

 ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM HORRY COUNTY

Benjamin H. Culbertson, Circuit Court Judge

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THE STATE,

SC Court of Appeals

RESPONDENT,

V.

ROBERT STEVE JOLLY,

APPELLANT

Appellate Case No. 2011-190691

RECORD ON APPEAL

ROBERT M. DUDEK
Chief Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

JOHN W. MCINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

Attorney for Appellant

MARK R. FARTHING
Assistant Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

J. GREGORY HEMBREE
Solicitor, Fifteenth Judicial Circuit
Post Office Box 1276
1301 2nd Ave.
Conway, SC 29528-1276
(843) 915-5460

Attorneys for Respondent

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STATE OF SOUTH CAROLINA

COUNTY OF HORRY

STATE OF SOUTH CAROLINA,

PLAINTIFF,

vs.

ROBERT STEVE JOLLY,

DEFENDANT.

IN THE COURT OF GENERAL SESSIONS

09-GS-26-01786

09-GS-26-2946

09-GS-26-2947

09-GS-26-2948

09-GS-26-2949

09-GS-26-2950

TRANSCRIPT OF RECORD

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

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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 YOUR HONOR.

2 THE COURT: ALL RIGHT, SIR. LET ME HEAR FROM
3 YOU.

4 MR. LOCKLAIR: THE FIRST MOTION WOULD BE A
5 MOTION TO SEQUESTER THE WITNESSES IN THIS CASE. OBVIOUSLY
6 WE UNDERSTAND THE VICTIMS HAVE A RIGHT TO BE PRESENT IN THE
7 COURTROOM AND HEAR THE TESTIMONY BUT AS THE CASE CURRENTLY
8 STANDS THERE'S SEVERAL DIFFERENT VICTIMS, SEVERAL OBVIOUSLY
9 DIFFERENT SETS OF CIRCUMSTANCES, THEY ALL OCCURRED AT
10 DIFFERENT TIMES, UNDER DIFFERENT CIRCUMSTANCES WHERE OTHER
11 WITNESS WHERE WE DON'T FEEL ALL THE VICTIMS SHOULD BE PRIVY
12 TO THE TESTIMONY OF ALL THE VICTIMS. WE THINK IT WOULD BE
13 IN BEST INTEREST OF THE NON VICTIM WITNESSES TO BE
14 SEQUESTERED DURING THE TRIAL.

15 THE COURT: ALL RIGHT. WELL, BEFORE WE GET TO
16 THAT, WELL LET ME ASK MR. MYRICK, WHAT'S YOUR POSITION ON
17 THAT?

18 MR. MYRICK: YOUR HONOR, MY POSITION IS, FIRST
19 OF ALL, SEQUESTRATION WHILE IS GENERALLY GRANTED IT IS
20 CERTAINLY NOT A RIGHT OF THE DEFENSE AND THE STATE WOULD
21 VIGOROUSLY OPPOSE SEQUESTRATION OF ALL THESE FOLKS THAT YOU
22 SEE HERE. IN THE VARIOUS CASE LAW AND IN THE STATUTES AND
23 PARTICULARLY THE CONSTITUTION, THE VICTIMS UNDER ART. I, §
24 24 ---

25 MR. LOCKLAIR: WE CONCEDE THE VICTIM CAN STAY,

1 IT'S NON VICTIM WITNESSES, NON VICTIM WITNESSES.

2 MR. MYRICK: EVERYONE WE'VE GOT RIGHT HERE IS A
3 VICTIM, YOUR HONOR.

4 MR. LOCKLAIR: IT'S NON VICTIM WITNESSES. WE
5 AGREE THE VICTIMS HAVE A RIGHT TO STAY.

6 MR. MYRICK: WE HAVE TWO NON VICTIM WITNESSES,
7 YOUR HONOR, THAT I'M AWARE OF. LET ME CHECK MY WITNESS
8 LIST SO I DON'T MISSPEAK AND THEY ARE AT THIS POINT, I'M
9 SORRY, THERE ARE MORE THAN TWO. WE HAVE JILL ROTHSTEIN OF
10 THE BAR. SHE'S THE ETHICIST AND RISK DIRECTOR OF
11 MANAGEMENT FOR THE BAR. LIKE MR. LOCKLAIR AND MYSELF,
12 SHE'S AN OFFICER OF THE COURT. THE PURPOSE OF
13 SEQUESTRATION ---

