

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Honorable Benjamin H. Culbertson, Circuit Court Judge
Appellate Case No. 2011-190688

THE STATE,

Appellant,

vs.

ROBERT STEVE JOLLY,

Respondent.

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY

09-GS-26-01786

STATE OF SOUTH CAROLINA,

09-GS-26-2946

PLAINTIFF,

09-GS-26-2947

09-GS-26-2948

vs.

09-GS-26-2949

09-GS-26-2950

ROBERT STEVE JOLLY,

TRANSCRIPT OF RECORD

DEFENDANT.

APRIL 12, 2011
CONWAY, SOUTH CAROLINA

BEFORE:

THE HONORABLE, BENJAMIN H. CULBERTSON; AND JURY

APPEARANCES:

BY: W. ALLEN MYRICK, ESQ.
ATTORNEY FOR STATE

BY: J. WESLEY LOCKLAIR, III, ESQ.
ATTORNEY FOR ROBERT STEVE JOLLY

BRENDA R. BABB
Circuit Court Reporter

1 THE COURT: I'M JUDGE BEN CULBERTSON. I'M A
2 RESIDENT JUDGE OF THE FIFTEENTH JUDICIAL CIRCUIT. THIS
3 CASE WAS SCHEDULED TO COMMENCE TODAY IN FRONT OF JUDGE
4 COTTINGHAM. HOWEVER, SINCE JUDGE COTTINGHAM IS ILL, I
5 UNDERSTAND HE HAS BEEN GOING THROUGH SOME CHEMOTHERAPY
6 TREATMENT OR SOMETHING OF THAT NATURE, I HAVE ASSUMED, AS A
7 RESIDENT JUDGE, DESIGNATED THIS SPECIAL TERM OF GENERAL
8 SESSIONS COURT TO DEAL WITH THESE INDICTMENTS IN JUDGE
9 COTTINGHAM'S STEAD. I THINK I AM AUTHORIZED TO DO THAT AS
10 A RESIDENT JUDGE OF THE 15TH JUDICIAL CIRCUIT.

11 ALL RIGHT, WHAT IS BEFORE THE COURT IS THE CASE
12 OF THE STATE OF SOUTH CAROLINA V. ROBERT STEVE JOLLY,
13 DOCKET NUMBER 2009-GS-26-1786 CHARGING MR. JOLLY WITH THE
14 UNAUTHORIZED PRACTICE OF LAW; AUTHORIZED DOCKET NUMBERS
15 2009-GS-26-2946, 2947, 2948, 2949 AND 2950, EACH OF
16 CHARGING MR. JOLLY WITH OBTAINING PROPERTY BY FALSE
17 PRETENSES. THE MATTER IS BEFORE THE COURT TODAY FOR TRIAL.
18 PRESENT AT THE CALL OF THE CASE, W. ALLEN MYRICK FROM THE
19 SOUTH CAROLINA ATTORNEY GENERAL'S OFFICE PROSECUTING ON
20 BEHALF OF THE STATE OF SOUTH CAROLINA, WESLEY LOCKLAIR, LAW
21 FIRM OF LOCKLAIR AND LOCKLAIR AS ATTORNEY FOR THE
22 DEFENDANT. MR. JOLLY IS ALSO PRESENT AND IN THE COURTROOM.
23 ANYTHING PRELIMINARY BEFORE WE BRING THE JURY IN FOR JURY
24 SELECTIONS?

25 MR. LOCKLAIR: THE DEFENSE HAS SOME MOTIONS,

1 AGENT RALPH KEY OF THE UNITED STATES POSTAL SERVICE. THEY
2 WILL NOT BE HERE UNTIL THEY TESTIFY. SO I DON'T THINK YOU
3 NEED TO SEQUESTER SOMEONE WHO'S IN ANOTHER TOWN.

4 MR. LOCKLAIR: I GUESS THAT RESOLVES THOSE TWO
5 THEN, YOUR HONOR.

6 MR. MYRICK: GREAT. THAT'S IT, YOUR HONOR.

7 THE COURT: SO THERE'S NOT AN ISSUE ---

8 MR. LOCKLAIR: THERE WON'T BE AN ISSUE NOW,
9 THERE WON'T BE AN ISSUE ON SEQUESTRATION. I WITHDRAW THAT
10 MOTION.

11 THE COURT: ALL RIGHT. THE MOTION TO SEQUESTER
12 WITNESSES IS WITHDRAWN.

13 MR. LOCKLAIR: YOUR HONOR, OUR NEXT MOTION IS A
14 MOTION FOR A SEVERANCE. THERE ARE SEVERAL DIFFERENT
15 VICTIMS IN THIS CASE. AS YOUR HONOR KNOWS THAT FOR
16 OFFENSES TO BE CONSIDERED THE SAME GENERAL NATURE BEING
17 TRIED TOGETHER THEY NEED TO BE INTERCONNECTED, BUT THESE,
18 WHILE THE SAME NATURE, DO NOT ARISE OUT OF A SINGLE CHAIN
19 OF CIRCUMSTANCES AND THEY'RE NOT PROVABLE BY THE SAME
20 EVIDENCE. EACH OF THE INDICTMENTS, OTHER THAN THE
21 UNAUTHORIZED PRACTICE OF LAW IS GOING TO HAVE TO BE PROVED
22 BY SEPARATE EVIDENCE, SEPARATE PARTIES AND SEPARATE EVENTS.
23 WHILE THE CRIMES, THE ALLEGED CRIMES, ARE THE SAME GENERAL
24 NATURE, THE OFFENSES ARE NOT CONNECTED. THEY DON'T ARISE
25 OUT OF EVEN THE SAME CIRCUMSTANCES, THEY'RE NOT GOING TO BE

1 PROVED BY THE SAME EVIDENCE AND WOULD PREJUDICE THE
2 DEFENDANT TO HAVE THEM ALL TRIED ALL AT ONCE BECAUSE THE
3 JURY WILL BE HEARING MULTIPLE, MULTIPLE COUNTS OF SOMETHING
4 BEING ALLEGED AND NOT BEING ABLE TO CONSIDER EACH ONE ON
5 IT'S OWN MERITS. THERE'S OBVIOUSLY SOME CASE LAW OUT
6 THERE, STATE V. RICE, 368 S.C. 610, WHICH SPECIFICALLY
7 SAYS, "OFFENSES THAT ARE THE SAME NATURE BUT WHICH DO NOT
8 ARISE OUT OF A SINGLE CHAIN OF CIRCUMSTANCES AND ARE NOT
9 PROVABLE BY THE SAME EVIDENCE MAY NOT PROPERLY BE TRIED
10 TOGETHER." THAT'S A 2006 COURT OF APPEALS CASE. AND THAT
11 CASE GOES ON TO GIVE OTHER THINGS WHICH I JUST TALKED
12 ABOUT, ABOUT IT BEING A SINGLE CHAIN OF CIRCUMSTANCES, SAME
13 EVIDENCE AND NO REAL RIGHT OF THE DEFENDANT BEING
14 JEOPARDIZED BY TRYING THEM TOGETHER. WE FEEL THE SAME FOUR
15 FACTORS STATE V. RICE PUTS OUT, THE SAME GENERAL NATURE IS
16 THE ONLY ONE THAT APPLIES HERE. THE OTHER THREE, ARISING
17 OUT OF A SINGLE CHAIN OF CIRCUMSTANCES DOES NOT APPLY,
18 PROVED BY THE SAME EVIDENCE DOES NOT APPLY, AND NO REAL
19 RIGHT OF THE DEFENDANT WILL BE JEOPARDIZED BY TRYING THEM
20 TOGETHER DOES NOT APPLY BECAUSE HE WOULD BE PREJUDICED IN
21 OUR OPINION. WE'D ASK THE COURT TO SEVER THESE COUNTS AND
22 HAVE THEM TRIED SEPARATELY.

23 THE COURT: ALL RIGHT. MR. MYRICK?

24 MR. MYRICK: YOUR HONOR, STATE V. TUCKER SAID,
25 324 SC 155, "WHERE CHARGES ARISE OUT OF A SINGLE CHAIN OF

1 CIRCUMSTANCES, ARE PROVEN BY THE SAME EVIDENCE OR ARE OF
2 THE SAME GENERAL NATURE, THEY'RE PROPERLY TRIED TOGETHER."
3 I'M GOING TO TRY AND PUT A COUPLE OF THINGS ON THE RECORD
4 WITHOUT AROUSING THE IRE OF MR. LOCKLAIR. THE JURY IS NOT
5 PRESENT AND I DON'T THINK IT WOULD BE PREJUDICE TO THE
6 DEFENDANT.

7 THE DEFENDANT SET UP A BUSINESS, DOYLE AND
8 ASSOCIATES. HIS BUSINESS WAS FILING DEEDS IN THE
9 COURTHOUSE AND TAKING PEOPLE'S MONEY. THE UPL COUNT GOES
10 FROM NOVEMBER 1, 2007, THROUGH MARCH 11, 2009. DURING THIS
11 TIME PERIOD EVERYONE OF THESE PEOPLE WENT IN AND SIGNED
12 THEIR NAMES TO PROMISSORY NOTES, SIGNED DEEDS AND PAID HIM
13 THEIR MONEY. WHEN WE CALL THIS UPL COUNT, WHICH IS 1786,
14 EACH OF THESE FOLKS IS GOING TO TESTIFY, WELL, ONE OF THE
15 SPOUSES IS GOING TO TESTIFY. DURING THE COURSE OF THEIR
16 TESTIMONY, WHAT THEY'LL SAY IS, WHAT WE EXPECT THEY'LL SAY
17 IS THAT, "I GAVE HIM MY MONEY AND SIGNED OVER MY PROPERTY
18 BASED ON THE REPRESENTATIONS MADE BY THE DEFENDANT" THEREBY
19 PROVING OBTAINING PROPERTY BY FALSE PRETENSES. HE HAD ONE
20 SCHEME AND ONE BUSINESS AND DURING THIS PERIOD THESE PEOPLE
21 ALL SUFFERED THE CRIME OF OBTAINING BY FALSE PRETENSES. SO
22 WHEN WE CALL THIS COUNT YOU'LL HAVE THE SAME TESTIMONY,
23 EXACT SAME TESTIMONY ARISING OUT OF THE SAME CHAIN OF
24 CIRCUMSTANCES. BUT AGAIN, YOUR HONOR, IT'S LIKE THE PERSON
25 WHO ROBS THE MINI MART AND KIDNAPS AND MURDERS THE CLERK.

1 IT'S ALL PART AND PARCEL OF THE SAME THING.

2 THE COURT: ALL RIGHT. ANYTHING IN REPLY?

3 MR. LOCKLAIR: YOUR HONOR, I'D JUST SAY THAT
4 FIRST OFF I'D GO TO THE LAST PART OF HIS ARGUMENT LIKE THE
5 MINI MART ROBBERY AND ALL THAT. IT'S NOT LIKE THAT,
6 ROBBING THE MINI MART IN MARCH OF 2007, ROBBING THE MINI
7 MART OF MAY OF 2008, ROBBING THE MINI MARY IN JUNE OF 2009,
8 ROBBING THE MINI MART IN AUGUST OF 2010, TRYING ALL THOSE
9 CASES TOGETHER. I HAD A COMMON SCHEME OR PLAN, YES TO ROB
10 A MINI MART, BUT THEY WERE ON SPERATE OCCASIONS. IF I WERE
11 TO SELL DRUGS ON SEPARATE OCCASIONS, YES, MY COMMON SCHEME
12 IS TO BE A DRUG DEALER AND SELL DRUGS BUT TO TRY ME FOR SIX
13 SUBSEQUENT COUNTS THAT OCCURRED OVER THE COURSE OF FOUR
14 YEARS IS UNDULY PREJUDICIAL. THE FACTORS HE WENT INTO IN
15 STATE V. TUCKER THOSE ARE WHAT ARE OUTLINED IN RICE AND IT
16 WAS NOT A SINGLE CHAIN OF CIRCUMSTANCES. THE CHAIN WAS
17 BROKEN MAY TIMES, THIS OCCURRED OVER YEARS. THEY ARE NOT
18 GOING TO BE PROVED BY THE SAME EVIDENCE. THE UNAUTHORIZED
19 PRACTICE OF LAW CASE WILL HAVE TESTIMONY THAT WOULD APPLY
20 TO THE OBTAINING GOODS BY FALSE PRETENSES CASE BUT EACH OF
21 THE INDICTMENTS FOR OBTAINING GOODS BY FALSE PRETENSES WILL
22 BE PROVED BY DISTINCT SEPARATE TESTIMONY FROM EACH OF THE
23 ALLEGED VICTIMS. THEY WILL HAVE NOTHING IN COMMON, NO
24 KNOWLEDGE ABOUT EACH OTHER'S CASES WHATSOEVER THAT WOULD BE
25 PERSONAL COMPETENT KNOWLEDGE THAT THEY COULD OFFER ON THE

1 WITNESS STAND. AND NO REAL RIGHT OF THE DEFENDANT BEING
2 PREJUDICED OR JEOPARDIZED BY TRYING THEM TOGETHER, THAT'S
3 GOING TO HURT BECAUSE THE JURY IS GOING TO SEE ALL THESE
4 DIFFERENT INSTANCES. THAT'S WHY CASES ARE NOT SUPPOSED TO
5 BE JOINED. THE ONLY FACTOR THEY DO HAVE IS THAT THEY ARE
6 OF SAME GENERAL NATURE. IT'S LIKE I SAID ONCE AGAIN, IT'S
7 SIMILAR TO ROBBING THE MINI MART ON FIVE OCCASIONS OVER
8 THREE YEARS. THOSE CASES WOULD NEVER BE TRIED TOGETHER.
9 NO PROSECUTOR WOULD EVEN ARGUE THE FACT THAT THOSE SHOULD
10 BE JOINED TOGETHER AND THIS IS THE EXACT SAME THING. THIS,
11 ACCORDING TO THEM, IS JUST ROBBERY ON PAPER. SO WE WOULD
12 ASK THE COURT TO SEVER THE COUNTS, THANK YOU.

13 THE COURT: ALL RIGHT, I'M GOING TO DENY YOUR
14 MOTION. I'M GOING TO ALLOW THEM TO PROCEED WITH ALL
15 INDICTMENTS IN THIS TRIAL.

16 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

17 THE COURT: ALL RIGHT. NEXT MOTION?

18 MR. LOCKLAIR: THE NEXT MOTION IS A MOTION TO
19 DISMISS FOR VIOLATION OF THE DOUBLE JEOPARDY CLAUSE OF THE
20 UNITED STATES CONSTITUTION. BACK ON MAY 4TH OF 2009, THE
21 HONORABLE J. MICHAEL BAXLEY, ISSUED AN ORDER OF CONTEMPT
22 WHICH FOUND THE DEFENDANT IN CONTEMPT AND HIS ORDER
23 OUTLINED, ESSENTIALLY THE FACTS THAT ARE GOING TO BE
24 ALLEGED BY THE PROSECUTION IN THIS CASE. TWO OF THE
25 ALLEGED WITNESSES, VICTIMS HERE, TESTIFIED AT HEARING WHERE

1 THE JUDGE OBTAINED HIS INFORMATION, EVIDENCE, AND I
2 APOLOGIZE IF I PRONOUNCE THEIR NAMES WRONG, IT'S THE MAUCKS
3 AND THE REINHARDTS; BUT BASICALLY WHEN THE JUDGE FOUND HIM
4 IN CRIMINAL CONTEMPT IN HIS ORDER THE COURT SPECIFICALLY
5 FOUND THAT HIS, "DEFENDANT'S ORCHESTRATION OF THE
6 AFOREMENTIONED SCHEME, HIS BARRAGE OF FRIVOLOUS FILINGS AND
7 FORECLOSURE ACTIONS AND HIS CONDUCT AT THE APRIL 16TH
8 HEARING CONSTITUTES DIRECT CRIMINAL CONTEMPT IN THE COURT'S
9 PRESENCE." BY INCLUDING THE LANGUAGE, "THE ORCHESTRATION
10 OF THE AFOREMENTIONED SCHEME" WAS PART OF THE CRIMINAL
11 CONTEMPT, AND IT WAS CRIMINAL CONTEMPT, THE JUDGE, AT THAT
12 POINT, WAS PUNISHING HIM FOR THE ACTIONS FOR WHICH HE HAS
13 NOW BEEN INDICTED. HE WAS HELD IN CRIMINAL CONTEMPT FOR
14 THAT SCHEME, WHICH THEY ARE NOW ALLEGING. THEREFORE, A
15 COURT OF COMPETENT JURISDICTION HAS HEARD EVIDENCE ON THIS
16 CASE AND THE SCHEME THAT THEY ALLEGED WHICH YOUR HONOR HAS
17 SAID SHOULD ALL BE TRIED TOGETHER IS ONE COMMON SCHEME.
18 HE'S BEEN CRIMINALLY PUNISHED FOR THAT. THE DOUBLE
19 JEOPARDY CLAUSE PREVENTS SOMEBODY FOR BEING TWICE PUNISHED
20 FOR THE SAME CRIME WHEN IT'S THE SAME ELEMENTS, INFORMATION
21 AND FACTS WHICH HAVE TO BE PROVEN. AND IN JUDGE BAXLEY'S
22 ORDER HE FOUND THE FACTS THAT THEY ARE GOING TO ALLEGE IN
23 THIS TRIAL TO PUNISH HIM CRIMINALLY FOR THOSE FACTS AND FOR
24 HIS CONDUCT THAT'S ALLEGED IN THE INDICTMENTS AND
25 THEREFORE, THE DOUBLE JEOPARDY CLAUSE OF THE UNITED STATES

1 CONSTITUTION BARS THIS CASE FROM GOING FORWARD AND WE'D ASK
2 THE COURT TO DISMISS ALL COUNTS.

3 THE COURT: ALL RIGHT NOW, HE SENTENCED HIM TO
4 DEFINITE INCARCERATION OR DEFINITE TIME?

5 MR. LOCKLAIR: HE GAVE HIM SIX MONTHS FOR
6 CRIMINAL CONTEMPT OF COURT BEGINNING ON APRIL 16TH, 2009.

7 THE COURT: OKAY, AND THAT WAS FOR WHAT? WHAT
8 SPECIFICALLY DID HE FIND HIM IN CONTEMPT FOR?

9 MR. LOCKLAIR: "DEFENDANT JOLLY'S ORCHESTRATION
10 OF THE AFOREMENTIONED SCHEME WHICH," I CAN HAND THIS ORDER
11 UP TO YOUR HONOR, "BARRAGE OF FRIVOLOUS FILINGS AND
12 FORECLOSURE ACTIONS AND HIS CONDUCT AT THE APRIL 16TH
13 HEARING CONSTITUTED DIRECT CRIMINAL CONTEMPT IN THE COURT'S
14 PRESENCE." THERE WERE THREE SEPARATE THINGS HE FOUND HIM
15 FOR BUT BECAUSE HE USED "AND" THE LAW SAYS THAT THAT'S
16 SPECIFIC AND INCLUDES EACH OF THEM. IT CANNOT BE ONE OR
17 THE OTHER, ALL THREE OF THEM, SO ---

18 THE COURT: OKAY. WHAT ACTUALLY GOT MR. JOLLY
19 INTO COURT IN FRONT OF JUDGE BAXLEY?

20 MR. LOCKLAIR: THEY WERE IN ON A SUMMONS AND
21 COMPLAINT, A MOTION FOR TEMPORARY INJUNCTION FILED BY THE
22 ATTORNEY GENERAL INVOLVING FORECLOSURE ACTIONS. HE MAY BE
23 ABLE TO EXPLAIN IT BETTER AS TO WHAT IT ACTUALLY WAS. I
24 WASN'T PRIVY TO THAT. I WASN'T INVOLVED IN THOSE.

