this letter, in conjunction  
24 with Jane Shuler's letter, taken together, demonstrate  
25 that with four years of his campaign account money, that

1 the money that was going to his businesses, his campaign  
2 money was also going to his businesses, was bonafide.  
3 There were no irregularities. And quite frankly, that's  
4 what our forensic accountant has determined. That's the  
5 type of experts that we would have presented to you.

6 Regarding this idea, this allegation, that Mail  
7 Marketing Strategies and RQ&A is just one in the same,  
8 your Honor, we, again, have this business law profession  
9 who has looked at the entities and Will be able to  
10 explain, and Will be able to use charts to explain that  
11 they are different entities. Capital Investments II,  
12 The Copy Shop, Mail Marketing Strategies, RQ&A, what the  
13 -- what all those businesses are, why they are separate  
14 businesses, why there is some overlap, such as office  
15 space, shared copy machines, those types of overlaps are  
16 consistent in family-owned businesses, but again, he was  
17 not --

18 We also have a forensic accountant that's gone  
19 through the books that would be able to walk you and a  
20 jury through the books and explain how the books and how  
21 the money was used, and how Rick relied on his business,  
22 Mail Marketing Strategies, and his business alone. So  
23 it was all -- we would have used primarily that theory  
24 for this whole Quinndom theory of the government's case.  
25 We had a business law professor. We had a forensic

1 accountant to poke holes and to make explanations as to  
2 why they were separate entities.

3 As to Rick lobbying, your Honor, we were prepared  
4 to hire former legislators from both parties that we had  
5 communication with and talked with that we had asked to  
6 be potential expert witnesses, both members -- former  
7 members of the Senate and members of the House, that  
8 reviewed for us the types of activities, the types of  
9 meetings Rick would have, the conversations Rick would  
10 have with other legislators on legislation, the meetings  
11 that he would have with corporate entities, and the  
12 meetings that he would have with his constituents, the  
13 emails and to a person. What they told us is that's  
14 every-day life in the legislature. That's what  
15 legislators do. Legislators talk with other legislators  
16 about legislation. Of course, that happens. That's  
17 what legislators do in house legislatures throughout the  
18 country. It's not a violation of the law. It's not  
19 lobbying for legislature to ask another legislator, what  
20 is your position on this bill. They talk all the time.

21 So what we want to do is call former House members  
22 and former Senate members. We also were going to call  
23 as an expert witness a very reputable lawyer lobbyist  
24 who was going to testify what it is that's permissible  
25 or not permissible, and would have reviewed what Rick

1 Quinn did and opined that what he did was not unlawful;  
2 it's every-day business; was not unlawful.

3 So all of these allegations, when you take one, and  
4 you can take it out of context, and you can throw out an  
5 allegation here or there, we would have been able,  
6 because we had this foul point, we would have been able  
7 through expert witnesses, through our own documentation,  
8 and through our own witnesses to be able to present why  
9 he is not guilty; why he had no criminal intent; and why  
10 he relied significantly on legal advice in so many of  
11 these allegations, which is why we would have gone to  
12 trial, which is why we never would have pled to any of  
13 these allegations. In fact, throughout this whole  
14 process, we have steadfastly denied, we have denied  
15 these allegations. And we deny these allegations as I  
16 stand before you today.

17 Your Honor, I appreciate the time that you have  
18 provided me. I know I could go on and on, and Matthew  
19 could, as well. But I know Mr. Pascoe did a good job,  
20 quite frankly. I thought it was going to take a lot  
21 longer in his presentation, which, quite frankly,  
22 shortened my presentation. But you have given both Mr.  
23 Pascoe and I -- you've been very fair in the time that  
24 you have given us. And I'm going to turn it over to Mr.  
25 Richardson, and he's going to talk about -- because I

1 know we're at here in our presentation -- about the  
2 background and the character of Rick Quinn and his  
3 family.

4 THE COURT: Mr. Richardson.

5 BY MR. RICHARDSON:

6 MR. RICHARDSON: Thank you, your Honor. And you  
7 know, a lot's been said this afternoon about the  
8 expansive allegations made by Mr. Pascoe, and also the  
9 limited facts to which my client agrees that he did and  
10 only those facts that he admits. But I think it's still  
11 important to point out that the State is here today  
12 voluntarily avoiding a trial on its allegations,  
13 avoiding the heavy burden of proving its allegations  
14 beyond a reasonable doubt with admissible evidence. And  
15 after facing our defenses, evidence, and witness, and  
16 maybe most importantly, and I said this at the bond  
17 hearing, that what Mr. Pascoe says here today is not  
18 evidence. And I think that's important for his  
19 presentation for the other folks here who don't do this  
20 all the time. What he says isn't evidence, and neither  
21 are the inferences and suggestions that he's making that  
22 should be taken as true without a trial, without  
23 defenses, without cross-examination, without evidentiary  
24 objections, without any testimony or documents at all  
25 that are admitted into evidence. And that's a huge

1 advantage. And you know, we thank Mr. Pascoe for  
2 acknowledging that.

3 And I think what happened, from our perspective,  
4 Rick, as the bottom line, has never taken any money for  
5 his personal benefit improperly. And today, after four  
6 years of scrutiny and thorough investigation, that  
7 remains true. He is, under one interpretation of the  
8 law, 1130, the very first statute that Mr. Pascoe put up  
9 there, does not require disclosing any amounts. It  
10 requires reporting the name of a client that -- a  
11 lobbyist principal that did business, not with his  
12 businesses, but with another person's business with whom  
13 he's associated, and that is he was a guarantor in his  
14 father's business, Capital Investments II. That's a  
15 real estate holding company. There's no allegation that  
16 Rick Quinn has any disclosure for that, and he does not.  
17 He failed -- he admitted that a lobbyist principal made  
18 his father's business for about eight months, one year,  
19 less than \$30,000.00. And he admits that had he known  
20 that, he should have disclosed that, because he was a  
21 guarantor and he didn't have to make payments. Now,  
22 that's a stretch under the definition of benefit when  
23 you're not under the scrutiny that he is under. But he  
24 now acknowledges that that interpretation of the law,  
25 that he needs to accept responsibility that he should

1 have made that disclosure of the name of a client.

2 And you know, almost every other instance of the  
3 failure to disclose the name of a lobbyist principal  
4 that did business in the previous year with another  
5 person's business of which you're associated almost  
6 always is handled by a legislative ethics committee as a  
7 purely simple matter. But he's accepting criminal  
8 responsibility for that today.

9 That's enough about the allegations and the limited  
10 plea for which we are resolving all these charges and  
11 allegations. There's not much that has been said about  
12 Rick Quinn and particularly all the good and the giving  
13 that he has done, and that he's done every single year  
14 that Mr. Pascoe claims he's been taking from others,  
15 which we dispute, and said he has not. But in each of  
16 those years for all those decades, Rick Quinn has given  
17 his time and his money to his family, his employees, his  
18 clients, his constituents, people of South Carolina and  
19 community.

20 And I want to talk a little bit about Rick and  
21 these four areas of him being a family man, businessman,  
22 a public and community servant, and a loyal friend.  
23 Because that's who Rick Quinn is. He's a family man.  
24 He's a husband, father, son, and brother. He's 52 years  
25 old. He's lived in the Midlands his entire life. He

1 was born in Columbia, and raised in Lexington County.  
2 Attended Lexington County public schools, and earned his  
3 degree from USC.

4 After USC, he ran for the General assembly and  
5 started his own separate business, a mail and voter list  
6 business called Mail Marketing Strategies. And I'll  
7 talk a little bit more about that in a minute. But he  
8 is foremost a family man. He's been married for sixteen  
9 years to Amy, his wife, who's here today and stood by  
10 him and supported him throughout this. And Rick stood  
11 by her, too. Amy wrote in a letter, Defendant's Exhibit  
12 1 that your Honor has that he entered into evidence.

13 DEFENDANT'S EXHIBIT NUMBER 1

14 RE-MARKED BY THE COURT AS

15 COURT'S EXHIBIT NUMBER 6.

16 She works at a job that requires her to regularly  
17 travel out of state, takes her away from her family.  
18 And she's had some health problems recently that cause  
19 her temporary incapacity. And during those times, Rick  
20 stays at home. He takes care of Amy. He takes care of  
21 the kids. And in those circumstances, he is the primary  
22 caregiver for his children, and making sure they get to  
23 school and their activities, like his daughter, who has  
24 a very active in singing and theater career; and his  
25 son's sports activities, for which he coaches.

1           Their two school-age children are in the fourth and  
2 ninth grade in the public schools in Lexington. I  
3 asked, actually, that they not be here today to avoid  
4 the spectacle and the cameras, and I hope you don't hold  
5 that against us. But I don't need to tell you what Rick  
6 means to them in their development and daily lives, and  
7 of course, what they mean to him.

8           His parents are here, too. His sisters and their  
9 families are here, not their children. But they have a  
10 lot of friends and community support, as well, and  
11 you'll see that many of them are still here, although  
12 with the late notice, there were several and many that  
13 couldn't get away from their responsibilities without  
14 more notice. And we probably could have filled up the  
15 courthouse square with all the people who do and Will  
16 continue to support Rick as his contributing and his  
17 life and service to the community.

18           Rick's always been here in his community, and he  
19 wants to be there, both for his children, for his wife,  
20 for his community. He's a good and he's a needed family  
21 man.

22           As a businessman, Rick was an entrepreneur. He  
23 started his own separate business 25 years ago. He  
24 worked long and hard hours, even days on end in that  
25 very hectic and tense periods for that business,

1 election cycle. And that's detailed in part in that  
2 beautiful letter that Amy wrote about their courtship  
3 when she found him stained and covered with soot from  
4 this toner of those printing machines, because she  
5 didn't know why he hadn't called in several days.

6 Rick was the first entity, public or private, in  
7 the State of South Carolina to develop the ability to  
8 provide voter lists electronically to anyone, including  
9 the election committee. That shows his acumen and his  
10 adaptability to business.

11 And not only that, but he earned a great reputation  
12 through his business, his success in business, his great  
13 printer and mail order and voter lists to the candidates  
14 in South Carolina, as well as nationally. And we know  
15 that because he was hired to print and mail over 85  
16 million pieces of mail across the United States in just  
17 one election cycle, a six-month period.

18 Rick is a talented and trusted small businessman,  
19 and his business needs him to survive. Rick is also a  
20 public and community servant. He's been active in the  
21 public community service all his life. It's a very much  
22 a part of who he is and who he's always been.

23 And as part of this plea, Rick resigned from the  
24 House, where he's done great work for his constituents  
25 and the people of South Carolina. He was the floor

1 leader for *Emma's Law*. That was the strengthening of  
2 the DUI laws in 2014, after Emma Longstreet was killed  
3 by a drunk driver one Sunday morning. And Emma's  
4 father, David, is here today in the courtroom.

5 He also wrote a personal letter to the Court, along  
6 with the article, it's Defendant's Exhibit 2, showing  
7 and describing Rick's personal, emotional, and lead  
8 role, intimate involvement, not just with the family  
9 during their trying times, but in securing an almost  
10 unprecedented, unanimous approval, passage of *Emma's*  
11 *Law*.

12 DEFENDANT'S EXHIBIT NUMBER 2

13 RE-MARKED BY THE COURT AS

14 COURT'S EXHIBIT NUMBER 7.

15 Rick's also an outstanding member of the community  
16 because he was a founding member of the Lake Murray or  
17 Boat Rotary Club. He's a longtime member of the Chapin  
18 Cordola Club. He coaches Little League baseball, and he  
19 coaches Church League basketball for his son, including  
20 this past Tuesday night where he was acting head coach  
21 for his son's team.

22 He and his family regularly attend and are members  
23 of Saxe Gotha Presbyterian Church. Several members of  
24 the church are here today, and his pastor has been very  
25 supportive and critical to him going through this

1 process.

2 He's active in the Boy Scouts and the Cub Scouts.  
3 He's gotten awards from the Advocacy for the Disabled,  
4 the Hemophilia of South Carolina, Counsel on Child Abuse  
5 and Neglect, American Lung Association, Mothers Against  
6 Drunk Driving, Special Olympics. He has a list of  
7 general contributions that I'm sure you would not be  
8 surprised at.

9 Rick's also stepped up very big for a young girl in  
10 his community who has suffered abuse at the hands of her  
11 own father. He was going to be released from  
12 confinement without compliance to the law. And the  
13 mother was desperate in needing someone to help and be  
14 her advocate. Rick found that out, took on this  
15 injustice and made it his cause. And ultimately -- this  
16 is Defendant's Exhibit 3, you'll see for the record a  
17 redacted letter. He ultimately took the little girl  
18 with his own to the Daddy/Daughter Dance so she would  
19 not Miss out. And we provided a copy of the mother's  
20 personal and written letter on behalf of Rick.

21 DEFENDANT'S EXHIBIT NUMBER 3

22 RE-MARKED BY THE COURT AS

23 COURT'S EXHIBIT NUMBER 8.

24 There are other examples, but you know, and given  
25 the opportunity, which is what we're asking, you know,

1 he's going to continue to give back his time and money  
2 to the community.

3 And also, I want to talk about him being a loyal  
4 friend. You know, for a long time, Rick's been a true  
5 and loyal friend, and some of them are here today. He's  
6 been a friend to me and a lot of other people. And we,  
7 as his friends, are a surprisingly diverse group, and he  
8 hasn't sought anything from us, or received anything in  
9 return for that. It is true, true friendship.

10 Ironically, this will probably be his greatest strength.  
11 And the stories of how he met and became friends with  
12 some of us, surprises people. Defies expectations. But  
13 that's Rick. That's who he is. He's continued to be  
14 the rock -- a rock of a friend for some of us who needed  
15 help, even during his very trying time. And Rick  
16 wouldn't have it any other way, because he's both a good  
17 and loyal friend.

18 Now, we are grateful, and we want to thank  
19 Solicitor Pascoe for getting to this point now, after  
20 more than two years that he focused -- had Rick as the  
21 focus of this investigation and prosecution, we thank  
22 him for accepting this plea and the conditions that  
23 allow this plea to occur. And those were important to  
24 Rick. We agree that this is the right thing for the  
25 state and the people of South Carolina. And this gives

1 finality on what was alleged against Rick and his father  
2 and their business, everything that was investigated,  
3 everything that was considered, and all that could have  
4 been charged or presented at trial about their past  
5 conduct and deeds. All of that is wrapped up here today  
6 by this one limited allocution and one misdemeanor  
7 charge.

8 It shouldn't be a surprise, though, to anybody in  
9 this courtroom or listening who has been watching this  
10 four-year investigation -- four-year investigation -- at  
11 home. That this caused significant and prolonged  
12 damaging on Rick and his family and friends in each of  
13 these areas. He suffered from the collateral attacks on  
14 his father and sister, their businesses, with effects  
15 not just on him, but on his immediate and extended  
16 family, employees of those businesses and their  
17 families. And that's a big part of why they needed  
18 finality today, and why we're here.

19 This investigation has clearly, not surprising,  
20 strained his marriage, family, ruined his business with  
21 a cloud of suspension -- suspicion; the mere allegations  
22 made public with great fanfare and sustained repetition.  
23 Rick has been suspended from office, leaving his  
24 responsibilities that he took on that he asked for and  
25 he was given, in limbo, his constituents, too, with the

1 strong voice that he's provided them. He's been  
2 approached at Little League, baseball, church. Mostly  
3 with respect, but also attacked politically, in the  
4 press, in his campaigns, and on social media.

5 Finally, you know, it's caused many of his friends  
6 to shying away from talking to him at the very time when  
7 anyone would have needed the most support. And I'm  
8 proud to stand here with him today and speak about him  
9 as my -- and to call him my friend.

10 Now, it's also important to know that he has not  
11 admitted, nor has he obtained, any illicit personal  
12 benefit or used campaign or caucus funds for personal  
13 expenses. He's not an owner or employer or agent of  
14 RQ&A. And he didn't do any improper work for any  
15 lobbyist principals or clients of his own -- of his  
16 father's.

17 In every official act he took, every thing Rick  
18 would do, was in the interest of the people. He acted  
19 with recusals. You've heard that. Even when it wasn't  
20 required within the -- and within the well established,  
21 large class exemption. Those bills that they were  
22 talking about, 277 and Clemson bill and the amendment,  
23 those are well within the large class exemption of  
24 legislation, benefitting a large class of citizens and  
25 businesses, and not just a particular person.

1           He agreed to resign to, you know, to allow his  
2           constituents some finality from this suspension on these  
3           charges. And his plea today to allow him under -- we  
4           believe under 8-13-560 to be re-instated and to get back  
5           pay. We believe that. And he is resigning and giving  
6           get up for finality for him and his father, the  
7           businesses, and friends.

8           Rick is ready to move forward, and we ask you to  
9           let him to that. And we know it's not binding on your  
10          Honor, but we've discussed this, and your Honor's  
11          obviously familiar with the other sentences of only  
12          probation in this investigation by Solicitor Pascoe.  
13          And you heard him trying to distinguish those folks.  
14          But he didn't ask for the cooperation of those other who  
15          pled guilty on the same -- to the exact same charge, on  
16          lot broader facts than what Rick is here pleading guilty  
17          to.

18          And he's giving up his right to a trial and to show  
19          and prove in a court of law beyond a reasonable doubt  
20          all those allegations that he's made here today. He  
21          should not be asked for it in this case, because Rick's  
22          not pleading guilty to any of that. And we've talked  
23          about his allocution.

24          We respectfully request, your Honor, not to  
25          sentence Rick to any jail time, and to no more than

1 three months' probation under the circumstances. And in  
2 recognition of what we've talked about Rick as a family  
3 man, as a businessman, a public servant, a community  
4 leader, and a friend, and we ask -- and we believe,  
5 rather, that giving Rick probation at this point  
6 recognizes, in addition, the consequences he's already  
7 suffered under the mere allegations and the charges and  
8 intrusive and public investigation and prosecution,  
9 while he was supposed to be presumed innocent, while he  
10 was supposed to be protected in the process. But it  
11 also recognizes his acceptance of responsibility for the  
12 failure to disclose something that we know would be  
13 handled by an ethics committee. But he accepts it as a  
14 misdemeanor statutory misconduct in office, and he  
15 accepts the criminal responsibility for his failure to  
16 disclose, as we present here today.

17 Two last points. I think are -- I think are  
18 significant. Solicitor Pascoe was not interested in  
19 Rick's testimony or cooperation and agreed not to ask  
20 for it. We think that should not be held against Rick.  
21 That should not be held against Rick. That was the  
22 distinguishing characteristic that Mr. Pascoe was  
23 suggesting with the other defendants. He didn't ask for  
24 it, and he agreed not to ask for cooperation from Rick.

25 We also have an agreement with the State there be

1 no restitution from Rick. And as your Honor's pointed  
2 out would be the maximum fine is a thousand, but no fine  
3 was requested or imposed on Jimmy Merrill, and we ask  
4 the same for Rick.

5 Your Honor, we appreciate your time in considering  
6 these other factors in your sentence and for your  
7 patience today. Thank you, Judge.

8 BY THE COURT:

9 THE COURT: Mr. Quinn, is there anything you want  
10 to say, sir?

11 MR. RICK QUINN: No, your Honor. I'm pleading  
12 guilty only to the fact that has been described today,  
13 and I take accountability for that and -- with this  
14 Court. I -- I want it also to be known that the heart  
15 of my decision was the facts that this would end it for  
16 my 73-year-old father and my wife. Thank you.

17 THE COURT: Thank you.

18 MR. GASSER: Judge, that would be our presentation.  
19 And I want to again thank the Court for the opportunity  
20 to hear us this time. And I'd just end with -- Matthew,  
21 he just used the phrase *collateral damage*. You know,  
22 one of the things that I hesitated, but I just feel the  
23 Court needs to know. With the savage press coverage and  
24 character assassination that has been ongoing with Rick  
25 and his father over the past several years, obviously,

1 it's had an effect on him, it's had an effect on his  
2 father, and is having an effect on Amy and it's having  
3 an effect on their relationship, but for the first time  
4 in thirty years of practicing law, twenty years as a  
5 prosecutor and ten years, never have I seen or heard  
6 until this case, their children have been bullied at  
7 school. Their two children have been bullied at school  
8 because their -- those kids that have been doing the  
9 bullying whose parents have read about or seen on  
10 television have talked to their children about it. And  
11 Rick and Amy's kids can't even go to school without  
12 their children being collaterally damaged. That's the  
13 type of effect. That's the punishment. I know  
14 punishment is the state where we're at right now.  
15 That's the punishment that he and his family have  
16 suffered and have had to deal with. And I've never seen  
17 that before in any case.

18 Thank you, your Honor.

19 THE COURT: Well, I want to thank both sides.  
20 Obviously, you gave me a very thorough presentation,  
21 bordering almost on a trial, certainly, in your  
22 presentation. But I understand what the focus is as  
23 well, Ms. Barbier, on behalf of Richard Quinn, as well.

24 As you all know, you contacted me Monday and said  
25 that you were going to do this. Due to the hour, I am

1 going to defer sentencing. I am going to accept the  
2 guilty plea. I do find substantial factual basis for  
3 this plea; that your decision to plead guilty has been  
4 reasonably and intelligently given. I Will accept it on  
5 both behalf of Rick Quinn personally and on behalf of  
6 the corporation, First Impressions, doing business as  
7 Richard Quinn & Associates. And I am going to defer  
8 sentencing for just a bit, and I Will let you all know  
9 something. I don't want to prolong this in any way for  
10 anyone.

11 Certainly, I know the State has worked very hard  
12 and very diligently. And I know the Quinns had to go  
13 through a very long and arduous investigation and  
14 prosecution, and I certainly recognize they need a close  
15 to this. I Will let you all know when I'm ready to go  
16 ahead and sentence. Thank you.