14 MR. LOCKLAIR: WE CONCEDE MS. ROTHSTEIN, OKAY?
15 I KNOW HER PERSONALLY AND KNOW HER POSITION WITH THE BAR.
16 SHE HAS ETHICAL DUTIES AND WE CONCEDE THAT SHE CAN STAY.

17 THE COURT: OKAY.

18 MR. MYRICK: SECOND, MR. ROBERT WOOD IS ALSO AN
19 OFFICER OF THIS COURT.

20 MR. LOCKLAIR: AS AN OFFICER OF THE COURT MR.
21 WOOD CAN STAY AS WELL.

22 THE COURT: ALL RIGHT.

23 MR. MYRICK: WE HAVE TWO LAW ENFORCEMENT
24 OFFICERS. WE HAVE SPECIAL AGENT LARRY HUFSTETLER, AND
25 INVESTIGATOR FOR THE ATTORNEY GENERAL'S OFFICE AND SPECIAL

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 THESES 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 THINK 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.

1 THE COURT: ALL RIGHT, WE WANT TO GO AHEAD AND
2 BRING THE JURY UP AND BEGIN THE JURY SELECTION PROCESS;
3 ANYTHING BEFORE WE BRING THE JURY UP?

4 MR. MYRICK: NO, SIR.

5 THE COURT: OKAY, ANYTHING FROM --

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

7 THE COURT: OKAY, IT IS, THERE'S A GLARE ON THAT
8 CLOCK, WHAT DOES THAT SAY, 12 --

9 MR. MYRICK: ALMOST TEN TILL TWELVE.

10 THE COURT: YA'LL THINK WE CAN GET IT DONE
11 BEFORE ONE AND GO AHEAD AND CUT THEM LOOSE FOR LUNCH AND
12 THEN BRING THEM BACK AND START THE TRIAL THIS AFTERNOON OR
13 DO WE WANT TO GO AHEAD AND EXCUSE THEM FOR LUNCH AND JUST
14 HAVE THEM BACK AT SAY ABOUT 1:15 AND START ---

15 MR. LOCKLAIR: YOU KNOW THERE'S GOING TO BE
16 SEVERAL AND I'M GOING TO END HAVING CHALLENGES FOR CAUSE IF
17 THEY'RE IN THE PANEL, THAT MIGHT MAKE JURY SELECTION A
18 LITTLE LONGER THAN NORMAL.

19 THE COURT: ALL RIGHT, WELL LET'S GO AHEAD AND
20 DO THIS SINCE IT'S TEN TILL TWELVE, LET'S GO AHEAD AND TAKE
21 A BREAK FOR LUNCH AND WE'LL COME BACK AT 1:15 AND BEGIN
22 JURY SELECTION; DOES THAT SOUND AGREEABLE?

23 MR. LOCKLAIR: YES, SIR, YES, SIR.

24 THE COURT: IS THAT AGREEABLE WITH THE STATE?

25 MR. MYRICK: YES, SIR, IT IS.

1 THE COURT: ALL RIGHT, HEATHER, CAN YOU GO AHEAD
2 AND TELL THEM TO CUT OUR PANEL LOOSE UNTIL 1:15 AND THEN AT
3 1:15 JUST HAVE THEM BRING STRAIGHT UP HERE, ALL RIGHT. ALL
4 RIGHT, WE'LL STAND IN RECESS UNTIL 1:15.

5 (WHEREUPON, COURT WAS RECESSED FOR LUNCH AND THE
6 FOLLOWING TAKES PLACE ON THE RECORD AFTER THE LUNCH
7 RECESS.)