25 THE COURT: ALL RIGHT. MR. MYRICK, LET ME HEAR

1 FROM YOU.

2 MR. MYRICK: YOUR HONOR, WHEN THIS FIRST CAME TO
3 LIGHT, THE ATTORNEY GENERAL, DURING THE PENDENCY OF THE
4 CRIMINAL INVESTIGATION, FILED A CIVIL ACTION. THE CIVIL
5 ACTION BY THE ATTORNEY GENERAL, WAS UNDER THE UNFAIR TRADE
6 PRACTICES ACT AND SOUGHT TO ENJOIN MR. JOLLY FROM DOING ANY
7 MORE BUSINESS WHILE THE CRIMINAL PROCEEDING, WHICH WAS ONLY
8 IN THE INVESTIGATIVE PHASE, PROCEED. FIRST, I WILL
9 REITERATE, ONE, WE WERE IN CIVIL COURT BEFORE JUDGE BAXLEY,
10 CIVIL COURT. SECONDLY, YOUR HONOR, IN JUDGE BAXLEY'S
11 ORDER, JUDGE BAXLEY SAID AND WHAT HE FOUND, IN PARAGRAPH
12 24, WAS THAT JOLLY WAS ENGAGED IN A FRAUD UPON THE COURT
13 AND IN PARAGRAPH 25, EVINCED AN INTENTION TO OBSTRUCT THE
14 ADMINISTRATION OF JUSTICE AND IN 26, TO INTERFERE WITH
15 JUDICIAL PROCEEDINGS. YOUR HONOR, IT WAS INTENT. IT WAS
16 SPELLED OUT CLEARLY ---

17 THE COURT: WELL, I GUESS MY QUESTION IS, IS HOW
18 DID THOSE ISSUES COME UP IF ALL YOU'RE DOING IS SEEKING AN
19 INJUNCTION AGAINST HIM FROM OPERATING HIS BUSINESS? HOW
20 DID ALL OF THIS OTHER COME UP?

21 MR. MYRICK: MR. JOLLY BROUGHT THIS UPON HIMSELF
22 BY VIRTUE OF HIS ACTIONS BEFORE JUDGE BAXLEY IN THE
23 COURTROOM THAT DAY. HE ---

24 THE COURT: ALL RIGHT, SO THE ATTORNEY GENERAL
25 BRINGS A CIVIL ACTION SEEKING AN INJUNCTION TO STOP MR.

1 JOLLY FROM OPERATING HIS BUSINESS.

2 MR. MYRICK: CORRECT.

3 THE COURT: MR. JOLLY COMES TO COURT ---

4 MR. MYRICK: CORRECT.

5 THE COURT: --- AND DOES WHAT FOR THE CONTEMPT?

6 MR. MYRICK: THE ATTORNEY GENERAL BROUGHT IN
7 COPIES OF THESE QUIT CLAIM DEEDS, INTRODUCED THEM INTO
8 EVIDENCE.

9 THE COURT: OKAY.

10 MR. MYRICK: MR. JOLLY PROCEEDED TO, AND I HAVE
11 THE ENTIRE TRANSCRIPT HERE, HE PROCEEDED TO MAKE FRIVOLOUS
12 ARGUMENTS TO THE COURT. HE, IN FACT, SUED THE COURT THAT
13 DAY IN FEDERAL COURT AND SOUGHT TO REMAND THE ATTORNEY
14 GENERAL'S ACTION TO FEDERAL COURT.

15 THE COURT: SO WAIT A MINUTE, WAIT A MINUTE. IF
16 ALL OF THAT HAPPENED AFTER COURT?

17 MR. MYRICK: AFTER THAT DAY.

18 THE COURT: BUT IT WAS AFTER HE APPEARED BEFORE
19 JUDGE BAXLEY?

20 MR. MYRICK: IT WAS DURING HIS APPEARANCE BEFORE
21 JUDGE BAXLEY.

22 THE COURT: SO HOW DID HE FILE AN ACTION IN
23 FEDERAL COURT WHILE HE WAS APPEARING IN FRONT OF JUDGE
24 BAXLEY?

25 MR. MYRICK: HE FILED IT AT 5 P.M. THE DAY

1 BEFORE SEEKING TO HAVE JUDGE BAXLEY RECUSED AND SUING HIM
2 AND REMOVING THE STATE ACTION TO FEDERAL COURT.

3 THE COURT: SO, THE ATTORNEY GENERAL FILED A
4 CIVIL ACTION SEEKING AN INJUNCTION. BEFORE YOU HAVE A
5 HEARING, WAS IT A TRIAL OR JUST A TEMPORARY HEARING OR
6 WHAT?

7 MR. MYRICK: A HEARING, YOUR HONOR.

8 THE COURT: ALL RIGHT. A HEARING ON A TEMPORARY
9 INJUNCTION I'M ASSUMING. THE DAY BEFORE HE FILES AN ACTION
10 IN FEDERAL COURT?

11 MR. MYRICK: THAT'S CORRECT.

12 THE COURT: OKAY. SO YOU APPEAR FOR THE
13 TEMPORARY HEARING IN FRONT OF JUDGE BAXLEY?

14 MR. MYRICK: YES, SIR.

15 THE COURT: AND BECAUSE HE HAS FILED THE ACTION
16 IN FEDERAL COURT, JUDGE BAXLEY HOLDS HIM IN CONTEMPT?

17 MR. MYRICK: NO, SIR.

18 THE COURT: OKAY.

19 MR. MYRICK: I WOULD SAY IT WAS THE ENTIRETY OF
20 MR. JOLLY'S ACTIONS THAT DAY TO JUDGE BAXLEY, THE EVENTS, A
21 CONTEMPT FOR THE PROCEEDINGS AND FOR THE COURT. YOUR
22 HONOR, I HAVE MARKED TWO DOCUMENTS AND IF THE COURT
23 REPORTER DOES NOT OBJECT I WILL GO AHEAD AND MARK THEM ONE
24 AND TWO.

25 MR. LOCKLAIR: NO OBJECTION.

1 THE COURT: STATE'S EXHIBIT NUMBER 1 AND STATE'S
2 EXHIBIT 2 ---

3 MR. MYRICK: YES, SIR.

4 THE COURT: --- THEY'RE ENTERED WITHOUT
5 OBJECTION, JUST AS TO THIS HEARING, THIS MOTION HEARING?

6 MR. LOCKLAIR: YES, JUST FOR PURPOSES OF THIS
7 HEARING ONLY, YOUR HONOR.

8 THE COURT: ALL RIGHT, SIR.

9 (WHEREUPON STATE'S EXHIBIT 1 AND 2 MARKED AND
10 ENTERED INTO EVIDENCE.)

11 MR. MYRICK: IF I COULD APPROACH, YOUR HONOR.

12 THE COURT: ALL RIGHT, SIR.

13 MR. MYRICK: SO, MY POINT, IF I COULD CONTINUE?

14 THE COURT: GO AHEAD.

15 MR. MYRICK: IN SENTENCE 24, 25 AND 26 OF JUDGE
16 BAXLEY'S ORDER, IT'S CLEAR, THAT BASED ON THE CIVIL ACTION
17 HE WAS FOUND TO BE IN CONTEMPT, BASED ON HIS CONDUCT PRIOR
18 TO THE HEARING AND HIS CONDUCT DURING THE HEARING.
19 CONTEMPT, YOUR HONOR, IS NOT A CRIMINAL STATUTE IN TITLE
20 16. CONTEMPT IS THE INHERENT AUTHORITY OF THE COURT TO
21 EXERCISE IT'S POWERS AND PUNISH THOSE ABIDING BY THEM.
22 WHAT HE IS CHARGED WITH TODAY IS, YOUR HONOR, IS PRACTICING
23 LAW WITHOUT A LICENSE AND OBTAINING GOODS BY FALSE
24 PRETENSES. UNDER THE ELEMENTS TEST, WHICH IS THE LAW IN
25 SOUTH CAROLINA, THERE ARE TWO DISTINCT STATUTORY PROVISIONS

1 AND THE TEST IS TO DETERMINE WHETHER EACH PROVISION
2 REQUIRES PROOF OF ADDITIONAL FACTS THAT THE OTHER DOES NOT
3 AND THAT THE ELEMENTS ARE THE SAME. THAT'S THE BLOCKBURGER
4 CASE, YOUR HONOR, FROM THE UNITED STATES SUPREME COURT,
5 DECIDED IN SOUTH CAROLINA IN STATE V. PACE, AND THE
6 ELEMENTS FOR CONTEMPT ARE DISTINCTLY DIFFERENT FROM THE
7 ELEMENTS OF PRACTICING LAW WITHOUT A LICENSE. THE ELEMENTS
8 OF OBTAINING GOODS UNDER FALSE PRETENSE ARE DISTINCTLY
9 DIFFERENT FROM CONTEMPT. THERE'S NO DOUBLE JEOPARDY
10 ARGUMENT, YOUR HONOR.

11 THE COURT: OKAY. WHO, I MEAN, I SEE HERE IN
12 THIS NOTICE OF HEARING AND RULE TO SHOW CAUSE. IT
13 REFERENCES, "THE PURPOSE OF THIS HEARING IS TAKE TESTIMONY
14 AND HEAR ARGUMENTS ON WHETHER OR NOT ROBERT STEVE JOLLY AND
15 ANYONE ACTING ON HIS BEHALF" -- "ANYONE ACTING ON BEHALF OF
16 ROBERT JOLLY AND ASSOCIATES SHOULD BE DISMISSED FROM ALL
17 PRESENTLY PENDING CASES." SO THERE WAS, WHEN HE SAYS "ALL
18 PRESENTLY PENDING CASES," WHAT IS HE TALKING ABOUT?

19 MR. MYRICK: YOUR HONOR, I CAN MARK WHAT I HAVE
20 AS STATE'S NUMBER 3 AND HAND IT UP. IT IS AN ORDER FROM
21 JUDGE BAXLEY INVOLVING THE CASES WHICH MR. JOLLY WAS
22 INVOLVED IN.

23 THE COURT: SO THIS IS STATE'S EXHIBIT NUMBER 3?

24 MR. MYRICK: YES, SIR.

25 MR. LOCKLAIR: NO OBJECTION FOR THIS HEARING.

1 (WHEREUPON, STATE'S EXHIBIT NUMBER 3 IS MARKED
2 AND ENTERED INTO EVIDENCE.)

3 MR. MYRICK: YOUR HONOR, THIS IS A SELF
4 AUTHENTICATING PUBLIC DOCUMENT AND IT IS A FASHIONED GLOBAL
5 ORDER FOR ALL FORECLOSURE CASES IN WHICH ROBERT STEVE JOLLY
6 AS A PARTY ---

7 THE COURT: ALL RIGHT. EXCUSE ME FOR
8 INTERRUPTING. SO MR. JOLLY HAD BROUGHT A NUMBER OF
9 FORECLOSURE CASES?

10 MR. MYRICK: NO, SIR, HE HAD APPEARED IN
11 FORECLOSURE CASES.

12 THE COURT: HE HAD APPEARED IN FORECLOSURE. WHO
13 WAS, WHO HAD BROUGHT THE FORECLOSURE CASES?

14 MR. MYRICK: IF I MAY, YOUR HONOR ---

15 THE COURT: ALL RIGHT.

16 MR. MYRICK: --- I BELIEVE I CAN CLEAR THIS UP
17 IN TWO MINUTES.

18 THE COURT: ALL RIGHT.

19 MR. MYRICK: MR. LOCKLAIR MAY OBJECT. MR. JOLLY
20 SOUGHT TROUBLED HOMEOWNERS.

21 THE COURT: OKAY.

22 MR. MYRICK: THERE THEY ARE. HE APPROACHED THEM
23 AND SAID I CAN HELP YOU WITH YOUR MORTGAGE COMPANY. I WILL
24 BE YOUR BANK, SIGN THIS DOCUMENT, A QUIT CLAIM DEED. HE
25 TOOK THOSE DEEDS DOWN TO THE REGISTER OF DEEDS OFFICE AND

1 FILED THEM. THEY, BELIEVING HE IS THEIR NEW MORTGAGE
2 HOLDER, START WRITING HIM CHECKS. HE DOESN'T PAY OFF THE
3 OLD BANK. THE BANK WHICH LOANED THESE GOOD PEOPLE THE
4 MONEY TO BUT THEIR HOUSES DIDN'T GET PAID. THEY COMMENCED
5 FORECLOSURE ACTIONS.

6 THE COURT: THE BANK?

7 MR. MYRICK: THE BANK. BECAUSE MR. JOLLY HAD
8 FILED QUIT CLAIM DEEDS IN HIS NAME THE BANK THEN PROCEEDS
9 AGAINST HIM ---

10 THE COURT: OKAY.

11 MR. MYRICK: --- MAKING HIM A PARTY IN 40-SOME-
12 ODD FORECLOSURE HEARINGS.

13 THE COURT: OKAY.

14 MR. MYRICK: IF I MIGHT APPROACH, YOUR HONOR.
15 STATE'S EXHIBIT 3, IT'S JUDGE BAXLEY'S GLOBAL ORDER. SO
16 THAT IS HOW MR. JOLLY CAME TO BE A PARTY IN THESE CIVIL
17 FORECLOSURE PROCEEDINGS, BY VIRTUE OF A QUIT CLAIM DEED
18 THAT HE FRAUDENTLY OBTAINED.

19 THE COURT: ALL RIGHT. WHO APPROACHED JUDGE
20 BAXLEY TO GET THE RULE TO SHOW CAUSE?

21 MR. MYRICK: YOUR HONOR, MY EYES ARE BOTHERING
22 ME THIS MORNING, ARE YOU HOLDING UP NUMBER 3?

23 THE COURT: NUMBER 1, NOTICE OF HEARING AND RULE
24 TO SHOW CAUSE.

25 MR. MYRICK: THE STATE OF SOUTH CAROLINA.

1 THE COURT: THIS IS JUDGE BAXLEY'S RULE THAT
2 ORDERS HIM IN TO SHOW WHY HE SHOULDN'T BE IN CONTEMPT. WHO
3 ISSUED THIS, I MEAN, WHO SOUGHT THIS FROM JUDGE BAXLEY?

4 MR. MYRICK: THE ATTORNEY GENERAL.

5 THE COURT: OKAY. AND YOU ARE ASKING THAT JUDGE
6 BAXLEY RULE IN MR. JOLLY TO SHOW CAUSE WHY HE SHOULD NOT BE
7 HELD IN CONTEMPT BECAUSE OF ALLEGATIONS OF WHAT, THE
8 UNAUTHORIZED, WELL IT SAYS "THE UNAUTHORIZED PRACTICE OF
9 LAW AND/OR TAKING OF ACTION THAT UNDERMINES THE
10 ADMINISTRATION AND INTEREST OF JUSTICE."

11 MR. MYRICK: MAY I SEE THAT, YOUR HONOR?

12 THE COURT: YEAH.

13 MR. MYRICK: MY EYES ARE BOTHERING ME.

14 THE COURT: MINE ARE, TOO. I DON'T KNOW IF IT'S
15 POLLEN OR WHAT BUT I'M UNDER THE SAME SITUATION.

16 MADAM COURT REPORTER: JUDGE, IS NUMBER 3 IN?

17 THE COURT: YES, NUMBER 3 IS IN WITHOUT
18 OBJECTION.

19 MR. MYRICK: THIS IS JUDGE BAXLEY'S RULE TO SHOW
20 CAUSE. THE STATE SIMPLY FILED THE UNFAIR TRADE PRACTICES
21 ACTION.

22 THE COURT: SO WHO APPROACHED JUDGE BAXLEY TO
23 GET A RULE TO SHOW CAUSE?

24 MR. MYRICK: IF I MAY, YOUR HONOR, I'LL HAND
25 THIS BACK UP. WHAT HAPPENED, YOUR HONOR, IS THE

1 DEFENDANT'S FRIVOLOUS PROCEEDINGS AND FILING IN THE MASTER
2 IN EQUITY'S COURT HERE IN THIS COURTHOUSE RESULTED IN THIS
3 ENORMOUS BACKLOG OF CASES.

4 THE COURT: OKAY.

5 MR. MYRICK: THE MASTER AT THE TIME, RALPH
6 STROMAN, WAS SUED BY THE DEFENDANT FOR SIMPLY DILATORY
7 TACTICS AND COURT ADMINISTRATION SENT JUDGE BAXLEY DOWN
8 HERE. AND IT'S MY UNDERSTANDING IT WAS AT THE DIRECT
9 REQUEST OF THE CHIEF JUSTICE, SENT JUDGE BAXLEY DOWN HERE,
10 ASSIGNED HIM HERE TO FIX THE MASTER IN EQUITY'S DOCKET.
11 JUDGE BAXLEY COMES HERE FROM HARTSVILLE. HE SEES THESE,
12 THIS PILE OF, PILE OF CASES. WHEN WE FIRST APPEARED, AND I
13 SPEAK OF THE STATE OF SOUTH CAROLINA, WHEN WE APPEARED
14 BEFORE JUDGE BAXLEY ON THIS ISSUE, THE UNFAIR TRADE
15 PRACTICE ISSUE, JUDGE BAXLEY KNEW MORE ABOUT THE CIVIL
16 CASES AND MR. JOLLY'S SCHEME THAN ANYONE IN THE STATE OF
17 SOUTH CAROLINA BECAUSE HE HAD THE DOCKET ---

18 THE COURT: YOU'RE TALKING ABOUT ---

19 MR. MYRICK: --- THE FILINGS.

20 THE COURT: --- THESE CASES? SO THESE ARE THE
21 FORECLOSURE ACTIONS BROUGHT BY THE FIRST MORTGAGE HOLDERS?

22 MR. MYRICK: THAT'S CORRECT.

23 THE COURT: OKAY. ALL RIGHT.

24 MR. MYRICK: WE FILED THE ACTION, SAID WE'D LIKE
25 TO HEAR. IN THE MEAN TIME, JUDGE JOLLY [SIC] ---

1 THE COURT: YOU MEAN JUDGE BAXLEY.

2 MR. MYRICK: --- ISSUED THAT RULE TO SHOW CAUSE
3 WITHOUT CONSULTING THE STATE. HE SAID WE'RE GOING TO HAVE
4 A GLOBAL HEARING. AND THAT WENT OUT TO ALL THESE PEOPLE.
5 IT WENT OUT TO ALL THE LAWYERS IN THE FORECLOSURE ACTIONS
6 AND IT WENT TO THE ATTORNEY GENERAL'S OFFICE. WHAT JUDGE
7 BAXLEY WAS TRYING TO DO WAS ACCOMPLISH A LOT OF THINGS IN
8 ONE DAY. HE HEARD FROM THE VICTIMS. HE HEARD AND MET WITH
9 THE CIVIL LAWYERS AND HE HEARD FROM THE CIVIL SECTION OF
10 OUR OFFICE.