17 SOLICITOR PASCOE: Thank you, your Honor.

18 THE COURT: Thank you.

19 END PROCEEDING 6:52 P.M.

20 ITEM IDENTIFIED AS ALLOCUTIONS

21 MARKED COURT'S EXHIBIT NUMBER 1.

22 ITEM IDENTIFIED AS TERMS AND

23 CONDITIONS

24 MARKED COURT'S EXHIBIT NUMBER 2.

25 DOCUMENT TITLED UNANIMOUS

1 WRITTEN CONSENT OF SHAREHOLDERS,  
2 FIRST IMPRESSIONS, INC., A SOUTH  
3 CAROLINA CORPORATION,  
4 MARKED COURT'S EXHIBIT NUMBER 3.  
5 ITEM IDENTIFIED AS C.D. POWERPOINT  
6 PRESENTATION  
7 MARKED COURT'S EXHIBIT NUMBER 4.  
8 DOCUMENT TITLED STATE GRAND JURY  
9 INVESTIGATION 2016-257, SLED CASE  
10 NO. 32-16-0019, PRINTOUT OF  
11 POWERPOINT PRESENTATION  
12 MARKED COURT'S EXHIBIT NUMBER 5.  
13 DOCUMENT IDENTIFIED AS LETTER FROM  
14 AMY QUINN TO JUDGE CARMEN T. MULLEN,  
15 DATED DECEMBER 13, 2017,  
16 MARKED COURT'S EXHIBIT NUMBER 6.  
17 DOCUMENT IDENTIFIED AS LETTER FROM  
18 DAVID LONGSTREET TO THE HONORABLE  
19 CARMEN T. MULLEN, DATED DECEMBER 12, 2017  
20 MARKED COURT'S EXHIBIT NUMBER 7.  
21 ITEM IDENTIFIED AS LETTER FROM ALYSSA  
22 TO JUDGE CARMEN T. MULLEN,  
23 DATED DECEMBER 12, 2017  
24 MARKED COURT'S EXHIBIT NUMBER 8.

## CERTIFICATE OF REPORTER

DECEMBER 13, 2017 TRANSCRIPT OF PLEA

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

I, Wanda H. Rowe, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing December 13, 2017 Transcript of Plea is a true and accurate record of the proceedings had and exhibits admitted on said date, in the case of State of South Carolina versus Richard Quinn, Jr.; State of South Carolina versus Richard M. Quinn, Sr.; First Impressions, d/b/a/ Richard Quinn & Associates, Agent, Richard Quinn, Sr.; Richland County, General Sessions; I am of neither kin, counsel, nor interest to any party hereto.

This Certificate of Reporter is attached to a copy of this transcript emailed to Hon. W. Baker Allen. Pursuant to SCACR 607, requests for copies of this transcript must be made to the court reporter. Unauthorized copying/emailing is prohibited.

Witness my signature January 11, 2018.

s/Wanda H. Rowe  
Wanda H. Rowe, CVR-M  
Official Court Reporter

## Allocutions

Rick Quinn agrees that in 2015, while a member of the House of Representatives, he failed to report to House Ethics Committee the name of USC, which he knew was a lobbyist principal and which in the previous calendar year leased office space for less than \$30,000 total from Capitol Investments II, LLC, a business with which Rick was associated as a compensated agent by receiving a benefit from Capitol Investments II by being relieved from the payments on the mortgage note on the property as a guarantor and also by helping negotiate the mortgage note.

Richard Quinn does not admit any wrongdoing. First Impressions, Inc. has been in business since 1976. Over the past 40 years, First Impressions has had many employees and acknowledges that it had an employee whose activities subjected First Impressions to the registration requirements and it failed to register under SC Code section 2-17-20.



## Terms and conditions

## Richard Quinn, Sr. and First Impressions, Inc.

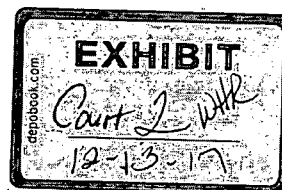
1. All charges against Richard Quinn, Sr. will be dismissed with the corporate plea;
2. First Impressions, Inc. will plead guilty to a misdemeanor failure to register under S.C. Code section 2-17-20 based on the limited allocution below;
3. First Impressions has agreed to restitution in the amount of \$3,000;
4. The maximum criminal fine is \$2,500 - there is no other fine or penalty;
5. A corporate resolution for First Impressions has been provided; and
6. Richard Quinn, Sr. agrees to be interviewed by SLED and tell the truth after the plea. He will also testify in the Grand Jury after being granted immunity. He is still subject to being prosecuted for perjury if he were untruthful.

## Rick Quinn, Jr.

1. Rick Quinn has resigned from the House as a condition of the plea agreement;
2. He is pleading guilty to one misdemeanor statutory misconduct in office on the limited allocution below based only on failure to disclose;
3. All other charges against Rick Quinn will be dismissed with prejudice, which means that all information and documents obtained in the investigation cannot be used against him and that Solicitor Pascoe has no more authority or jurisdiction over Rick Quinn under the State Grand Jury or in his limited designation for prosecution by the Attorney General; and *in his role as a legislator and operations of his businesses*
4. Since Solicitor Pascoe was not interested in his cooperation, both sides agree Rick Quinn will not be interviewed or called to the State Grand Jury in this investigation or any resulting prosecution. *to date.*

## All Defendants:

1. While we understand Mr. Pascoe is going to make his arguments about a wider range of conduct, Rick Quinn, Jr., Richard Quinn, Sr., and First Impressions, Inc. deny every allegation and inference except what is in their allocutions.
2. All materials and information obtained in the investigation, including searches and seizures by the State, are not to be used by the State against these defendants in exchange for these pleas.
3. This plea by all defendants is conditioned on the dismissal with prejudice of all other charges and the closure and end of any further investigation or prosecution by Solicitor Pascoe or the State of Rick and Richard Quinn, their businesses, and their families for all past conduct and deeds.



# State Grand Jury Investigation 2016-257 SLED Case No. 32-16-0019

State v. Rick M. Quinn, Jr.  
2017-GS-47-12, 13, 32

State v. First Impressions, Inc., d/b/a Richard Quinn and Associates  
(Richard M. Quinn, Sr.)  
2017-GS-47-42, 43



December 13, 2017



# Quinn family businesses

## First Impressions, Inc. d/b/a Richard Quinn and Associates

- Incorporated in 1976 by Richard and Ruth Quinn
- Rick Quinn listed as Vice President since 1989
- Political and corporate consulting as well as marketing
- First Citizens bank account listed as "First Impressions, Inc d/b/a Richard Quinn and Associates and Mail Marketing

## Capitol Investments, I, II, III

- Real estate holding companies that own buildings on the 1600 block of Gervais – where the other Quinn businesses reside

## The Copy Shop

- Not a standalone business, it is an alter ego or d/b/a of First Impressions
- Mailing and printing services
- Business license registered to 1620 Gervais St.

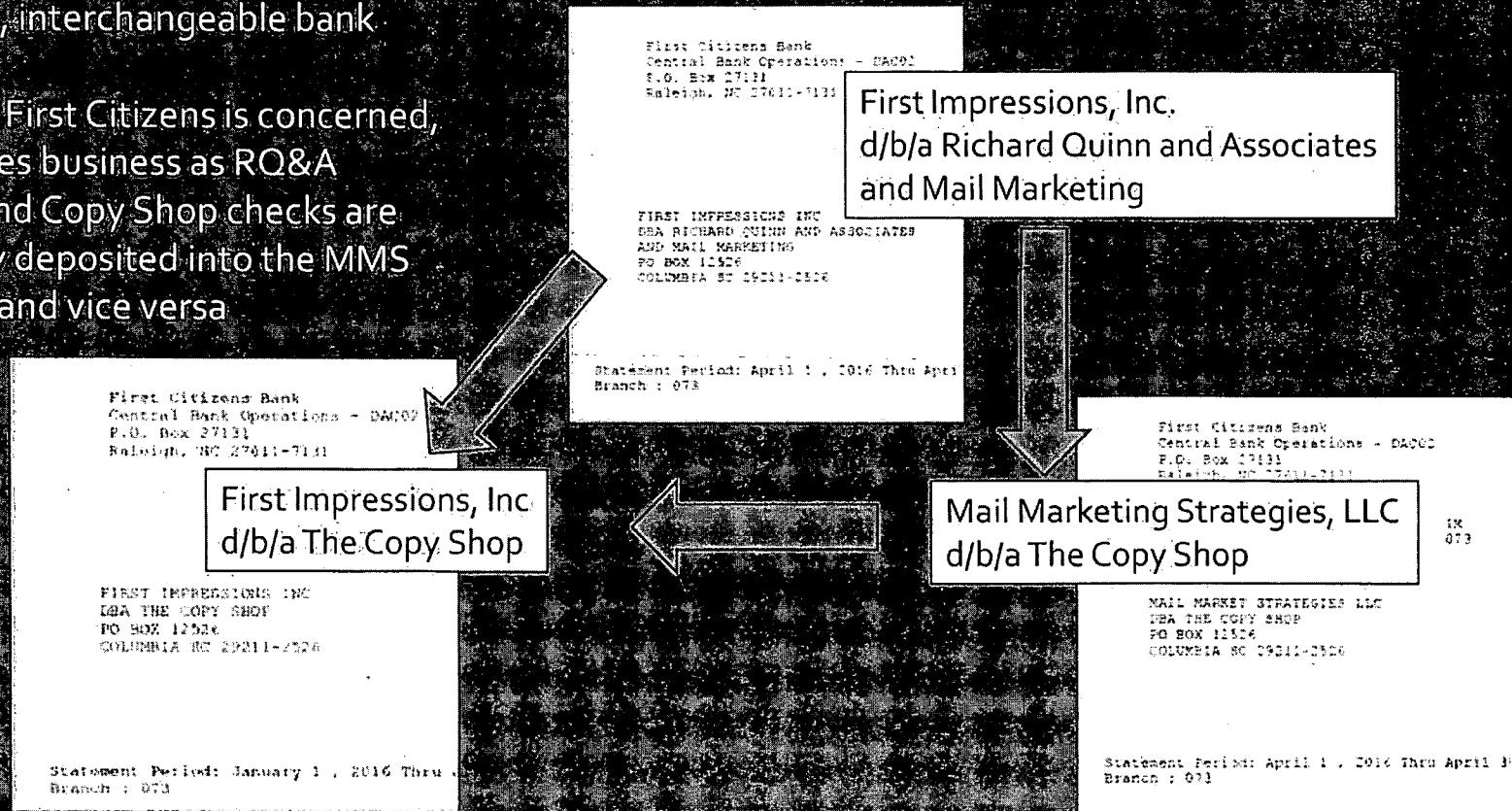
## Mail Marketing Strategies, LLC

- Formed in 1995 by Rick and Richard Quinn
- Mailing and printing services
- Also registered to 1620 Gervais St.
- First Citizens bank account listed as "Mail Marketing Strategies, LLC d/b/a The Copy Shop"

# The Quinn businesses are operated as a single enterprise.

An example, interchangeable bank accounts:

- As far as First Citizens is concerned, MMS does business as RO&A
- RO&A and Copy Shop checks are routinely deposited into the MMS account and vice versa



# Rick Quinn continues to hold himself out as an officer when it benefits him:

This Ally auto loan application indicates Rick Quinn claims to be the President of RO&A for the past 26 years (since 1989 – the year he joined the General Assembly).

This document was signed by Rick Quinn on 3/28/2014

**ally**

**APPLICANT INFORMATION**

Last Name (or trade name of business) <b>Quinn</b>		First <b>Richard</b>	Middle Initial <b>M</b>	Suffix (Jr.)	Date of Birth	Soc. Sec. # (or Tax ID #)
Home (or business) Phone Number	Cell Phone Number	Type of Enterprise <input type="radio"/> Corporation <input type="radio"/> Partnership <input type="radio"/> LLC <input type="radio"/> Proprietorship		Type of Business		Years in Business
Email Address <b>rick@rqasc.com</b>	Present Address		Zip Code	City	State <b>SC</b>	
Time at Present Address Years <b>1</b> Months <b>6</b>	Residence Type <input type="radio"/> Owns/Owns <input checked="" type="radio"/> Buying <input type="radio"/> Renting/Leasing <input type="radio"/> Family <input type="radio"/> Other			Monthly Rent/Mortgage Payment <b>2300</b>		
Alimony, child support, or separate maintenance income need not be revealed if you do not wish to have it considered as a basis for repaying this obligation.						
Present Job Title <b>president</b>		Present Employer <b>quinn associates</b>				
Time at Present Job Years <b>26</b> Months <b>1</b>	Gross Income <b>125,000</b>		Income Recurrence <input type="radio"/> Monthly <input checked="" type="radio"/> Yearly			
Employer Phone Number <b>(803) 799-8638</b>						

**APPLICANT INFORMATION**

Last Name (or trade name of business) <b>Quinn</b>		First <b>Amy</b>	Middle Initial <b>B</b>	Suffix (Jr.)	Date of Birth	Soc. Sec. # (or Tax ID #)
Home (or business) Phone Number	Cell Phone Number	Type of Enterprise <input type="radio"/> Corporation <input type="radio"/> Partnership <input type="radio"/> LLC <input type="radio"/> Proprietorship		Type of Business		Years in Business
Email Address	Present Address		Zip Code	City	State	

Report on names of, and purchases by, lobbyists – S.C. Code Ann. § 8-13-1130

In addition to the statement of economic interests required pursuant to Section 8-13-1110, a person required to file the statement shall further report to the appropriate supervisory office the name of any person he knows to be a lobbyist as defined in Section 2-17-10(13) or a lobbyist's principal as defined in Section 2-17-10(14) and knows that the lobbyist or lobbyist's principal has in the previous calendar year purchased from the filer, a member of the filer's immediate family, an individual with whom the filer is associated, or a business with which the filer is associated, goods or services in an amount in excess of two hundred dollars.

Definitions – S.C. Code Ann. § 8-13-100

(4) "Business with which he is associated" means a business of which the person or a member of his immediate family is a director, an officer, owner, employee, a compensated agent, or holder of stock worth one hundred thousand dollars or more at fair market value and which constitutes five percent or more of the total outstanding stock of any class.

Use of official position for financial gain; disclosure of potential conflict of interest – S.C. Code Ann. § 8-13-700

(A) No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official's, public member's, or public employee's use that does not result in additional public expense.

Use of official position for financial gain; disclosure of potential conflict of interest – S.C. Code Ann. § 8-13-700

(B) No public official, public member, or public employee may make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a family member, an individual with whom he is associated, or a business with which he is associated has an economic interest. A public official, public member, or public employee who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a family member, an individual with whom he is associated, or a business with which he is associated shall:

(1) prepare a written statement describing the matter requiring action or decisions and the nature of his potential conflict of interest with respect to the action or decision;

(2) if the public official is a member of the General Assembly, he shall deliver a copy of the statement to the presiding officer of the appropriate house. The presiding officer shall have the statement printed in the appropriate journal and require that the member of the General Assembly be excused from votes, deliberations, and other action on the matter on which a potential conflict exists;

Registration of lobbyists – S.C. Code Ann. § 2-17-20

(A) Any person who acts as a lobbyist must, within fifteen days of being employed, appointed, or retained as a lobbyist, register with the State Ethics Commission as provided in this section.

Penalties for violations of provisions of this chapter – S.C. Code Ann. § 2-17-130

(A) A lobbyist or a lobbyist's principal who wilfully violates the provisions of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand five hundred dollars or imprisoned for not more than one year, or both.

ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT  
1991 South Carolina Laws 1st Sp. Sess. Act 248 (H.B. 3743)

Preamble

\* \* \*

Whereas, the trust of the public is essential for government to function effectively. Public policy developed by elected officials affects every citizen of the State, and it must be based on honest and fair deliberations and decisions. This process must be free from all threats, favoritism, undue influence, and all forms of impropriety so that the confidence of the public is not eroded; and

Whereas, the General Assembly declares that to preserve and maintain the integrity of the governmental policy-making process in South Carolina it is necessary that the identity, expenditures, and lobbying of certain persons who engage in efforts to influence any public official or public employee on legislation or agency proposal, drafting, development, consideration, amendment, withdrawal, or promulgation of a regulation, by direct communication to any such official or employee, be publicly and regularly disclosed; and

ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT  
1991 South Carolina Laws 1st Sp. Sess. Act 248 (H.B. 3743)

Preamble

\* \* \*

Whereas, one of the most important functions of any law aimed at making public servants more accountable is that of complete and effective disclosure. Since many public officials serve on a part-time basis, it is inevitable that conflicts of interest and appearances of impropriety will occur. Often these conflicts are unintentional and slight, but at every turn those who represent the people of this State must be certain that it is the interests of the people, and not their own, that are being served. Officials should be prepared to remove themselves immediately from a decision, vote, or process that even appears to be a conflict of interest; and

\* \* \*

Whereas, this act is intended to help restore public trust in the governmental institutions and the political and governmental processes.

# Richard "Rick" M. Quinn, Jr.

SC House of Representatives District 71 (1989-2005)

- Majority leader 1999-2004
- Ways and Means Committee

SC House of Representatives District 69 (2010-2017)

Closely involved in all Quinn businesses:

- Capitol Investments I, II, III, LLC
- First Impressions, Inc. d/b/a Richard Quinn & Associates ("RQ&A")
- Mail Marketing Strategies, LLC
- The Copy Shop (d/b/a of First Impressions, Inc.)



# Rick Quinn publicly claims he has no interest in his father's business

TOP STORY

**South Carolina state Rep. Rick Quinn indicted by state grand jury conducting Statehouse probe**

By Glenn Smith [gsmith@postandcourier.com](mailto:gsmith@postandcourier.com) May 16, 2017

Rick Quinn has said he and his father keep their business affairs separate. They do, however, operate in the same political sphere, share some of the same clients and operate out of family-owned buildings on the same block of Columbia's Gervais Street, just down the street from the Statehouse. Both also operated for a time out of side-by-side offices in a Cayce building owned by former state Rep. Kenny Bingham, a fellow Richard Quinn & Associates client and Republican who chaired the House Ethics Committee.

CHIEF POSS SCOPE

Did Rep Rick Quinn violate ethics law? Does it really matter?

CHIEF POSS SCOPE  
Associate Editor

MAY 18, 2017 05:50 PM

UPDATED MAY 18, 2017 05:50 PM

COLUMBIA, SC — IF REP. RICK Quinn violated the state ethics law, he did so boldly and brazenly and in plain view.

In fact, Rep. Quinn's go-to defense when questioned about his father's business has not been to say he didn't vote on issues involving his father's clients but to say he and his father were not business partners. (The indictment seems to allege that they were, but that part could be read differently.) What all of this means is that Mr. Quinn was routinely and openly and unapologetically voting for legislation that would benefit his father's clients, often when everyone knew they were his father's clients.

Rick Quinn also represents to the State Ethics Commission that he has no interest in RQ&A

State of South Carolina  
State Ethics Commission

COMMISSIONERS  
ANDREW C. MANNING, 1<sup>ST</sup> DISTRICT  
CHAIRMAN  
GREGORY E. HARGIS, MEMBER AT LARGE  
VICE CHAIRMAN  
H. SAMUEL D. GREEN, 1<sup>ST</sup> DISTRICT  
DORIS T. MURPHY, 2<sup>ND</sup> DISTRICT



500 THURMOND MALL, SUITE 100  
COLUMBIA, S.C. 29201

HERBERT HAYDEN, JR.  
EXECUTIVE DIRECTOR

March 22, 2002  
(Confidential Advisory Opinion)

The Honorable Rick Quinn, Jr.  
South Carolina House of Representatives  
518-C Blatt Building  
Columbia, South Carolina 29211

Re: Request for Informal Opinion

Dear Rep. Quinn:

...of which ethics is through my character.

Now that I am chairman of the Ways and Means subcommittee on health care, a variety of members are suggesting that I am precluded from voting on certain issues because of ethical conflicts. This letter lays out the history and basic facts of my situation. I respectfully request a private advisory opinion on whether a conflict might exist under the Ethics Act and under what circumstances I should consider not voting on legislation before my committee or before the House.

My father, Richard M. Quinn Sr., owns and operates a public relations, advertising and public research consulting firm. His agency, known as Richard Quinn and Associates, has been in business for 25 years. The agency provides PR consulting services, media support, public opinion polling services and campaign management services to a variety of clients, including candidates for public office, businesses and corporations. He is not a registered lobbyist nor does he provide lobbying services for his clients.

My father's clients include various health care companies and hospitals that may benefit from budgetary decisions made by my committee, though hospitals that aren't his clients would benefit from the same decisions. While I am generally aware of some of my father's clients, he has never asked me, as a member of the House, to vote a certain way or to take any legislative action to benefit his clients. Further, I have never cast a vote, which would directly affect his economic interests.

I am a fully self-sufficient adult living in my own home, not dependent on my parents in any way. I was employed in my father's firm as an account representative until 1995. My duties exclusively involved managing political campaigns for candidates seeking office. At that time, in 1995, I started a separate business in mass mail processing, printing and photoduplication services, specializing in high-speed laser mail technology.

I have never had a financial interest in my father's firm other than the fact that I was salaried there as vice president and account manager until 1995.

For the past seven years, I have operated my own business and derive no pay from my father's agency. My business, call Mail Market Strategies, rents space in a building partially owned by my father, which is the same building where my father's offices are located.

My business provides high speed mail processing and assembly for...

# Rick Quinn complains to his father about his income

- His MMS paychecks were being funded by RQ&A at this time.
- The same day, 5/15/2012, Rick's salary is increased from \$6,800 per month to \$9,900 per month.

To: Richard Quinn  
 From: Rick Quinn  
 Sent: Tue 5/15/2012 1:15:04 AM  
 Importance: Normal  
 Received: Tue 5/15/2012 1:15:44 AM

Dad,

I'm really not in a place where I can do a better job of explaining why I'm upset.. On April 30<sup>th</sup> I hadn't gotten a check in 5 weeks. About a month before that time I brought up to you and Rebecca that I had not even had withholding done on my pay last year and that it would determent me over \$20,000 on federal taxes alone. I brought it up to you both on multiple occasions. Today after talking to our accountant I learned that there was no plan to deal with how the lack of withholding on my pay hurt my income this tax year (ironically it hurts the tax position of the business as well).

As I mentioned, I have even had inconsistent pay scheduling. It had been inconsistent all year to the point where it seems it's an afterthought that I get a check. I can't do much more than I'm doing as it relates to my time at the office and the legislature.. A fact that is clearly not understood by anyone at the office.

I have as much a stressed schedule as anyone in our office and probably more...I'm no longer able to chase down my pay check or follow up with my withholding being done properly. These are issues that no one else at the office has to deal with at any of the businesses. I realize that I am a target of much criticism at the office for some deserved issues and others that are baseless and that it makes it easy to treat me differently. But I also believe that anyone that objectively looks at what I do for the family would have to admit that I by far carry more than my weight,

I'm really not willing to beg for timely pay...or worrying that it's done technically correct so that it doesn't hurt my immediate family.

I get that all of you think I'm unreasonable about what has finally become an issue that I will not tolerate anymore...but I need to know that I will have consistent checks and that my withholding will be done correctly. Please let me know by Friday if its and issue...because if not I will find different employment.