8 THE COURT: GOOD AFTERNOON, I APOLOGIZE FOR
9 KEEPING YOU SO LONG BUT WE WERE TAKING UP SOME LEGAL
10 MATTERS IN THIS CASE THIS MORNING AND I APPRECIATE YOUR
11 PATIENCE.

12 MY NAME IS JUDGE BEN CULBERTSON. I'M A RESIDENT
13 JUDGE OF THE FIFTEENTH JUDICIAL CIRCUIT WHICH IS COMPRISED
14 OF GEORGETOWN AND HORRY COUNTIES. IT'S MY PLEASURE TO BE
15 WITH YOU THIS WEEK FOR THE TRIAL OF THIS CASE. THIS IS A
16 GENERAL SESSIONS CASE, FOR THAT MANY OF YOU IT MAY BEEN
17 EXPLAINED TO YOU, IT MIGHT NOT.

18 OUR CIRCUIT COURT IS DIVIDED INTO TWO COURTS. WE
19 HAVE A COURT OF COMMON PLEAS, THAT IS WHERE SOMEONE HAS
20 CHARGED SOMEONE WITH A CIVIL VIOLATION, WHETHER IT BE A
21 BREACH OF CONTRACT OR A SLANDER ACTION OR A CAR WRECK OR
22 SOMETHING OF THAT NATURE AND THEY'RE SEEKING DAMAGES FOR
23 THAT CIVIL WRONGDOING. WELL I'M NOT DOING THAT HERE TODAY.
24 TODAY WE'RE IN GENERAL SESSIONS COURT. THAT'S WHAT'S
25 COMMONLY REFERRED TO AS CRIMINAL COURT. THAT IS WHERE THE

1 STATE HAS CHARGED SOMEONE WITH VIOLATING A CRIMINAL STATUTE
2 AND THEY ARE SEEKING A CONVICTION FOR THAT ALLEGED
3 WRONGDOING AND WE WILL BE DOING THAT HERE TODAY.

4 AS I SAID I AM A RESIDENT JUDGE OF THE FIFTEENTH
5 JUDICIAL CIRCUIT. BY LAW WE TRAVEL AROUND THE STATE
6 HOLDING TERMS OF CIRCUIT COURT BUT IT IS MY PLEASURE TO BE
7 NOT ONLY IN MY HOME CIRCUIT THIS WEEK BUT BEING WITH YOU IN
8 GENERAL SESSIONS COURT HERE TODAY.

9 NOW WE'RE GETTING READY TO PICK A JURY IN THE
10 CASE OF THE STATE V. ROBERT STEVE JOLLY. MR. JOLLY HAS
11 BEEN CHARGED AND INDICTED ON THE CHARGE OF THE UNAUTHORIZED
12 PRACTICE OF LAW AND THREE COUNTS OF OBTAINING PROPERTY BY
13 FALSE PRETENSES. NOW I'VE GOT SOME QUESTIONS TO GO OVER
14 WITH YOU WHICH IS COMMONLY REFERRED TO AS VOIR DIRE
15 QUESTIONING. ALL OF YOU HAVE BEEN QUALIFIED TO SERVE AS
16 JURORS FOR THIS TERM OF COURT, HOWEVER THESE QUESTIONS THAT
17 I GO OVER WITH YOU NOW ARE TO DETERMINE YOUR QUALIFICATIONS
18 TO SERVE ON THIS PARTICULAR JURY. IT ALSO GIVES THE
19 ATTORNEY SOME ADDITIONAL INFORMATION ABOUT YOU THAT ASSISTS
20 THEM IN THEIR JURY SELECTION PROCESS. SO AS I GO OVER
21 THESE QUESTIONS WITH YOU IF YOU WOULD PLEASE RESPOND TO
22 THEM WHEN I ASK THE QUESTION, AND ONE THING YOU'RE GOING TO
23 LEARN TO SERVE AS JURORS YOU ARE CONSTANTLY TAKING THE OATH
24 SO IF I COULD, PLEASE, GET EVERYONE TO STAND AND RAISE YOUR
25 RIGHT HAND.