11 THE COURT: SO WHEN YOU SAY THE CIVIL LAWYERS HE
12 HEARD FROM THE BANK'S ATTORNEYS THAT WERE FORECLOSING THE
13 MORTGAGES?

14 MR. MYRICK: YES, SIR, THAT'S CORRECT. SO, YOU
15 HONOR, THAT IS BACKGROUND. AGAIN, THE BLOCKBURGER ELEMENTS
16 TEST CLEARLY ---

17 THE COURT: WELL, I'VE GOT TO REVIEW THIS ORDER
18 BECAUSE IT DOES SPEAK SPECIFICALLY, "THE COURT DECLINES TO
19 SUSPEND THE SCHEDULED PROCEEDINGS IN SO FAR AS DEFENDANT'S
20 PURPORTED REMOVAL OF PLAINTIFF'S ACTION, IF VALID, WHICH
21 DOES NOT DIVEST THE COURT OF JURISDICTION OVER THE VARIOUS
22 FORECLOSURE ACTIONS. ACCORDING TO THE COURT "RECEIVED
23 TESTIMONY FROM TWO INDIVIDUALS WHO ARE AMONG THOSE AFFECTED
24 BY THE PENDING FORECLOSURE ACTION," BEING ERNEST MAUCK AND
25 ESTHER REINHARDT, "TESTIFIED WITH REGARD TO THEIR

1 DEALINGS." SO WHAT I'VE GOT TO DO IS CHECK THIS ORDER TO
2 SEE IF THOSE ARE TWO OF THE VICTIMS IN THESE CASES. IF HE
3 HELD HIM IN CONTEMPT AND SENTENCED TO PRISON FOR HIS
4 ACTIONS WITH REGARD TO ERNEST MAUCK AND ESTHER REINHARDT,
5 HOW IS THAT NOT DOUBLE JEOPARDY? IF THEY'RE GOING TO COME
6 IN AND TESTIFY TO THE SAME THING THEY TESTIFIED TO IN FRONT
7 OF JUDGE BAXLEY, AND JUDGE BAXLEY SENT HIM TO JAIL FOR
8 THEIR ACTIONS WITH REGARD TO HIS DEALINGS WITH MAUCK AND
9 REINHARDT, WHY ISN'T THAT DOUBLE JEOPARDY?

10 MR. MYRICK: HERE'S WHY, YOUR HONOR. BECAUSE HE
11 MADE FACTUAL FINDINGS WHICH YOU READ FROM AND FROM WHICH
12 MR. LOCKLAIR QUOTED FROM. THE FACTUAL FINDINGS, IN AND OF
13 THEMSELVES, DO NOT CONSTITUTE THIS CRIME OR THAT CRIME.
14 YOU'LL NOTICE THAT JUDGE BAXLEY DID NOT SAY, "I FIND HIM
15 GUILTY OF OBTAINING GOODS UNDER FALSE PRETENSES.

16 THE COURT: WELL LET'S SEE WHAT HE DID.

17 MR. MYRICK: YOU WON'T FIND THAT ANYWHERE IN
18 THERE. BUT YOU'LL SEE IS BASED ON THE FACTUAL FINDINGS HE
19 FOUND THEM TO BE CONTEMPTUOUS, NOTHING OTHER THAN THAT AND
20 I WOULD DIRECT THE COURT TO PARAGRAPHS 24, 25 AND 26, WHICH
21 I CITED FROM EARLIER. SO, YES, SIR, HE DID MAKE THOSE
22 FACTUAL FINDINGS, BUT NOT WITH RESPECT TO OBTAINING
23 PROPERTY BY FALSE PRETENSES OR PRACTICING LAW WITHOUT A
24 LICENSE BUT FOR BEING CONTEMPTUOUS OF THE COURT.

25 THE COURT: YEAH, BUT EVERY CONTEMPT IS FOR

1 BEING CONTEMPTUOUS, BUT CERTAIN CONTEMPTS DO CREATE A
2 DOUBLE JEOPARDY ISSUE.

3 MR. MYRICK: I SEE YOUR HONOR'S CONCERN BUT I DO
4 POINT OUT THIS, IF THAT WERE THE CASE, DEFENDANTS SUCH AS
5 THIS WOULD GO OUT OF THEIR WAY TO BE HELD IN CONTEMPT
6 BECAUSE THEY'D MUCH RATHER SPEND A FEW MONTHS IN JAIL
7 RATHER THAN THE 10 YEARS THAT OBTAINING GOODS BY FALSE
8 PRETENSES CARRIES.

9 THE COURT: WELL, NO, NO. I MEAN, IF MR. JOLLY
10 CAME IN FRONT OF JUDGE BAXLEY AND CREATED A DISTURBANCE AND
11 FLIPPED TABLES AND JUST HAD CAUSED A RUCKUS IN THE
12 COURTROOM HE COULD BE HELD IN CONTEMPT AND HE COULD GO TO
13 JAIL FOR THAT. IF MR. JOLLY APPEARED FOR SWINDLING TWO
14 INDIVIDUALS AND JUDGE BAXLEY SENT HIM TO JAIL FOR SWINDLING
15 TWO INDIVIDUALS, THEN I DON'T THAT HE CAN BE PROSECUTED FOR
16 SWINDLING THOSE SAME INDIVIDUALS IN A LATER PROSECUTION IF
17 IT'S ALL BASED UPON THE SAME FACTS. SO HE COULD APPEAR IN
18 FRONT OF, THAT'S WHAT I'M TRYING TO FIND OUT IS WHY DID
19 JUDGE BAXLEY HOLD HIM IN CONTEMPT? DID HE HOLD HIM IN
20 CONTEMPT BECAUSE, AND THAT'S WHY I'VE GOT TO READ THIS
21 ORDER, BECAUSE IT LOOKS TO ME HE HELD HIM IN CONTEMPT
22 BECAUSE "MR. MAUCK AND MS. REINHARDT QUIT CLAIMED THEIR
23 INTEREST IN RESPECTIVE RESIDENCES AND REAL PROPERTY TO HIM
24 IN THE BELIEF THAT IN DOING SO WOULD PREVENT THEIR HOMES
25 FROM BEING FORECLOSED ON; THAT AFTER GIVING THE QUIT CLAIM

1 DEEDS TO HIM THEY BEGAN MAKING PAYMENTS TO HIM IN THE
2 BELIEF THAT HE WAS THE PERSON TO WHOM THE DEBT ASSOCIATED
3 WITH THEIR RESPECTIVE RESIDENCES WAS NOW OWED; THAT HE
4 PREPARED QUIT CLAIM DEEDS AND DOCUMENTS ASSOCIATED WITH
5 THEIR PURPORTED CONVEYANCES AND THAT THEY RELIED UPON THOSE
6 REPRESENTATIONS." AND I'M JUST READING FROM AN EXCERPT OF
7 THE ORDER, I'VE GOT TO READ THE WHOLE ORDER. BUT IF THAT
8 IS WHY HE HELD HIM IN CONTEMPT THEN I DON'T KNOW THAT YOU
9 CAN PROSECUTE HIM UNDER THIS SAME SET OF FACTS, AGAIN,
10 BECAUSE A PERSON CAN ONLY FACE PROSECUTION AND SUFFER
11 CRIMINAL PENALTY ONE TIME FOR A CRIMINAL ACT. IF HE GOES
12 OUT AND DOES IT AGAIN NOW THAT'S ANOTHER THING IS HOW DOES
13 THIS AFFECT THE OTHER CHARGES WITH THE OTHER VICTIMS WHEN
14 THIS ONLY REFERENCES MAUCK AND REINHARDT? AND IF HE'S HELD
15 HIM IN CONTEMPT, AND MY QUICK READING IS FOR ONLY MAUCK AND
16 REINHARDT AND DOESN'T DEAL WITH THE OTHER ALLEGED VICTIM.

17 MR. LOCKLAIR: WELL ONCE YOUR HONOR READS THE
18 WHOLE THING, IT SAYS PARAGRAPH 5, "THE DEFENDANTS ENGAGED
19 IN A SCHEME IN WHICH THEY SOUGHT OUT OR OTHERWISE SOLICITED
20 FINANCIALLY DISTRESSED SOUTH CAROLINA HOMEOWNERS AND TITLE
21 HOLDERS TO REAL PROPERTY AND OFFERED TO ASSIST THEM.
22 DEFENDANT ENCOURAGED THESE HOMEOWNERS, IN EXCHANGE FOR THE
23 HOMEOWNER'S DEED" AND GOES INTO A GENERAL, STARTING AT
24 PARAGRAPH ONE ON PAGE FIVE. BUT YOUR HONOR READS THE WHOLE
25 THING HE OUTLINES THE SCHEME AS HE'S GOING AFTER ALL SORTS

1 OF HOMEOWNERS IN SOUTH CAROLINA ALL OVER AND HE DISCUSSES
2 ALL OF THESE. AND LATER ON HE EVEN TALKS ABOUT THE
3 FORECLOSURES THAT HE'S INVOLVED IN, HE EVEN MENTIONS THAT
4 THERE ARE 45 CASES IN HORRY COUNTY THAT HAD TO BE RETURNED
5 TO CIRCUIT COURT, HE MENTIONS THAT IN PARAGRAPH 22. THEN
6 HE ULTIMATELY MAKES HIS CONCLUSION IN PARAGRAPH 29 AND THIS
7 IS ACTUALLY WHERE THE CONTEMPT PART IS, "DEFENDANT JOLLY'S
8 ORCHESTRATION OF THE SCHEME, HIS BARRAGE OF FRIVOLOUS
9 FILINGS IN THE FORECLOSURE ACTIONS AND HIS CONDUCT AT THE
10 APRIL 16TH HEARING CONSTITUTES DIRECT CRIMINAL CONTEMPT IN
11 THE COURT'S PRESENCE." AND THEN IT GOES ON, "IN LIGHT OF
12 THIS, THE COURT FINDS THAT SOUTH CAROLINA CITIZENS WILL
13 SUFFER IRREPARABLE HARM." THE INJUNCTION GOES BACK AND
14 FINDS IN THE ORDER ON CRIMINAL CONTEMPT AND GIVES HIM SIX
15 MONTHS. HE OUTLINES IT AS A SCHEME TO DEFRAUD HOMEOWNERS
16 ALL OVER SOUTH CAROLINA. HE SPECIFICALLY MENTIONS ALL 45
17 CASES PENDING IN SOUTH CAROLINA. WHILE HE DID HOLD HIM IN
18 CONTEMPT FOR THREE THINGS ONE OF THE SPECIFIC THINGS HE DID
19 HOLD HIM IN CONTEMPT FOR WAS FOR THE ORCHESTRATION OF THE
20 AFOREMENTIONED SCHEME, WHICH JUDGE BAXLEY DID A FINE JOB OF
21 OUTLINING AND IN OUR OPINION, COVERS THE GAMBIT OF ALL OF
22 THESE CASES AND THEREFORE THEY SHOULD ALL BE DISMISSED.

23 MR MYRICK: IF I MAY BE HEARD BRIEFLY JUST ONE
24 MORE TIME, YOUR HONOR?

25 THE COURT: ALL RIGHT, SIR.

1 MR. MYRICK: IN CASE I SPOKE INARTFULLY, I'D
2 LIKE TO AGAIN CITE STATE V. PACE. "THE QUESTION" OR "THE
3 TEST TO DETERMINE WHETHER THERE ARE TWO OFFENSES OR ONE IS
4 WHETHER EACH PROVISION REQUIRES PROOF OF ADDITIONAL FACTS
5 THAT THE OTHER DOES NOT." THAT'S EXACTLY THE CASE HERE,
6 YOUR HONOR.

7 THE COURT: ALL RIGHT, SIR, WHAT IS IT YOU ARE
8 SEEKING TO PROVE IN THIS CASE THAT JUDGE BAXLEY DID NOT
9 CONSIDER IN THE CONTEMPT HEARING?

10 MR. MYRICK: I CAN'T TELL YOU EXACTLY WHAT HE
11 CONSIDERED. HE BOILED IT DOWN INTO THAT ORDER. I CAN'T
12 SAY WHAT ALL HE CONSIDERED IN ADDITION TO WHAT WE PRESENTED
13 THAT DAY. BUT FOR EXAMPLE, WITH THE CASE INVOLVING THE
14 MAUCKS THERE'S A \$4,000 MONETARY THRESHOLD.

15 THE COURT: WELL HE'S ALREADY SAID HE LISTENED
16 TO THE MAUCKS ---

17 MR. MYRICK: I'VE GOT THE TRANSCRIPT, YOUR
18 HONOR, WE CAN TRACE THE DOLLAR AMOUNT.

19 THE COURT: SO YOU'RE SAYING JUST BECAUSE THERE'S
20 A DOLLAR AMOUNT THAT WAS NOT BROUGHT UP IN FRONT OF HIM
21 THAT TAKES IT OUTSIDE OF CONTEMPT?

22 MR. MYRICK: IT'S THE ONE ELEMENT THAT'S
23 DIFFERENT, YOUR HONOR. IT IS THE ONE ELEMENT, THE SPECIFIC
24 ELEMENT THAT IS REQUIRED, THE ELEMENT OF \$4,000 THAT IS
25 ABSOLUTELY REQUIRED TO OBTAIN THE CONVICTION UNDER

1 INDICTMENT 2947, ABSOLUTELY REQUIRED. IT WASN'T ON THE
2 RECORD THERE ---

3 THE COURT: WELL, IN OTHER WORDS ---

4 MR. MYRICK: --- IT WAS CONSIDERATION, SIMILARLY
5 WITH THE REINHARDTS.

6 THE COURT: SO YOU'RE SAYING THAT BY OMITTING
7 THE MONETARY AMOUNT IN FRONT OF JUDGE BAXLEY THAT TAKES THE
8 DOUBLE JEOPARDY ISSUE OUT?

9 MR. MYRICK: THERE'S ONE ELEMENT DIFFERENT, ONE
10 SINGLE DIFFERENT. FOR THE SAME REASON YOU CAN BE CONVICTED
11 FOR DUI AND RECKLESS HOMICIDE OR INVOLUNTARY AND/OR
12 RECKLESS, THEY DON'T PRECLUDE ONE ANOTHER. THE DIFFERENCE
13 IS THE ONE SINGLE ELEMENT TEST. WE SEE IT ALL THE TIME,
14 YOUR HONOR. WE SEE HIGH PROFILE CASES ---

15 THE COURT: WELL, NO. I MEAN, YOU CANNOT
16 PROSECUTE SOMEONE FOR DUI, GET A CONVICTION AND THEN TURN
17 AROUND AND PROSECUTE THEM FOR FELONY DUI ARISING OUT OF THE
18 SAME FACTS SIMPLY BECAUSE FELONY DUI YOU HAVE TO SHOW THE
19 ADDITIONAL ELEMENT OF ---

20 MR. MYRICK: I'M SORRY, YOUR HONOR, I MISSPOKE.
21 FELONY DUI AND FOR EXAMPLE RECKLESS HOMICIDE DO NOT
22 PRECLUDE ONE OTHER, THAT'S IN ---

23 THE COURT: BUT ---

24 MR. MYRICK: --- DESK BOOK.

25 THE COURT: DUI AND FELONY DUI DO EXCLUDE ONE

1 ANOTHER EVEN THOUGH FELONY DUI REQUIRES AN ADDITIONAL
2 ELEMENT.

3 MR. MYRICK: I PROPOSE, YOUR HONOR, AND AGAIN
4 MR. LOCKLAIR SPRUNG THIS ON ME THIS MORNING IN CHAMBERS. I
5 WAS INADEQUATELY PREPARED. BUT WHAT I CAN TELL YOUR HONOR
6 IS THERE WAS NO TESTIMONY FROM ANNIE BELL MARTIN,
7 INDICTMENT 2946.

8 THE COURT: YEAH, AND I AGREE WITH YOU ON THAT.
9 I AGREE THERE ARE ADDITIONAL ---

10 MR. MYRICK: AND THERE WAS NO TESTIMONY FROM
11 PAULETTE HOLMES.

12 THE COURT: I AGREE WITH YOU ON THAT. I'M GOING
13 TO TELL YOU I'M GOING TO DENY HIS MOTION AS TO ALL THE
14 VICTIMS WITH REGARD, BECAUSE IF, DO THINK MY SOLE CONCERN
15 IS MAUCK AND REINHARDT. DOES HIS, BECAUSE THOSE ARE THE
16 TWO THAT JUDGE BAXLEY HEARD FROM, THOSE ARE THE TWO THAT HE
17 CONSIDERED WHEN HE ISSUED THIS SO MY SOLE CONSIDERATION IS
18 DOES THIS CONTEMPT ACT AS DOUBLE JEOPARDY TO INDICTMENT
19 2009-26-GS-2948, WHICH IS THE REINHARDT, AND 2009-GS-26-
20 2947, WHICH IS MAUCK.

21 MR. MYRICK: AND YOUR HONOR, IF AFTER YOU READ
22 JUDGE BAXLEY'S ORDER, IF YOU FIND THAT CONTEMPT IS
23 SUBSTANTIALLY THE SAME, ALTHOUGH THE STATE HAS ARGUED THAT
24 IS TOTALLY DIFFERENT SET OF ELEMENTS BETWEEN SHOWING
25 DISRESPECT AND IMPEDING JUSTICE AND OBTAINING MONEY BY

1 FALSE PRETENSES, ALTHOUGH THEY HAVE THE SAME UNDERLYING
2 FACTS ---

3 THE COURT: BUT ---

4 MR. MYRICK: --- BUT IF THE JUDGE FINDS THAT THE
5 STATE IS PREPARED, UPON THE JUDGES ISSUANCE OF AN ORDER,
6 WE'LL GO AHEAD AND APPEAL THAT WITH RESPECT TO THE
7 REINHARDTS AND THE MAUCKS AND WE'LL PROCEED ON THE
8 REMAINING ONES.