Despite this – and many other exhibits demonstrating Rick Quinn's relationship to RQ&A – the Quinns take any opportunity to point out that Rick is completely separate from RQ&A

**To:** Rick Quinn[rick@rickquinn.com]  
**From:** Richard Quinn  
**Sent:** Sun 6/10/2012 12:31:48 PM  
**Importance:** Normal  
**Subject:** Re: Rep. Jim Merrill faces ethics questions over work with Realtors | The Post and Courier | Charleston SC, News, Sports, Entertainment  
**Received:** Sun 6/10/2012 12:31:48 PM

Either that reporter has a hard on for Jimmy or else Nikki's guns are pushing this to show others do what she did. If that's the case you may be next.

You should stress that you are NOT a consultant. Your Dad has PR agency and works as a consultant but does NOT lobby. RQ&A has been in business since you were in grade school. You don't work for your father. People get confused because we have the same name, Jr. Sr. You own a mail house and invest in real estate.

Sent from my iPad

On Jun 10, 2012, at 9:52 AM, Rick Quinn <rick@rickquinn.com> wrote:

> Please read below

>

> <http://www.postandcourier.com/article/20120610/PC16/120619894/1165/rep-jim-merrill-faces-ethics-questions-over-work-with-realtors>

>

>

> Sent from my iPhone:

## RQ&A is Rick and Richard Quinn

- The State is prepared to present a great deal of testimony, financial records, emails, and other documents that prove Rick Quinn is RO&A along with his father.
- Examples of State Grand Jury testimony:

### State Grand Jury Testimony – March 15, 2017:

Q: Okay. Tell me what Rick Quinn's association was with RQA?

A: Well, it was his dad's business, but, I mean, when you think of Rick – RQA, you really think of Rick Quinn more than Richard Quinn. I mean, Richard Quinn may have started it, but he's an older fellow. The face of RQ&A is Rick Quinn.

### State Grand Jury Testimony – August 16, 2017:

Q: Are were you familiar with Rick Quinn at this time – July of – or August of 2014?

A: Absolutely, yeah.

Q: And did you viewed [sic] him as part of RQA?

A: It never occurred to me that he was not.... I never thought anything other than that.

The year Rick Quinn joined the SC General Assembly (1989), he was given full financial authority over RQ&A as its Vice President:

FIRST-CITIZENS BANK & TRUST COMPANY  
CERTIFIED COPY OF CORPORATE RESOLUTIONS  
For Accounts, Borrowing, and Other Transactions

First Impressions, Inc. D/B/A Richard Quinn & Assoc  
Name of Corporation

I, the undersigned, hereby certify to First-Citizens Bank & Trust Company of South Carolina that I am the \_\_\_\_\_  
Secretary of the above-named Corporation, which Corporation is duly organized and existing under the law of the State of \_\_\_\_\_  
\_\_\_\_\_ that the following is a true copy of resolutions duly adopted by the Board of Directors of said  
Corporation effective on the 3rd day of March, 19 89.

(Check and initial one of the following)

\_\_\_\_\_ at a duly authorized and held meeting of the Board of Directors at which a quorum was present  
and proper notice was given;

\_\_\_\_\_ by unanimous written consent, and that such resolutions have not been rescinded or modified;

- Rick retains financial authority over RQ&A accounts
- A 1989 RQ&A corporate resolution granting Rick financial authority on RQ&A accounts, on which Rick is listed as a Vice President of RQ&A (see next slide).

NAME

OFFICIAL SIGNATURES

President RICHARD M. QUINN

[Signature]

Vice President REITH L. QUINN

[Signature]

Vice President RICHARD M. QUINN JR.

[Signature]

Secretary /

[Signature]

Assistant Secretary \_\_\_\_\_

\_\_\_\_\_

Treasurer \_\_\_\_\_

\_\_\_\_\_

Assistant Treasurer \_\_\_\_\_

\_\_\_\_\_

IN WITNESS WHEREOF I have hereunto subscribed my name and affixed the seal of said Corporation, this the \_\_\_\_\_ day of

March 3, 1987

[Signature]  
Secretary (Assistant Secretary)

Loan documents for Capitol Investments indicating Rick holds himself out as the co-owner of RQ&A.

Commercial Loan Presentation					
Existing Customer	Since	2009	Date	11/5/2014	Active Military No
Borrower	Capitol Investments I, II, III, LLC (3 entities)		TIN/SSN	[REDACTED]	
Street Address	1600 Gervais Street		Home Phone	[REDACTED]	
PO Box			Cell Phone		
City, State, Zip	Columbia, SC 29201		Email Address	rick@rqasc.com	
Entity Type	Limited Liability				
Principals	Ownership		Guarantors		Gty Type/Limit
1 Richard M. Quinn	100%		1 Richard M. Quinn	Unlimited 0%	
2			2 Richard M. Quinn, Jr.	Unlimited	
3			3		
4			4		
5			5		
Credit Request					
Type of Request	Original Date	Rate	Payment & Frequency	Officer Guidance Line	
New/Renewal	Requested Amt.	Index	Balloon	\$	
Note#	New Money	Orig Fee	Amortization		
1 Amortized w/ Balloon		P+.25%/4.15%	Prin & Int Monthly	variable rate option floor of	
New	\$ 817,809	Fixed	5	4% and ceiling 7.5%	
Capitol I	\$ 817,809	\$500	15		
2 Amortized w/ Balloon	6/30/2009	P+.25%/4.15%	Prin & Int Monthly	variable rate option floor of	
Renewal	\$ 721,720	Fixed	5	4% and ceiling 7.5%	
[REDACTED] (Capitol II)		\$500	15		
3 Amortized w/ Balloon	6/30/2009	P+.25%/4.15%	Prin & Int Quarterly	variable rate option floor of	
Renewal	\$ 772,073	Fixed	5	4% and ceiling 7.5%	
[REDACTED] (Capitol III)		\$500	15		
Officer Comments					
Capitol Investments et al is comprised of 3 related real estate holding companies. Their assets are comprised of 3 contiguous multi-tenant office buildings located at the corner of Gervais and Pickens Street in downtown Columbia. Capitol Investments is owned by Richard Quinn and also supported by his son, Richard Quinn, Jr (Rick). Together, they operate a political consulting firm, Richard Quinn and Associates (RQA). The loans for Capitol Investments II and III are up for renewal and the Quinns have also requested funds to refinance the third office building.					

## Employees of Mail Marketing are paid by RQ&A

### Testimony of Rebecca Mustian, 3/15/2017

Q: How many employees are at Mail Marketing Strategy [sic]?

A: We have David, Mitch, Tripp and then a part-timer. So, four.

Q: And they're paid by Mail Marketing Strategies or First Impressions?

A: First Impressions.

Q: But they work for Mail Marketing Strategies?

A: Yes.

A closer examination of bank records reveals that MMS usually did not have sufficient funds to pay Rick's salary, so the funds actually came from RQ&A.

Date	Payor	Recipient	To MMS	To Rick	Source	MMS Balance Day Before
5/13/2011	Mail Marketing Strategies	Rick Quinn		\$ 6,800.00	Wire	
6/7/2011	RO&A	Rick Quinn		\$ 3,342.35	Wire	
6/23/2011	RO&A Checking	Mail Marketing	\$ 6,800.00		Internet Transfer	\$ 2,056.13
6/23/2011	Mail Marketing Strategies	Rick Quinn		\$ 6,800.00	Wire	
7/7/2011	RO&A Checking	Mail Marketing	\$ 2,000.00		Internet Transfer	
7/18/2011	RO&A Checking	Mail Marketing	\$ 5,800.00		Internet Transfer	\$ 1,290.92
7/19/2011	Mail Marketing Strategies	Rick Quinn		\$ 6,800.00	Wire	
8/5/2011	RO&A Checking	Mail Marketing	\$ 1,000.00		Internet Transfer	
8/15/2011	RO&A Checking	Mail Marketing	\$ 6,800.00		Internet Transfer	\$ 933.13
8/16/2011	Mail Marketing Strategies	Rick Quinn		\$ 6,800.00	Wire	
10/24/2011	Mail Marketing Strategies	Rick Quinn		\$ 6,800.00	Wire	
11/9/2011	Southern Partisan	Mail Marketing	\$ 900.00		Internet Transfer	
11/23/2011	Mail Marketing Strategies	Rick Quinn		\$ 6,800.00	Wire	
11/27/2011	Copy shop	Mail Marketing	\$ 200.00		Internet Transfer	\$ 1,142.03
1/4/2012	RO&A Checking	Mail Marketing	\$ 200.00		Internet Transfer	

RQ&A transfer to MMS for \$6,800.00

MMS wire to Rick the same day for \$6,800.00

Date	Payor	Recipient	To MMS	To Rick	Source	MMS Balance Day Before
5/13/2011	Mail Marketing Strategies	Rick Quinn		\$ 6,800.00	Wire	
6/7/2011	RO&A	Rick Quinn		\$ 3,342.35	Wire	
6/23/2011	RO&A Checking	Mail Marketing	\$ 6,800.00		Internet Transfer	\$ 2,056.13
6/23/2011	Mail Marketing Strategies	Rick Quinn		\$ 6,800.00	Wire	
7/7/2011	RO&A Checking	Mail Marketing	\$ 2,000.00		Internet Transfer	
7/18/2011	RO&A Checking	Mail Marketing	\$ 5,800.00		Internet Transfer	\$ 1,290.92
7/19/2011	Mail Marketing Strategies	Rick Quinn		\$ 6,800.00	Wire	
8/5/2011	RO&A Checking	Mail Marketing	\$ 1,000.00		Internet Transfer	
8/15/2011	RO&A Checking	Mail Marketing	\$ 6,800.00		Internet Transfer	\$ 933.13
8/16/2011	Mail Marketing Strategies	Rick Quinn		\$ 6,800.00	Wire	
9/14/2011	Mail Marketing Strategies	Rick Quinn		\$ 6,800.00	Wire	

9/20/2012	Mail Marketing Strategies	Rick Quinn		\$ 9,900.00	Wire	
9/27/2012	RO&A Checking	Mail Marketing	\$ 3,000.00		Internet Transfer	
9/27/2012	RO&A Checking	Mail Marketing	\$ 3,000.00		Internet Transfer	
10/10/2012	RO&A Checking	Mail Marketing	\$ 21,000.00		Internet Transfer	\$ 921.53
10/10/2012	Mail Marketing Strategies	Rick Quinn		\$ 9,900.00	Wire	
11/20/2012	Mail Marketing Strategies	Rick Quinn		\$ 9,900.00	Wire	
12/24/2012	RO&A Checking	Mail Marketing	\$ 2,000.00		Internet Transfer	\$ 0,917.73
12/24/2012	Mail Marketing Strategies	Rick Quinn		\$ 9,900.00	Wire	
1/11/2013	Southern Partisan	Mail Marketing	\$ 6,800.00		Internet Transfer	
1/17/2013	RO&A Checking	Mail Marketing	\$ 9,900.00		Internet Transfer	\$ 1,378.61
1/17/2013	Mail Marketing Strategies	Rick Quinn		\$ 9,900.00	Wire	
2/19/2013	Southern Partisan	Mail Marketing	\$ 2,000.00		Internet Transfer	\$ 7,917.18
2/19/2013	Mail Marketing Strategies	Rick Quinn		\$ 9,900.00	Wire	

## Lobbyist's principals who have paid Quinn entities for goods or services

- Palmetto Health
- SC Ports Authority
- SC Trial Lawyers Association
- SCANA
- University of South Carolina
- AT&T
- Blue Cross Blue Shield
- SC Citizens for Responsible Government
- Greater Columbia Chamber of Commerce
- Wal-Mart
- SC School Boards Association
- South Carolina Research Authority (SCRA)
- SC Farm Bureau
- Coastal Carolina University
- Grand Strand Business Association
- CFSA Members (Payday lending industry)

## RQ&A receives significant payments from lobbyist principles, none of which have been reported by Rick.

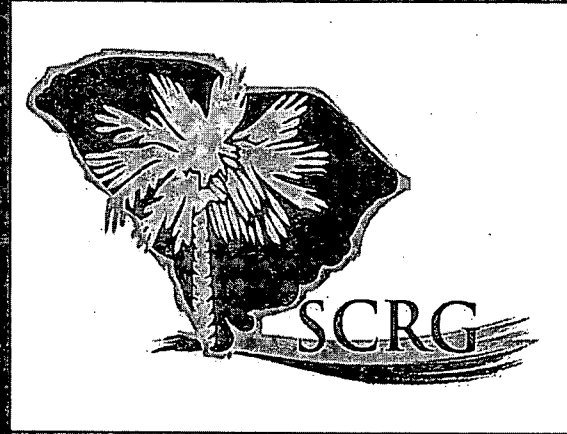
- Payments updated based on new information since time of indictment.
- Reflects payments between November 2010 and August 2016.

• SCANA	\$414,000.00
• SC Ports Authority	\$694,278.77
• Blue Cross Blue Shield	\$167,700.00
• Palmetto Health	\$950,400.00
• SC Trial Lawyers Association	\$348,347.95
• AT&T	\$295,275.77
• University of South Carolina	\$514,763.46
• South Carolinians for Resp. Gov't	\$143,550.00
• And numerous others	

## 1999-2004 – House Republican Caucus Operating Account

- Numerous witnesses interviewed by SLED indicate that the House Majority Leader had ultimate authority over Caucus spending during Rick Quinn's tenure
- While majority leader, Rick Quinn sent caucus business, through the operating account, to his businesses:
 

• MMS	\$168,182.54	Prior to 1999 – \$0.00
• RQ&A	\$96,678.33	Prior to 1999 – less than \$300
• The Copy Shop	\$7,020.82	Prior to 1999 – less than \$100
- None of these expenditures are reported by the caucus
- Almost all of these funds were paid from the caucus operating account rather than the caucus campaign account and were undisclosed to the public



South Carolinians for Responsible Government (SCRG)/  
Americans for Limited Government

- Paid RQ&A \$248,288.59 between 9/7/06 and 6/7/13
- Registered Lobbyist Principal (SCRG)
- Advocates for school choice

# RQ&A coordinates to ensure Bingham is on board with their corporate clients

- Email regarding a conference call with between Bill Wilson of South Carolinians for Responsible Government and Rick Quinn.
- Three days after this email, on 2/23/2012, H. 4894 is co-sponsored by Rick Quinn, Jim Harrison, Tracy Edge, and others.
- H. 4894 concerns school choice, the primary issue promoted by South Carolinians for Responsible Government.
  - It is one of a number of school choice bills sponsored by Quinn confederates

STATE 0122285

To: Richard Quinn [REDACTED]  
 From: [REDACTED]  
 Sent: Mon 2/20/2012 10:58:35 AM  
 Importance: Normal  
 Subject: Re: Urgent call at 9.45  
 Received: Mon 2/20/2012 10:59:46 AM

We got Rick. Plan on track. I am in gville for father in law funeral but doing calls. U may want to text bill and tell him u r working w Rick to get Bingham focused to add the choice bill to the budget at their 2pm mtg today b tony et al have been working to get to today and we need bingham solid. Thx

Sent from my iPhone

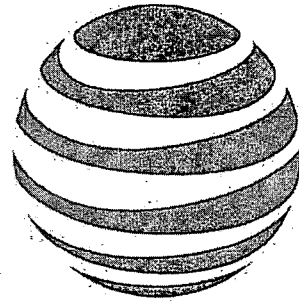
On Feb 20, 2012, at 10:56 AM, Richard Quinn [REDACTED] wrote:

Sorry. Just saw your message. Had to go with Ruthie to doctor at 8:30 this am.  
 Am available now.  
 RQ Sr.

From: [REDACTED]  
 Date: Mon, 20 Feb 2012 09:03:18 -0500  
 To: Richard Quinn [REDACTED] "[rick@rqasc.com](mailto:rick@rqasc.com)" <[rick@rqasc.com](mailto:rick@rqasc.com)>  
 Subject: Urgent call at 9.45

Richard and Rick. Bill must talk to us at 9.45 this am. Will take ten mins. Can y'all do it??? He has a choice crisis.  
 Attached is call in. Pls let me know u got this

Sent from my iPhone



**AT&T**

Pamela Lackey  
State President, AT&T

- Paid RQ&A \$496,940.42 between 4/12/07 and 11/12/2015
- Registered Lobbyist Principal

## Rick Quinn and Kenny Bingham are summoned to a meeting with AT&T by Richard Quinn

STATE 0179127

To: Kenny Bingham [redacted] [rick@rqasc.com](mailto:rick@rqasc.com)[rick@rqasc.com]  
Cc: erichskelton [redacted]  
From: Richard Quinn  
Sent: Tue 8/28/2012 4:27:35 PM  
Importance: Normal  
Subject: TOMORROW  
Received: Tue 8/28/2012 4:27:35 PM

Hi, Kenny, Rick:

The ATT folks (Pam, Jane & Creech) are coming at 11:00 to meet with Sean Bennett briefly.

Can You two join us at noon for lunch and a chat? Should be done by One-ish. Thanks.

RQ

# Rick Quinn collaborates to deal with Jim Merrill's opposition to S.277, a bill favorable to AT&T.

## Message

**From:** [REDACTED]  
**Sent:** 5/6/2015 3:56:47 PM  
**To:** LACKEY, PAMELA P [/O=SBC/OU=Momail/cn=Recipien [REDACTED]  
**CC:** SOSEBEE, JANE S [/O=SBC/OU=Momail/cn=Recipien [REDACTED]  
**Subject:** Re: Gov.

Yes LTE to gov from don with our new tax pledge statement would be perfect. Also Rick just told me merrill has been working the bill---he is a problem. Rick and I are talking at 1 on how to deal with him.

Sent from my iPhone

> On May 6, 2015, at 11:29 AM, LACKEY, PAMELA P [REDACTED] wrote:

>

> I don't know. [REDACTED]

>

> -----Original Message-----

> From: SOSEBEE, JANE S

> Sent: Wednesday, May 06, 2015 11:23 AM

> To: LACKEY, PAMELA P; [REDACTED]

> Subject: Gov.

>

> Would it be helpful for Don to write to the Gov?

>

> Sent from my iPhone

## Richard Quinn instructs Jim Merrill on S.277.

During an interview with SLED and the FBI, Merrill described the events:

- Richard Quinn calls Merrill for a meeting, and Rick asked Merrill to return the calls. Rick was "in and out" of the meeting.
- Richard Quinn told Merrill he was opposing legislation favorable to his clients.
- "Richard Quinn said it had been difficult explaining why someone on the 'team' had blocked the bill and his client was worried Merrill would continue to block the bill."
- Rick pointed out that it would look funny if Merrill flipped his position, so Richard Quinn asked Merrill to not participate instead.

3/31/17 MOI of Jim Merrill at 8-9.

### Message

**From:** LACKEY, PAMELA P [/O=SBC/OU=MOMAIL/CN=RECIPIEN [REDACTED]]  
**Sent:** 5/4/2016 11:13:39 PM  
**To:** FISHER, HANK [/O=SBC/OU=Momail/cn=Recipient [REDACTED]]  
**Subject:** Re: Hurrah! SC bill gets 2nd reading.

Quinn's had a talk with him prior. Told him to lose with dignity, but don't do any harm.

Pamela Lackey  
 President, AT&T S.C.  
 Sent from my iPad

AT&T Mobilizing Your World!

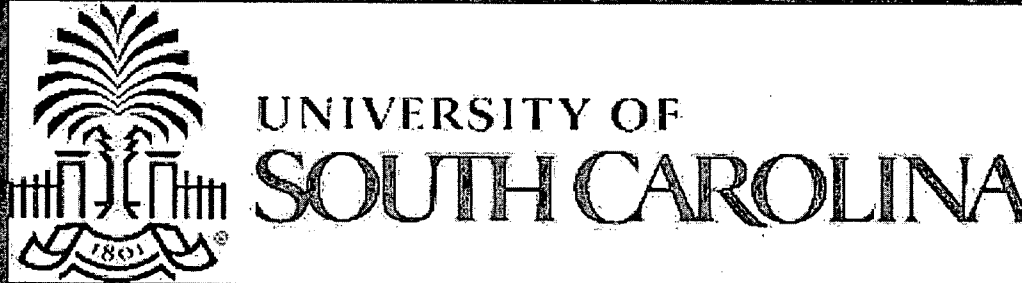
On May 4, 2016, at 6:53 PM, FISHER, HANK [REDACTED] wrote:  
 Ha. R u surprised? He trying to recover from recent press?

Sent from my BlackBerry 10 smartphone.

**From:** LACKEY, PAMELA P  
**Sent:** Wednesday, May 4, 2016 5:55 PM  
**To:** FISHER, HANK  
**Subject:** Re: Hurrah! SC bill gets 2nd reading.

2 hours of debate. Mr Merrill was a formidable opponent.

Pamela Lackey  
 President, AT&T S.C.  
 Sent from my iPad



- Paid RQ&A \$514,763.46 between 11/1/2010 and 5/11/15
- Registered Lobbyist Principal

# Harris Pastides wants to meet with the political family

- The recipients of the email are Rep. Rick Quinn, Rep. Kenny Bingham, and Rep. Jim Merrill

STATE 0179208

To: [REDACTED] Kenny Bingham [REDACTED]; rick@rqasc.com[rick@rqasc.com];  
Jim Merrill [REDACTED]  
From: Richard Quinn  
Sent: Sat 9/8/2012 8:39:35 PM  
Importance: Normal  
Subject: FW: Meeting with Harris  
Received: Sat 9/8/2012 8:39:35 PM

I met with Harris Pastides last week and he expressed an interest in having an informal lunch with our political "family" just to talk about what ever comes up on the general subject of higher ed or anything else—no agenda. Could ya'll make it at 11:30 or October 1?

p

**EVANS, EDWIN**

**From:** WALTON, ED  
**Sent:** Friday, May 30, 2014 7:57 AM  
**To:** WALKER III, TREY  
**Cc:** HICKMAN, WES; PASTIDES, HARRIS; MILLS, SHIRLEY  
**Subject:** Re: Bill would adjust how S.C. universities finance construction projects

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

In the end, what we want is the gist of the Senate version of CU Enterprise Act to include USC.