1 (WHEREUPON, JURY PANEL IS SWORN.)

2 THE COURT: ALL RIGHT, YOU MAY BE SEATED AND PUT
3 YOUR HANDS DOWN. IS THERE ANY MEMBER OF THE JURY PANEL WHO
4 DID NOT RESPOND TO THE OATH BY SAYING I DO, IF SO, PLEASE
5 STAND?

6 ALL RIGHT, GOOD. ALL RIGHT, AS I SAID THIS IS
7 THE CASE OF THE STATE OF SOUTH CAROLINA V. ROBERT STEVE
8 JOLLY. MR. JOLLY IS THE DEFENDANT IN THIS CASE. IS THERE
9 ANY MEMBER OF THE JURY PANEL RELATED BY BLOOD OR MARRIAGE,
10 HAVE A CLOSE PERSONAL RELATIONSHIP, BUSINESS RELATIONSHIP,
11 SOCIAL RELATIONSHIP, OR ANY OTHER TYPE OF RELATIONSHIP WITH
12 MR. JOLLY, IF SO, PLEASE STAND?

13 (NO RESPONSE.)

14 ALL RIGHT, THE ALLEGED VICTIMS IN THIS CASE ARE
15 PAULETTE HOLMES, DARRIN STIMATZE, S-T-I-M-A-T-Z-E, AND
16 ANNIE BELL MARTIN. IS THERE ANY MEMBER OF THE JURY PANEL
17 RELATED BY BLOOD OR MARRIAGE, HAVE A CLOSE PERSONAL
18 RELATIONSHIP, BUSINESS RELATIONSHIP, SOCIAL RELATIONSHIP,
19 OR ANY OTHER TYPE OF RELATIONSHIP WITH ANY OF THESE ALLEGED
20 VICTIMS, IF SO, PLEASE STAND?

21 (NO RESPONSE.)

22 ALL RIGHT, IF YOU WOULD, PLEASE, LISTEN CAREFULLY
23 CAUSE THESE ARE THE PROPOSED WITNESSES IN THIS CASE IN
24 ADDITION TO THE DEFENDANT WHO MAY OR MAY NOT TESTIFY AS
25 WELL AS THE ALLEGED VICTIMS WHO MAY OR MAY NOT TESTIFY.

1 PLEASE, LISTEN UP TO THESE OTHER POTENTIAL WITNESSES IN
2 THIS CASE:

3 MS. KIMBERLY HARDWICK;
4 MS. JILL ROTHSTEIN;
5 RALPH KEY;
6 INVESTIGATOR LARRY HUFSTETLER;
7 MS. ANNIE BELL MARTIN;
8 MS. AUDREY GODWIN;
9 MS. MARGARET CURTIS;
10 MR. ERNEST MAUCK, M-A-U-C-K;
11 MS. ESTHER REINHARDT;
12 MS. PAULETTE HOLMES;
13 RALPH STROMAN;
14 MR. EUGENE BUCKNER;
15 MR. JOEY JOHNSON; AND
16 MR. ROBERT WOOD.

17 IS THERE ANY MEMBER OF THE JURY PANEL RELATED BY
18 BLOOD OR MARRIAGE, HAVE A CLOSE PERSONAL RELATIONSHIP,
19 BUSINESS RELATIONSHIP, SOCIAL RELATIONSHIP, OR ANY OTHER
20 TYPE OF RELATIONSHIP WITH ANY OF THESE POTENTIAL WITNESSES,
21 IF SO, PLEASE STAND?

22 (NO RESPONSE.)