9 THE COURT: OKAY. WELL WHAT I'M GOING TO HAVE
10 TO DO IS LET'S TAKE A LITTLE BREAK BECAUSE I'VE GOT TO READ
11 THIS ORDER BECAUSE I DON'T KNOW, AND I'VE JUST DONE A QUICK
12 REVIEW AND I'VE RELIED A LOT ON YA'LL'S ARGUMENTS AS TO
13 WHAT IT SAYS AND I KNOW THAT EACH OF YOU ARE TAKING THE
14 POSITION OF A DIFFERENT CLIENT IN THE INTEREST AND SO I'VE
15 GOT TO READ IT IN TOTAL MYSELF FOR ME TO DETERMINE WHY DID
16 JUDGE BAXLEY HOLD THE DEFENDANT IN CONTEMPT AND WHETHER OR
17 NOT HE'S ALREADY SUFFERED A CRIMINAL PUNISHMENT FOR
18 SOMETHING YOU ARE NOW SEEKING TO PROSECUTE. OKAY?

19 MR. MYRICK: AND WHAT WE WOULD LIKE TO DO, YOUR
20 HONOR, REGARDLESS OF WHETHER WE CALL THE SPECIFIC COUNTS
21 INVOLVING MR. MAUCK AND THE REINHARDTS, IS WE STILL WOULD
22 LIKE TO INSURE THAT THEY ARE ABLE TO TESTIFY DURING THE
23 UNAUTHORIZED PRACTICE OF LAW INDICTMENT.

24 THE COURT: I DON'T KNOW WHY THEY WOULDN'T. I
25 HAVEN'T HEARD ANY ---

1 MR. LOCKLAIR: WELL WE CERTAINLY WOULD HAVE A
2 MOTION IN LIMINE TO LIMIT THEIR TESTIMONY TO THE APPLICABLE
3 EVIDENCE AS APPLIED IN THE UNAUTHORIZED PRACTICE OF LAW.

4 THE COURT: OKAY, I'LL JUST DEAL WITH THAT
5 BECAUSE I DON'T KNOW THAT IT IS BARRED. I DON'T KNOW THAT
6 THERE IS A DOUBLE JEOPARDY. I JUST KNOW THAT I'VE GOT TO
7 READ STATE'S EXHIBIT TWO BEFORE I MAKE A DECISION ON THAT,
8 OKAY? ANYTHING ELSE OR DO WE WANT TO TAKE A BREAK NOW AND
9 LET ME TAKE A LOOK AT THIS?

10 MR. LOCKLAIR: I HAVE ANOTHER MOTION.

11 THE COURT: WHAT'S YOUR OTHER MOTION?

12 MR. LOCKLAIR: MY OTHER MOTION IS TO PROHIBIT
13 REFERENCE TO THE ALLEGED VICTIMS IN THIS CASE, AS VICTIMS,
14 THAT IS AN ULTIMATE ISSUE FOR THE JURY TO DECIDE. IT'S NOT
15 BEEN PROVEN. IF THERE WAS NO CRIME THE JURY'S VERDICT
16 COULD REFLECT THE PARTIES, AS THE STATE CLAIMS, WERE
17 DEFRAUDED WERE NOT VICTIMS OF ANY CRIME OR THEY COULD FAIL
18 TO PROVE BEYOND A REASONABLE DOUBT THAT ANY CRIME WAS
19 COMMITTED AND THEREFORE THERE WOULD BE NO VICTIM. AND WE'D
20 ASK ---

21 THE COURT: ALL RIGHT, I'LL HEAR FROM YOU ON
22 THAT, MR. MYRICK.

23 MR. MYRICK: WE'RE JUMPING AROUND SO FAST ---

24 THE COURT: HE JUST WANTS TO ---

25 MR. MYRICK: THERE'S A CASE, YOUR HONOR, THE

1 CASE SAYS THIS, IF YOU REQUIRED A CONVICTION BEFORE SOMEONE
2 COULD BE CALLED A VICTIM, ULTIMATELY THESE PEOPLE WOULD
3 EXCLUDED FROM ALL THE RIGHTS THEY ARE PROVIDED IN THE
4 CONSTITUTION BECAUSE THEY WOULDN'T BE DECLARED VICTIMS
5 UNTIL THE TRIAL WAS OVER.

6 THE COURT: NO, I THINK WHAT HE'S TALKING, HE
7 JUST DOESN'T WANT THEM REFERRED TO A VICTIMS IN FRONT OF A
8 JURY.

9 MR. LOCKLAIR: THAT'S CORRECT, YOUR HONOR.

10 THE COURT: HE JUST WANTS THEM REFERRED TO BY
11 NAME RATHER THAN CALLING THEM A VICTIM.

12 MR. MYRICK: OUR POSITION IS THAT THEY ARE
13 ALREADY ARE VICTIMS. I DON'T INTEND TO PURPOSELY ENFLAME
14 THE JURY BY USING THE WORD VICTIM OVER AND OVER AGAIN. BUT
15 IF SOMEONE IS KILLED AND THERE IS A MURDER TRIAL THERE IS A
16 DEAD PERSON AND HE'S ON TRIAL. THE STATE'S CONTENTS THAT
17 THESE PEOPLE ARE VICTIMS.

18 MR. LOCKLAIR: I ACTUALLY HAVE A CIRCUIT COURT
19 RULING FROM THIS JURISDICTION WHERE THAT'S BEEN EXCLUDED,
20 STATE V. ---

21 THE COURT: WELL ---

22 MR. LOCKLAIR: --- BY JUDGE THOMAS, JUST TO LET
23 THE COURT KNOW IT HAS BEEN DONE.

24 THE COURT: --- I DON'T KNOW THAT BUT HAS THERE
25 BEEN ANY APPELLATE DECISIONS ---

1 MR. LOCKLAIR: NO THERE'S BEEN APPELLANT
2 DECISIONS THAT I'VE BEEN ABLE TO FIND IN ---

3 THE COURT: --- THAT SAYS THEY CAN'T REFER TO
4 THEM AS VICTIMS?

5 MR. LOCKLAIR: --- IN OUR STATE OR THE FOURTH
6 CIRCUIT OR THE U.S. SUPREME COURT THAT DEAL WITH THIS
7 ISSUE.

8 MR. MYRICK: I'VE GOT ONE, YOUR HONOR, THAT'S
9 DIRECTLY, I'M LOOKING FOR MY PAPER.

10 THE COURT: AND WHAT DOES THAT SAY?

11 MR. MYRICK: IT SAYS, TRYING TO MAKE SURE I'VE
12 GOT THE RIGHT CASE HERE, YOUR HONOR. "A PERSON'S STATUS AS
13 A VICTIM, FOR PURPOSES OF THE VICTIM'S BILL OF RIGHT IS NOT
14 CONTINGENT ON A INDICTMENT OR A CONVICTION." THAT IS
15 LITTLEFIELD V. WILLIAMS, 343 SC 212.

16 MR. LOCKLAIR: THAT WOULD ALSO BE A CIVIL CASE
17 WHERE OBVIOUSLY THERE WOULD DIFFERENT RIGHTS IN A CIVIL
18 CASE.

19 MR. MYRICK: MAY I APPROACH, YOUR HONOR?

20 THE COURT: YES.

21 MR. MYRICK: IT SAID ESSENTIALLY THERE ARE TWO
22 DEFINITIONS OF VICTIMS AND THE ONE THAT APPLIES IN COURT
23 PROCEEDINGS AND ONE THAT CAUSES THEIR RIGHT TO ATTACH.

24 MR. LOCKLAIR: I GUESS I CAN REWORD IT ---

25 THE COURT: AND I UNDERSTAND WHAT YOU'RE SAYING.

1 THE QUESTION IS CAN HE NOW REFER TO MR. JOLLY AS A VICTIM
2 WHEN HE TESTIFIES?

3 MR. MYRICK: SURE HE CAN.

4 MR. LOCKLAIR: IF IT PLEASE THE COURT, WE'D SAY
5 IT'S A 403 ARGUMENT, IT'S MORE PREJUDICIAL THAN PROBATIVE
6 FOR THEM TO USE THE WORD VICTIM.

7 THE COURT: ALL RIGHT. I'M GOING TO DENY YOUR
8 MOTION. I DON'T KNOW OF ANYTHING THAT SAYS THEY CAN'T CALL
9 THEM AS VICTIMS. I DON'T KNOW THAT THERE'S ANYTHING THAT
10 PROHIBITS YOU FROM CALLING MR. JOLLY A VICTIM. SO I THINK
11 YOU CAN REFER TO HIM AS A VICTIM WHEN HE TESTIFIES OR TAKES
12 THE STAND OR WHEN YOU CAN MAKE REFERENCE TO HIM OR WHATEVER
13 THE CASE MAY BE. HOWEVER YA'LL WANT TO REFER TO EVERYBODY,
14 I DON'T KNOW THAT THERE'S ANYTHING THAT PROHIBITS IT SO I'M
15 GOING TO DENY THAT MOTION.

16 MR. LOCKLAIR: THANK YOU, YOUR HONOR. FINAL
17 MOTION IS A MOTION TO DISMISS FOR LACK OF SUBJECT MATTER
18 JURISDICTION. IT'S A BURDEN ON THE STATE TO PROVE THEY
19 SUBJECT MATTER JURISDICTION. IN A LOT OF THESE CASES THERE
20 WERE NOTES AND MORTGAGES WERE SIGNED FROM ONE BANK TO THE
21 OTHER. IN CERTAIN CASES THEY HAD TO BE REFILED BECAUSE THE
22 BANK THAT HAD THE NOTE FILED THE ASSIGNMENT AFTER THE
23 SUMMONS AND COMPLAINT HAD BEEN FILED. BASICALLY, WHEN THEY
24 FILED THE SUMMONS AND COMPLAINT PURSUANT TO FORECLOSURE
25 THEY DIDN'T HAVE A RIGHT TO DO IT AT THE TIME, IT HAD TO BE

1 DISMISSED. AND WE FEEL THAT IN SOME OF THESE CASES THAT
2 THE BANK DIDN'T HAVE A RIGHT TO GO FORWARD AND THE TIME
3 THAT HE WAS CHARGED THERE WAS NO SUBJECT MATTER
4 JURISDICTION AND WE DON'T FEEL THAT THE STATE CAN PRODUCE
5 THE NOTES TO PROVE THE BANKS SHOULD HAVE BEEN ABLE TO
6 FORECLOSE IF THE BANK DIDN'T HAVE THE LEGAL RIGHT TO
7 FORECLOSE. EVEN IF THE CIVIL COURT GOT TRICKED BY THE
8 BANKS AND LET THEM FORECLOSE, BUT THEY DIDN'T HAVE THE
9 LEGAL RIGHT TO DO IT WHILE THAT COURT MIGHT HAVE A
10 JUDGMENT, THEY DIDN'T HAVE THE SUBJECT MATTER JURISDICTION.
11 JUST BECAUSE THEY HAVE A JUDGMENT IT DOESN'T CONFER SUBJECT
12 MATTER JURISDICTION ON THIS COURT. WITHOUT THE NOTE TO BE
13 ALLOWED TO FORECLOSE ON THOSE HOUSES WITH THE PROPER
14 ASSIGNMENTS, THEN ALL THESE PEOPLE HAVE LEGAL REDRESS TO
15 BACK AND HAVE THOSE FORECLOSURES OVERTURNED. IT'S HAPPENED
16 IN OTHER STATES IN THE COUNTRY WHERE BASICALLY COURTS HAVE
17 HAD SAID "TOO BAD, SO SAD, MR. BANK. YOU DIDN'T DO THE
18 PROCEDURE RIGHT. THEY OWN THE HOUSE, YOU DON'T GET
19 ANYTHING."

20 THE COURT: BUT HOW DOES THAT PLAY INTO THE
21 ALLEGATIONS THAT YOUR CLIENT SWINDLED THEM OUT OF THE MONEY
22 AND DIDN'T PAY THE MONEY WHERE IT WAS SUPPOSED TO GO?

23 MR. LOCKLAIR: WELL IF THE BANKS DON'T HAVE THE
24 RIGHT TO OWN THE HOUSE AND THEY OWN THE HOUSE FREE AND
25 CLEAR HE SWINDLED THEM OUT OF NOTHING. HE GAVE THEM AN

1 ENORMOUS GAIN. SOME OF THESE PEOPLE WOULD HAVE GAINED OVER
2 \$100,000 BASED ON THAT, THEY WOULDN'T HAVE LOST A PENNY.

3 THE COURT: NOT IF HE KEPT THE MONEY AND DIDN'T
4 DO WHAT HE WA SUPPOSED TO.

5 MR. LOCKLAIR: NO, HE SENT MONEY TO BANKS. WHAT
6 HE DID, AND THEY'LL HAVE TO PROVE THAT HE KEPT THE MONEY,
7 BUT WHAT HE DID WAS DOING, YOUR HONOR, HE WAS GETTING MONEY
8 FROM THEM AND SENDING MONEY IT TO BANKS THAT WAS BASICALLY
9 A SETTLEMENT AGREEMENT SAYING, LOOK, WE'RE TRYING TO PAY
10 THIS ACCORD AND SATISFACTION, UCC AND THINGS LIKE THAT.
11 HERE'S A PROPOSED SETTLEMENT AGREEMENT, TAKE IT OR LEAVE
12 IT. THEY WOULD CASH THE CHECK. HE WOULD CLAIM AT THAT
13 POINT IT WOULD HAVE TO GO TO CIVIL COURT AND BE LITIGATED
14 KNOWING THE FACT THAT THERE'S BASICALLY WHAT HE CALLED A
15 PONZI SCHEME WITH THE BANKS, YOU KNOW, DUMPING THESE, SOME
16 OF THESE PEOPLE DIDN'T EVEN OWN THEIR HOUSE FOR SIX MONTHS
17 BEFORE IT GOT FORECLOSED. THEY'RE TAKING THESE ARMS, THESE
18 NO INTEREST LOANS AND THESE HOMEOWNERS AT THE BANKS ALL
19 OVER THE COUNTY FINANCED KNOWING THAT THEY WEREN'T GOING TO
20 MAKE THEIR PAYMENTS, BUNDLING THEM IN SECURITIES, SELLING
21 THEM ON THE STOCK MARKET, RUINING OUR ECONOMY. HE KIND OF
22 SAW ALL OF THIS COMING AND SO HE CAME UP WITH THIS PLAN TO
23 CIRCUMVENT THE BANKS INSTEAD LETTING THE BANKS GET ALL OVER
24 THE AMERICAN PEOPLE. HE DECIDED TO GET OVER ON THE BANKS
25 AND ACTUALLY FOUND WHERE OTHER STATES ARE NOW DOING, YOU

1 KNOW, SAYING WHAT HE SAID. IF YOU DON'T HAVE THE NOTE AND
2 ASSIGNMENT ON TIME, GET OUT OF COURT. THEY OWN THE HOUSE,
3 YOU DON'T GET ANY MONEY. THAT'S WHAT HE WAS TRYING TO DO.
4 HE WAS TRYING TO GIVE THEM VALUE, SAVE THEIR HOMES, NOT
5 SWINDLE THEM OUT OF MONEY. IF THE BANKS DON'T OWN THE
6 HOMES AND THEY OWN THE HOMES, THE BANKS DON'T HAVE THE
7 NOTES RIGHT THEN THEY HAVE LOST NOTHING AND THE STATUTE
8 CAN'T BE MET.

9 THE COURT: ALL RIGHT, I UNDERSTAND. I'M GOING
10 TO DENY YOUR MOTION. I THINK IT MIGHT BE A DEFENSE BUT I
11 DON'T KNOW THAT IT CREATES A LACK OF JURISDICTION.

12 MR. LOCKLAIR: YES, SIR, THANK YOU, YOU HONOR.

13 THE COURT: ALL RIGHT.

14 MR. LOCKLAIR: FINAL MOTION WOULD BE A HEARING
15 TO DETERMINE THE ADMISSIBILITY OF THE DEFENDANT'S PRIOR
16 ACTS. I'M SUE HE'S GOING TO USE A 1998 COUNTERFEITING AND
17 A WITNESS INTIMIDATION CHARGE BECAUSE HE SENT ME SOME STUFF
18 IN DISCOVERY. I DON'T KNOW WHAT OTHER BAD ACTS HE INTENDS
19 TO USE BUT HE DOES HAVE SOME OTHER CONVICTIONS ON HIS
20 RECORD, FELON IN POSSESSION OF A FIREARM IN 2003, A
21 SUPERVISED RELEASE REVOCATION, A DRUG CHARGE FROM WHILE
22 BACK, WHICH IS NOT RELEVANT, A 1977 ---

23 THE COURT: WELL LET ME DO THIS. MR. MYRICK, DO
24 YOU HAVE A LIST OF PRIOR BAD ACTS THAT YOU, THAT YOU INTEND
25 TO USE IF HE TAKES THE STAND OR THAT YOU ACKNOWLEDGE IS NOT

1 GOING TO BE USED?

2 MR. MYRICK: YES, SIR. THERE'S A COUNTERFEITING
3 CONVICTION.

4 THE COURT: FROM, A COUNTERFEITING?

5 MR. MYRICK: UNDER A CORRECT READING OF THE
6 RULE, IT COUNTS, THE TEN YEARS BEGINS ELAPSING WHEN HE'S
7 RELEASED FROM HIS CONFINEMENT SO IT'S WITHIN THE TEN YEARS.
8 IF HE TAKES THE STAND WE PLAN ON USING IT. IT'S A CRIME OF
9 DISHONESTY.

10 THE COURT: ALL RIGHT.

11 MR. MYRICK: I'VE GOT ALL THE CODE SECTIONS IF
12 MR. LOCKLAIR WOULD LIKE TO REVIEW THEM.

13 THE COURT: I AGREE WITH THE COUNTERFEITING.
14 WHAT ELSE HAVE YOU GOT?

15 MR. MYRICK: SO WE'VE GOT THE COUNTERFEITING
16 ONE, THAT IS IF HE IS GOING TO TESTIFY. IF HE DOESN'T
17 INTEND TO TESTIFY THE STATE DOESN'T INTEND TO USE THAT
18 COUNTERFEITING CONVICTION AS LYLE EVIDENCE UNLESS WHAT WE
19 HEAR DURING THE COURSE OF THE TRIAL ARE ARGUMENTS ABOUT
20 INTENT. IF WE HEAR A DEFENSE BASED ON INTENT WE INTEND TO
21 USE IT FOR COMMON SCHEME OR PLAN UNDER LYLE, AND WE'D LIKE,
22 IF THE COURT WOULD, TO DEFER A RULING UNTIL THE TRIAL
23 DEVELOPS AND WHETHER THE COUNTERFEITING CONVICTION IS
24 APPROPRIATE UNDER LYLE.