On May 30, 2014, at 7:26 AM, "WALKER III, TREY" [REDACTED] wrote:

Yesterday as the House was amending and returning S 535 Clemson Enterprise Act to Senate - Brian White attached the CoC R1 language to his version on the bill at the request of Reps Stavrinakis and Merrill. As you know, Courson and Peeler are blocking the CoC R1 bill procedurally. This was done to gain some sort of leverage by getting the R1 language on another vehicle and back to the Senate. Tensions are high. McConnell has announced he will step down on Tuesday, so help lobby the R1 bill. My guess is that at some point next week, Courson and Peeler will relent and remove their objection to the CoC R1 allowing it to pass.

During the Clemson bill consideration in House, I got Rick Quinn to successfully nail Brian White down on the record - from the podium - that the House conferees would not compromise and accept the Senate version of the Clemson bill.

**From:** WALKER III, TREY  
**Sent:** Thursday, May 29, 2014 10:37 AM  
**To:** WALTON, ED  
**Cc:** HICKMAN, WES; PASTIDES, HARRIS; MILLS, SHIRLEY  
**Subject:** Re: Bill would adjust how S.C. universities finance construction projects

As of this moment - House leadership indicates that Senate has no interest in going to conference on enterprise bill and they are resigned to it dying.

Tensions high over CoC R1 bill. Probably has something to do with enterprise status too.

--  
 Trey Walker  
 Director, State Relations  
 University of South Carolina

USC lobbyist Trey Walker uses  
 Rick Quinn to further USC's  
 agenda

Rep. Rick Quinn sponsors an amendment sent to him by USC's lobbyist

From: Trey Walker  
 Date: Wednesday, April 10, 2013  
 Subject:  
 To: Rick Quinn <[rick@rqasc.com](mailto:rick@rqasc.com)>

Reps. QUINN, BINGHAM and MERRILL proposed the following Amendment No. 2 (COUNCIL\AGM\18792BH11):

Amend the bill, as and if amended, by deleting SECTIONS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, as contained in PART II, pages 4-16, and inserting:

/SECTION 2.A. Article 2, Chapter 101, of the 1976 Code is amended by adding:

To: Richard Quinn [REDACTED]; John Courson [REDACTED]  
 From: Rick Quinn  
 Sent: Mon 4/22/2013 3:51:15 PM  
 Importance: Normal  
 Subject: This is the language that I put on the Department of Admin bill  
 Received: Mon 4/22/2013 3:51:16 PM

Reps. QUINN, BINGHAM and MERRILL proposed the following Amendment No. 2 (COUNCIL\AGM\18792BH11):

Amend the bill, as and if amended, by deleting SECTIONS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, as contained in PART II, pages 4-16, and inserting:

/SECTION 2.A. Article 2, Chapter 101, of the 1976 Code is amended by adding:



# Infilaw

- Paid RO&A \$185,000.00 between 5/29/14 and 3/10/15

## The SC Attorney General's Office issues an opinion favorable to Infilaw just seven days after it is requested

- A witness interviewed by SLED received a text message from Richard Quinn on May 31, 2014 stating "Yes, [AG's Office Employee] issued it yesterday morning as a favor to me"
- This opinion, along with the Courson letter, successfully delayed the CHE vote on Infilaw's license



ALAN WILSON  
ATTORNEY GENERAL

May 30, 2014

The Honorable John Richard C. King  
House District No. 49  
309-A Blatt Building  
Columbia, SC 29211

Dear Representative King:

By your letter dated May 23, 2014 you have asked for the opinion of this Office regarding various questions arising under the Administrative Procedures Act ("APA") as well as statutes and regulations relating to the Commission on Higher Education ("CHE"). In your letter, you ask the following questions:

1. When evaluating an application for a license to operate a nonpublic educational institution, does the [CHE] have authority to consider licensing criteria that are not specifically articulated in the South Carolina Code of Laws or the Code of Regulations, such as a criterion that inquires whether issuance of a license is in the best interests of the State?

Cc: Quinn Richard  
 To: Kevin Hal  
 From: [REDACTED]  
 Sent: Tue 6/3/2014 5:56:28 PM  
 Importance: Normal  
 Subject: Re: DRAFT OF COURSON LETTER  
 Received: Tue 6/3/2014 5:56:55 PM

Here is Richards draft and some edits for Courson ltr. What u think?  
 Sent from my iPhone

On Jun 3, 2014, at 5:16 PM, Richard Quinn <rquinn9218@aol.com> wrote:

Dear \_\_\_\_\_:

In the interest of time, I am sending you this letter electronically with a request that you forward this message to your chairman and other members of the Commission.

Just today I received a copy of a letter the Provost of the University of South Carolina submitted to your Commission. That letter clearly expresses concern that there is confusion about how the Infilaw proposal to purchase a private law school in Charleston, S.C. should be evaluated.

Also, I am aware that the Attorney General issued an opinion this past Friday regarding the criteria the Higher Education Commission is authorized by law to employ in evaluating proposed private transactions of this type. And finally, I noted that a majority of the seats on your Commission are either vacant or expired.

## Infilaw letter drafted by Richard Quinn for John Courson's signature

As a result of these factors, and in the interest of making a decision that is in compliance with the law, I would like to recommend that the Commission on Higher Education postpone a vote on the Infilaw proposal until your members have sufficient time to review and consider the new information they have received. I am also, by copy of this message to the counsel for Infilaw, suggesting that they consider withdrawing their request for approval of their purchase proposal until the Commission and its staff have time to more carefully review these matters.

Thank you for considering my views on this matter.

STATE 0159509

To: Daddy  
 From: Rick Quinn  
 Sent: Wed 8/6/2014 1:55:18 PM  
 Importance: Normal  
 Subject: Fwd: To Do list from yesterday  
 Received: Wed 8/6/2014 1:55:19 PM

FYI

Sent from my iPhone

Begin forwarded message:

From: "Hall, Kevin"  
 Date: August 6, 2014 at 11:50:49 AM EDT  
 To: "Rick Quinn (rick@rquse.com)" <rick@rquse.com>; "Jimmy Merrill"  
 Subject: To Do list from yesterday.

Jimmy and Rick, it was great to see y'all yesterday and to catch up. I enjoyed it. Below is my attempt to come up with a "to do list" from my notes. Let's set a target date of August 22 touch base on the below and see what we have each Lord from our "to do" items. Thanks.

Rick	Jimmy	Kevin
Elizabeth Jackson - to see up to her and take her temperature on Infilaw.		Vacant at-large seat-touch base with Gov.'s office for possible appointees, including Eddy Roe Willard.
Citadel - talk to James Smith regarding willingness for Dylan Goff to serve and ability to withstand Kay Hearn pressure.	Public Tech Colleges - talk to Mary Thornley to get lay of land on tech colleges, whose turn it is to have a CHE seat, and who might be a reliable nominee.	Public Tech Colleges - talk to Gov.'s office to see if they have any more information on "whose turn" it is.
Jennifer Settlemyer - ask Ted Vick about her and see what we can learn.		
Adm. Chuck Munns -		

## After the CHE vote is delayed, Rick helps Infilaw stack the CHE board with favorable members

STATE 0159509.02

coordinate with legislative colleagues to arrange his reappointment to 2nd District seat.		
Dianne Kuhl - call Tommy Stringer to learn more about her, her views on Infilaw, and how to secure her support.		
Kim Phillips (5 <sup>th</sup> Dist.) - identify possible "grassroots" replacements for him that can become Gary Simrill's idea and his preferred appointment.		
Hood Temple (6 <sup>th</sup> Dist.) - talk to Ed Givens to come up with possible "grassroots" nominee from African-American community.		
Vacant 7 <sup>th</sup> Dist. Seat - Rick and Jimmy to confer with each other to identify possible appointee.		

KEVIN A. HALL  
 ATTORNEY AT LAW

WOMBLE CARLYLE SANDRIDGE & RICE, LLP

## The Quinns' close relationship to the SC Attorney General while the corruption probe, SLED Case No. 32-13-0019, was ongoing

- Final SLED report on Bobby Harrell – which names Rick Quinn and prompted this investigation – was filed December 5, 2013
- Despite being implicated in this investigation, Rick and Richard Quinn helped the Attorney General write press releases discussing the investigation
- Richard Quinn and Rick Quinn collaborating to write a statement for the Attorney General regarding the Supreme Court's decision in Ex parte Harrell v. Attorney Gen. of State, 409 S.C. 60, 760 S.E.2d 808 (2014)

STATE 0184621

To: [rick@rqasc.com](mailto:rick@rqasc.com)/[rick@rqasc.com](mailto:rick@rqasc.com)  
 From: Richard Quinn  
 Sent: Wed 7/9/2014 7:57:32 PM  
 Importance: Normal  
 Subject: Thoughts ??  
 Received: Wed 7/9/2014 7:57:32 PM

The attorney general has no public comment to offer on today's ruling by the S.C. Supreme Court. Honoring the secrecy rules of the State Grand Jury, the attorney general has consistently declined to issue media statements, give press interviews or make any public comments at all concerning the content of this ongoing grand jury investigation. Our office will continue to abide by those rules.

## The Quinns' continued involvement with the AG's Office during the ongoing SLED investigation

- Statement written by Richard Quinn for Bob Cook regarding the Bobby Harrell investigation

STATE 0138753

To: Richard Quinn [REDACTED]  
 From: robert cook  
 Sent: Thur 10/23/2014 2:41:35 PM  
 Importance: Normal  
 Subject: Re: STATEMENT  
 Received: Thur 10/23/2014 2:41:35 PM

Richard it is a damn good statement. I have no changes. I will get to Alan immediately. Thanks for your good work. Bob

On Thu, Oct 23, 2014 at 2:38 PM, Richard Quinn [REDACTED] wrote:

Bob,

After your edits, I'd suggest we get this out quickly.

RQ

In the public interest, this matter has confirmed that no one in South Carolina is above the law. I'd like to thank Solicitor David Pascoe for agreeing to accept the designation by this office as lead prosecutor in the matter of South Carolina vs. Bobby Harrell.

In keeping with the policy of this office, we have no comment on the specifics of the plea agreement Solicitor Pascoe has negotiated with Mr. Harrell. We took no part in those negotiations and were not consulted on the terms. When our office designates a solicitor to manage a case, our policy is to trust the solicitor's judgment. This case was no exception.

## The Quinns' close relationship to the SC Attorney General while the corruption probe, SLED Case No. 32-13-0019, was ongoing

- Final SLED report on Bobby Harrell – which names Rick Quinn and prompted this investigation – was filed December 5, 2013
- Despite being implicated in this investigation, Rick and Richard Quinn helped the Attorney General write press releases discussing the investigation
- AG asking First Impressions d/b/a Richard Quinn and Associates to assist drafting a letter to Pascoe removing him from the investigation

**From:** wilson [REDACTED]  
**Sent:** Monday, October 27, 2014 7:52 AM  
**To:** Bob Cook  
**Subject:** Fwd: 2 drafts  
**Attachments:** Pascoe ltr 1.docx; ATT00001.htm; Pascoe ltr 2.docx; ATT00002.htm

Sent from my iPhone  
 Please excuse typos

Begin forwarded message:

**From:** Alan Wilson <wilson [REDACTED]>  
**Date:** October 26, 2014 at 10:51:07 PM EDT  
**To:** Alan Wilson <wilson [REDACTED]> Richard Quinn [REDACTED]  
**Subject:** 2 drafts

Letter 1 is the longer one I read to you tonight. Letter 2 is a slightly shorter version. I will be working on these tomorrow with Bob.

Let me know what you think.  
 Alan

Dear Solicitor Pascoe,

Thank you for your acceptance of the July 24, 2014 designation as prosecutor in the Robert W. Harrell matter. Your acceptance of this designation allowed our office to overcome the numerous roadblocks that were preventing this case from moving forward. However, this office has several concerns arising out of the negotiated plea that you entered into with Mr. Harrell on October 23, 2014.

While I will not comment on the substance of the facts pled to by Mr. Harrell I must address one concern which is that the negotiated plea went beyond the scope of your granted authority as the designated prosecutor in this case. The plea negotiation suggest that any state criminal charges against other individuals arising out of any cooperation from Mr. Harrell will be handled solely by you. My designation of you as prosecutor was limited solely to the disposition of Mr. Harrell's case and not to other cases arising out of that one.

While it was always my intent to include you as a collaborative working partner on any future cases arising out of this matter it was never my intent to cede my constitutional authority as the state's chief prosecuting officer. This is an issue that I believe could have easily been avoided had our office been notified of the terms of the negotiated plea agreement beforehand.

It is the position of this office that the negotiated plea entered into by you and Mr. Harrell and approved by Judge Manning is only controlling as to you both as signatories and not to this office. Article 5 Section 24 of the South Carolina Constitution states "[t]he Attorney General shall be the chief prosecuting officer of the State with authority to supervise the prosecution of all criminal cases in courts of record." This constitutional authority cannot be bound by an agreement between you and Mr. Harrell.

Therefore, this office shall continue to supervise the investigation and prosecution of any possible cases that should arise from any cooperation that Mr. Harrell may provide under the terms of the plea agreement. Should Mr. Harrell violate those terms then you will be notified immediately so that you can take any action that you deem appropriate.

If you decide that you would like to participate in any possible future case then please contact me so that we can discuss your involvement. Your cooperation is greatly appreciated by my staff and me.

Thank you for helping this office conclude the Harrell matter. Please do not hesitate to contact me if I can ever be of service to you.

The contents of one of the drafts sent to Richard Quinn

At this time, the Attorney General's Office was aware that Rick Quinn was one of the individuals referred to here

To: WALKER III, TREY [REDACTED]  
 Cc: Rick Quinn [REDACTED]; Richard Quinn [REDACTED]; Raegan Quinn [REDACTED]  
 From: Rick Quinn  
 Sent: Thur 4/17/2014 10:12:45 AM  
 Importance: Normal  
 Subject: Re: Columbia, SC: Scope: A career-defining moment for Circuit Judge Casey Manning | Cindi Scoppe | The State  
 Received: Thur 4/17/2014 10:12:49 AM

And others :-)

Sent from my iPhone

On Apr 17, 2014, at 7:07 AM, "WALKER III, TREY" [REDACTED] wrote:

All the crucial points I tried to make yesterday, are done in dazzling fashion by Cindi below. Obviously, she's well-briefed by Bob Cook.

<http://www.thestate.com/2014/04/16/3391646/scoppe-a-career-defining-moment.html?sp=99/205/&ihp=1>

## Scoppe: A career-defining moment for Circuit Judge Casey Manning

Columbia, SC — SOUTH Carolina's constitution is not equivocal when it comes to the power of the attorney general over criminal prosecutions: "The Attorney General," it says, in Article 5, Section 24, "shall be the chief prosecuting officer of the State with authority to supervise the prosecution of all criminal cases in courts of record."

There is nothing unclear about that. Nothing open to interpretation. His word is final on what will and will not be prosecuted, who will and will not do the prosecuting.

Even when other entities are empowered to enforce the law, as with the Board of Medical Examiners or the other professional licensing boards — or the State Ethics Commission or House or Senate Ethics committees — the attorney general retains the right to step in if he believes that criminal laws are being violated. Certainly he may decline to do so, but that is entirely his call.

The Supreme Court has made this clear over and over, ruling for instance in the 1994 *State v. Thrift* public corruption case that both the constitution and the statutes "place the unfettered discretion to prosecute solely in the prosecutor's hands." That unanimous decision, written by then-Associate Justice Jean Toal, noted that "The Judicial Branch is not empowered to infringe on the exercise of this prosecutorial discretion," although it can "review and interpret the results of the prosecutor's actions." After the fact.

First Impressions d/b/a Richard Quinn and Associates also attempted to influence the investigation through the media

To: Rick Quinn[rick@rqasc.com]  
From: Richard Quinn  
Sent: Thur 10/23/2014 6:08:09 PM  
Importance: Normal  
Subject: FYI  
Received: Thur 10/23/2014 6:08:09 PM

I sent this to Monk and called him. HE thinks its from you. Dad

From: Richard Quinn [REDACTED]  
Date: Thu, 23 Oct 2014 17:47:23 -0400  
To: <[imonk@thestate.com](mailto:imonk@thestate.com)>  
Subject: STATEMENT

John,

This is Rick Quinn using my father's email. Mine is down for the moment. I noticed The State was listing comments from legislators on the Harrell case. I would like to offer the following statement which I believe speaks to the heart of the matter.

Thanks. Rick

The greatest lesson of this tragic saga is that power corrupts. As we reorganize the General Assembly and reform the rules of the House, to serve the public interest. we should keep that lesson clearly in mind.

S.C. Representative Rick Quinn, R-Lexington County

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In the State Grand Jury for the  
State of South Carolina

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Case No.: 2017-GS-47-42

State of South Carolina,  
Plaintiff,

vs.

Richard M. Quinn, Senior d/b/a  
First Impressions Corporation,  
Defendant.

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Case No.: 2017-GS-47-12

State of South Carolina,  
Plaintiff,

vs.

Richard M. Quinn, Junior,  
Defendant.

**SENTENCING TRANSCRIPT**

February 12, 2018

Beaufort, South Carolina

BEFORE:

The Honorable Carmen T. Mullen

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APPEARANCES

**REPRESENTING RICHARD QUINN, SR.:**

Deborah Barbier, Esquire  
1811 Pickens Street  
Columbia, SC 29201

**REPRESENTING THE STATE GRAND JURY:**

James R. Parks, Clerk  
1000 Assembly Street  
Suite 519  
Columbia, SC 29201

**REPRESENTING ROBERT QUINN, JUNIOR:**

Gregory Poole Harris, Esquire  
1529 Laurel Street  
Columbia, SC 29201

**REPRESENTING THE STATE OF SOUTH CAROLINA:**

David Pascoe, 1st Circuit Solicitor  
PO Box 1525  
Orangeburg, SC 29116

1 PROCEEDING

2 THE COURT: At this time, at 9:30 this morning,  
3 we are here for the sole purpose of sentencing a  
4 corporation First Impression d/b/a Richard Quinn and  
5 Associates for failure to register as a lobbyist and  
6 Richard Quinn, Junior for statutory misconduct in  
7 office. Does anyone object to the sentencing being  
8 done in Beaufort, as it is an original Columbia case.  
9 Mr. Pasco?

10 MR. PASCOE: No, Your Honor.

11 MR. HARRISON: No, Your Honor.

12 THE COURT: Thank you, Mr. Harrison.

13 MS. BARBIER: No, Your Honor.

14 THE COURT: Thank you.

15 We are going to go ahead and take up the  
16 corporation first, Ms. Barbier, just to let you know.  
17 On December 13th of 2017 the State, by Solicitor  
18 Pascoe, agreed to allow the company, First  
19 Impressions to --

20 MR. PASCOE: Your Honor, I apologize for  
21 interrupting, but I informed your clerk that the  
22 State would like to be heard and make a record  
23 because we are going to have to -- apparently I am  
24 going to have to object to this plea going forward  
25 now.

1 THE COURT: Okay. Well, sir, what I am going to  
2 do is this: The appropriate time would be at the end  
3 of this plea you are more than welcome to file an  
4 appeal.

5 MR. PASCOE: I am going to file an appeal.

6 THE COURT: Sir, you can't file an appeal until  
7 they have actually been sentenced, either one of  
8 them. So, again, not the appropriate time. So I am  
9 going to go forward. Your objection is noted for the  
10 record. I understand your anticipation, but again,  
11 this is not the appropriate time. I am going to go  
12 ahead and sentence and then at that point, as you  
13 know and should understand, you can file your appeal  
14 at that time.

15 MR. PASCOE: Can I say one thing, Your Honor?

16 THE COURT: Sir, no.

17 MR. PASCOE: Okay.

18 THE COURT: Because right now it is just the  
19 sentencing. You all have had an adequate time to  
20 argue your side and I have heard it and I appreciate  
21 it. So, at the time, sir, again, I note that you say  
22 that you are going to appeal, but again, this is not  
23 the proper time. All right, sir?

24 MR. PASCOE: I believe -- I would object, I  
25 believe it is the proper time and this appeal is not

1 proper at this time. However, I will sit down and  
2 let the Court finish and then I would like to be  
3 heard after you are done.

4 THE COURT: Sir, again, as you understand --

5 MR. PASCOE: Thank you.

6 THE COURT: -- the appropriate process is after  
7 they are sentenced, then you can contest this entire  
8 plea.

9 MR. PASCOE: Your Honor, I -- I don't care about  
10 the sentence, what I care is about the procedure and  
11 you have not gone through an appropriate colloquy  
12 (SIC) with the Defendant to take this plea. So I  
13 think this is a mistake.

14 THE COURT: Ms. Pascoe, you may be seated.

15 MR. PASCOE: Sure, Your Honor.

16 THE COURT: Thank you. All right. As I was  
17 stating, back on December 13th of 2017 the State, by  
18 Solicitor Pascoe, agreed to allow the company, First  
19 Impressions, to plead guilty to one misdemeanor count  
20 of failing to register as a lobbyist and dismiss all  
21 charges against Richard Quinn Senior, personally,  
22 with the agreement that Richard Quinn Senior would  
23 testify before the State Grand Jury in this  
24 continuing investigation.

25 Now, as we are all aware, the maximum possible

1 punishment for the corporation is a 2,500-dollar  
2 fine. Considering everything before me, the lengthy  
3 presentations that were given to me at our hearing on  
4 December 13, 2017 on behalf of both the State and the  
5 Defense, I am sentencing First Impressions for one  
6 misdemeanor count of failing to register as a  
7 lobbyist to the maximum fine of \$2,500 and  
8 restitution in the amount of \$3,000 to your County's  
9 Solicitor's Office. All right.

10 MS. BARBIER: Thank you, Your Honor. With  
11 one -- I would note one exception. Mr. Quinn has  
12 agreed to testify with immunity, with full immunity,  
13 and that was part of the agreement.

14 THE COURT: Thank you, that is what I understood  
15 and I think that Mr. Pascoe clearly put that on the  
16 record last time.

17 MS. BARBIER: Thank you, Your Honor.

18 THE COURT: All right. Well, as part of that  
19 same plea agreement, the State agreed to allow  
20 Richard Quinn Junior to plead guilty to a single  
21 misdemeanor count of statutory misconduct in office  
22 in violation of South Carolina Code Annotated Section  
23 8-1-80 for intentionally failing to report the name  
24 of USC, a lobbying principal, that made payments to  
25 Capital II Investments, a company of which he was

1 associated. That agreement was entered into by  
2 Solicitor Pascoe on behalf of the State, the  
3 Defendants, Mister and -- both Mr. Quinns and their  
4 attorneys through a limited admissions set forth in  
5 the allocution presented to the Court.