23 ALL RIGHT, LADIES AND GENTLEMEN, THE STATE OF
24 SOUTH CAROLINA IN THIS CASE IS REPRESENTED BY ATTORNEY W.
25 ALLEN MYRICK OF THE SOUTH CAROLINA ATTORNEY GENERAL'S

1 OFFICE. THE DEFENDANT IN THIS CASE IS REPRESENTED BY
2 ATTORNEY WESLEY LOCKLAIR OF THE LAW FIRM OF LOCKLAIR AND
3 LOCKLAIR. IS THERE ANY MEMBER OF THE JURY PANEL RELATED BY
4 BLOOD OR MARRIAGE, HAVE A CLOSE PERSONAL RELATIONSHIP,
5 BUSINESS RELATIONSHIP, SOCIAL RELATIONSHIP, OR ANY OTHER
6 TYPE OF RELATIONSHIP WITH EITHER OF THESE ATTORNEYS, IF SO,
7 PLEASE STAND?

8 (NO RESPONSE.)

9 HAS ANY MEMBER OF THE JURY PANEL EVER BEEN
10 INVOLVED IN ANY TYPE OF LEGAL ACTION IN WHICH ONE OF THESE
11 ATTORNEYS REPRESENTED YOU, IF SO, PLEASE STAND?

12 (NO RESPONSE.)

13 HAS ANY MEMBER OF THE JURY PANEL EVER BEEN
14 INVOLVED IN ANY LEGAL ACTION IN WHICH ONE OF THESE
15 ATTORNEYS WAS REPRESENTING ANOTHER PARTY TO THAT ACTION, IF
16 SO, PLEASE STAND?

17 (NO RESPONSE.)

18 IS THERE ANY MEMBER OF THE JURY PANEL WHO EITHER
19 PERSONALLY OR HAS A FAMILY MEMBER OR CLOSE PERSONAL FRIEND
20 EMPLOYED WITH THE SOUTH CAROLINA ATTORNEY GENERAL'S OFFICE
21 OR THE LAW FIRM OF LOCKLAIR AND LOCKLAIR, IF SO, PLEASE
22 STAND?

23 (NO RESPONSE.)

24 HAS ANY MEMBER OF THE JURY PANEL EVER BEEN
25 CHARGED WITH OR CONVICTED OF A CRIME INVOLVING DECEIT OR

1 FALSEHOOD, IF SO, PLEASE STAND?

2 (NO RESPONSE.)

3 HAS ANY MEMBER OF THE JURY PANEL OR IMMEDIATE
4 FAMILY MEMBER OR CLOSE PERSONAL FRIEND OF ANY MEMBER OF THE
5 JURY PANEL MADE ANY POLITICAL DONATIONS TO THE CURRENT OR
6 FORMER ATTORNEY GENERAL FOR THE STATE OF SOUTH CAROLINA, IF
7 SO, PLEASE STAND?

8 (NO RESPONSE.)

9 ALL RIGHT, LADIES AND GENTLEMEN, THE INDICTMENTS
10 IN THIS CASE, AND I'LL GIVE YOU SOME INSTRUCTIONS ON
11 INDICTMENTS A LITTLE BIT LATER, BUT WHAT THEY ARE CHARGING,
12 THESE ARE WHAT, THIS IS WHAT BRINGS THE DEFENDANT IN COURT,
13 THESE ARE THE CHARGES AGAINST THE DEFENDANT.

14 INDICTMENT NUMBER 2009-GS-26-2950 FOR OBTAINING
15 PROPERTY BY FALSE PRETENSES, ALLEGES THAT THE DEFENDANT
16 OBTAINED AN AMOUNT OF MONEY GREATER THAN FIVE THOUSAND
17 DOLLARS FROM PAULETTE HOLMES WITH THE INTENT TO CHEAT AND
18 DEFRAUD HER OF THAT PROPERTY.

19 INDICTMENT NUMBER 2009-GS-26-2949 STATES OR
20 ALLEGES THAT THE DEFENDANT OBTAINED AN AMOUNT OF MONEY
21 GREATER THAN FIVE THOUSAND DOLLARS FROM DARRIN STIMATZE
22 WITH THE INTENT TO CHEAT HIM OF THE PROPERTY AND DEPRIVE
23 HIM OF THE PROPERTY.