25 THE COURT: OKAY, I'LL DEFER A RULING ON THAT.

1 MY THE QUESTION IS, WHAT ARE YOU GOING TO, WHAT ELSE, HE
2 SAID DRUG CONVICTION. ARE YOU GOING TO USE A DRUG
3 CONVICTION?

4 MR. MYRICK: NO, SIR.

5 THE COURT: ALL RIGHT.

6 MR. MYRICK: IF I MAY, YOUR HONOR, HE'S GOT A
7 CRIMINAL HISTORY GOING BACK TO 1971; 1971 POSSESSION OF
8 HEROIN, SALE OF HEROIN ---

9 THE COURT: YOU'RE GOING TO USE POSSESSION OF
10 HEROIN?

11 MR. MYRICK: SIR?

12 THE COURT: YOU'RE GOING TO USE POSSESSION OF
13 HEROIN?

14 MR. MYRICK: NO, SIR.

15 THE COURT: ALL RIGHT, LET'S JUST GO DOWN AND
16 GIVE ME A LIST OF WHAT YOU THINK IS A CRIME OF MORAL
17 TURPITUDE OR ADMISSIBLE ON CREDIBILITY ISSUES.

18 MR. MYRICK: JUST THE ONE.

19 THE COURT: JUST THE COUNTERFEITING?

20 MR. MYRICK: JUST THE ONE, YES, SIR.

21 THE COURT: ALL RIGHT, THAT'S THE ONLY ONE. LET
22 ME HEAR FROM YOU ON THE COUNTERFEITING.

23 MR. LOCKLAIR: I CAN'T TELL FROM THE NCIC WHEN
24 HE GOT RELEASED. HE SAID IT WAS IN 2001 AND THE RELEASE
25 DATE OBVIOUSLY IS WHEN IT APPLIES. SO I DON'T KNOW WHEN HE

1 WAS RELEASED SO IF DATE IS IN THERE THEN WITHIN THE TEN-
2 TEAR PERIOD BUT REGARDLESS IF IT'S WITHIN THE TEN-YEAR
3 PERIOD OR NOT, THE RULE DOES PROVIDE THAT IF THE PROBATIVE
4 VALUE IS OUTWEIGHED BY THE PREJUDICE IT'S GOING TO CAUSE TO
5 THE DEFENDANT THEN IT SHOULD BE EXCLUDED. WE WOULD JUST
6 ARGUE FOR THE PROPOSES OF IF HE DOES TESTIFY AND FOR LYLE
7 THAT IT'S TOO PREJUDICIAL. FOR HIS LYLE ARGUMENT THAT
8 COUNTERFEITING AND THIS SORT OF SCHEME ARE TOTALLY SEPARATE
9 AND DISTINCT TYPES OF ISSUES. WHILE THEY BOTH MIGHT
10 INVOLVE ALLEGED CONDUCT WHICH INVOLVES DISHONESTY WE DON'T
11 THINK THEY'D BE RELATED ENOUGH TO COME IN UNDER LYLE AND WE
12 CERTAINLY THINK THEY WOULD BE TOO PREJUDICIAL TO COME IN IF
13 HE WOULD CHOOSE TO TAKE THE STAND AND WE WOULD ASK THAT
14 THEY BE EXCLUDED.

15 THE COURT: IN 2001 HE WAS RELEASED I NEED TO
16 KNOW HIS RELEASE DATE.

17 MR. MYRICK: WE CAN PROVE IT, YOUR HONOR.

18 THE COURT: DO YOU HAVE IT NOW?

19 MR. MYRICK: SURE DO.

20 THE COURT: ALL RIGHT, WHEN WAS HE RELEASED FROM
21 JAIL?

22 MR. MYRICK: 2003.

23 THE COURT: THAT'S IN 2003? ALL RIGHT. IF HE'S
24 SAYING 2003, MR. LOCKLAIR, THAT WOULD MAKE IT ADMISSIBLE.

25 MR. LOCKLAIR: HE'S SAYING CONVICTED FELON IN

1 POSSESSION OF A FIREARM, THAT WAS FEBRUARY 4, 2003. HE GOT
2 27 MONTHS, THREE YEARS SUPERVISED RELEASE. SO I DON'T,
3 UNLESS HE GOT, IN THOSE 35 DAYS IN 2003, HE WOULD HAVE TO
4 BE RELEASED BECAUSE OBVIOUSLY HE WAS IN COURT ON FEBRUARY
5 4TH OF 2003.

6 MR. MYRICK: IF HE WAS SET TO GET OUT IN 2001.
7 HE DID A SUPERVISED RELEASE. HE GOT CAUGHT AS A FELON IN
8 POSSESSION OF A WEAPON IN 2001, THE SUPERVISED RELEASE WAS
9 REVOKED AND HE WAS REINCARCERATED ON THE COUNTERFEITING
10 CHARGE UNTIL 2003 WHEN HE WAS RELEASED ON BOTH OF THEM. I
11 HAVE ALL OF THE DOCUMENTS AND GIVEN MR. JOLLY'S LITIGIOUS
12 NATURE I ALSO HAVE A FOURTH CIRCUIT COURT OF APPEALS
13 OPINION AND THE ACCOMPANYING BRIEFS OF THE STATE AND PRE-
14 SENTENCING REPORT ALL WHICH INDICATE HE WAS IN PRISON FOR
15 THE COUNTERFEITING CHARGE LESS THAN TEN YEARS AGO.

16 THE COURT: ALL RIGHT, I'LL GO AHEAD AND RULE
17 THE COUNTERFEITING ---

18 MR. MYRICK: I'VE MARKED IT ALL.

19 THE COURT: OKAY. YOU WANT TO PUT THOSE IN?

20 MR. MYRICK: YES, SIR. THESE ARE ALL CERTIFIED
21 PUBLIC SELF-AUTHENTICATING PUBLIC DOCUMENTS UNDER 803(8)
22 WHICH CAN BE INTRODUCED WITHOUT A WITNESS UNDER 902.

23 THE COURT: ALL RIGHT, THAT WOULD BE STATE'S?

24 MR. MYRICK: I BELIEVE WE'RE AT STATE'S 4.

25 THE COURT: MARK THEM COLLECTIVELY AS 4?

1 MR. MYRICK: WE CAN, YOUR HONOR, IF YOU LIKE.

2 THE COURT: ANY OBJECTION?

3 MR. LOCKLAIR: NO OBJECTION, YOUR HONOR, BUT I
4 MIGHT BE MISREADING SOMETHING. SOME OF THE STUFF I'M
5 LOOKING AT HERE HE GOT 27 MONTHS ON THE COUNTERFEITING
6 WITNESS THING, APRIL 27TH, 2001 HIS SUPERVISED RELEASE WAS
7 REVOKED. THIS IS ACTUALLY A SEPARATE DOCKET SHEET FOR THE
8 FIREARM, POSSESSION OF FIREARM AND COMMERCE AND PENDING
9 COUNTS. THIS DOESN'T SHOW ANY VIOLATIONS AS FAR AS THIS
10 GOES ON THIS CHARGE. HE WAS INDICTED ON THE GUN CHARGE IN
11 OCTOBER, 2001; HAS ARRAIGNMENT AND GUILTY PLEA ON JANUARY
12 8, 2002, WAS SENTENCED ON JULY 5, 2002 ON THAT GUN CHARGE.
13 AS FAR AS THE COUNTERFEITING CHARGE, ACCORDING TO THE
14 CRIMINAL DOCKET SHEET FROM PACER, HE HAD HIS FINAL
15 SUPERVISED RELEASE REVOCATION HEARING, ROBERT STEVE JOLLY
16 BEFORE CHIEF JUDGE N. C. TILLEY, JR., ON APRIL 27, 2001 IN
17 WHICH HE WAS COMMITTED TO THE BUREAU OF PRISONS FOR NINE
18 MONTHS TO BE FOLLOWED BY 27 MONTHS OF SUPERVISED RELEASE.
19 AT THAT POINT FROM NINE MONTHS FROM AUGUST 2001, OBVIOUSLY
20 WOULDN'T PUT HIM INTO 2003 BUT WOULD PUT HIM IN 2001 SO
21 THAT'S ---

22 THE COURT: YEAH, BUT I MEAN, BUT THAT WAS APRIL
23 20-SOMETHING OF 2001 WAS WHEN HIS SUPERVISED RELEASE WAS
24 REVOKED FOR THE COUNTERFEITING.

25 MR. LOCKLAIR: IN ORDER TO MAKE THIS ARGUMENT, I

1 KNOW ON APPEAL THE APPELLATE COURT WILL TAKE INTO HOW FAR
2 NEAR THE TEN-YEAR PERIOD IS AND OBVIOUSLY THE 2001 AND THE
3 2003 MADE A TWO-YEAR DIFFERENCE WHERE HE'S BARELY INSIDE
4 THE WINDOW OR HE'S WELL INSIDE THE WINDOW.

5 THE COURT: SO YOU SAY THAT ORDER OF APRIL 25,
6 2001 HIS SUPERVISED RELEASE WAS REVOKED ON THE
7 COUNTERFEITING CHARGE?

8 MR. LOCKLAIR: CORRECT, HE WAS GIVEN NINE
9 MONTHS. LIKE I SAID, MAYBE I'M MISSING SOMETHING THAT'S
10 NOT ON THE DOCKET SHEET OR SOMETHING ELSE BUT I CAN'T TELL
11 HOW FROM 2001 REVOCATION FOR NINE MONTHS HE GOT OUT IN
12 2003.

13 THE COURT: THAT'S RIGHT, HE SERVED NINE MONTHS
14 SO HE WOULD HAVE SERVED UNTIL JANUARY OF 2002 ON THE
15 COUNTERFEITING, WHICH STILL PUTS HIM IN THE TEN YEARS.

16 MR. LOCKLAIR: RIGHT. I JUST WANTED THAT FOR
17 APPELLATE PURPOSES.

18 THE COURT: ALL RIGHT. STATE'S EXHIBIT NUMBER
19 4, THAT'S MARKED COLLECTIVELY?

20 MR. MYRICK: YOUR HONOR, WE'VE TALKED AROUND, IF
21 YOU'D JUST BEAR WITH ME.

22 THE COURT: ALL RIGHT.

23 MR. MYRICK: I HAVE 22 FED APPX 244, WHICH IS
24 ROBERT JOLLY'S APPEAL TO THE FOURTH CIRCUIT AND IT SAYS,
25 "ROBERT JOLLY APPEALS THE DISTRICT COURT'S REVOCATION OF

1 SUPERVISED RELEASE AND HOPES PURSUANT TO A CONVICTION FOR A
2 CONSPIRACY TO POSSESS AND HOUSE COUNTS THAT OBLIGATION."
3 WHEN HE FILED IT HE WAS IN JAIL AND IT WAS LATE 2001.

4 THE COURT: OKAY.

5 MR. MYRICK: SO ALL THESE DOCUMENTS ARE EVIDENCE

6 ---

7 MR. LOCKLAIR: THIS ---

8 MR. MYRICK: WELL, THAT ONE DOESN'T. YOU HAVE
9 TO FLIP TO THE PACER DOCKET WHICH DEMONSTRATES THAT HE WAS
10 REMANDED AND WAS IN JAIL AND HE WAS RELEASED. I HAVE ---

11 MR. LOCKLAIR: 2001, YEAH, I AGREE WITH THAT.
12 IT'S 2001. IT'S FROM APRIL 27TH ---

13 THE COURT: YEAH, IT SOUNDS LIKE ---

14 MR. LOCKLAIR: --- IT'S NINE MONTHS EXACTLY
15 BECAUSE YOU DON'T GET GOOD TIME WHEN YOU'RE IN FEDERAL
16 PRISON. APRIL 27, 2001 WOULD HAVE PUT HIM RIGHT INTO 2002.
17 THAT'S WHAT WE WANT FOR THE RECORD.

18 THE COURT: ALL RIGHT, SOUNDS GOOD.

19 MR. MYRICK: THANK YOU, YOUR HONOR.

20 THE COURT: STATE'S EXHIBIT 4 IS MARKED
21 COLLECTIVELY AND ADMITTED INTO EVIDENCE WITHOUT OBJECTION.

22 (WHEREUPON, STATE'S EXHIBIT NUMBER 4 IS MARKED
23 AND ADMITTED INTO EVIDENCE.)

24 MR. LOCKLAIR: YOUR HONOR, THEY'RE ADMITTED INTO
25 EVIDENCE JUST FOR PURPOSES OF THIS HEARING AND NOT FOR

1 TRIAL?

2 THE COURT: RIGHT.

3 MR. MYRICK: THESE ARE SELF-AUTHENTICATING ---

4 THE COURT: HOLD FOR A SECOND.

5 MR. MYRICK: WE'RE GOING TO MOVE AT THE

6 APPROPRIATE TIME TO ENTER THOSE INTO EVIDENCE ---

7 THE COURT: ALL RIGHT.

8 MR. MYRICK: --- SHOULD HE TESTIFY OR SHOULD HE

9 PUT INTENT IN AS PART OF HIS DEFENSE, PUT IN UNDER LYLE.

10 MR. LOCKLAIR: JUST FOR THE RECORD, THE FACT
11 THAT WE'RE NOT OBJECTING TO THEM NOW DOES NOT MEAN, WE'RE
12 NOT CONCEDING THAT THEY'RE SELF-AUTHENTICATING FOR COMING
13 IN FOR TRIAL. WE'RE NOT OBJECTING ONLY FOR PURPOSES OF
14 THIS HEARING AND RESERVING ALL OBJECTIONS AS TO THOSE
15 DOCUMENTS AT TRIAL.

16 THE COURT: I UNDERSTAND.

17 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

18 THE COURT: ALL RIGHT, ANYTHING ELSE?

19 MR. LOCKLAIR: NO, SIR, YOUR HONOR.

20 THE COURT: ALL RIGHT. LET'S TAKE ABOUT A TEN-
21 MINUTE BREAK FOR ME TO READ JUDGE BAXLEY'S ORDER AND I'LL
22 COME BACK ON THE MOTION TO DISMISS FOR DOUBLE JEOPARDY
23 GROUNDS, ALL RIGHT?

24 MR. MYRICK: YES, SIR.

25 THE COURT: THANK YOU.

1 (WHEREUPON A RECESS WAS TAKEN AT THIS TIME AND
2 THE FOLLOWING TAKES PLACE ON THE RECORD AFTER THE RECESS.

3 THE COURT: I HAVE READ JUDGE BAXLEY'S ORDER FOR
4 TEMPORARY INJUNCTION AND CRIMINAL CONTEMPT DATED MAY 4,
5 2009 AND HE SPEAKS IN GENERAL TERMS AS FAR AS THE SCHEME
6 WHAT WAS DONE AND THINGS OF THAT NATURE. SO IT'S HARD TO
7 IDENTIFY WHO THE VICTIMS OF THIS ALLEGED WRONGDOING WAS BUT
8 THERE'S NO DOUBT, PRIMARILY SINCE ERNEST MAUCK AND ESTHER
9 REINHARDT TESTIFIED THAT HE WAS DEFINITELY CONSIDERING
10 THOSE TWO. SO I'M GOING TO RULE THAT INDICTMENTS 2009-GS-
11 26-2948 AND 2009-GS-26-2947 THAT DEAL WITH THE REINHARDTS
12 AND ERNEST AND PATRICIA MAUCK AND ESTHER AND LARRY
13 REINHARDT, THOSE ARE BARRED BY DOUBLE JEOPARDY BECAUSE I
14 THINK IT'S PRETTY CLEAR THAT JUDGE BAXLEY SENTENCED MR.
15 JOLLY TO SIX MONTHS IN PRISON FOR CRIMINAL CONTEMPT FOR
16 SEVERAL ACTIONS, PART OF THE ACTIONS BEING THE EXACT
17 INFORMATION THAT'S CONTAINED IN THESE INDICTMENTS WITH
18 REGARD TO THE MAUCKS AND THE REINHARDTS THAT HE OBTAINED
19 SIGNATURES ON QUIT CLAIM DEEDS, FILED QUIT CLAIM DEEDS,
20 MADE PROMISES TO THEM THAT HE WAS GOING TO PAY OFF
21 MORTGAGES AND THINGS OF THAT NATURE. SO SINCE HE'S ALREADY
22 SERVED THE SIX MONTH SENTENCE BY JUDGE BAXLEY FOR THAT I'M
23 GOING TO RULE THAT THOSE TWO INDICTMENTS ARE BARRED,
24 PROSECUTION OF THOSE TWO INDICTMENTS ARE BARRED BY DOUBLE
25 JEOPARDY. ALL RIGHT?

1 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

2 THE COURT: ALL RIGHT.

3 MR. MYRICK: YOUR HONOR, MAY I BE HEARD BRIEFLY?

4 THE COURT: YES.

5 MR. MYRICK: THE STATE WOULD REQUEST YOU
6 RECONSIDER YOUR RULING. I HAVE THE TRANSCRIPT FROM THE
7 APRIL 16 HEARING. IF I MAY I'D LIKE TO READ, THE COURT,
8 JUDGE BAXLEY SAYS, "FOR DIRECT CRIMINAL CONTEMPT THE STATE
9 WILL CONSIDER BEHAVIOR THAT OBSTRUCTS, DEGRADES OR
10 UNDERMINES THE ADMINISTRATION OF JUSTICE AND THE COURT HAS
11 AUTHORITY TO SENTENCE YOU TO SIX MONTHS IN PRISON," AND
12 THAT'S ON PAGE 146. AND ON PAGE 148 THE COURT SAYS, "YOU
13 HAVE ABUSED THE LEGAL PROCESS TO OBSTRUCT THE
14 ADMINISTRATION OF JUSTICE, TO DEGRADE THE SYSTEM OF
15 JUSTICE" AND THAT'S WHY HE HELD HIM IN CONTEMPT. IF I MAY,
16 CAN I HAND THIS UP, YOUR HONOR?