6 Richard Quinn Junior specifically denied all  
7 allegations other than those set forth in the  
8 allocution.

9 Now, on January 19th of 2018 the State filed a  
10 memorandum alleging the guilty plea may be invalid  
11 for two reasons. First, the State did not have  
12 evidence of the payment from USC to Capital  
13 Investments II in 2015 and, second, that Richard  
14 Quinn Junior did not admit to intentionally failing  
15 to report the name of USC, the lobbying principal, in  
16 2016.

17 Now, it appears the State is now questioning  
18 their agreement and the validity of the plea. Now,  
19 there's no doubt that the documents prove payment  
20 from USC -- or to Capital Investments II in 2015.  
21 And the transcript of the hearing demonstrates that  
22 Richard Quinn Junior acknowledged the transaction and  
23 admitted that he was guilty of statutory misconduct  
24 in office. And I accepted your guilty plea at that  
25 time. So, at this point, Mr. Quinn, to alleviate any

1 concerns that the State may have, Mr. Parks, will you  
2 please put Mr. Quinn under oath, sir?

3 THE CLERK: Yes, ma'am.

4 Thereupon,

5 RICHARD QUINN, JUNIOR  
6 was called as a witness, having been first duly sworn,  
7 was examined and testified as follows.

8 THE CLERK: Please state your full name.

9 MR. QUINN JUNIOR: Richard Melvin Quinn, Junior.

10 THE CLERK: Thank you.

11 THE COURT: Mr. Quinn, are you guilty of one  
12 count of statutory misconduct in office for  
13 intentionally failing to report income from USC, a  
14 lobbyist principal.

15 MR. QUINN JUNIOR: Yes, ma'am.

16 THE COURT: The plea is valid. Now, gentlemen,  
17 you can go ahead and be seated just until we go ahead  
18 and get to your actual sentencing.

19 At the sentencing portion of the hearing the  
20 State presented a PowerPoint alleging a theory of  
21 political atrocity by Richard Quinn Junior. As far  
22 as the Court is concerned he is presumed innocent of  
23 those allegations until and unless he is proven  
24 guilty.

25 Now, the United States and the South Carolina

1 Constitution requires no less. Now, the court of  
2 public opinion may presume his guilt as to those  
3 allegations, but I cannot. If the Solicitor wanted  
4 Richard Quinn Junior to be punished for those actions  
5 he should have tried him on all counts indicted, or  
6 negotiated a different deal. Richard Quinn Junior  
7 may be guilty of those charges, but that isn't the  
8 deal that was made and it is not what he plead guilty  
9 to.

10 Now, Mr. Pascoe, I questioned you in the  
11 hearing, if Richard Quinn Junior was the worst of the  
12 worst, why are you allowing him to plea to one  
13 misdemeanor count of statutory misconduct in office  
14 on one very limited admission.

15 Now, I trust the Solicitor knows more about his  
16 case than anyone and certainly has the power to enter  
17 into any deal he chooses, and the plea was entered.  
18 Now, for the purpose of sentencing, Mr. Quinn is  
19 presumed innocent of all charges except one count of  
20 statutory misconduct in office for failing to report  
21 rental income from a lobbyist principal. All  
22 remaining charges have been dismissed by the State as  
23 a part of that plea agreement.

24 Now, as we all know, the maximum possible  
25 punishment for statutory misconduct in office is

1 one-year imprisonment and a \$1,000 fine. Mr. Quinn  
2 has no criminal record. His political career is  
3 over. He has been disgraced. And his family's  
4 business has been destroyed.

5 Gentlemen, if you would. I'm sentencing Richard  
6 Quinn Junior for one misdemeanor of statutory  
7 misconduct in office to one-year imprisonment in the  
8 South Carolina Department of Corrections suspended to  
9 two-years probation, 500 hours of public service, and  
10 a 1,000-dollar fine. Good luck to you, Mr. Quinn.

11 MR. HARRISON: Thank you, Your Honor.

12 MS. BARBIER: Thank you, Your Honor.

13 THE COURT: We are going to go ahead and take a  
14 five-minute break before we get our other general  
15 sessions --

16 MR. PASCOE: Your Honor, I thought that I got to  
17 be heard after the plea. The State has an objection  
18 to the plea, Your Honor.

19 THE COURT: I did not say that. As you well  
20 understand, again, the appropriate form is for you to  
21 file an appeal with the Court of Appeals of a higher  
22 court.

23 MR. PASCOE: I would like to state my objection  
24 on the record, Your Honor.

25 THE COURT: Mr. Pascoe, now is not the time.

1 I'm stepping down, sir. You need to file a proper  
2 appeal. Thank you.

3 MR. PASCOE: I don't have the right, Your Honor,  
4 to put my objection on the record? Is that what this  
5 Court is instructing me?

6 THE COURT: Sir, I am instructing you that this  
7 is not the proper form and you know well that.

8 MR. PASCOE: No, I know well that I am supposed  
9 to state my grounds for the objection. Any  
10 attorney --

11 MR. HARRISON: Judge, I object. He sounds like  
12 a defendant in cases I have heard, in other cases --

13 THE COURT: We are not going to grandstand  
14 either one of you.

15 MR. PASCOE: Can I --

16 THE COURT: No, sir, you may be seated. You can  
17 take it up with the Court of Appeals if you believe  
18 in any way I am wrong. I'm confident that I'm not.  
19 Thank you. We will be at ease.

20 (Hearing adjourned.)

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CERTIFICATE

STATE OF SOUTH CAROLINA:

COUNTY OF BEAUFORT:

I, MONA L. MANLEY, Court Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 19th day of February, 2018.

*Mona L. Manley /s/*  
MONA L. MANLEY  
Official South Carolina Court Reporter  
Circuit Reporter for the 14th Circuit  
(850) 893-6662  
mmanley@sccourts.org

State of South Carolina	)	Court of General Sessions
	)	State Grand Jury
	)	Case No. 2017-GS-47-12
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
Richard Quinn Jr.,	)	
	)	
Defendant.	)	
	)	

February 28, 2018  
 Beaufort, South Carolina

B E F O R E:

The Honorable Carmen T. Mullen, Judge

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

David Pascoe Jr., Esquire  
 Attorney for the Plaintiff

Gregory P. Harris, Esquire  
 Matthew Richardson, Esquire  
 Jonathan Gasser, Esquire  
 Deborah Barbier, Esquire  
 Attorneys for the Defendant

Krystal J. Smith  
 Circuit Court Reporter

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I N D E X

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E X H I B I T S

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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(No Exhibits Presented)

COURT REPORTER LEGEND

dashes --	intentional or purposeful interruption or change in thought
ellipses . . .	trailing off
[ph]	phonetically written
[sic]	written as said

1 FEBRUARY 28, 2018

2 (WHEREUPON, the proceedings began at 9:08 a.m.)

3 THE COURT: All right. Mr. Pascoe, this is your motion  
4 to revisit the sentencing decision in the Richard Quinn Jr.  
5 and Richard Quinn Sr. case or, in the alternative, to vacate  
6 the plea. Is that correct, sir?

7 MR. PASCOE: Yes, Your Honor.

8 THE COURT: Whenever you're ready.

9 MR. PASCOE: Thank you, Your Honor. I appreciate that.  
10 May it please the Court.

11 THE COURT: Yes, sir.

12 MR. PASCOE: Your Honor, on February the 12<sup>th</sup>, 2018, this  
13 Court sentenced the defendant, Rick Quinn Jr., to one year of  
14 imprisonment, suspended to two years' probation, 500 hours of  
15 public service, and a \$1,000 fine. In handing down its  
16 sentence that day, it's the State's position, with all due  
17 respect, that the Court committed factual errors, legal  
18 errors, and denied the State's -- State its right to due  
19 process to be heard at the hearing and in the passing of  
20 sentence.

21 We were prohibited from being able to make a record on  
22 February the 12<sup>th</sup> in allowing us an attempt to cure this plea  
23 that now needs to be invalidated because the plea this Court  
24 allowed to be taken without the consent of the State and the  
25 sentence it passed down is not reflective of what the State

1 allowed the defendant to plead guilty to, as I'm going to get  
2 into in a minute.

3 THE COURT: Okay.

4 MR. PASCOE: In fact, by not allowing the State to  
5 speak, the plea was poisoned even more. On February the 12<sup>th</sup>,  
6 you asked the defendant if he was pleading guilty to what we  
7 believe is a made-up charge that I will prove in just a  
8 minute and establish.

9 THE COURT: Uh-huh.

10 MR. PASCOE: That we objected to back on January the 19<sup>th</sup>  
11 in our motion when you asked the defendant are you guilty of  
12 one count of misconduct -- of statutory misconduct in office  
13 for intentionally failing to report income.

14 THE COURT: Uh-huh.

15 MR. PASCOE: There is no such charge, Your Honor, and  
16 that is not what the State allowed the defendant to plead  
17 guilty to. And quite frankly, we believe that the defense  
18 has manipulated the Court into taking such a plea, as I'm  
19 going to prove.

20 THE COURT: Uh-huh.

21 MR. PASCOE: I want to refer you to page 6 of the  
22 December 13<sup>th</sup>, 2017, transcript --

23 THE COURT: Uh-huh.

24 MR. PASCOE: -- of the plea --

25 THE COURT: Uh-huh.

1 MR. PASCOE: -- where I stated on the record, Your  
2 Honor, what the defendant was pleading guilty to when I said  
3 it was a package deal and I said, quote -- on page 6 of that  
4 transcript, quote, Rick Quinn Jr. is pleading guilty straight  
5 up and with the knowledge that the State is asking for prison  
6 time for Indictment Number 2017-GS-47-12. That's statutory  
7 misconduct in office, end of quote.

8 And that, again, Your Honor, I said straight up to  
9 misconduct in office, and I couldn't to be more clear when I  
10 said that.

11 I'm now going to read the indictment, which I was going  
12 to ask the Court to read to the defendant on --

13 THE COURT: Mr. Pascoe, can I just ask you a quick  
14 question?

15 MR. PASCOE: Absolutely.

16 THE COURT: Right above that on page 6, you stated -- it  
17 says, Your Honor, we are here, and we start and you say this  
18 is a negotiated package plea agreement --

19 MR. PASCOE: Yes, ma'am.

20 THE COURT: -- with both of these defendants.

21 Now, someone pleading straight up, that is not a fully  
22 negotiated agreement. So what is your position on -- was  
23 this a fully negotiated agreement? Did they agree to a one-  
24 year sentence?

25 MR. PASCOE: No, they did not agree to a one-year

1 sentence.

2 THE COURT: Okay.

3 MR. PASCOE: You're talking about to a negotiated -- no,  
4 they did not.

5 THE COURT: Right.

6 MR. PASCOE: That's why I checked -- and I'm going to  
7 talk about this in a minute, but the State was going to  
8 recommend a one-year sentence.

9 THE COURT: Okay. But it wasn't negotiated that he got  
10 a one-year sentence; is that correct?

11 MR. PASCOE: That is correct.

12 THE COURT: Okay.

13 MR. PASCOE: Absolutely.

14 THE COURT: Okay.

15 MR. PASCOE: We were going to recommend one year, but it  
16 was negotiated that he was pleading guilty to misconduct in  
17 office on --

18 THE COURT: Uh-huh.

19 MR. PASCOE: -- Indictment 2017-GS-47-12 --

20 THE COURT: Uh-huh.

21 MR. PASCOE: -- and that he was pleading straight up to  
22 a -- part of that --

23 THE COURT: And that was to the one-year statute;  
24 correct? If I'm correct, this was not to the common law  
25 misconduct in office that carried up to 10 years.

1 MR. PASCOE: That is absolutely correct.

2 THE COURT: Okay.

3 MR. PASCOE: I'm going to address that too. Thank you,  
4 Your Honor, for pointing that out.

5 But now I'm going to read the indictment, which I was  
6 going to ask the Court to read to the defendant on February  
7 the 12<sup>th</sup>.

8 THE COURT: Uh-huh.

9 MR. PASCOE: And this is the indictment he pled guilty  
10 to.

11 That on or about April the 1<sup>st</sup>, 2010, through on or about  
12 April the 15<sup>th</sup>, 2017, in Richland County, the defendant,  
13 Richard M. Quinn Jr., a public officer, knowingly committed  
14 acts and omissions constituting official misconduct, fraud,  
15 corruption, or habitual negligence.

16 THE COURT: Uh-huh.

17 MR. PASCOE: To wit: the defendant, while an elected  
18 member of the South Carolina House of Representatives and  
19 candidate for state office, violated provisions of the Ethics  
20 Government Accountability and Campaign Reform Act of 1991 in  
21 order to obtain a personal profit and benefit.

22 THE COURT: And that was the original indictment;  
23 correct?

24 MR. PASCOE: That's the indictment he pled guilty to.

25 THE COURT: Right.

1 MR. PASCOE: The original indictment.

2 THE COURT: Right.

3 MR. PASCOE: Yes, ma'am.

4 THE COURT: Okay.

5 MR. PASCOE: Yes, ma'am. So that is what he pled guilty  
6 to, and I'll even get to the limited allocution and  
7 everything else because I know you'll have questions about  
8 that in just a minute.

9 THE COURT: Uh-huh.

10 MR. PASCOE: Next, Your Honor, of course -- and this is  
11 very important. Our courts have said to look at the  
12 sentencing sheet to see what a defendant pled guilty to. And  
13 when you look at the sentencing sheet -- and I'm going to  
14 make all of these, if I remember -- my staff will try to  
15 remind me -- Court's exhibits --

16 THE COURT: That's fine.

17 MR. PASCOE: -- for you to look at later because I don't  
18 know whether you even have the sentencing sheet in front of  
19 you.

20 THE COURT: I don't.

21 MR. PASCOE: Would you like a copy?

22 THE COURT: I would love a copy. Thank you.

23 MR. PASCOE: Do you have one?

24 MR. HARRIS: I probably have one.

25 THE COURT: Sir? Okay.

1 MR. PASCOE: We can give you a copy too.

2 THE COURT: Okay.

3 MR. PASCOE: I have --

4 THE COURT: Jim, actually, do you mind giving me a copy?  
5 Do you have that? Is that the original?

6 THE CLERK: The original, yes.

7 THE COURT: I've got the original. I'm fine.

8 MR. PASCOE: Okay.

9 THE COURT: Yes.

10 THE CLERK: The judge has the original.

11 MR. PASCOE: And this is very important, again, later  
12 when we talk about what the Court can and should have  
13 considered for the defendant's sentence.

14 THE COURT: Uh-huh.

15 MR. PASCOE: On the sentencing sheet, it says, of  
16 course, he's pleading guilty to 2017-GS-47-12.

17 THE COURT: Uh-huh.

18 MR. PASCOE: And if Your Honor looks, it says the date  
19 of the offenses.

20 THE COURT: Uh-huh.

21 MR. PASCOE: April the 1<sup>st</sup>, 2010 --

22 MR. HARRIS: Would you hold on? We don't have it yet.

23 MR. PASCOE: I'm sorry. Do you need a -- do you need a  
24 copy?

25 MR. HARRIS: I do.

1 MR. PASCOE: I've got one. Here you go. Here it is.  
2 Make sure that's the right one.

3 MR. HARRIS: Thank you.

4 MR. PASCOE: Have you got it, Greg?

5 MR. HARRIS: Yeah, man.

6 MR. PASCOE: It says date of the offense -- and that is  
7 important --

8 THE COURT: Uh-huh.

9 MR. PASCOE: April the 1<sup>st</sup>, 2010, through April the 15<sup>th</sup>,  
10 2017. So there is, as I will point out later, no presumption  
11 of innocence for anything he did in that indictment.

12 The South Carolina Code, of course, 8-1-80, the correct  
13 CDR code for misconduct, not for failing to file --

14 THE COURT: Uh-huh.

15 MR. PASCOE: -- is 0115.

16 THE COURT: Uh-huh.

17 MR. PASCOE: And it says that he is pleading as  
18 indicted.

19 THE COURT: Uh-huh.

20 MR. PASCOE: Not lesser included or anything like that.  
21 As indicted.

22 THE COURT: Uh-huh.

23 MR. PASCOE: Signed by the defendant. Signed by his  
24 attorneys, Mr. Gasser and Mr. Richardson, and there's a  
25 recommendation by the State checked because I was

1 recommending a year in prison.

2 THE COURT: Uh-huh.

3 MR. PASCOE: But he pled straight up --

4 THE COURT: Uh-huh.

5 MR. PASCOE: -- to that indictment for everything he's  
6 done --

7 THE COURT: Uh-huh.

8 MR. PASCOE: -- since April the 1<sup>st</sup>, 2010, through April  
9 the 15<sup>th</sup>, 2017.

10 Now, I want to discuss the limited allocution because,  
11 Your Honor, limited allocutions and limited sets of facts are  
12 taking place, as you know because you've done a lot more  
13 pleas than I have, all across the State of South Carolina.

14 The limited allocution was nothing more than a limited  
15 set of facts to hopefully maybe -- but I submit not in this  
16 case unfortunately, maybe get the defense -- defendant over  
17 the threshold of admitting to misconduct in office to take  
18 the plea. However, as I'm going to explain more in this case  
19 --

20 THE COURT: Uh-huh.

21 MR. PASCOE: -- it didn't really get him over the  
22 threshold here because when you couple the defendant's  
23 allocution with statements made by his attorneys during the  
24 guilty plea, this plea needs to be invalidated, and I'm going  
25 to explain that better about what the attorneys said during

1 the guilty plea in December in just a minute.

2 THE COURT: Uh-huh.

3 MR. PASCOE: The only time that I mentioned anything  
4 about an allocution during the guilty plea in December is on  
5 page 12 of the transcript.

6 THE COURT: And I think you mispronounced it, if I  
7 recall.

8 MR. PASCOE: Yes.

9 THE COURT: And you corrected yourself and said I always  
10 get that wrong.

11 MR. PASCOE: And I think you corrected me. I think you  
12 finally said, no, it's pronounced allocution. I've studied  
13 that since then and got it.

14 THE COURT: Okay.

15 MR. PASCOE: And I said the Court would get to make a  
16 determination of whether it should be held against him or not  
17 for not accepting responsibility for other acts which the  
18 State intends to go into today.

19 THE COURT: Uh-huh.

20 MR. PASCOE: Had I known that the Court would disregard  
21 the indictment -- and, again, I think it's because the Court  
22 -- I mean I can't think of any -- may have been duped to  
23 think it could only consider a failing to file --

24 THE COURT: Uh-huh.

25 MR. PASCOE: -- as opposed to the entire indictment,

1 then I never would've done this plea, but he pled guilty to  
2 that indictment for acts between 2010 and 2017.

3 And again, there are limited allocutions and factual  
4 scenarios, as you know better than I do, taking place all  
5 across the State. For example, I just thought of one --

6 THE COURT: Uh-huh.

7 MR. PASCOE: -- we've done. Someone is charged with  
8 armed robbery for entering a bank with a gun and robbing it.

9 THE COURT: Uh-huh.

10 MR. PASCOE: And entering a bank with the intent to  
11 steal.

12 THE COURT: Uh-huh.

13 MR. PASCOE: We sometimes will dismiss that armed  
14 robbery --

15 THE COURT: Uh-huh.

16 MR. PASCOE: -- and plead them to entering a bank  
17 because instead of 10 to 30, they're looking at 0 to 25. His  
18 attorneys can make argument. The defendant goes in there and  
19 just says, Your Honor, all I'm admitting to is that I went in  
20 there and committed and -- that I tried to steal from the  
21 bank.

22 THE COURT: Uh-huh.

23 MR. PASCOE: The State shows the Court a picture of the  
24 defendant holding a gun.

25 THE COURT: Uh-huh.

1 MR. PASCOE: And reads a statement where it says the  
2 defendant fired a gun into the ceiling.

3 THE COURT: Uh-huh.

4 MR. PASCOE: The defendant says, no, I disagree with  
5 that. All I did was intend to steal money. Well, of course,  
6 the State can consider what he -- his conduct in there and  
7 give him closer to 25 years instead of zero years.

8 But also, what we have here, where the problem is, as  
9 I'm going to go into again in a minute --

10 THE COURT: Uh-huh.

11 MR. PASCOE: I keep saying that. The other problem we  
12 have is during their factual scenarios --

13 THE COURT: Uh-huh.

14 MR. PASCOE: -- basically what the defense attorney said  
15 was, well, our client went in there and tried to make a  
16 withdrawal, but had he known he didn't have money in the  
17 bank, he wouldn't have done it.

18 So that's why I don't even think we have a valid plea  
19 here is because of their factual allocation during -- during  
20 the plea. But again, more importantly on the law, once he  
21 pleads guilty to that charge of entering a bank, the Court  
22 can consider any conduct it wants in passing sentence.

23 THE COURT: Let me ask you, Mr. Pascoe, the allocation  
24 is printed out and the terms and condition of the plea  
25 agreement were made a part of the record. I mean I have them

1 as Court's exhibits 1 and 2 that are a part of the record.

2 That's the agreement.

3 MR. PASCOE: Yeah. And I put the agreement on the  
4 record, that this was a package deal.

5 THE COURT: I mean you read it into the record.

6 MR. PASCOE: No, I didn't read that -- whatever you  
7 wanted to do --

8 THE COURT: Someone read it into the record. Maybe you  
9 all did.

10 MR. HARRIS: We did.

11 THE COURT: I mean this -- and we made it a part of the  
12 record. I mean I've got it as a Court's exhibit sitting  
13 here.

14 MR. PASCOE: Yes.

15 THE COURT: So it is a part of the record and that is  
16 the agreement.

17 MR. PASCOE: That I was going to allow the defendant to  
18 make a limited allocution, if it got him over the threshold  
19 of misconduct in office. The -- the agreement that the State  
20 puts on the record is that the defendant was pleading, quote,  
21 straight up --

22 THE COURT: Uh-huh.

23 MR. PASCOE: -- to that misconduct in office for his  
24 conduct between 2010 and 2017.

25 THE COURT: I don't think there was any question as to

1 that. That we all knew I had a sentencing range as allowed  
2 by the statute of zero to 1 years and a fine of up to \$1,000.

3 MR. PASCOE: But, as I'm going to discuss in a minute,  
4 the Court also said on February 12<sup>th</sup> that it was not taking  
5 into consideration the State's presentation of facts, which  
6 is discussed, 2010 through 2017 because you --

7 THE COURT: I didn't say I didn't take into  
8 consideration the facts. You have to remember that what you  
9 gave me was a PowerPoint that was your argument and, as you  
10 well know, if you had tried this to me in a bench trial or if  
11 you had tried this to a jury, your testimony is not what I  
12 can take and use. And to every bit of what you stated in  
13 your PowerPoint, other than his admission of failing to name  
14 USC as a lobbyist principal, they denied each and every one  
15 of those allegations, and did repeatedly.