24 INDICTMENT NUMBER 2009-GS-26-2946 ALLEGES THAT
25 THE DEFENDANT OBTAINED AN AMOUNT OF MONEY GREATER THAN FIVE

1 THOUSAND DOLLARS FROM ANNIE BELL MARTIN WITH THE INTENT TO
2 CHEAT AND DEFRAUD HER OF THE PROPERTY.

3 INDICTMENT NUMBER 2009-GS-26-1786 ALLEGES THAT
4 MR. JOLLY GAVE LEGAL ADVICE TO PERSONS REGARDING
5 FORECLOSURES AND DRAFTED DOCUMENTS PURPORTING TO BE
6 QUITCLAIM DEEDS AND FILED THE QUITCLAIM DEEDS WITH THE
7 OFFICE OF THE CLERK OF COURT FOR HORRY COUNTY SOUTH
8 CAROLINA. ALL OF THESE ALLEGED EVENTS OCCURRED BETWEEN
9 NOVEMBER 1ST, 2007 AND MARCH 11TH, 2009.

10 IS THERE ANY MEMBER OF THE JURY PANEL WHO HAS
11 FORMED OR EXPRESSED AN OPINION ABOUT ANY ISSUE OR MATTER
12 INVOLVED IN THIS CASE, IF SO, PLEASE STAND?

13 (NO RESPONSE.)

14 IS THERE ANY MEMBER OF THE JURY PANEL AWARE OF
15 ANY BIAS OR PREJUDICE TOWARDS EITHER THE STATE OF SOUTH
16 CAROLINA OR THE DEFENDANT ROBERT STEVE JOLLY, IF SO, PLEASE
17 STAND?

18 (NO RESPONSE.)

19 IS THERE ANY MEMBER OF THE JURY PANEL WHO HAS
20 HEARD ANYTHING, READ ANYTHING, DISCUSSED ANYTHING, OR KNOWS
21 ANYTHING ABOUT THIS CASE, IF SO, PLEASE STAND?

22 YES, MA'AM, ALL RIGHT, DON'T, GIVE ME, FIRST I
23 NEED YOU TO GIVE ME YOUR NAME AND YOUR NUMBER?

24 JURY PANEL MEMBER: MY NAME IS KALYN, K-A-L-Y-N,
25 LAST NAME IS PATSEL, P-A-T-S-E-L, MY JUROR NUMBER IS 263.

1 THE COURT: ALL RIGHT, MS. PATSEL, IF YOU'D COME
2 FORWARD, PLEASE? IF THE ATTORNEYS WANT TO COME FORWARD?

3 (WHEREUPON, A BENCH CONFERENCE WAS HELD OFF THE
4 RECORD IN THE PRESENCE OF THE JURY PANEL, BUT OUT OF THE
5 HEARING OF THE JURY PANEL.)

6 THE COURT: STAND RIGHT HERE IN FRONT OF THIS
7 MICROPHONE.

8 JURY PANEL MEMBER: I RECOGNIZE THE NAME JOLLY
9 FROM READING THE ARTICLE IN THE SUN NEWS..

10 THE COURT: OKAY, SO YOU RECOGNIZE THE NAME FROM
11 READING AN ARTICLE IN THE SUN NEWS?

12 JURY PANEL MEMBER: YES, SIR.

13 THE COURT: DO YOU RECALL ANYTHING ABOUT THAT
14 ARTICLE?

15 JURY PANEL MEMBER: SOMEWHAT.

16 THE COURT: OKAY, AND HOW LONG AGO WAS THIS?

17 JURY PANEL MEMBER: I THINK I SAW SOMETHING
18 MAYBE RIGHT BEFORE CHRISTMAS..

19 THE COURT: OKAY, WOULD THE FACT THAT YOU READ
20 SOMETHING IN THE NEWSPAPER AFFECT YOUR ABILITY TO GIVE BOTH
21 THE STATE OF SOUTH CAROLINA AND THE DEFENDANT IN THIS CASE
22 A FAIR AND IMPARTIAL TRIAL?