17 THE COURT: WELL, NO, THAT'S FINE BECAUSE, HIS
18 ORDER, I'M GOING SPECIFICALLY THE FACTS OF HIS SIGNED ORDER
19 WHERE "DEFENDANT JOLLY'S ORCHESTRATION OF THE
20 AFOREMENTIONED SCHEME, HIS BARRAGE OF FRIVOLOUS FILINGS IN
21 THE FORECLOSURE ACTIONS AND HIS CONDUCT AT THE APRIL 16TH
22 HEARING CONSTITUTE DIRECT CRIMINAL CONTEMPT IN THE COURT'S
23 PRESENCE." AND WHEN HE REFERENCED THE AFOREMENTIONED
24 SCHEME IT APPEARS THAT HE IS TALKING ABOUT THE DEFENDANTS,
25 WHERE THE WITNESSES MAUCK AND REINHARDT BOTH TESTIFIED THAT

1 "THEY QUIT CLAIMED THEIR INTEREST IN THEIR RESPECTIVE
2 RESIDENCES AND REAL PROPERTY TO THE DEFENDANT JOLLY IN THE
3 BELIEF THAT DOING SO WOULD PREVENT THEIR HOMES FROM BEING
4 FORECLOSED UPON. AFTER GIVING QUIT CLAIM DEEDS TO
5 DEFENDANT JOLLY THEY BEGAN MAKING PAYMENTS TO DEFENDANT
6 JOLLY IN THE BELIEF HE WAS THE PERSON TO WHOM THE DEBT
7 ASSOCIATED WITH RESPECTIVE RESIDENCES WERE NOW OWNED. THE
8 DEFENDANTS PREPARED THE QUIT CLAIM DEEDS AND DOCUMENTS
9 ASSOCIATED WITH THESE PURPORTED CONVEYANCES TO DEFENDANT
10 JOLLY AND THEY RELIED UPON THE REPRESENTATIONS OF
11 DEFENDANTS IN CONNECTION WITH AGREEING TO THESE PAYMENTS
12 AND PURPORTED CONVEYANCES TO DEFENDANT JOLLY." SO THAT WAS
13 THE SCHEME THAT HE WAS REFERENCING IN HIS ORDER. IT DEALS
14 WITH MAUCK, IT DEALS WITH REINHARDT, IT DEALS WITH OTHERS
15 BECAUSE IT TALKS ABOUT FORECLOSE ACTIONS BUT HE DOESN'T
16 TALK ABOUT WHICH OTHER ONES HE WAS TALKING ABOUT. SO
17 THAT'S THE REASON I AM GRANTING YOUR MOTION TO DISMISS
18 INDICTMENTS 2009-GS-26-2947 THAT DEALS WITH THE ALLEGED
19 OBTAINING PROPERTY BY FALSE PRETENSE FROM ERNEST AND
20 PATRICIA MAUCK AS WELL AS INDICTMENT 2009-GS-26-2948
21 OBTAINING PROPERTY BY FALSE PRETENSE FROM ESTHER AND LARRY
22 REINHARDT BECAUSE I THINK JUDGE BAXLEY HAS ALREADY DEALT
23 WITH THOSE ACTIONS. ALL RIGHT. ANYTHING ELSE?

24 MR. MYRICK: YOUR HONOR, ARE YOU GOING TO ISSUE
25 A WRITTEN ORDER?

1 THE COURT: IF YOU WANT ME TO I WILL.

2 MR. MYRICK: IF YOU WILL.

3 THE COURT: ALL RIGHT.

4 MR. MYRICK: IT'S FOR APPELLANT LAWYERS. AND
5 YOUR HONOR, WE INTEND TO CALL THE REINHARDTS AND THE MAUCKS
6 AS WITNESSES IN THE UNAUTHORIZED PRACTICE OF LAW
7 INDICTMENT.

8 THE COURT: ALL RIGHT. IF I COULD GO AHEAD, IF
9 YOU WOULD PREPARE THAT ORDER FOR ME, MR. LOCKLAIR?

10 MR. LOCKLAIR: YES, SIR, YOUR HONOR.

11 THE COURT: BASICALLY JUST WHAT I SAID,
12 REFERENCE JUDGE BAXLEY'S ORDER WHERE HE IS HOLDING HIM IN
13 CRIMINAL CONTEMPT SENTENCING HIM TO SIX MONTHS IN PRISON
14 FOR VARIOUS ACTS OF DIRECT CONTEMPT, ONE OF THOSE BEING
15 THIS PRIOR SCHEME IN WHICH ALL THE COURT CAN DETERMINE IS
16 THAT IT DID INVOLVE THE MAUCKS AND THE REINHARDTS. THE
17 COURT CANNOT DETERMINE WHAT OTHER ALLEGED VICTIMS MAY HAVE
18 BEEN INVOLVED AND THAT'S WHY I'M WHY I'M DENYING YOUR
19 MOTION TO DISMISS AS TO THESE OTHER INDICTMENTS BUT I AM
20 GOING TO GRANT IT AS TO THOSE TWO. ALL RIGHT. ANYTHING
21 ELSE?

22 MR. LOCKLAIR: NOTHING FROM THE DEFENSE AT THIS
23 TIME, YOUR HONOR.

24 THE COURT: ALL RIGHT. ANYTHING FROM THE STATE?

25 MR. MYRICK: NO, SIR.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)
)
 U.S. BANK N.A. TRUSTEE)
 Plaintiff,)
)
)
 v.)
 ROBERT STEVE JOLLY ET AL)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 FIFTEENTH JUDICIAL CIRCUIT

2008-CP-26-4514

**NOTICE OF HEARING AND
 RULE TO SHOW CAUSE**

2009 MAR 29 AM 10:58
 CLERK
 JUDICIAL
 CIRCUIT

To counsel and all parties in any cases pending before this Court in which Robert Steve Jolly has appeared as a party:

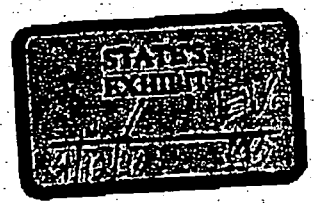
You are hereby notified that this Court will conduct a mandatory simultaneous hearing in all cases in which Robert Steve Jolly has appeared as a party on Thursday, April 16, 2009, beginning at 10:00 a.m. in circuit courtroom 3A on the third floor of the Horry County Courthouse. The purpose of this hearing is to take testimony and hear arguments on whether Robert Steve Jolly and anyone acting on behalf of Robert Jolly and Associates should be dismissed from all presently pending cases before this Court as a result of allegations of the unauthorized practice of law and/or the taking of action that undermines the administration and interests of justice.

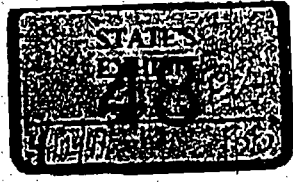
You, Robert Steve Jolly, Randall Sain, and Linda Sain, and any person connected in any way to Robert Jolly and Associates, are hereby advised to retain counsel and bring such counsel with you to the hearing, and commanded to be present and show cause why action should not be taken by this Court against you which may include sanction, dismissal, contempt, or other affirmative relief ordered against you.

[Signature]
 J. Michael Bagley
 Chief Administrative Judge
 Fifteenth Judicial Circuit

Conway, South Carolina
 March 12, 2009

cc: Larry C Reinhardt & Esther Reinhardt





STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS)
) FOR THE FIFTEENTH JUDICIAL CIRCUIT)
COUNTY OF HORRY)

C.A. No. 09-CP-26-3379

STATE OF SOUTH CAROLINA *ex rel.*)
Henry D. McMaster, Attorney General.)

Plaintiff.)

-vs-)

JOLLY & ASSOCIATES, LLC; and STEVE)
JOLLY A K/A ROBERT STEVE JOLLY,)
individually.)

Defendants.)

CERTIFIED COPY
2009 JUL - 9 AM 11:27
Jolly

ORDER FOR TEMPORARY INJUNCTION AND CRIMINAL CONTEMPT

This matter came before the Court on a summons ("Summons"), complaint ("Complaint") and Motion for Temporary Injunction ("Motion") filed on April 3, 2009, by the State of South Carolina *ex rel.* Henry D. McMaster, Attorney General ("Plaintiff"). This matter was also before the Court pursuant to the undersigned's continuing jurisdiction in numerous foreclosure actions ("Foreclosure Actions") currently pending in Horry County in which Defendant Steve Jolly a.k.a Robert Steve Jolly ("Jolly") is a party or is otherwise involved.¹ Notice having been provided to all concerned, a hearing on these matters was held on April 16, 2009, at 10 a.m. in the Horry County Court of Common Pleas.

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Plaintiff was represented at the hearing by Assistant Attorneys General Allen W. Myrick and Warren V. Ganjehsani. Defendant Jolly appeared *pro se*. The following

Considering that there are presently dozens of such Foreclosure Actions pending, the Court will not undertake to identify each one in this Order.

counsel for various plaintiffs in the pending Foreclosure Actions were present: Robert P. Wood, Esq. (Rogers Townsend & Thomas, PC); Sean A. O'Connor, Esq. (Finkel Law Firm, LLC); H. Guyton Murrell, Esq. (Korn Law Firm, P.A.); Pearce W. Fleming, Esq. (Fleming & Whitt, P.A.); and LeRoy F. Laney, Esq. (Riley Pope & Laney, LLC).

Although Defendant Jolly purported to appear on behalf of Defendant Jolly & Associates, LLC ("J&A"), Defendant J&A failed to make a valid appearance in this matter either by filing an appropriate pleading or by otherwise having counsel appear before the Court on J&A's behalf. Renaissance Enterprises, Inc. v. Summit Teleservices, Inc., 334 S.C. 649, 515 S.E.2d 257 (1999) (holding that corporate entities cannot be represented by a non-lawyer in the circuit or appellate courts of this State).

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On April 6, 2009, the Summons, Complaint, Motion and notice of hearing thereon were personally served on (1) Defendant Jolly, individually, and (2) Defendant J&A by service upon Defendant Jolly, who is Defendant J&A's registered agent. The Court also served notice on Defendants by mail advising them that a hearing was being held April 16, 2009, at 10 a.m. concerning the Foreclosure Actions. Defendant Jolly made no objection to the timing, service or adequacy of the notices regarding the hearing. Further, notice of this hearing was served on all parties and counsel who had pending foreclosure cases in which Mr. Jolly had appeared or attempted to appear as a party.

FACTUAL AND PROCEDURAL BACKGROUND

At the outset of the April 16 hearing, Defendant Jolly indicated that on April 15, 2009, he had removed Plaintiff's action to the United States District Court for the District of South Carolina ("District Court"). Although Defendant Jolly produced a receipt indicating payment of a filing fee to the District Court, he could not produce any

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document with the District Court's filing stamp or other indicia of docketing. Plaintiff's counsel argued that the Attorney General's office had not been served with any purported removal documents and that the District Court's online PACER docket did not reflect any such filing by Defendants as of approximately 10 a.m. on April 16.²

The Court declined to suspend the scheduled proceedings insofar as Defendants' purported removal of Plaintiff's action, if valid, which does not divest the Court of jurisdiction over the various Foreclosure Actions. Accordingly, the Court received testimony from two individuals who were among those affected by the pending Foreclosure Actions. These individuals, Ernest Mauck ("Mauck")³ and Esther Reinhardt ("Reinhardt"),⁴ testified regarding their dealings with Defendants, including the circumstances surrounding the preparation and execution of certain documents and associated representations made by Defendants. Witnesses Mauck and Reinhardt both testified that (1) they quitclaimed their interest in their respective residences and real property to Defendant Jolly in the belief that doing so would prevent their homes from being foreclosed upon; (2) after giving quitclaim deeds to Defendant Jolly, they began making payments to Defendant Jolly in the belief that he was the person to whom the debt associated with their respective residences was now owed; (3) Defendants prepared the quitclaim deeds and documents associated with these purported conveyances to

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² The Court takes judicial notice of the District Court's online PACER docket not reflecting entry of Defendants' Notice of Removal until 1:01 p.m. on April 16, 2009, although the filing date contained thereon is listed as April 15, 2009.

³ The residence occupied by Ernest Mauck is the subject of the Foreclosure Action bearing C.A. No. 08-CP-26-7547.

⁴ The residence occupied by Esther Reinhardt is the subject of the Foreclosure Action bearing C.A. No. 08-CP-26-4514.

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Defendant Jolly; and (4) they relied upon the representations of Defendants in connection with agreeing to these payments and purported conveyances to Defendant Jolly.

In the course of cross-examining witnesses Mauck and Reinhardt, Defendant Jolly frequently deviated from asking questions and made gratuitous statements to the Court while he was under oath. Consequently, Plaintiff's counsel advised Defendant Jolly early on that such statements could be used against him in an ongoing criminal investigation relating to the unauthorized practice of law.⁵ Additionally, the Court went to great lengths to advise Defendant Jolly of his right to counsel and the perils of proceeding *pro se*. Despite these admonitions, Defendant Jolly persisted in making statements to the Court while examining witnesses Mauck, Reinhardt, and his own rebuttal witnesses, Lisa M. Brewer ("Brewer") and Julie Yura ("Yura").

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The Court also heard testimony from H. Guyton Murrell, Esq. ("Murrell"), regarding Defendant Jolly's involvement in the Foreclosure Actions⁶ for which Mr. Murrell was involved, and matters relating to the quitclaim deeds associated with those proceedings.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court has undertaken a thorough review of the Foreclosure Actions and Defendant Jolly's involvement therein. After consideration of the evidence, the testimony of the witnesses, Defendant Jolly's conduct before the Court and his conduct in the Foreclosure Actions, the Court finds and concludes as follows:

Although Defendant Jolly did not take the witness stand to testify on his own behalf after being apprised of his right against self-incrimination, he made numerous statements under oath that nonetheless constituted testimony even after he was made aware of his right to refrain from doing so.

Murrell's law firm represents plaintiffs in some of the Foreclosure Actions pending in Horry County.

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1. Defendants Jolly and J&A were timely and properly served with the notices of hearing and were aware the hearing would address the Foreclosure Actions and Defendants' conduct in those matters.

2. Defendant Jolly proceeded to represent himself in a *pro se* capacity in the hearing despite being repeatedly cautioned by the Court of the perils of doing so.

3. Defendant Jolly made a knowing and voluntary decision to waive his right to counsel at the hearing.

4. Defendant J&A failed to appear at the hearing.

5. Defendants engaged in a scheme ("Scheme") in which they sought out or otherwise solicited financially distressed South Carolina homeowners and titleholders to real property (collectively, "Homeowners") and offered to assist such individuals in avoiding foreclosure.

6. Defendants encouraged these Homeowners to transfer their interest in the Homeowners' mortgaged property to Defendants by way of a quitclaim deed or similar instrument. No consideration was paid for the quitclaim deed.

7. Defendants represented that, in exchange for Homeowners' deeding their property to Defendants, they would satisfy the debt owed to the Homeowner's existing mortgagee of record ("Mortgagee") or holder of the promissory note ("Noteholder") secured by the Homeowner's mortgage, provided that the Homeowners agreed to pay Defendants a certain sum of money on a regular basis.

8. Defendants represented that as a result of their satisfying the debt owed to the Mortgagee or Noteholder, the Homeowner: (a) would no longer need to make

The Court notes that Defendant Jolly's awareness in this regard is apparent from the fact that he had witnesses on standby to testify at his behest, inasmuch as Brewer and Yura were present in the courtroom when he called them to the stand.

payments to the original Mortgagee or Noteholder, (b) now owed the debt on the Homeowner's property to Defendants, and (c) had to make payments solely to Defendants for the purpose of paying down such debt.

9. Defendants represented that once the property was deeded to them in the above manner and they paid off the Homeowners' existing mortgage debt, Defendants became the new lawful owner and titleholder or equitable mortgagee of Homeowners' property. In this capacity, Defendants represented that they (a) would satisfy any mortgage(s) of record on the Homeowners' property and (b) were in a position to suspend, conclude, or prevent foreclosure or related legal proceedings from being initiated or maintained against the Homeowners.

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10. Defendants have induced numerous Homeowners in Horry County to quitclaim property to Defendants and pay Defendants – rather than the Homeowners' Mortgagee(s) or Noteholder(s) – money that Homeowners believed would be applied towards the debt owed on the Homeowners' property.

11. Defendants lacked the authority to legally satisfy the Homeowners' mortgage(s) of record, and made no legitimate effort to do so.

12. Defendants lacked the authority to suspend, conclude, or prevent foreclosure proceedings from being initiated or maintained against Homeowners by Mortgagees, and made no legitimate effort to do so.

13. Defendants' putative interest in Homeowners' properties derived from quitclaim deeds that lacked adequate consideration, were deliberately notarized improperly, or were otherwise legally insufficient.⁵ A bench warrant was issued for one

⁵ The disposition of these quitclaim deeds as they relate to the Foreclosure Actions shall be addressed by separate order of the Court.

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Linda Sain, who failed to respond to the notice of hearing, for alleged violations of notary public requirements and responsibilities. Furthermore, such deeds were prepared without the assistance or supervision of an attorney.

14. Defendants engaged in conduct that overwhelmingly appears to constitute the unauthorized practice of law¹¹ and to violate the South Carolina Unfair Trade Practices Act ("SCUTPA"),¹¹ S.C. CODE ANN. § 39-5-10, *et seq.* The Court finds that Plaintiff will likely succeed on the merits of any action(s) maintained against Defendants for such conduct.

15. Horry County Homeowners have fallen victim to Defendants' Scheme and have had Foreclosure Actions initiated against them or had such Actions already pending against them continue unabated, and these Foreclosure Actions may culminate in Homeowners' properties being sold at judicial sales.

16. Foreclosure Actions have also been initiated against Defendant Jolly based upon his being the last putative titleholder of record on the residences of certain Homeowners as a result of the quitclaim conveyance(s) associated with the Scheme. Consequently, plaintiffs in pending Foreclosure Actions have not named certain Homeowners as defendants in those proceedings as a result of the Homeowners' perceived status as mere occupants of the subject residences. Although such Homeowners are not necessarily parties to the Foreclosure Actions, these Actions may

As the unauthorized practice of law is a criminal offense in South Carolina, the Court's findings in this respect are limited to the purposes stated herein and do not purport to establish a finding of guilt beyond a reasonable doubt.

¹¹ Deceptive acts or practices in the conduct of any trade or commerce are unlawful. S.C. CODE ANN. § 39-5-20(a). A claim or representation having "the capacity or effect or tendency to deceive" is deemed deceptive under SCUTPA regardless of whether the intent to deceive exists. *State ex rel. McLeod v. C&I Corp., Inc.*, 280 S.C. 519, 523, 313 S.E.2d 334, 338 (Cl. App. 1984), *rev'd on other grounds*, 346 S.C. 37, 550 S.E.2d 589 (Cl. App. 2001).

culminate in judicial sales of the subject properties and the Homeowners' subsequent eviction from the premises.

17. Defendants' conduct had the capacity, effect or tendency to deceive Homeowners into misapprehending the risks associated with failing to make timely payments to Homeowners' Mortgagee(s) and Noteholder(s).

18. Defendants' conduct had the capacity, effect or tendency to deceive Homeowners into believing that foreclosure would be averted by deeding property to Defendants and making payments to Defendants rather than the Mortgagee(s) or Noteholder(s).

19. Defendants' conduct had the capacity, effect or tendency to deceive Homeowners into believing that the Homeowners' mortgage(s) would be satisfied of record or otherwise extinguished and no longer enforceable by the Mortgagee(s).