16 Again -- so, again, I have to look at the facts and I  
17 have to determine, again, and I look at that as those are a  
18 lawyer's allegations. That's exactly what they are. Other  
19 than him admitting to it or proving beyond a reasonable doubt  
20 to me each and every one of those things, again, that's just  
21 your argument. I can consider it, but if that's what you  
22 wanted, you should've tried the case and you could have even  
23 bench-tried it because then we would have had witnesses.

24 I mean part of your PowerPoint presentation -- I mean it  
25 had names and testimony blacked out, which I understand why,

1 but the simple fact is is that I have no way of judging. If  
2 I were sitting as the judge or if I was sitting as a jury, I  
3 would have no way of judging the credibility. And  
4 additionally, while I know at the end they made counter  
5 arguments, I guess, to all of what you said, they would have  
6 the right to cross-examine the witnesses.

7         Again, my understanding was -- and we talked about it  
8 back in chambers ahead of time, and you all agreed that this  
9 is exactly what he was admitting to. This is exactly what he  
10 was pleading to. You dismissed the common-law charge for  
11 misconduct in office, which carried up to 10 years, and you  
12 dismissed the conspiracy charge against Richard Quinn Jr. and  
13 you were dismissing all individual charges against Richard  
14 Quinn Sr., and you were allowing the corporation just to  
15 plead guilty.

16         That's what I was told and that's everything that I took  
17 in. I heard your presentation and, again, I think what  
18 you're trying to do is hold me to accepting all of that as  
19 fact beyond a reasonable doubt. And I heard it, I considered  
20 it, and I even think in my sentence I said he may well have  
21 done all of those things. He may have, but the simple fact  
22 is is that I hadn't heard the testimony. It hadn't been  
23 proven to me beyond a reasonable doubt, and the opposing  
24 counsel didn't have the opportunity to cross-examine it.  
25 Again, I think they got up and I think it was Mr. Gasser at

1 length objected and, you know, said we disagree with this,  
2 and he went through the four categories.

3 But again, that wasn't what he came forward and pled  
4 guilty to and, as far as I know, he's never confessed to  
5 anything else. I mean often times when you're talking about  
6 a case, like an armed robbery, typically if you have, let's  
7 say, five armed robberies that they committed and you allow  
8 them only to plead to one, they will have already confessed  
9 or you will already have evidence beyond a reasonable doubt.

10 I think you recognize this is the type of case that has  
11 to be proven and it has to be proven to me if I am sitting  
12 here and as the finder of fact. So that's where I think that  
13 we have our disconnect.

14 I am concerned with what you're telling me now is you  
15 believe that he didn't do a complete admission to this  
16 charge, and I'm wondering why it's now that we're questioning  
17 this because you all met. This -- this guilty plea took  
18 place on a Wednesday. You all met in Orangeburg the week  
19 before on Monday and certainly had many discussions, and I  
20 got a phone call that says can you take this plea in the next  
21 day or two.

22 A plea agreement is between both parties. It's not a  
23 plea agreement with the Court. I can either accept it or  
24 reject it. So this is not something that I talk with and  
25 negotiate. You two agree and you come forward and talk to me

1 about it, and that's what we did.

2 Tell me, what he pled to, how that is not factually  
3 correct and that doesn't meet the elements of misconduct in  
4 office under the statute.

5 MR. PASCOE: You've helped me make my point why there  
6 was judicial error in this case. You helped me make my  
7 point.

8 This was not a trial. He pled guilty to conduct between  
9 April 2010 through April 2017. He does not get the  
10 presumption of innocence. So I'm going to discuss all of  
11 that.

12 He does not -- we do not have to prove his guilt beyond  
13 a reasonable doubt once he pleads guilty. Your Honor, I did  
14 not dismiss -- when I dismissed those charges, I did not  
15 dismiss the defendant's conduct between 2010 and 2017.

16 THE COURT: Uh-huh.

17 MR. PASCOE: I just limited the amount of time he was  
18 looking at in prison from 16 years to one. And when you look  
19 at State v. Thomason, State v. Riker, State v. Gullede, they  
20 all say that. The defendant is not entitled to a presumption  
21 of innocence on that indictment once he pleads guilty. Look  
22 at Riker, the facts of Riker.

23 THE COURT: I don't have to take all your facts though,  
24 and that's where we have this disconnect. You want me to  
25 accept everything that you allege as the absolute truth.

1 MR. PASCOE: Right.

2 THE COURT: And you have to -- for me to do that --  
3 again, it's unchallenged, it's not cross-examined, and you're  
4 just saying that I have to believe everything you say, and  
5 that's not what the law says.

6 MR. PASCOE: You just said what the defense attorney  
7 said in State v. Riker. Your Honor, you can't call police  
8 officers in here. I have a -- I have an agreement with the  
9 State. I don't have the opportunity to cross-examine, and  
10 the Court said tough. You pled guilty. You do not get a  
11 presumption of innocence and --

12 THE COURT: And he pled guilty to the charge though.  
13 You can go look. He pled guilty to misconduct in office.

14 MR. PASCOE: Yes.

15 THE COURT: And he admitted misconduct in office.

16 MR. PASCOE: I don't believe he did. I'm going to get  
17 into that --

18 THE COURT: Okay.

19 MR. PASCOE: -- too, but I want to --

20 THE COURT: Go ahead.

21 MR. PASCOE: The State's rendition of the facts proves  
22 what I've been trying to say, that the defendant pled  
23 straight up to his conduct between 2010 and 2017. I was very  
24 careful in my presentation to the Court, Your Honor --

25 THE COURT: Uh-huh.

1 MR. PASCOE: -- only to discuss the defendant's conduct  
2 between April the 1<sup>st</sup> of 2010 and April the 15<sup>th</sup> of 2017, just  
3 like in the indictment.

4 THE COURT: Uh-huh.

5 MR. PASCOE: On page 29 of the transcript, page 29 --

6 THE COURT: Uh-huh.

7 MR. PASCOE: When I did discuss things that didn't take  
8 place in that seven years, I said, quote, Your Honor, I'm  
9 going to talk about one thing prior to 2010 only because it's  
10 what got this investigation started, how the whole thing got  
11 started with SLED.

12 Then on page 31 of the transcript, I got back to 2010 --

13 THE COURT: Uh-huh.

14 MR. PASCOE: -- and I said, quote, now, Your Honor, I'm  
15 going to just specifically talk about some of the lobbyist  
16 principals Rick Quinn worked with since 2010. Quote, now  
17 relevant to that indictment that he's pleading guilty to.

18 THE COURT: Mr. Pascoe, let me ask you -- one of the  
19 things that you discussed in your PowerPoint was his caucus  
20 activities as the head of the caucus.

21 MR. PASCOE: Uh-huh.

22 THE COURT: And you even admitted that while you  
23 believed it was a violation of the law, legal experts  
24 disagreed.

25 MR. PASCOE: Yes.

1 THE COURT: And that -- so you can't hold that against  
2 him, but you still discussed it. So am I supposed to  
3 consider that because you tell me it's a violation of the  
4 law? Am I supposed to consider that and take what you have  
5 to say when the opposing side says that it's not a violation  
6 of the law?

7 And the reason why I ask that is is that I didn't get an  
8 opportunity to have looked at it myself. I didn't have an  
9 opportunity to hear the various arguments. I know everyone  
10 talked about we have great legal scholars, you know, who are  
11 experts that would testify and gave us opinions, but the  
12 simple fact is is that I didn't have the benefit of that.

13 So whose word am I supposed to take?

14 MR. PASCOE: Judge, that's why I said on page 29 -- that  
15 was when I went into the caucus stuff. That's when I warned  
16 the Court that I was talking about activities prior to 2010  
17 and then I told the Court why I was going into that, and I  
18 said it's what got the investigation started. The whole  
19 thing got started with SLED.

20 THE COURT: Uh-huh.

21 MR. PASCOE: That's why I went into that. I even  
22 explained it to the Court, which again proves beyond any  
23 doubt that he was pleading guilty to all of his conduct from  
24 2010 to 2017.

25 THE COURT: Uh-huh.

1 MR. PASCOE: So he was not entitled to a presumption of  
2 innocence at all. And again, I -- well, I've already said  
3 that a million times.

4 This -- and this Court, it's my position, should not  
5 have disregarded the State's case, and I'll tell you who  
6 didn't disregard the State's case. I'm going to talk about  
7 that now and the -- the misstatements of fact by the defense.  
8 Both Mr. Gasser and Mr. Richardson spent a considerable  
9 amount of time trying to refute the State's case.

10 THE COURT: Uh-huh.

11 MR. PASCOE: But I submit much of what they said was  
12 misleading and proven to be factually inaccurate.  
13 Nonetheless, it wasn't held against the defendant, and you  
14 knew about this on January the 19<sup>th</sup>. You pointed out some of  
15 those inaccuracies and misstatements by the defense in our  
16 January 19<sup>th</sup>. Just two of the examples is Kevin Hall.

17 On page 56 of the transcript, page 56, Johnny Gasser  
18 tells the Court, quote, and Kevin Hall will tell you this,  
19 and he continues to say when Rick Quinn found out --

20 THE COURT: Uh-huh.

21 MR. PASCOE: -- he was a client and Kevin Hall sent that  
22 email --

23 THE COURT: Uh-huh.

24 MR. PASCOE: -- he immediately called Kevin Hall and  
25 said, I can't do this, Kevin. I can't do this. InfoLaw is a

1 client of my father's.

2 That is a total fabrication brought up by the defense to  
3 the Court, and the Court has known about it since January the  
4 19<sup>th</sup>. Mr. Hall's lawyer was in the courtroom that day.

5 THE COURT: Uh-huh.

6 MR. PASCOE: He immediately left, called his client,  
7 told him what Mr. Gasser said Mr. Harris said. His client  
8 said that's not true. His lawyer called me the next morning  
9 to tell me about that.

10 THE COURT: Uh-huh.

11 MR. PASCOE: Fortunately, since you took time in waiting  
12 for sentence, Mr. Hall went ahead and sent me a letter, which  
13 Your Honor has, saying he never had that conversation with  
14 Mr. Quinn. That Mr. Quinn never said he had a conflict of  
15 interest.

16 On page 54 of the transcript, Your Honor, Mr. Gasser  
17 says Rick Quinn did not vote on legislation when it involved  
18 his father's clients. Judge, the record is absolutely clear.  
19 The record that the State --

20 THE COURT: Uh-huh.

21 MR. PASCOE: -- put before you and the record you had  
22 nine weeks to look at, which I'm sure -- or you could have  
23 done. He didn't just vote on their legislation, he sponsored  
24 it.

25 Are you going to believe your lying ears or your eyes?

1 USC, Trial Lawyers, South Carolinians for Responsible  
2 Government, AT&T, and more, all on the record. The defendant  
3 didn't just vote for the legislation, he sponsored their  
4 legislation, and I believe that this Court should have  
5 considered all that without a doubt in its sentence, and  
6 that's just two examples of the egregious misrepresentations  
7 they made to the Court. That this Court had in front of it  
8 and could've seen for itself in the last nine weeks that  
9 weren't true.

10 Another very important matter that I need to address  
11 about -- that I wanted to address at the February 12<sup>th</sup> hearing  
12 was Mr. Richardson's rendition of the defendant's conduct  
13 that doesn't even amount to misconduct, and this really goes  
14 to the important question you asked earlier.

15 THE COURT: Uh-huh.

16 MR. PASCOE: About why maybe the plea needs to be  
17 invalidated.

18 THE COURT: Uh-huh.

19 MR. PASCOE: On pages 71 through 72 of the plea  
20 transcript in December, Your Honor --

21 THE COURT: Uh-huh.

22 MR. PASCOE: -- Mr. Richardson says a lobbyist principal  
23 made his father's business money and that, as for the  
24 defendant, quote, he admits that had he known that, he should  
25 have disclosed that. Now, that's a stretch under the

1 definition of benefit. That is not misconduct in office.

2 THE COURT: Mr. Pascoe, the problem I'm having here is  
3 is that you seem to be holding against Mr. Quinn what the  
4 lawyers are saying, and I went through and read my guilty  
5 plea. I asked him no short of six times was he guilty of  
6 statutory misconduct in office, and I went through and we  
7 talked about the facts, and every time he said he was guilty.

8 If lawyers misspoke, if lawyers said something  
9 different, again, that's part of a guilty plea is that I have  
10 to hear it from him. I have to hear from his mouth that he  
11 is, in fact, guilty or I would not have accepted the plea.

12 MR. PASCOE: And I'm looking for it now, Your Honor. I  
13 didn't have it, but I do believe that the last thing he said  
14 was that he was only guilty of what his lawyers said he did  
15 after Mr. Richardson spoke.

16 THE COURT: Again, that's argument from a lawyer, but  
17 clearly, I discounted that because I accepted the guilty  
18 plea.

19 MR. PASCOE: But what Mr. Richardson and his lawyers  
20 purported and what the defendant said he was pleading to,  
21 that what my lawyer said, is not official misconduct. It's  
22 not fraud. It's not corruption. It is certainly not  
23 habitual negligence. Filing -- not filing something one  
24 time, particularly the way they outline it, is not misconduct  
25 in office. It's not even close.

1 They have potentially -- let me tell you what they've  
2 done.

3 THE COURT: Uh-huh.

4 MR. PASCOE: Okay. They have potentially laid a  
5 landmine of a trap by pleading something with no subject  
6 matter jurisdiction, and guess what's going to happen?  
7 There's no doubt in my mind. He will now have a year to file  
8 a post-conviction relief --

9 THE COURT: Uh-huh.

10 MR. PASCOE: -- and say my lawyers shouldn't have let me  
11 plead to that. I didn't commit misconduct in office. At  
12 worst, I committed failure to file.

13 And you know how we know that? They helped prove that  
14 for me in their little -- I haven't had a lot of time to read  
15 it, but I did read it this morning in their reply to my  
16 motion for reconsideration.

17 THE COURT: Mr. Pascoe, though, I understand you believe  
18 they're going to file an appeal, but were they to file an  
19 appeal -- well, number one, I haven't heard them ask to  
20 vacate the plea at this point yet. And were they to file an  
21 appeal, as you and I both know, or if I vacate the appeal,  
22 all the charges come back and he will be facing, again, 16  
23 years in prison, and the plea agreement is off.

24 You can use whatever you have, and you can continue to  
25 go after not only Rick Quinn, but also his father because

1 this was a part of the whole plea agreement. Correct me if  
2 I'm wrong. That's what you told me. That was what was filed  
3 with the Court as part of the written allocution.

4 Again, this is you surmising that that's what they're  
5 going to do, but I can't assume that.

6 MR. PASCOE: Well, I can assume it because -- and think  
7 about that now. You're saying, oh, in a year -- no. A year  
8 they file it, how many years until the PCR is over? Two?  
9 Three? Hopefully, I won't be doing this. Okay?

10 They -- this is a -- listen, I'm serious. This is a  
11 conscientious effort to mislead and manipulate this Court.  
12 They created and are still creating landmines in this plea.  
13 And when you look at page 4 of their response, page 4 of  
14 their response, the record also --

15 THE COURT: At that guilty plea?

16 MR. PASCOE: -- reflects --

17 THE COURT: At that guilty plea?

18 MR. PASCOE: I'm sorry. Page 4 of their response  
19 yesterday that they filed with the --

20 THE COURT: Okay.

21 MR. PASCOE: -- clerk.

22 THE COURT: Okay.

23 MR. PASCOE: The record also reflects -- this is their  
24 quote. It reflected that Rick Quinn admitted to this Court  
25 that he accepted criminal responsibility for intentionally

1 failing to report the name of USC in violation of South  
2 Carolina Code Section 8-13-1130.

3 THE COURT: Uh-huh.

4 MR. PASCOE: That is not what he pled guilty to. He  
5 pled guilty to misconduct in office. You want to hear them  
6 saying, Your Honor, make this plea invalid? When you tell  
7 the defense the State is right, I was supposed to consider  
8 all his relevant conduct from 2010 to 2017, all those  
9 atrocities -- your word -- at the February 12<sup>th</sup> hearing, and I  
10 am going to consider those atrocities now that the State went  
11 into, I am going to consider them, I'm going to actually  
12 sponsor legislation for RQ&A, didn't just vote for it, I am  
13 going to consider that Mr. Hall never heard from you that you  
14 had a conflict of interest, you watch how fast they ask you  
15 to invalidate that plea.

16 Because he deserves -- as you said, he's a political  
17 atrocity. He deserves a year, and I think if the -- and I  
18 know that if the Court considers everything from 2010 to  
19 2017, that's the sentence he would get.

20 THE COURT: All right. I want to -- I know you have two  
21 separate arguments and you're first talking now about  
22 considering all of the activities and what the guilty plea  
23 was to. I want to give them an opportunity to respond. Is  
24 this a good breaking point for them to respond? I just want  
25 to do it contemporaneously; so we can follow it.

1 MR. PASCOE: Yes, ma'am. I have actually just one more  
2 argument with regards to --

3 THE COURT: Okay.

4 MR. PASCOE: -- the guilty plea.

5 THE COURT: Okay.

6 MR. PASCOE: So can I do that?

7 THE COURT: Certainly.

8 MR. PASCOE: And then that would be a really good time  
9 to --

10 THE COURT: Okay.

11 MR. PASCOE: -- let them. All right. Because the last  
12 thing I wanted to talk about why the guilty plea should be  
13 invalid is Mr. Richardson's assertions as to the law in South  
14 Carolina for a guilty plea.

15 THE COURT: Uh-huh.

16 MR. PASCOE: When you look at page 70 of the plea  
17 transcript --

18 THE COURT: Okay.

19 MR. PASCOE: Page 70 of the plea transcript from  
20 December the 13<sup>th</sup>, Mr. Richardson says that what he -- meaning  
21 what Mr. Pascoe -- what he says isn't evidence and neither  
22 are the inferences and suggestions that he's making that  
23 shouldn't be taken as true without a trial, without defenses,  
24 without cross-examination.

25 That is a total misstatement of the law in the state of

1 South Carolina and probably every state in America. That is  
2 not even close to the law of Thomason, Riker --

3 THE COURT: Mr. Pascoe, you understand that certain  
4 states have rules as to what is to be considered. Different  
5 states vary on what a judge is allowed to consider. Some  
6 don't allow them to consider anything that is a dismissed  
7 charge. We don't have such a rule in South Carolina.

8 MR. PASCOE: I'm just telling you that the law of  
9 Thomason, Riker, and Gulledge, in every case and every plea  
10 that has taken place since -- the thousands of pleas since  
11 December the 13<sup>th</sup>, no defendant is given the presumption of  
12 innocence to the indictment he's pled guilty to, except for  
13 Rick Quinn Jr. and, if they were given the presumption of  
14 innocence and if the rules of evidence did apply to those  
15 pleas, it'll be reversed by a higher court.

16 What I was going to ask this Court to do on February the  
17 12<sup>th</sup> to cure this plea was to instruct the defendant that it  
18 is not the law in South Carolina and not rely on Mr.  
19 Richardson's assertions that in South Carolina -- according  
20 to Thomason, Gulledge, and Riker, the rules of South Carolina  
21 do not apply to a guilty plea and that the Court, quote, may  
22 conduct an inquiry broad in scope, largely unlimited, as to  
23 the kind of information it may consider, end of quote.

24 THE COURT: Which is what we did. That's why you were  
25 able to give a PowerPoint presentation that lasted 30

1 minutes.

2 MR. PASCOE: But this Court said it didn't consider  
3 anything other than the limited allocution.

4 THE COURT: After I listened to it, obviously I was able  
5 to weigh. Again, like I said, you didn't try that case.

6 MR. PASCOE: Because he pled. That --

7 THE COURT: He didn't plead guilty to those charges. He  
8 stood up repeatedly and said he wasn't agreeing to anything  
9 other than specifically what he said.

10 MR. PASCOE: He pled guilty to misconduct between April  
11 the 1<sup>st</sup>, 2010, and April the 15<sup>th</sup>, 2017. It's not that hard.  
12 That's what he pled guilty to.

13 And for whatever reason, on -- I think it was page 8 of  
14 the transcript, this Court said that the Constitution of the  
15 United States and the State of South Carolina give him the  
16 presumption of innocence. That is an error of law. That is  
17 not true. He pled guilty and he is guilty of all those  
18 atrocities that he committed, and he should be sentenced  
19 accordingly, not to a limited allocution.

20 THE COURT: Why did you agree to it then?

21 MR. PASCOE: Because --

22 THE COURT: Why did you make that a part of the record?  
23 Why did you allow them to do a limited allocution? Why did  
24 you allow them to do a limited admission?

25 MR. PASCOE: To do a limited admission if it got by

1 misconduct, which now it did not because of all the reasons  
2 I've already stated. I don't have to go into them.

3 THE COURT: Uh-huh.

4 MR. PASCOE: So this Court would give him a year in  
5 prison, which is what he deserves. There is a federal judge  
6 -- it's very interesting, and this was actually into my next  
7 argument.

8 But there's a federal judge in another state who had the  
9 same reaction of a guilty plea. I don't know if Your Honor  
10 is aware of that, but even he said when it comes to  
11 misdemeanor charges, one year, the one time he gives prison  
12 time is in public corruption cases.

13 And in that case, he was mad at the prosecutor because  
14 the prosecutor -- because the judge couldn't give him more  
15 than a year in prison. I really thought pleading the  
16 defendant guilty to, as you said, all these political  
17 atrocities since 2010 -- I really thought you were going to  
18 look at me and say the only reason I'm not giving him more  
19 than a year is because of you, and I was going to take that  
20 bluntly.

21 This was going to be a golden opportunity for the State  
22 of South Carolina in this public corruption case to send the  
23 most corrupt legislator up there to prison for up to a year  
24 and have another person go before the grand jury and start  
25 telling us where the bones are buried, but now he was given a

1 presumption of innocence, which does not exist, and a burden  
2 of proof that doesn't exist for a guilty plea.

3 THE COURT: Okay.

4 MR. PASCOE: Okay.

5 THE COURT: Just so we're all clear, you keep  
6 referencing the Thomason case, where there was no plea  
7 agreement that was put in the record to start with. So it  
8 isn't even close to this case.