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20. Defendants' conduct has contributed to Homeowners in Horry County having Foreclosure Actions currently pending and continuing against them.

21. Defendant Jolly has repeatedly filed frivolous answers and other documents manifestly devoid of merit in the Foreclosure Actions in an effort to impede the orderly progress and disposition of those cases.¹¹

22. Defendant Jolly's conduct necessitated the withdrawal of orders of reference to the Master-in-Equity and the return of Foreclosure Actions to the Circuit Court in over forty-five (45) cases.

23. Defendant Jolly's conduct has interfered with the orderly adjudication of dozens of Foreclosure Actions pending in Horry County.

¹¹ The Court notes that attorney Murrell testified that Defendant Jolly's conduct in the Foreclosure Actions exhibited "all the hallmarks of dilatory tactics" designed to impair the rights of his clients in those proceedings.

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24. Defendant Jolly's involvement in the preparation, execution and improper notarization of the aforementioned quitclaim deeds constitutes the perpetration of a fraud upon the Court.

25. Defendant Jolly's decision to call Brewer and Yura as witnesses and the remarkable lack of candor evident in the testimony he elicited from them was an affront to the integrity of the judicial process and evinced an intention to obstruct, degrade, and undermine the administration of justice.

26. Defendant Jolly's orchestration of the aforementioned Scheme, his conduct in the Foreclosure Actions, and his conduct before the Court at the April 16th hearing has interfered with judicial proceedings, exhibited disrespect for the Court, and humpered the parties and witnesses.

27. Defendant Jolly's orchestration of the aforementioned Scheme, his conduct in the Foreclosure Actions, and his conduct before the Court at the April 16th hearing were calculated to obstruct, degrade, and undermine the administration of justice.

28. It is within the Court's discretion to punish by fine or imprisonment all contempt of authority before the Court. S.C. CODE ANN. § 14-5-320. Direct contempt that occurs in the Court's presence may be immediately adjudged and sanctioned summarily. Brandt v. Gooding, 368 S.C. 618, 628, 630 S.E.2d 259, 264 (2006). the notices of hearing served upon Defendant Jolly fully advised him that the Court hearing would involve contempt proceedings against him.

29. Defendant Jolly's orchestration of the aforementioned Scheme, his barrage of frivolous filings in the Foreclosure Actions, and his conduct at the April 16th hearing constituted direct criminal contempt in the Court's presence. Brandt, 368 S.C. at 628, 630.

S.E.2d at 264 (observing that "courts have the inherent power to punish [conduct] calculated to obstruct, degrade, and undermine the administration of justice"); Rhoad v. State, 372 S.C. 100, 106, 641 S.E.2d 35, 37 (Cl. App. 2007) (recognizing that "presence of the court" required for finding of criminal contempt "encompass[es] all elements of the judicial system, not just the mere physical presence of the judge or courtroom").

30. In light of the egregiousness of Defendants' conduct, the Court finds that South Carolina citizens will suffer irreparable harm if a temporary injunction is not issued to prevent Defendants from further engaging in the aforementioned Scheme or disposing of funds wrongfully acquired in connection therewith until a final adjudication on the merits can be held.

31. Accordingly, the Court finds that remedies at law are inadequate to protect the public from the harm posed by Defendants' conduct and it is necessary to order appropriate and immediate equitable relief.

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IT IS THEREFORE ORDERED:

- (1) Defendant Jolly is in criminal contempt of court and is hereby sentenced to confinement in the south Carolina Department of Corrections for a period of six (6) months beginning on April 16, 2009;
- (2) Defendants shall suspend the general and ordinary business of Defendant J&A and otherwise cease engaging in the acts and practices described herein, until further order of this Court;
- (3) Defendants are enjoined from withdrawing, liquidating, disposing, hiding, transferring or otherwise having access to any funds collected from or otherwise obtained in connection with the acts and practices set forth herein, unless otherwise ordered by this Court;
- (4) Any financial institution served with a copy of this Order shall be prohibited from allowing anyone, including but not limited to Defendants, to access funds held in any account(s) maintained by or in the name of any Defendant(s) during the pendency of this case, until further order of this Court;

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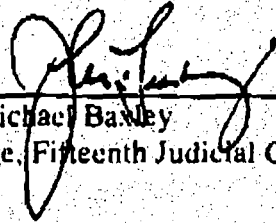
(5) This temporary injunction is binding upon the Defendants, their officers, agents, servants, employees, attorneys, and upon anyone else (i) in active concert or participation with Defendant(s) or (ii) acting on behalf or for the benefit of any Defendant(s) who receives actual notice of this Order by personal service or otherwise:

(6) This temporary injunction shall remain in effect until such time as there has been a final adjudication on the merits of this case; and

(7) This issuance of the temporary injunction shall not require the posting of a bond or other security by the Attorney General, pursuant to Rule 65(c), SCRCP.

IT IS SO ORDERED.

May 4, 2009



J. Michael Bawley
Judge, Fifteenth Judicial Circuit

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HORRY COUNTY

2009 JUN 15 PM 12:04

MELANIE HUGGINS
CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

IN RE:

IN THE COURT OF COMMON PLEAS

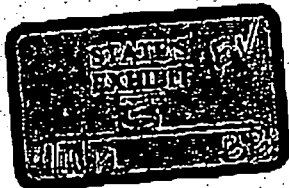
CIVIL ACTION NOS.:

**GLOBAL ORDER FOR ALL
FORECLOSURE CASES IN
WHICH ROBERT STEVE
JOLLY IS A PARTY**

- | | |
|---------------------------|--------------------------|
| 07-CP-26-8233 | 08-CP-26-7946 (CLOSED) |
| 08-CP-26-0262 (CLOSED)* | 08-CP-26-7950 |
| 08-CP-26-0839 | 08-CP-26-8068 |
| 08-CP-26-0879(BKSTAY)** | 08-CP-26-8517 |
| 08-CP-26-1209 | 08-CP-26-8806 |
| 08-CP-26-1210 (CLOSED) | 08-CP-26-9043 |
| 08-CP-26-1223 (CLOSED) | 08-CP-26-9104 |
| 08-CP-26-2326 (CLOSED) | 08-CP-26-9123 |
| 08-CP-26-2352 | 08-CP-26-9205 (CLOSED) |
| 08-CP-26-2672 (CLOSED) | 08-CP-26-9522 |
| 08-CP-26-3356(DS w/o PRJ) | 08-CP-26-9560 |
| 08-CP-26-4042 (CLOSED) | 08-CP-26-9762 |
| 08-CP-26-4514 | 08-CP-26-10336 |
| 08-CP-26-4544 (CLOSED) | 09-CP-26-0444 |
| 08-CP-26-4553 (CLOSED) | 09-CP-26-0785 |
| 08-CP-26-4813 | 09-CP-26-1465 |
| 08-CP-26-5107 | 09-CP-26-2365 |
| 08-CP-26-5163 | 09-CP-26-2933 |
| 08-CP-26-5276 | 09-CP-26-2946 (DSw/oPRJ) |
| 08-CP-26-5479 (CLOSED) | 09-CP-26-3323 |
| 08-CP-26-6387 | 09-CP-26-4332 |
| 08-CP-26-7278 | 09-CP-26-4352 |
| 08-CP-26-7488 | 09-CP-26-4595 |
| 08-CP-26-7531 | 09-CP-26-4598 |
| 08-CP-26-7547 | 09-CP-26-4853 |
| 08-CP-26-7849 | 09-CP-26-4956 |

* The term "(CLOSED)" means final judgment has been issued, or the matter was settled between the parties, and the case dismissed.

** Bankruptcy stay is to co-defendant Robert J. Guernsey only.



ORDER DISMISSING ROBERT STEVE JOLLY AS A PARTY, DENYING ANY AND ALL CLAIMS ASSERTED BY ROBERT STEVE JOLLY, DECLARING VOID AB INITIO ANY DEEDS OR OTHER INSTRUMENTS OF TITLE THROUGH WHICH ROBERT STEVE JOLLY CLAIMS AN INTEREST IN THE PROPERTY THAT IS THE SUBJECT OF THE PARTICULAR FORECLOSURE ACTION, AND REMANDING THE CASES BACK TO THE MASTER IN EQUITY FOR FURTHER PROCEEDINGS

RECEIVED COPY

C. J. Jolly

This matter came before the Court on the Court's Notice of Hearing and Rule to Show Cause to take testimony and hear arguments on whether Robert Steve Jolly and anyone acting on behalf of Robert Jolly & Associates should be dismissed from all presently pending foreclosure cases (including those currently dismissed without prejudice) before the Court as a result of allegations of unauthorized practice of law and/or taking of acts that undermine the administration and interests of justice. Robert Steve Jolly, Randall Sain, Linda Sain and any person connected in any way to Robert Jolly & Associates were commanded to be present at a hearing at 10:00 a.m. on April 16, 2009, and show cause why action should not be taken by this Court against them, including sanction, dismissal, contempt, or other affirmative relief ordered against them.

The Court has continuing jurisdiction in numerous foreclosure actions ("Foreclosure Actions") currently pending in Horry County in which Robert Steve Jolly ("Jolly") is a party or is otherwise involved. Notice having been provided to all concerned, including counsel in the foreclosure actions, a hearing on these matters was held as scheduled at the Horry County Courthouse.

The following counsel for various plaintiffs in the pending Foreclosure Actions were present: Robert P. Wood, Esq. (Rogers Townsend & Thomas, PC); Sean A. O'Connor, Esq. (Finkel Law Firm, LLC); H. Guyton Murrell, Esq. (Korn Law Firm, P.A.); Pearce W. Fleming, Esq. (Fleming & Whitt, P.A.); and LeRoy F. Laney, Esq. (Riley Pope & Laney, LLC). The office of the South Carolina Attorney General was represented at the hearing by Assistant Attorneys General Allen W. Myrick and Warren V. Ganjehsani. Jolly appeared *pro se*.

Although Jolly purported to appear on behalf of Jolly & Associates, LLC ("J&A"), J&A failed to make a valid appearance in this matter either by filing an appropriate pleading or by

otherwise having counsel appear before the Court on J&A's behalf. Renaissance Enterprises, Inc. v. Summit Teleservices, Inc., 334 S.C. 649, 515 S.E.2d 257 (1999) (holding that corporate entities cannot be represented by a non-lawyer in the circuit or appellate courts of this State).

FACTUAL AND PROCEDURAL BACKGROUND

The civil case that commenced these proceedings was a lawsuit filed against Jolly by the Attorney General (Civil Action No. 2009-CP-26-3379) asking this Court to grant an injunction against Jolly, requiring him to cease and desist from the alleged unauthorized practice of law. At the outset of the April 16 hearing, Jolly indicated that on April 15, 2009, he had removed that lawsuit to the United States District Court for the District of South Carolina ("District Court"), divesting this Court of jurisdiction. He did not present any valid evidence that he had removed the Foreclosure Actions or the Rule to Show Cause to federal court. Further, Jolly indicated that he had amended his answer to the Attorney General's lawsuit to assert a third party claim directly against this Court, thus requiring the recusal of the Court.

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The Court declined to suspend the scheduled proceedings, holding that the purported removal of Attorney General's action, even if assumed to be valid, did not divest this Court of jurisdiction over the Foreclosure Actions or its Rule to Show Cause.¹ Being unaware of any service of process or of the putative claim against it, the Court further declined to recuse.

The Court proceeded with the hearing and received testimony from two individuals who were among those affected by the pending Foreclosure Actions. These individuals, Ernest Mauck ("Mauck")² and Esther Reinhardt ("Reinhardt"),³ testified regarding their dealings with Jolly and

¹ The Federal Courts ultimately did not accept removal, with the removal petition being dismissed and the case remanded back to the state circuit court by Order of the Honorable Thomas E. Rogers, III, on May 19, 2009 (see C/A 4:09-CV-1001-TLW-TER).

² The home occupied by Ernest Mauck is the subject of the Foreclosure Action No. 08-CP-26-7547.

³ The home occupied by Esther Reinhardt is the subject of the Foreclosure Action No. 08-CP-26-4514.

J&A, including the circumstances surrounding the preparation and execution of certain documents and representations made to them by Jolly and other persons connected to him. Mauck and Reinhardt gave similar testimony that (1) they quitclaimed their interest in their respective residences and real property to Jolly in the belief and the assurance by Jolly that doing so would prevent their homes from being foreclosed upon; (2) that no consideration was paid for the quitclaim conveyance; (3) that no notary was present at the closing and they had never met the person who signed as the notary thereon; (4) after executing quitclaim deeds to Jolly, they began making payments to Jolly in the belief that he was the person to whom the debt associated with their respective residences was now owed; (5) Jolly and/or persons connected to him prepared the quitclaim deeds and documents associated with their purported conveyances to Jolly, and directed them as to how to execute the deeds; and (6) they relied upon the representations made by Jolly and persons connected to him in connection with agreeing to these payments and purported conveyances to Jolly.

At the hearing, Jolly elected to proceed *pro se* and was put under oath. In the course of cross-examining Mauck and Reinhardt, Jolly frequently deviated from asking questions and made gratuitous statements to the Court while he was under oath. Consequently, counsel for the Attorney General and the Court advised Jolly early on that such statements could be used against him in any ongoing criminal investigation relating to the unauthorized practice of law.⁴ Additionally, the Court went to great lengths to advise Jolly of his right to counsel and the perils of proceeding *pro se*. Despite these admonitions, Jolly persisted in making statements to the

⁴ Although Jolly did not take the witness stand to testify on his own behalf after being apprised of his right against self-incrimination, he made numerous statements under oath that nonetheless constituted testimony even after he was made aware of his right to refrain from doing so.

Court while examining Mauck, Reinhardt, and his own rebuttal witnesses, Lisa M. Brewer ("Brewer") and Julie Yura ("Yura").

The Court also heard testimony from H. Guyton Murrell, Esq. ("Murrell"); regarding Jolly's involvement in the Foreclosure Actions⁵ and matters relating to the quitclaim deeds associated with those proceedings. Attorney Murrell testified as to legal pleadings filed and served by Mr. Jolly as well as Mr. Jolly's appearance and presentation of legal arguments at hearings.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court has undertaken a thorough review of the Foreclosure Actions and Jolly's involvement therein. After careful consideration of the evidence, the testimony of the witnesses, Jolly's conduct before the Court, and his conduct in the Foreclosure Actions, the Court finds and concludes as follows⁶:

- 1. Jolly and J&A were timely and properly served with the notices of hearing and were aware the hearing would address the Foreclosure Actions and their conduct in those matters.⁷
- 2. Jolly chose to represent himself in a *pro se* capacity in the hearing in spite of the fact that he was repeatedly cautioned by the Court and counsel for the Attorney General of the perils of doing so.
- 3. Jolly made a knowing and voluntary decision to waive his right to counsel at the hearing.

⁵ Murrell's law firm represents plaintiffs in some of the Foreclosure Actions pending in Horry County.

⁶ To the extent the facts recited before this section are findings of fact or conclusions of law, they are incorporated into this section of the Order.

⁷ The Court notes that Jolly's awareness in this regard is apparent from the fact that he had witnesses on standby to testify at his behest, inasmuch as Brewer and Yura were present in the courtroom when he called them to the stand.

4. The corporate defendant, J&A, failed to appear at the hearing through counsel, the only method by which a corporate party may appear in court.

5. Jolly, J&A, and persons connected to them engaged in a scheme ("Scheme") in which they sought out or otherwise solicited financially distressed Horry County homeowners and titleholders to real property (collectively, "Homeowners") and offered to assist those individuals in avoiding and defending foreclosure.⁸

6. Jolly, J&A, and persons connected to them encouraged and persuaded these Homeowners to transfer their interest in the Homeowners' mortgaged property to Jolly or J&A by way of a quitclaim deed or similar instrument prepared by Jolly and persons connected to him.

7. Jolly and persons connected to him represented to the Homeowners that, in exchange for Homeowners' deeding their property to Jolly or J&A, the debt owed to the Homeowner's existing mortgagee of record ("Mortgagee") or holder of the promissory note ("Noteholder") secured by the Homeowner's mortgage, would be paid off and satisfied provided that the Homeowners agreed to pay Jolly or J&A a certain sum of money on a regular basis.

8. Jolly and J&A represented that as a result of the debt owed to the Mortgagee or Noteholder being satisfied, the Homeowner (1) would no longer need to make payments to the original Mortgagee or Noteholder, (2) now owed a debt on the Homeowner's property to Jolly or J&A, and (3) had to make payments solely and directly to Jolly or J&A for the purpose of paying down such debt.

9. Jolly, J&A, and persons connected to them represented to the Homeowners that once the property was deeded to Jolly or his company in the above manner and they paid off the

⁸ Randall Sain purported to convey his property to Jolly via a quitclaim deed similar to those granted by other Homeowners, but because Sain was complicit in Jolly's contemptuous activities, he will not be allowed to benefit from this order.

Homeowners' existing mortgage debt, Jolly or J&A became the new lawful owner, titleholder or equitable mortgagee of Homeowners' property. In this capacity, Jolly and J&A represented that they (1) would obtain a satisfaction of any mortgage of record on the Homeowners' property and (2) were in a position to suspend, conclude, prevent, or defend a foreclosure or related legal proceeding from being initiated or maintained against the Homeowners.

10. Jolly, J&A, and persons connected to them induced numerous Homeowners in Horry County to quitclaim property to Jolly or J&A and pay Jolly or J&A – rather than the Homeowners' Mortgagees or Noteholders – money that Homeowners believed would be applied towards the debt owed on the Homeowners' property.

11. Jolly and J&A lacked the authority and resources to legally satisfy the Homeowners' mortgages of record.

12. Jolly and J&A lacked the authority and resources to suspend, conclude, or prevent foreclosure proceedings from being initiated or maintained against Homeowners by Mortgagees.

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13. The putative interest of Jolly and J&A in Homeowners' properties derived from quitclaim deeds that lacked adequate consideration.

14. Jolly and persons connected to him, using forms he drafted or otherwise obtained, prepared the deeds, oversaw the signing of the deeds and other documents of a legal nature, and recorded the deeds. The deeds were deliberately notarized in violation of South Carolina attestation laws, or were otherwise legally insufficient. Furthermore, such deeds were prepared without the assistance or supervision of an attorney licensed to practice law in South Carolina.

15. Jolly's involvement in the preparation, execution and improper notarization of the aforementioned quitclaim deeds constitutes the perpetration of a fraud upon the Homeowners and upon the Court.

16. Once Jolly appeared on the public record as the title owner of the Homeowners' homes, the Mortgagees named Jolly as the Defendant when they filed their foreclosure complaints, or amended the already-filed complaints to include Jolly as a party defendant. Jolly and persons connected to him then prepared pleadings (both for himself, and when the Homeowner was named as a defendant, for the Homeowner). Jolly also filed these court documents for them, made promises of a legal nature to the Homeowners, and gave them legal advice.