9 You talk about the Riker case, which was a felony  
10 driving under the influence case and causing death and also  
11 great bodily injury. Again, its facts aren't even close to  
12 this case. The difference in that case was that the woman  
13 repeatedly said she wasn't intoxicated at the time, but the  
14 law didn't require that. The law just required that her  
15 driving be impaired such that she caused death or great  
16 bodily injury, which is what occurred in that case.

17 Again, we're not comparing apples to apples here, and  
18 these cases don't stand for the proposition that you just  
19 said.

20 MR. PASCOE: But what this Court did was much more  
21 egregious than those cases. In Riker, the defendant, just  
22 like here, didn't even admit basically to the felony DUI, and  
23 the Court was allowed to take the plea and not give her a  
24 presumption of innocence.

25 Take a look at Thomason. My gosh. Thomason comes in

1 and pleads guilty to resisting arrest.

2 THE COURT: Uh-huh.

3 MR. PASCOE: And he works out a deal with the  
4 prosecution. You say it's not negotiated. The prosecution  
5 recommended probation.

6 THE COURT: Uh-huh.

7 MR. PASCOE: And the prosecution gave a limited set of  
8 facts. So no, I would say there is some, but anyway, the  
9 judge takes the plea and then says where are the officers, I  
10 want to hear some more, and the defense start objecting.

11 Everything this Court could have done in nine weeks, by  
12 the way, and the defense objects to it and what do they say?  
13 The same thing this Court said and the same thing the defense  
14 says. We don't have the right to cross-examination. You  
15 don't have the right to cross-examination in guilty pleas.  
16 Oh, he's presumed -- no, you're not presumed innocent in a  
17 guilty plea.

18 So this case is much worse than Thomason and Riker as to  
19 the errors of law. So if you say it's not close, it's  
20 because -- I mean this case, Your Honor --

21 THE COURT: The facts are not comparable.

22 MR. PASCOE: Okay.

23 THE COURT: But that's fine. What other fact do you  
24 need to put on the record? You said you were getting to a  
25 second point.

1 MR. PASCOE: Well, that was the point on the law. Now,  
2 I can talk about -- some more about the errors of law with  
3 regards down to the sentence.

4 THE COURT: Let's go ahead and just split them up.

5 MR. PASCOE: Okay.

6 THE COURT: Let them go ahead and respond to the guilty  
7 plea portion of it.

8 MR. PASCOE: Okay.

9 THE COURT: Whoever is going to speak on behalf of the  
10 defense.

11 MR. PASCOE: Okay. Thank you.

12 MR. HARRIS: Thank you, Your Honor.

13 THE COURT: Yes, sir.

14 MR. HARRIS: I'll try to keep my comments as brief as I  
15 can this morning. We had briefed this issue. I think it's a  
16 one-note issue, Your Honor.

17 Now, what's happened today, is that everybody has seen  
18 Mr. Pascoe get caught in the act of being himself. You know,  
19 it's not his fault. It's our fault for misleading the Court.  
20 It's our fault for misstating something on the record. It's  
21 your fault, Your Honor, for not doing your job. That's Mr.  
22 Pascoe's way. That's the way this entire litigation has  
23 gone. It's never his fault.

24 Let's talk about what he did with respect to this very,  
25 very simple issue, Your Honor.

1 This Court had a guilty plea and sentencing hearing in  
2 December. On January the 19<sup>th</sup>, he had a problem and sought  
3 clarification for this very issue, this very issue that he  
4 has now spent 20 minutes trying to re-examine, trying to  
5 reopen, trying to further explain. And this Court gave us  
6 the opportunity to clarify that in two respects.

7 First of all, evidently Mr. Pascoe didn't even know the  
8 facts of his own plea were because he informed the Court that  
9 the facts were not -- the facts themselves were not  
10 sufficient to support this plea. That was his initial  
11 allegation.

12 He didn't call us to ask us, hey, Greg, Matthew, Johnny,  
13 do you have some evidence to support the plea that I let you  
14 plead to? He didn't do that. He filed off a memo, causing  
15 everybody work, causing this Court court time, stating that,  
16 in fact, the facts were sufficient, and he was wrong and he  
17 knows he was wrong, and he files off the next day an  
18 admission that he was wrong.

19 The second issue that he addressed in that motion  
20 seeking clarification is whether the act was done  
21 intentionally. He wasn't questioning, Your Honor, your  
22 colloquy with the defendant about this indictment, as he does  
23 today. He wasn't questioning the facts sufficient for the  
24 indictment and the admissions, as he is today. What he was  
25 questioning is whether it was done intentionally.

1 Now, in our memo that we have provided to the Court, we  
2 state and we still believe that it was crystal clear from the  
3 Court's record that the colloquy that this Court had with our  
4 client and the attorneys and the State of South Carolina was  
5 sufficient. I want to make that point first. There was no  
6 error committed by this Court on December the 13<sup>th</sup>.

7 That notwithstanding, however, we pointed out to Mr.  
8 Pascoe in our filing that it was intentional. That if you  
9 read the coll -- the dialogue between the Court and the  
10 defendant, you asked no fewer than at least four times and  
11 maybe, as you've stated today, five times whether he  
12 committed this act, and he admitted that he did, and you  
13 accepted the plea. And after accepting the plea, Mr. Pascoe  
14 said he was fine with the facts, that it was a sufficient  
15 colloquy, that everything was appropriate, and the Court  
16 moved at that time to the sentencing hearing.

17 Now, he did ask one thing, Your Honor, in that letter  
18 that is made a part of this record. He asked that if the  
19 defendant would admit that it was intentional on the record,  
20 just so he's satisfied -- again, he raises this issue that we  
21 might appeal this thing. That is as ludicrous as 95 percent  
22 of the rest of the arguments he's made this morning. That  
23 might be the most ludicrous, but he raised it nonetheless  
24 with the Court in that letter by stating if he will admit  
25 that, that will be sufficient for the plea.

1           Because that's the issue I'm addressing this morning,  
2 Your Honor. That's the issue you tried to pin him down on.  
3 That's the issue he will not answer for this Court, is this  
4 plea sufficient, because on January the 19<sup>th</sup> in the letter to  
5 you, in the letter to me, the letter to Matthew, to Debbie,  
6 to Johnny the 25<sup>th</sup>, he said it will be sufficient if he says  
7 it's intentional.

8           He tried to hijack the sentencing -- the pronouncement  
9 of sentencing as to that issue. The Court cleared it up,  
10 however, and the Court placed our client under oath and asked  
11 him the very question almost verbatim that Solicitor Pascoe  
12 asked you to ask him so that his record -- because it's not  
13 our record. It's evidently not the Court's record. It's his  
14 record. So that his record could be sufficient, and that's  
15 what you did, and Mr. Quinn answered it affirmatively.

16           And the Court stated this plea is proper. It is. It  
17 was then, and it is today, Your Honor.

18           And there's a lot I could say. I too could go on for 25  
19 minutes about this matter, but I, quite frankly, think it's  
20 that simple, and we would ask that you disregard entirely the  
21 government's request to have this case set aside as -- as  
22 improper and as erroneous as he believes it to be.

23           THE COURT: All right. Let's move on to the second  
24 issue, Mr. Pascoe.

25           MR. PASCOE: If I can address a little bit of what he

1 said?

2 THE COURT: Certainly.

3 MR. PASCOE: Thank you. You know, that's their way.  
4 That's Mr. Pascoe's way. Now, if Mr. Pascoe's way is to do  
5 the right things and follow the law, then I'm guilty because  
6 that's what I've done for the last two or three years.  
7 That's why they always lose because that's my way, but their  
8 way is to attack me personally, and that's fine. You know,  
9 I'm a big boy. We can take it. But the law is on my side  
10 and it's in the facts on my side.

11 And, Your Honor, when he gets up here and says Mr.  
12 Pascoe said he was fine with the facts of the plea after the  
13 plea, how long are you going to let them get away with  
14 misrepresenting to this Court? I never said that. I never  
15 even spoke at the end of the plea.

16 THE COURT: Mr. Pascoe, I'm just going to go ahead and  
17 tell you right now that you need to be careful because in  
18 your motion you also said that I said something to you in  
19 chambers, which was not correct.

20 MR. PASCOE: Okay.

21 THE COURT: And again, you and I know what our  
22 conversations were, and I'm not going to betray your  
23 confidence, and there is nothing wrong with having  
24 conversations with lawyers, as long as both sides agree.

25 So again, they need to stay where they were. We can

1 disagree, but when we start throwing and starting to say  
2 people are being distruthful or not truthful in this case,  
3 this isn't about you. This isn't about Mr. Gasser. This  
4 isn't about Mr. Richardson or Mr. Harris. This is about the  
5 State of South Carolina and this is about the Quinns.

6 So let's go back and focus on that and stop talking  
7 about either side, quite frankly, personal attacks. Okay?

8 MR. PASCOE: Thank you.

9 THE COURT: So let's just move on past that.

10 MR. PASCOE: I wish you had said that to him when he  
11 attacked me, but Your Honor made a -- you did say that in  
12 chambers and, at this time, I would ask this Court to recuse  
13 itself from these proceedings. You have now stepped off the  
14 curb from being a fair and impartial judge to being a witness  
15 in this case. There is no way you can now stay as the judge  
16 on this case and I would ask you to step off of this case,  
17 allow the Chief Justice to appoint a fair and impartial  
18 judge, and recuse yourself.

19 Looking at the totality of circumstances in this case,  
20 this Court has become a witness. It inexplicably denied the  
21 State its due process rights at the sentencing hearing by not  
22 allowing us to be heard on February 12<sup>th</sup>. And --

23 THE COURT: Mr. Pascoe, if I have made an error of law,  
24 the higher court can take it up. You can file any motion you  
25 want. I am not going to recuse myself because I know that I

1 am fair and impartial. I'm not concerned about it.

2 Again, if you believe I made an error of law, you can  
3 file it. But now let's just move forward with your motion.

4 MR. PASCOE: Now, because I will be filing something  
5 that this Court should have recused itself, I need to put on  
6 the record all the reasons why it should have recused itself.

7 There's no way you can be fair and impartial when you  
8 just said that I misstated something in what you said in  
9 chambers when you absolutely said it. You are now a witness  
10 in this case, not a fair and impartial judge.

11 THE COURT: So are you, Mr. Pascoe.

12 MR. PASCOE: So I would ask that this Court -- good.  
13 Let's let a fair and impartial Court make that decision.

14 THE COURT: Again --

15 MR. PASCOE: I can go ahead and concur and point out --

16 THE COURT: Mr. Pascoe, you need to move on. Again,  
17 you've made this personal, and it's not personal.

18 MR. PASCOE: Judge, I have not made it personal; I've  
19 made it about the law. I will move on, but I want it on the  
20 record that my --

21 THE COURT: Let's just move it on.

22 MR. PASCOE: -- objections --

23 THE COURT: You've noted it --

24 MR. PASCOE: That my objection --

25 THE COURT: -- for the record.

1 MR. PASCOE: -- has been overruled. That this Court  
2 should recuse itself for all the reasons I've stated, as well  
3 as other --

4 THE COURT: Mr. Pascoe, I just said that.

5 MR. PASCOE: Okay.

6 THE COURT: Again, you don't need to reiterate what I  
7 said. I told you that I am not recusing myself. It is on  
8 the record. You don't need to restate it for the record.  
9 It's there.

10 MR. PASCOE: I still have a couple more reasons why the  
11 Court should recuse itself. Can I state them?

12 THE COURT: Certainly.

13 MR. PASCOE: Whether it's your court reporter, your  
14 court-assigned court reporter, taking shots at the State in  
15 social media or the factual and legal errors that this Court  
16 has committed, we would ask it to be recused.

17 Now, I will proceed, Your Honor.

18 THE COURT: Go ahead.

19 MR. PASCOE: But I hope the Court does reconsider.

20 The defendant pled guilty to misconduct in office that  
21 entailed conduct from April 2017 to -- from April 2010 to  
22 April 2017 and, even though South Carolina law is clear that  
23 after a guilty plea is accepted that the rules of evidence  
24 don't apply, the defendant loses his presumption of innocence  
25 and constitutional rights, and that the Court has, quote, a

1 broad scope and largely unlimited scope of information it can  
2 review at sentencing of the defendant, this Court did not do  
3 that. For whatever reason, it gave him a presumption of  
4 innocence, despite that clear and unambiguous language on  
5 February the 12<sup>th</sup>, and now I'm referring to pages 8 and 9 of  
6 the transcript.

7 This Court said the defendant is, quote, presumed  
8 innocent of those allegations presented by the State until  
9 and unless he is proven guilty. Now, the United States and  
10 South Carolina Constitution requires no less. That is --  
11 that statement by the Court, Your Honor, simply put, is a  
12 misstatement of applicable state and federal law and a gross  
13 departure from the accepted sentencing procedures of this  
14 state. It isn't even close to the law of the cases we just  
15 discussed, all the more reason I believe that it's such an  
16 egregious misstatement of the law, and this Court needs to  
17 recuse itself.

18 The one thing I do agree with this Court is that on  
19 February the 12<sup>th</sup> it said that -- on page 8 of that February  
20 12<sup>th</sup> transcript, at the sentencing portion of the hearing, the  
21 State presented a PowerPoint alleging a theory of political  
22 atrocity by Richard Quinn Jr.

23 That is absolutely correct, and this Court, under the  
24 law, should have sentenced him accordingly. And if it was  
25 truly distraught about the plea deal, it could have looked

1 into the defendant's atrocities during that nine weeks that  
2 the Court took to pass down a probationary sentence, which  
3 brings me to the plea deal you criticized and then give the  
4 defendant probation.

5 Again, I've already talked about that federal judge. I  
6 really thought that this Court was going to give him a year  
7 in prison and blame me for that. I truly believed that with  
8 the political atrocities and the lack of contrition by the  
9 defendant that he -- that he's committed, I thought you were  
10 going to give him a year and blame me.

11 I did not dismiss the defendant's conducts. I allowed  
12 him to get one year in prison instead of 16. He pled  
13 straight up to that indictment, and this Court should have  
14 considered all the relevant conduct from 2010 to 2017.

15 One more before I hit my conclusion, and I'm almost  
16 done. Just to have it on the record, one more grounds that I  
17 forgot to state for the ex parte -- for the recusal  
18 objection, Your Honor, as I now have, especially after what  
19 I've heard today, concerns about whether the Court may have  
20 had ex parte communication without the State's consent. So I  
21 want that to be part of the record too as to why this Court  
22 should recuse itself.

23 THE COURT: When you make allegations like that, Mr.  
24 Pascoe, you better have something to back it up with because  
25 there has been no ex parte communications in this case.

1 MR. PASCOE: With who?

2 THE COURT: With anyone.

3 MR. PASCOE: With me?

4 THE COURT: With anyone. Other than what was approved  
5 prior to the guilty plea hearing, which I asked both of you  
6 and I would never have unless you both agreed, and you both  
7 agreed to it.

8 MR. PASCOE: When did we consent?

9 THE COURT: You're making something about absolutely  
10 nothing.

11 MR. PASCOE: When exactly did we consent to the ex parte  
12 communication?

13 THE COURT: When we all spoke in chambers before the  
14 guilty plea in December.

15 MR. PASCOE: I never agreed to ex parte --

16 MR. GASSER: Judge --

17 MR. RICHARDSON: Judge --

18 MR. GASSER: I got this.

19 THE COURT: Okay.

20 MR. GASSER: I got this. I got this.

21 MR. GASSER: Judge --

22 MR. PASCOE: In chambers --

23 MR. GASSER: Judge --

24 THE COURT: Okay. Gentlemen, everyone is going to have  
25 their turn. Okay?

1 MR. GASSER: Can we have a --

2 MR. HARRIS: May we have a ten-minute break?

3 MR. RICHARDSON: Can we, Your Honor, please?

4 MR. GASSER: Yes, Your Honor.

5 THE COURT: All right. We'll go ahead and take a ten-  
6 minute break.

7 MR. HARRIS: Thank you.

8 MR. PASCOE: I'm almost done.

9 THE COURT: Thank you.

10 MR. HARRIS: I don't care.

11 THE COURT: We are going to take a ten-minute break.

12 MR. PASCOE: Okay.

13 THE COURT: Let's just everyone . . .

14 (WHEREUPON, there was a break in the proceedings from  
15 9:59 a.m. until 10:09 a.m., after which the proceedings  
16 resumed as follows.)

17 THE COURT: All right. What else do we need to put on  
18 the record?

19 MR. PASCOE: I was just going to finish with my  
20 conclusion, Your Honor.

21 THE COURT: Certainly.

22 MR. PASCOE: Okay. It'll take, like, two seconds.

23 In conclusion, because of this Court's conduct about the  
24 guilty plea and sentencing of the defendant, Richard Quinn  
25 Jr., flies in the face of constitutional and South Carolina

1 law and the errors of Law committed by the Court and because  
2 of a plea that this Court allowed to be taken without the  
3 State's consent and the sentence that was passed down is not  
4 reflective of what the State allowed the defendant to plead  
5 to, the State asks this Court to vacate the plea.

6 THE COURT: Okay.

7 MR. PASCOE: I believe have already stated my objections  
8 many times on the record.

9 THE COURT: Okay.

10 MR. PASCOE: Thank you.

11 THE COURT: Thank you.

12 MR. GASSER: Your Honor?

13 THE COURT: Yes.

14 MR. GASSER: Briefly, I'm only going to respond to one  
15 particular matter that was just brought up before the break,  
16 and then Mr. Richardson can have -- can respond to some of  
17 the things that Mr. Pascoe just placed on the record after  
18 Mr. Harris spoke.

19 It was just brought out for the first time during -- I  
20 guess it was during citing reasons why this Court should  
21 recuse itself. The issue of ex parte communications came  
22 out.

23 THE COURT: Uh-huh.

24 MR. GASSER: Now, it's obviously been briefed by both  
25 parties, but a new matter came out during Mr. Pascoe's

1 presentation, in which, right before you broke, he stated  
2 that he does not recall consenting. He does not recall prior  
3 to the plea and sentencing -- guilty plea and sentencing  
4 hearing on December 13<sup>th</sup> -- December 12<sup>th</sup>, he does not -- or  
5 December 13<sup>th</sup>. He does not recall consenting to an ex parte  
6 communication.

7 I want this record to be very, very clear what exactly  
8 happened. We went back in chambers, all of the lawyers did.  
9 All of the lawyers went back in chambers because the Court  
10 wanted.

11 With all of the media there and because of the  
12 significance of this plea in this case and the continuing  
13 investigation of other matters and potentially other targets,  
14 the Court wanted to make sure that all the parties knew, the  
15 government and its lawyers knew what the terms and agreement  
16 of the plea were, and that the defense knew what the terms  
17 and agreement and procedure of the plea was and, of course,  
18 the Court wanted to be aware so that, if any issue came up,  
19 you were aware of that beforehand, before we went out on the  
20 record.

21 That is done uniformly throughout the state of South  
22 Carolina. That judges meet with the lawyers, particularly  
23 the higher degree of the complexity of the matter before the  
24 Court, the more likely it is that a judge would meet with the  
25 lawyers, not on the record, but back in chambers to discuss

1 many issues, and that was done in this case and both sides  
2 obviously agreed to that. There was no objection, either  
3 placed on the record afterwards or no objection placed back  
4 in your chambers. That is an absolute fact.

5 Then, after that, while we were in the courtroom, Ms.  
6 Swinford, your law clerk, came out, got all of the lawyers --  
7 walked up and approached each side, Mr. Pascoe and his table  
8 and the defense lawyers, me, Mr. Richardson, and Ms. Barbier,  
9 and asked us would you consent to individual ex parte  
10 communication between the judge, between this Court and a  
11 lawyer for Mr. Quinn Jr., and Mr. Pascoe. Mr. Pascoe  
12 consented. We consented.

13 Now, was any of the defense lawyers -- were we present  
14 when Ms. Swinford asked Mr. Pascoe that? We weren't present.  
15 We weren't sitting over at the table. How do we know that he  
16 consented? Because not once, twice he engaged in an ex parte  
17 communication at our consent with you.

18 You talked with Mr. Pascoe, this Court did, and you  
19 talked with Mr. Richardson, and then you talked with Mr.  
20 Pascoe again. So not once, but twice. If he just stated to  
21 this Court before our break that he is unaware -- that he is  
22 unaware of any consent, that the parties consented, then he  
23 just acknowledged that he went back into a judge's chambers  
24 without our consent and had an ex parte communication.  
25 Because it's a fact. It is a fact. There are enough

1 witnesses in the courtroom that day to know that Mr. Pascoe  
2 had an ex parte communication.

3 So either he committed an ethical violation that he just  
4 admitted to, not once but twice on December the 13<sup>th</sup> or he, in  
5 fact, consented to those ex parte communications, which we  
6 understand that he did. We know he did. He consented and we  
7 consented.

8 And under Judicial Canon 3B(7)(d), it states that a  
9 judge may, with the consent of the parties, confer separately  
10 with the parties and their lawyers in an effort to mediate or  
11 settle matters pending before the judge. That is a judicial  
12 canon of law, and it occurs when both parties consent.

13 And how else do we know that he consented? In his  
14 filing on February the 16<sup>th</sup>, his very first footnote, when  
15 he's talking about the December 13<sup>th</sup> guilty plea and  
16 sentencing hearing, he states --

17 THE COURT: It says as the Court is aware.

18 MR. GASSER: -- as the Court is aware, it solicited all  
19 the parties in this matter to see if they would consent to  
20 have an ex parte communication with the Court prior to the  
21 plea. The parties consented, period. The parties consented.

22 So in his brief, he consented. On December 13<sup>th</sup> with all  
23 the media there, he consented, not once but twice. And he  
24 just stood up in this courtroom behind that podium with his  
25 hands like this and said I am unaware of consenting.

1 MR. PASCOE: Huh-uh.

2 MR. GASSER: I'm unaware of consenting. And he's  
3 accused us -- and I'm not going to get into this. You know,  
4 he accused us. He uses words, Judge, that we, the lawyers,  
5 have used -- we have egregiously misrepresented to the Court  
6 the facts at the December 13<sup>th</sup> plea and sentencing hearing.

7 He cites the Kevin Hall example. Judge, I can tell you  
8 that when we met with our client and he told us that he had  
9 contacted Mr. Hall, when Mr. Harris and I met with our  
10 client, our client left. The first thing we did was walk  
11 into Mr. Harris's office. Mr. Harris contacted Mr. Hall.

12 The only reason why for him to contact Mr. Hall wasn't  
13 about what kind of legal work he did and what InfoLaw's  
14 purpose was, and the only reason why was to whether or not  
15 our client was telling us the truth that he contacted Mr.  
16 Hall and asked him did, in fact, Richard Quinn -- after you  
17 sent that to-do list email, did he, in fact, call you and  
18 say, Kevin, I can't do this, this would be lobbying, I can't  
19 do this?

20 And Mr. Hall's response to Mr. Harris -- and I overheard  
21 -- yes, he called me. And I've seen what's in his letter and  
22 I'm not accusing. It's been a long time. Mr. Hall is an  
23 excellent lawyer, and he's a very close personal friend of  
24 mine and our families are very, very close. Our kids have  
25 all gone to school together. I'm not accusing him of lying.

1 I'm accusing him of just not recalling a phone conversation  
2 that occurred months, if not years, ago.

3 He cites that I misled you when I said that Richard  
4 Quinn Jr. recused himself of legislation and did not sponsor  
5 any legislation of his father's clients. What he doesn't do  
6 is look at the dates. They failed on many occasions when  
7 making their PowerPoint presentation to look at the dates  
8 when legislation was filed or when an amendment was filed,  
9 and the dates of when clients hired Richard Quinn Sr.  
10 Because when you look at the dates, that statement that I  
11 told you is absolutely accurate. He never sponsored the  
12 legislation. He never sponsored legislation and never voted  
13 on legislation of his father's clients after they became  
14 clients of his father's.

15 So he uses these things and he -- he attacks us. I mean  
16 this is an adversarial process, but he just attacks us and he  
17 just assumes that we are somehow attempting to mislead the  
18 Court, and he did so today. He did so when he told this  
19 Court -- when he made a -- during his -- during his  
20 presentation to you asking you to invalidate this plea, he  
21 said, Judge, the defense has made a conscientious effort to  
22 mislead and dupe this Court.

23 He is claiming today -- Mr. Pascoe and I go way back. I  
24 was in on his interview when Solicitor Harpootlian and I and  
25 two other employees interviewed him. He and I tried some of

1 the most -- we prosecuted together some of the most complex  
2 murder cases in South Carolina at the time.

3 He knows all of us. Does he actually believe that Mr.  
4 Harris, Mr. Richardson, Ms. Barbier, and I have gotten  
5 together, have conferred, have conspired, have had meetings  
6 throughout this process in a conscientious effort to mislead  
7 and dupe Judge Mullen? Does he actually believe that? That  
8 we would -- we would jeopardize our reputation, our integrity  
9 with every state circuit court judge and every appellate  
10 judge in the state of South Carolina and every federal  
11 district court judge over one case, over one client? We have  
12 not. We did not. The record is clear on this issue of ex  
13 parte communication.

14 I defer to Mr. Richardson.

15 THE COURT: All right. Mr. Richardson?

16 MR. RICHARDSON: Thank you, Your Honor. To try and  
17 bring it back to the focus of this hearing of the motion to  
18 reconsider, we'd like to just respond and say that all of the  
19 issues raised by the State prior to this hearing,  
20 specifically the plea colloquy, the sufficiency of the facts  
21 to support the plea, were all ruled on.

22 And all of the requests -- all of the relief requested  
23 by the State prior to the motion to reconsider was granted.  
24 Remember, in the January 25<sup>th</sup> letter, he said only one issue  
25 remains, making him admit it intentionally, and you did, Your

1 Honor. You gave him -- you ruled on all of his issues he  
2 raised prior to the motion to reconsider. You gave him all  
3 the relief he requested, and now remains his disagreement  
4 with the sentence the Court imposed.

5 We've heard today new issues raised for the first time  
6 at this hearing that were not even in his motion to  
7 reconsider, and those can be properly disregarded. He's  
8 complaining about his agreement and statements on the record  
9 in December for the first time in this hearing, in which he  
10 did not make contemporaneous objections at the time or in the  
11 three filings that he's made with the Court since then.

12 And that leads us to the December 13<sup>th</sup>, 2017, plea  
13 hearing that occurred in the first 20 pages of the  
14 transcript, after which you accepted the plea with his full  
15 participation and agreement, and accepted all of the plea  
16 terms, including the limited allocution, and then proceeded,  
17 as the parties had requested, for you to go right into the  
18 sentencing, at which time Mr. Pascoe, unimpeded,  
19 uninterrupted, and without any limitations whatsoever, by his  
20 own admissions, gave his full presentation for sentencing.

21 And we, Your Honor, believe strongly that under any  
22 standard, whether it be reasonable doubt, clear and  
23 convincing, or even just a preponderance of the evidence,  
24 none of those standards would his presentation have to be  
25 accepted as true, that all of those allegations would have to

1 be accepted as true and considered in sentencing, but the  
2 State did not meet even a preponderance of evidence standard  
3 in its presentation that was heard and considered. As Your  
4 Honor said, on the -- on the February 12<sup>th</sup> transcript, I've  
5 heard it and appreciate it.

6 Even under a preponderance of the evidence standard,  
7 Your Honor, we believe strongly that the State's presentation  
8 was not trustworthy and reliable, and Mr. Gasser has talked  
9 about some of the reasons for that.

10 Your Honor, we have talked about -- Mr. Pascoe talked  
11 about the time limitations that he supposedly followed, but  
12 he introduced a 1989 bank signature card. But what he failed  
13 to tell the Court was that he also had possession of the 2001  
14 bank signature card for the same account, which Mr. -- which  
15 our client was not part of.

16 And he had a car loan document, one page out of over 50  
17 pages of a car loan that -- that had the wrong information,  
18 that was -- that was filled in by the people at the car  
19 dealership, but what he failed to show the Court and what he  
20 failed to tell the Court was that the other 50 pages of that  
21 car loan talked about the loan being the First Citizens and  
22 that it was preapproved and that it was provided in the  
23 investigation, and he knew that that loan document he  
24 presented to the Court was not used and was not accurate as  
25 to -- as to our client's employment at the time or as to his

1 wife's employment at the time.

2 Mr. Pascoe, as Your Honor has recognized already,  
3 introduced and supported his presentation with the testimony,  
4 undisclosed at the time, of Thad Feirs, that Mr. Gasser  
5 addressed and that the public record is clear is completely  
6 without any credibility whatsoever.

7 And Mr. Pascoe, again, has repeated -- has repeated the  
8 allegations about the sponsoring legislation and amendments.  
9 Mr. Gasser addressed that, the amendment, but if you remember  
10 in the presentation, his email was cut off in the  
11 presentation. Right below there was the actual amendment  
12 from two years earlier on completely unrelated legislation  
13 and, therefore, was completely misleading and not trustworthy  
14 or reliable.

15 The AT&T he continues to talk about is the Universal  
16 Service Fund, the largest class exemption you can have other  
17 than a tax bill and -- and for that reason, could not be  
18 something that a lobbyist -- that a legislator could lobby on  
19 improperly.

20 Let me just summarize it in saying that there are --  
21 that the -- that Mr. Pascoe's own words in his own filings  
22 that he agreed to the narrower set of facts for the plea and  
23 the failure to make any objections to that until well after  
24 he had accepted it and the Court had accepted it, and the  
25 fact that the Court not only gave him unlimited time to make

1 his presentation, heard it, appreciated it, considered it,  
2 but also that he was granted the very relief, the specific  
3 relief he requested in making these motions, other than the  
4 one final argument he's made now in reconsideration, which is  
5 he just disagrees with the sentence Your Honor made and, as  
6 we've pointed out already, Your Honor fairly and completely  
7 supported in Your Honor's discretion in this case.

8 Thank you very much.

9 THE COURT: Okay.

10 MR. PASCOE: Very briefly, Your Honor?

11 MR. RICHARDSON: It doesn't meet any of the three  
12 standards, Your Honor. Thank you.

13 THE COURT: Okay. Yes, sir?

14 MR. PASCOE: Just very briefly. Thank you, Your Honor.  
15 Very briefly. I'm just going to address the ex parte part  
16 because I need to make perfectly clear what I was saying.

17 What I was saying was not that I didn't consent.  
18 Obviously, I consented. It's in my motion. What I was  
19 questioning is when did we agree to the ex parte  
20 communication and the consenting, and it was not -- and I  
21 think Your Honor misspoke. It was nothing -- it was not  
22 before the plea on December the 13<sup>th</sup>.

23 And the reason I have concerns is because it was during  
24 our telephone conversation. I want to clear that up because  
25 the defense didn't mention this, but it was on the night of

1 December the 12<sup>th</sup> after 5 p.m., on Tuesday I believe, December  
2 the 12<sup>th</sup>, 2017, and what brought about my concerns is when the  
3 Court asked on the phone -- we were all on the phone. Do  
4 y'all remember in Beaufort when you gave me permission to  
5 have ex parte communication with the parties so I could talk  
6 to Mr. Pascoe about grand jury matters? Well, my concern was  
7 I was not there for that.

8 Then that night, you asked for my cell phone number --

9 THE COURT: Uh-huh.

10 MR. PASCOE: -- and I gave it to you and you said that  
11 you were going to call me and Matt, meaning Matthew  
12 Richardson.

13 So my point was I was trying to figure out or trying to  
14 find out when did the consent for ex parte communication  
15 begin, not that I didn't consent to it. I did. And you  
16 called me on the night of -- that night on December the 12<sup>th</sup>  
17 and you said that you were going to call Mr. Richardson as  
18 well that night.

19 The other thing I will say, I did consent to ex parte  
20 communications. It almost doesn't matter, but ex parte  
21 communication, despite what Mr. Gasser said, is not the norm  
22 in South Carolina, but I did consent.

23 THE COURT: All right. Is that everything from  
24 everyone?

25 MR. HARRIS: Nothing further. Thank you.

1 THE COURT: Nothing further? All right. Thank you.  
2 I'll get you a written decision.

3 MR. PASCOE: Thank you, Your Honor.

4 THE COURT: Thank you all.

5 (WHEREUPON, the proceedings ended at 10:27 a.m.)

6  
7 --- END REQUESTED TRANSCRIPT ---  
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1 State of South Carolina )  
 2 ) Certificate  
 3 County of Florence )  
 4

5 I, the undersigned, Krystal J. Smith, Notary Public and  
 6 Official Court Reporter for the Twelfth Judicial Circuit of  
 7 the State of South Carolina, do hereby certify that the  
 8 foregoing pages, numbered 1 through 60, constitute a true,  
 9 accurate, and complete Transcript of Record of all the  
 10 proceedings had and evidence introduced in the hearing of the  
 11 above captioned case, relative to appeal, in the Court of  
 12 General Sessions for State Grand Jury, held in Beaufort,  
 13 South Carolina, on the 28<sup>th</sup> day of February, 2018.

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

16  
 17 Krystal J. Smith

18 Court Reporter

19  
 20 Florence, South Carolina

21 March 7, 2018

**NOTE:** PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT REPORTER SHALL RECEIVE THE FEE OF \$.75 PER PAGE FOR FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT." ALL REQUESTS FOR COPIES OF THE ATTACHED TRANSCRIPT FROM OPPOSING PARTY OR NON-PARTIES MUST BE SENT TO:  
 KRYSTAL J. SMITH, COURT REPORTER  
 12<sup>TH</sup> CIRCUIT AT LARGE  
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STATE GRAND JURY OF SOUTH CAROLINA

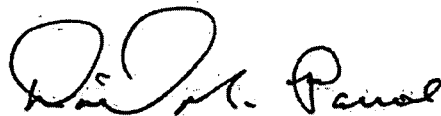
STATE OF SOUTH CAROLINA	)	CASE NO. 2017-GS-47-12
	)	
-VERSUS-	)	
	)	INDICTMENT FOR MISCONDUCT
RICHARD M. QUINN, JR.	)	IN OFFICE
	)	
DEFENDANT.	)	S.C. Code Ann. §8-1-80
	)	


At a session of the State Grand Jury of South Carolina, convened at Columbia, South Carolina, on this 16th day of May, 2017, the State Grand Jurors present upon their oath:

MISCONDUCT IN OFFICE  
S.C. Code Ann. §8-1-80

That on or about April 1, 2010 through on or about April 15, 2017, in Richland County, the Defendant, RICHARD M. QUINN, JR., a public officer, knowingly committed acts and omissions constituting official misconduct, fraud, corruption or habitual negligence, to wit: the Defendant, while an elected member of the South Carolina House of Representatives and Candidate for State Office, violated provisions of the Ethics Government Accountability and Campaign Reform Act of 1991 in order to obtain a personal profit and benefit.

All against the peace and dignity of this State and in violation of §8-1-80, Code of Laws of South Carolina (1976), as amended.

  
David M. Pascoe  
First Circuit Solicitor

A TRUE Bill  


**FILED**

MAY 16 2017

JAMES R. PARKS  
CLERK, STATE GRAND JURY

MAY 16 2017

JAMES R. PARKS  
CLERK, STATE GRAND JURY

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA )  
 )  
 -VERSUS- )  
 )  
 RICHARD M. QUINN, JR. )  
 )  
 DEFENDANT. )  
 )

CASE NO. 2017-GS-47-13

INDICTMENT FOR COMMON LAW  
MISCONDUCT IN OFFICE

At a session of the State Grand Jury of South Carolina, convened at Columbia, South Carolina, on this 16th day of May, 2017, the State Grand Jurors present upon their oath:

COMMON LAW MISCONDUCT IN OFFICE

That on or about January 1, 1999 through on or about April 15, 2017, in Richland County, and while acting as a public official, the Defendant, RICHARD M. QUINN, JR., willfully and dishonestly failed to properly and faithfully discharge the duties of his public office imposed upon him by law and did commit acts or omissions in breach of his duty of good faith and accountability to the public by using the office and position of Member of the South Carolina House of Representatives and candidate for the office of State Treasurer, and by using campaign funds to obtain personal profit and benefit to himself, to wit:

Defendant did send business to First Impressions, Inc. d/b/a Richard Quinn and Associates (hereinafter, "RQ&A"); Mail Marketing Strategies, LLC (hereinafter, "MMS"); and The Copy Shop—all business entities in which the Defendant has an economic interest—from the House Republican Caucus's campaign and operating accounts in the amount of approximately \$271,881.69, while serving as House Majority Leader; and/or,

Defendant, while serving as Majority Leader of the South Carolina House Republican Caucus, failed to disclose contributions and expenditures made to and from the South Carolina House Republican Caucus Operating Account, which were improperly used for campaign

purposes, and the caucus, while under Defendant's leadership, did not file a certified report as required by law. The Caucus's failure to provide full disclosure of Caucus contributions and expenditures allowed Defendant and businesses in which Defendant has an economic interest to collect approximately \$255,188.12 from the House Republican Caucus during this time, without accountability to the public, and thereby impugning the integrity of the political and governmental process; and/or

Defendant did use his position as a member of the South Carolina House of Representatives and Majority Leader of the South Carolina House of Representatives to solicit other members of the South Carolina House of Representatives to use MMS—a business entity in which he has an economic interest—for which he received or attempted to receive public funds used for mailing provided by the House of Representatives; and/or,

Defendant did file fraudulent campaign disclosure forms pertaining to Defendant's campaign account for the Office of South Carolina Treasurer; and/or,

Defendant, while a candidate for and elected member of the South Carolina House of Representatives, District 69, did use his campaign account to gain an economic interest by directing campaign funds to RQ&A, MMS, and The Copy Shop, all three businesses in which he has an economic interest, for unlawful personal profit; and/or,

Defendant, while a candidate for and elected member of the South Carolina House of Representatives, District 69, knowingly did file Candidate Campaign Disclosure Forms detailing reimbursements and expenditures from his campaign account, which included improper and/or false claims that money was spent for legitimate campaign or legislative purposes; and/or,


Defendant did fail to file statements with the appropriate supervisory office for goods or services from a person he knows to be a lobbyist or a lobbyist's principal in an amount exceeding


\$200, from the filer, a member of the filer's immediate family, an individual with whom the filer was associated, or a business with which the filer was associated, to wit: the Defendant through RQ&A and MMS accepted approximately \$4,558,860.76 from lobbyist's principals, and failed to report or file a statement regarding the economic interest or payment for goods and services to the appropriate supervisory office; and/or,

Defendant did make, participate in making or attempt to use his office, membership, or employment to influence governmental decisions in which he, a family member, an individual with whom he was associated, or a business with which he was associated had an economic interest, to wit: the Defendant, through his businesses RQ&A, MMS, and The Copy Shop, received substantial funds from lobbyist's principals and used his public office to influence governmental decisions involving those lobbyist principals; and/or,

Defendant did act as a lobbyist while holding office in the South Carolina House of Representatives, to wit: the Defendant, through his businesses RQ&A, MMS, and The Copy Shop, did attempt to influence the action or vote of members of the South Carolina General Assembly by direct communication on behalf of entities which employed, retained, or appointed Defendant's businesses for the purpose of influencing the action or vote of any member of the General Assembly concerning legislation.

All against the peace and dignity of the State and in violation of the common law of South Carolina.

  
\_\_\_\_\_  
David M. Pascoe  
First Circuit Solicitor

A TRUE Bill  


FILED  
OCT 18, 2017  
James R. Parks  
CLERK, STATE GRAND JURY

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA )  
 )  
 -VERSUS- )  
 )  
 RICHARD M. QUINN, JR. )  
 )  
 DEFENDANT. )  
 )  
 \_\_\_\_\_ )

CASE NO: 2017-GS-47-32

INDICTMENT FOR CRIMINAL  
CONSPIRACY

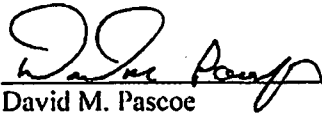
S.C. Code Ann. §16-17-410

At a session of the State Grand Jury of South Carolina, convened at Columbia, South Carolina, on this 18th day of October, 2017, the State Grand Jurors present upon their oath:

CRIMINAL CONSPIRACY  
S.C. Code Ann. §16-17-410

That beginning on a date or dates unknown at this time to the State Grand Jury but including April 1, 2011 through on or about May 16, 2017, in Richland County, the Defendant, RICHARD M. QUINN JR., unlawfully did unite, combine, conspire, confederate, agree and have tacit understanding with another or others to violate provisions of the Ethics Government Accountability and Campaign Reform Act of 1991 and to commit acts and omissions constituting statutory and common law misconduct in office for the purpose of attaining a financial or economic advantage, to wit: Defendant combined with Richard M. Quinn, Sr. and others, whose names are both known and unknown to the State Grand Jury, to use the office and position of members of the South Carolina General Assembly to willfully and dishonestly fail to properly and faithfully discharge the duties of public office imposed by law; to violate provisions of the Ethics Government Accountability and Campaign Reform Act of 1991; and to commit acts and omissions constituting official misconduct, fraud, corruption or habitual negligence.

All against the peace and dignity of this State and in violation of the Ethics Government Accountability and Campaign Reform Act of 1991; §16-17-410 and §8-1-80, Code of Laws of South Carolina (1976), as amended; and the common law of South Carolina.



David M. Pascoe  
First Circuit Solicitor  
Acting Attorney General

^ TRVE

Bill



FILED

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

FEB 12 2018

STATE

RICHLAND

JAMES R. PARKS  
CLERK, STATE GRAND JURY

INDICTMENT/CASE#: 2017-GS-47-12

VS.  
RICHARD M. QUINN, JR.

AKA:  
Race: W Sex: M Age:  
DOB: SS#:  
Address:  
City, State,  
DL# \* SID#  
\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

AW#:  
Date of Offense: 4/1/10 - 4/15/17  
S.C. Code §: 8-1-80  
CDR Code #: 0115

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was TO: MISCONDUCT IN OFFICE

CONVICTED OF or  PLEADS

In violation of § 8-1-80 of the S.C. Code of Laws, bearing CDR Code # 0115

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45 (CSC w/minor 1<sup>st</sup> or Lewd Act)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentation to Grand Jury. (def.'s initials)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTST: Daw M Parks 66523 Richard M Quinn Jr JM 9904 Madrell 15647  
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center, for a determinate term of 1 days/months/years or  under the Youthful Offender Act not to exceed years of \$ 1,000 plus costs and assessments as applicable; provided that upon the service of days/months/years and or payment months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on:  
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.  
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

PTUP: 500 days/hours Public Service Employment

Total: \$ plus 20% fee: \$

Payment Terms:

Obtain GED   
Attend Voc. Rehab. Or Job Corp.   
May serve W/E beginning Substance Abuse Counseling

Set by SCDPPPS

Recipient:

*Fine:	\$ 1000.00
§14-1-206 (Assessments 107.5%)	\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100
§14-1-211 (A)(2)(DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§56-1-286 (DUI Breath Test)	\$25
Proviso 61.6 (Public Def/Probation)	\$500
§14-1-212 (Law Enforce. Funding)	\$25
§14-1-213 (Drug Court Surcharge)	\$150
§50-21-114 (BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$ 33.75

Random Drug/Alcohol Testing   
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ Beginning \$ Paid to Public Defender Fund

Other: 30 days to pay \$1,000 fine

TOTAL \$ 1158.75

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: James R Parks  
Court Reporter: Monca Morley

Presiding Judge: C Muller  
Judge Code: 2142  
Sentence Date: 12/13/17 - Accepted plea sentencing deferred + 5 d  
Sentenced: 2/12/18  
C Muller

CERTIFICATE OF COUNSEL

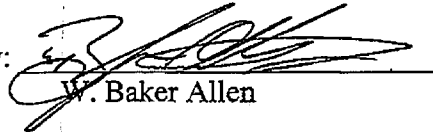
Counsel for Appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully submitted,

DAVID M. PASCOE, JR.  
First Circuit Solicitor  
SC Bar No.: 66523

W. BAKER ALLEN  
Assistant Solicitor  
First Judicial Circuit  
SC Bar No.: 80237

By:



W. Baker Allen

First Circuit Solicitor's Office  
P.O. Box 1525  
Orangeburg, SC 29116  
(803) 533-6252

ATTORNEYS FOR APPELLANT

January 18, 2019  
Orangeburg, South Carolina.

CERTIFICATE OF COUNSEL

Counsel for Appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

**RECEIVED**  
FEB 12 2019  
SC Court of Appeals

Respectfully submitted,

DAVID M. PASCOE, JR.  
First Circuit Solicitor  
SC Bar No.: 66523

W. BAKER ALLEN  
Assistant Solicitor  
First Judicial Circuit  
SC Bar No.: 80237

By:

  
W. Baker Allen

First Circuit Solicitor's Office  
P.O. Box 1525  
Orangeburg, SC 29116  
(803) 533-6252

ATTORNEYS FOR APPELLANT

January 18, 2019  
Orangeburg, South Carolina.