17. In the process, Jolly took money from the Homeowners, who should have been paying their limited resources to the Mortgagees or to licensed attorneys to defend the Homeowners. The evidence established that the actions undertaken by Jolly resulted in great prejudice and detriment to the interests of the affected homeowners. Jolly in fact took action against Homeowners instead of for them. Because legal process was directed to Jolly once the quitclaim deed was filed, many Homeowners did not know and were not told by Jolly that their residence was actually in foreclosure.

18. Jolly and J&A engaged in conduct that constitutes the unauthorized practice of law⁹ and violates the South Carolina Unfair Trade Practices Act ("SCUTPA"),¹⁰ S.C. CODE ANN. § 39-5-10 *et seq.* But for immediate intervention, this conduct would have continued, expanded, and further negatively impacted the public interest.

19. Horry County Homeowners fell victim to Jolly's Scheme, and Foreclosure Actions were initiated against them or their property, or the foreclosures were allowed to

⁹ As the unauthorized practice of law is a criminal offense in South Carolina, the Court's findings in this respect are limited to the purposes stated herein and do not purport to establish a finding of guilt beyond a reasonable doubt.

¹⁰ Deceptive acts or practices in the conduct of any trade or commerce are unlawful. S.C. CODE ANN. § 39-5-20(a). A claim or representation having "the capacity or effect or tendency to deceive" is deemed deceptive under SCUTPA regardless of whether the intent to deceive exists. *State ex rel. McLeod v. C&L Corp., Inc.*, 280 S.C. 519, 523, 313 S.E.2d 334, 338 (Cl. App. 1984), rev'd on other grounds, 346 S.C. 37, 550 S.E.2d 589 (Cl. App. 2001).

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continue unabated due to the actions of Jolly and J&A. All of the Foreclosure Actions put the Homeowners at risk of having their homes lost at judicial sales.

20. Foreclosure Actions were also initiated against solely Jolly based upon his being the last putative titleholder of record on the residences of certain Homeowners as a result of the quitclaim conveyances associated with the Scheme. Consequently, plaintiff mortgagees in some of the pending Foreclosure Actions did not name certain Homeowners as defendants in those proceedings (unless a deficiency judgment was sought against the Homeowner as the obligor on the note). Although such Homeowners technically are not necessary parties to these Foreclosure Actions, these Actions will likely culminate in judicial sales of the subject properties and the Homeowners' subsequent eviction from the premises.

21. The conduct of Jolly, J&A, and those acting in concert with them had the capacity, effect and tendency to deceive Homeowners into misapprehending the risks associated with failing to make timely payments to Homeowners' Mortgagees and Noteholders.

22. The conduct of Jolly, J&A, and those acting in concert with them had the capacity, effect or tendency to deceive Homeowners into believing that foreclosure would be averted by deeding property to Jolly and J&A and making payments to Jolly and J&A rather than the Mortgagee(s) or Noteholder(s).

23. The conduct of Jolly and J&A had the capacity, effect or tendency to deceive Homeowners into believing that the Homeowners' mortgages would be satisfied of record or otherwise extinguished and no longer enforceable by the Mortgagees.

24. Jolly has repeatedly filed frivolous answers and other documents manifestly devoid of merit in the Foreclosure Actions in an effort to impede the orderly progress and

disposition of those cases.¹¹ He has filed frivolous claims directly against the Masters In Equity for Horry and Georgetown Counties, as well as this Court.

25. Jolly's conduct necessitated the withdrawal and vacating of orders of reference to the Master-in-Equity and the return of Foreclosure Actions to the Circuit Court.

26. Jolly interfered with the orderly adjudication of dozens of Foreclosure Actions pending in Horry County.

27. Jolly's decision to call Brewer as a witness and the remarkable lack of candor evident in her testimony was an affront to the integrity of the judicial process and evinced an intention to obstruct, degrade, and undermine the administration of justice.¹²

28. Jolly's orchestration of the aforementioned Scheme, his conduct in the Foreclosure Actions, and his conduct before this Court at the April 16 hearing interfered with judicial proceedings, exhibited disrespect for the Court, and hampered the parties and witnesses.

29. Jolly's orchestration of the aforementioned Scheme, his conduct in the Foreclosure Actions, and his conduct before the Court at the April 16 hearing were calculated to obstruct, degrade, and undermine the administration of justice.

30. This Court has previously found that Jolly's orchestration of the aforementioned Scheme, his barrage of frivolous filings in the Foreclosure Actions, and his conduct at the April 16 hearing constituted direct criminal contempt of Court. At the hearing on April 16, this Court found as a matter of fact that Jolly was in direct criminal contempt¹³ of this Court for:

¹¹ The Court notes that attorney Murrell testified that Jolly's conduct in the Foreclosure Actions exhibited "all the hallmarks of dilatory tactics" designed to impair the rights of Murrell's clients in those proceedings.

¹² In a later hearing, Brewer was found to be in criminal contempt of court for perjury during the April 16 hearing for failing to be truthful about the extent of her involvement in the Scheme, and was sentenced to five months' incarceration.

¹³ Jolly was sentenced to six months' incarceration. Others incarcerated for direct criminal contempt for their participation in the Scheme or actions arising from the Scheme are Joseph Gurnsey, Randall Sain, and Linda Sain.

¹⁴ Because of the complicity of Randall E. and Linda W. Sain in the Scheme, deeds from Randall or Linda Sain to Jolly are not to be vacated.

- a) obstructing, degrading, and undermining the administration and interests of justice by inserting himself into foreclosure actions and taking money from borrowers that could be used by the borrowers to pay their lenders or to retain counsel;
- b) disregarding the system of justice;
- c) abusing the legal processes of South Carolina to obstruct the administration of justice;
- d) degrading the system of justice by taking advantage of people who could least withstand it and who may not actually understand it; and
- e) taking a situation that is unfortunate and making it unconscionable by reweaving funds and taking monies and giving legal advice when he had no training or authority to do so and doing it against the best interests of unsuspecting individuals who turned to him for help.

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31. In light of these findings, this Court has determined that Jolly and J&A should not benefit from their contemptuous conduct and that the borrowers and lenders they victimized should not be prejudiced by that unlawful conduct.

THEREFORE, IT IS HEREBY ORDERED:

- a) Robert Steve Jolly and Jolly & Associates, LLC are hereby dismissed as parties in all pending cases listed in the caption;
- b) The deeds listed on Exhibit A¹⁴ attached hereto are hereby declared void *ab initio* and the Register of Deeds' office is ordered to vacate those deeds and to strike them from the record, to enroll this Order in its records, and to index this Order under the names of Robert Steve Jolly, Jolly and Associates, LLC, and each appropriate mortgagor or homeowner;

¹⁴ Because of the complicity of Randall E. and Linda W. Sain in the Scheme, deeds from Randall or Linda Sain to Jolly are not to be vacated.

c) In that the deeds listed on Exhibit A are void *ab initio*, any judgments, liens, or other debts of Robert Steve Jolly at the time of the original quitclaim transfer are hereby declared to be outside the chain of title of the properties that are the subject of this action, and are not an encumbrance thereon;

d) Because of the pervasive nature of the Scheme, and the multitude of individuals that are known to be victims, the Court is aware that there are potentially other victims who are not yet known as of the issuance of this Order, and in the event there are such persons, they may petition this Court under case *McMaster v. Jolly* (Civil Action No. 2009-CP-26-3379) for relief that is similar to that accorded to the parties herein.

e) In each case captioned herein, the plaintiffs' *lis pendens* shall remain in full force and effect as of the date of its filing;

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f) The plaintiffs in these cases are hereby granted leave to amend and/or supplement their pleadings to denote the Homeowners as the title owners of the subject property or otherwise to protect their interests once the Jolly deeds have been vacated of record.

g) The plaintiffs in cases where they have reason to believe that Jolly or persons acting in concert with him were surreptitiously involved in the defense of the case are ordered to amend and/or supplement their pleadings as they see fit and to serve their amended and/or supplemental summonses and complaints on the Homeowners so as to ensure that the Homeowners have an opportunity to defend the case without the involvement of Jolly, Linda Sain, Randall Sain, Lisa Brewer, Julie Yura (except in her own cases), or any other person connected in any way to Jolly or J&A;

h) The plaintiffs in cases where Jolly and the Homeowners were named as defendants and that both Jolly and the Homeowner signed a joint answer shall re-serve their pleadings (or their

Subsidiary Judge
Fifteenth Judicial Circuit

Conway, South Carolina
June 15, 2009.

amended and/or supplemental pleadings) on the Homeowners so as to ensure that the Homeowners have an opportunity to defend their case without the involvement of Jolly or those acting in concert with him;

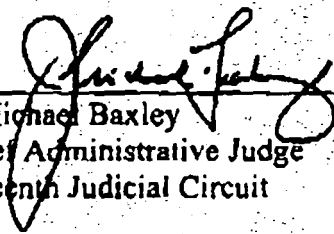
i) Because of the potential shock of discovery by the re-served Homeowners that their homes are in foreclosure and that they have been victims of a Scheme that may have depleted their resources and impaired their opportunity to afford counsel to now defend the foreclosure claim, the Court hereby directs that the Defendants in these cases shall have a period of sixty (60) days to retain counsel, appear, or otherwise defend the re-served complaint, and Plaintiffs are required to attach a notice to the summons explaining the circumstances that brought about the re-service of process and the fact that the Court has extended the time to answer to sixty (60) days;

j) Upon the issuance of this Order, the Clerk of Court shall automatically refer and/or return each of the above cases to the Master-in-Equity, and the plaintiff shall not be required to pay an additional referral fee unless the case has not been referred before; and

k) This order shall not affect any case where Jolly was named as a defendant in a foreclosure case and a Master's Deed has been executed and delivered to the successful purchaser at a judicial sale.

l) This order shall not affect any case where Randall E. Sain or Linda W. Sain conveyed real property to Jolly.

AND IT IS SO ORDERED.



J. Michael Baxley
Chief Administrative Judge
Fifteenth Judicial Circuit

Conway, South Carolina
June 15, 2009.

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WITNESSES

Docket Number 2009-GS-26-01786

The State of South Carolina
County of Horry

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

COURT OF GENERAL SESSIONS

Term:

Defendant

ARREST WARRANT NUMBER

Direct Presentment

THE STATE

vs.

I, _____
hereby appear in my own proper person and plead guilty to the within indictment or to

ACTION OF GRAND JURY

TRUE BILL

Robert Steve Jolly
DEFENDANT

Defendant

Foreperson of Grand Jury

Date: MAY 28 2009

Witness:

VERDICT

Indictment for

C.C.C. Pls. And G.S.

UNAUTHORIZED PRACTICE OF LAW

SC Code: § 40-5-310

CDR Code: 2566

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

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

UNAUTHORIZED PRACTICE OF LAW

That on or about the period between November 1, 2007 and March 11 2009, Robert
Steve Jolly did, in Horry County, wilfully and unlawfully practice or sollicit the cause
of another person in a legal action without being admitted and sworn as an attorney,
to wit: Robert Steve Jolly did give legal advice to persons regarding foreclosures;
and/or did draft documents purporting to be "quit claim" deeds; and/or did file
documents entitled "quit claim" deeds with the Horry County Clerk of Court .

This in violation of § 40-5-310 of the S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such
case made and provided.



HENRY MCMASTER (WAM)
SOUTH CAROLINA ATTORNEY GENERAL

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WITNESSES
 Inv. Larry Huffstetter

Docket Number 2009-GS-26-02946

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

ARREST WARRANT NUMBER
 Direct Presentment

The State of South Carolina
 County of Horry

Defendant

COURT OF GENERAL SESSIONS
 Term:

I, _____
 hereby appear in my own proper person and plead guilty to the within indictment or to

CDR 0531
ACTION OF GRAND JURY
 Foreperson of Grand Jury
 Date: JUL 30 2009

THE STATE
 vs.
 Robert Steve Jolly
 DEFENDANT

Defendant

Witness:

VERDICT
 Guilty more than \$5,000

Indictment for:
 Obtaining Property by False Pretenses

C.C.C. Pls. And G.S.

Foreperson of Petit Jury
 Date: 7/14/09

SC Code: § 16-13-240
 CDR Code:

ORIGINAL

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STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

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

OBTAINING PROPERTY BY FALSE PRETENSES

That Robert Steve Jolly did, in Horry County, on or about the period from July 2, 2008, through April 1, 2009, commit the crime of obtaining property by false pretenses. To wit, the Defendant did obtain an amount of money greater than \$5,000 from Annie Bell Martin with the intent to cheat and defraud her of that property in violation of §16-13-240 of the Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


HENRY MCMASTER (WAM)
SOUTH CAROLINA ATTORNEY GENERAL

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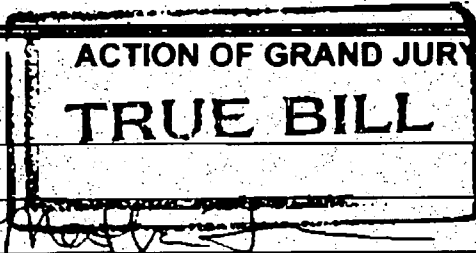
WITNESSES

Inv. Larry Huffstetler

ARREST WARRANT NUMBER

Direct Presentment

CDR 0422



Foreperson of Grand Jury
Date: JUL 30 2009

VERDICT

Foreperson of Petit Jury
Date:

Docket Number 2009-GS-26-22947

The State of South Carolina
County of Horry

COURT OF GENERAL SESSIONS

Term:

THE STATE

vs.

Robert Steve Jolly
DEFENDANT

Indictment for:

Obtaining Property by False
Pretenses

SC Code: § 16-13-240
CDR Code:

ORIGINAL

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I, _____
hereby appear in my own proper person and plead guilty within indictment or to

0422

Witness:

C.C.C. Pls. And G.S.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)

INDICTMENT

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

OBTAINING PROPERTY BY FALSE PRETENSES

That Robert Steve Jolly did, in Horry County, on or about the period from July 2, 2008 through March 9, 2009, commit the crime of obtaining property by false pretenses. To wit, the Defendant did obtain an amount of money greater than \$4,000 from Ernest and Patricia Mauck with the intent to cheat and defraud them of that property in violation of §16-13-240 of the Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 HENRY MCMASTER (WAM)
 SOUTH CAROLINA ATTORNEY GENERAL

2/7
08-07-2009
02:00:31 p.m.
HORRY COUNTY SOLICITOR OFFICE

WITNESSES

Inv. Larry Huffstetler

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ARREST WARRANT NUMBER

Direct Presentment

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: JUL 30 2009

VERDICT

Foreperson of Petit Jury

Date:

Docket Number 2009-GS-26-02948

**The State of South Carolina
County of Horry**

COURT OF GENERAL SESSIONS

Term:

THE STATE

vs.

**Robert Steve Jolly
DEFENDANT**

Indictment for:

**Obtaining Property by False
Pretenses**

SC Code: § 16-13-240

CDR Code:

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I, _____
hereby appear in my own proper person
and plead guilty to the within indictment
or to _____

Defendant

Witness:

C.C.C. Pls. And G.S.

ORIGINAL

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STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

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

OBTAINING PROPERTY BY FALSE PRETENSES

That Robert Steve Jolly did, in Horry County, on or about the period from April 14, 2008 through March 1, 2009, commit the crime of obtaining property by false pretenses. To wit, the Defendant did obtain an amount of money greater than \$5,000 from Esther and Larry Reinhardt with the intent to cheat and defraud them of that property in violation of §16-13-240 of the Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



**HENRY MCMASTER (WAM)
SOUTH CAROLINA ATTORNEY GENERAL**

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WITNESSES

Inv. Larry Huffstetler

Docket Number 2009-GS-26-02949

The State of South Carolina
County of Horry

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

ARREST WARRANT NUMBER

Direct Presentment

COURT OF GENERAL SESSIONS

Term:

I, _____
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. Pls. And G.S.

CDR 0531

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: JUL 30 2009

VERDICT

Directed Verdict granted in favor of defendant.

Benjamin H. Culbertson

Benjamin H. Culbertson
Presiding Judge

Foreperson of Petit Jury
Date: April 13, 2011

THE STATE

vs.

Robert Steve Jolly
DEFENDANT

Indictment for:

Obtaining Property by False Pretenses

SC Code: § 16-13-240

CDR Code:

ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

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

OBTAINING PROPERTY BY FALSE PRETENSES

That Robert Steve Jolly did, in Horry County, on or about the period from July 14, 2008 through October 1, 2008, commit the crime of obtaining property by false pretenses. To wit, the Defendant did obtain an amount of money greater than \$5,000 from Darrin Stimatze with the intent to cheat and defraud him of that property in violation of §16-13-240 of the Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


HENRY MCMASTER (WAM)
SOUTH CAROLINA ATTORNEY GENERAL

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WITNESSES

Inv. Larry Huffstetter

ARREST WARRANT NUMBER

Direct Presentment

CBR 6531

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury *[Signature]*
Date: JUL 30 2009

VERDICT

Guilty more than \$5,000

Foreperson of Petit Jury *[Signature]*
Date: 4/14/11

Docket Number 2009-GS-26-*02930*

The State of South Carolina
County of Horry

COURT OF GENERAL SESSIONS

Term:

THE STATE

vs.

**Robert Steve Jolly
DEFENDANT**

Indictment for:

**Obtaining Property by False
Pretenses**

SC Code: § 16-13-240
CDR Code:

ORIGINAL

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I, _____
hereby appear in my own proper person
and plead guilty to the within indictment
or to _____

Defendant

Witness:

C.C.C. Pls. And G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

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

OBTAINING PROPERTY BY FALSE PRETENSES

That Robert Steve Jolly did, in Horry County, on or about the period from April 23, 2008, through March 11, 2009, commit the crime of obtaining property by false pretenses. To wit, the Defendant did obtain an amount of money greater than \$5,000 from Paulette Holmes with the intent to cheat and defraud her of that property in violation of §16-13-240 of the Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


HENRY MCMASTER (WAM)
SOUTH CAROLINA ATTORNEY GENERAL

CERTIFICATE OF COUNSEL

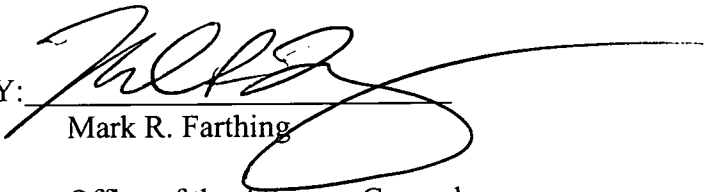
Counsel for Appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeals complies to the best of my ability with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

MARK R. FARTHING
Assistant Attorney General

BY: 
Mark R. Farthing

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ATTORNEYS FOR APPELLANT

September 4, 2012