23 JURY PANEL MEMBER: YES, SIR, I BELIEVE IT
24 WOULD..

25 THE COURT: ALL RIGHT, MS. PATSEL, THANK YOU FOR

1 BRINGING THAT TO OUR ATTENTION. I'LL EXCUSE YOU FROM THIS
2 CASE, ALL RIGHT.

3 JURY PANEL MEMBER: THANK YOU.

4 THE COURT: NOW YOU NEED TO STAY WITH US RIGHT
5 NOW, OKAY. ALL RIGHT, JUROR NUMBER 263 IS EXCUSED FROM
6 THIS CASE.

7 ALL RIGHT, DOES ANYONE ELSE KNOW ANYTHING, READ
8 ANYTHING, DISCUSSED ANYTHING, OR HEARD ANYTHING ABOUT THIS
9 CASE, IF SO, PLEASE STAND?

10 (NO RESPONSE.)

11 IS THERE ANY MEMBER OF THE JURY PANEL WHO IS A
12 MEMBER OF THE GRAND JURY THAT ISSUED THE INDICTMENTS IN
13 THIS CASE, IF SO, PLEASE STAND?

14 (NO RESPONSE.)

15 IS THERE ANY MEMBER OF THE JURY PANEL WHO IS A
16 MEMBER OF OR A CONTRIBUTOR TO ANY GROUP WHICH HAS AS ITS
17 PRIMARY CONCERN THE PROMOTION OF LAW ENFORCEMENT OR VICTIMS
18 RIGHTS? SOME OF THESE ASSOCIATIONS ARE MOTHERS AGAINST
19 DRUNK DRIVERS, OR COMMONLY REFERRED TO AS MADD, STUDENTS
20 AGAINST DRUNK DRIVERS, OR COMMONLY REFERRED TO AS SADD,
21 CITIZENS AGAINST VIOLENT CRIME, OR CAVE. AND CITIZENS
22 AGAINST SPOUSAL ABUSE, OR CASA; ANY MEMBER OF THE JURY
23 PANEL WHO IS A MEMBER OF SUCH TYPE OF ORGANIZATION OR A
24 CONTRIBUTOR TO SUCH TYPE ORGANIZATION, IF SO, PLEASE STAND?

25 ALL RIGHT, SIR. HOLD FOR A SECOND, SIR, YOUR

1 NAME AND NUMBER?

2 JURY PANEL MEMBER: DANIEL FLAHERTY, NUMBER 117.

3 THE COURT: ALL RIGHT, MR. FLAHERTY, YOU ARE
4 MEMBER OF OR A CONTRIBUTOR TO?

5 JURY PANEL MEMBER: CONTRIBUTOR TO.

6 THE COURT: ALL RIGHT, AND WHAT ORGANIZATION IS
7 THAT?

8 JURY PANEL MEMBER: CASA.

9 THE COURT: ALL RIGHT, WOULD THE FACT THAT YOU
10 HAVE CONTRIBUTED TO THAT ORGANIZATION AFFECT YOUR ABILITY
11 TO GIVE BOTH THE STATE OF SOUTH CAROLINA AND THE DEFENDANT
12 IN THIS CASE A FAIR AND IMPARTIAL TRIAL?

13 JURY PANEL MEMBER: I BELIEVE I'D BE ABLE TO
14 GIVE A FAIR AND IMPARTIAL.

15 THE COURT: OKAY, AND I UNDERSTAND THAT YOU SAY
16 YOU BELIEVE YOU WOULD BE ABLE TO, HOWEVER WHAT WE HAVE TO
17 BE SURE OF IN THIS CASE IS THAT EVERYTHING IN THIS CASE AS
18 A JUROR, ALL DECISIONS OF JURORS IS BASED EXCLUSIVELY ON
19 THE TESTIMONY AND EVIDENCE IN THIS CASE WITHOUT ANY
20 INFLUENCE FROM ANY OUTSIDE SOURCE, AND SO THAT'S WHAT I'M
21 TRYING TO DETERMINE IS WHETHER OR NOT THE FACT THAT YOU
22 HAVE CONTRIBUTED TO THAT ORGANIZATION WOULD INFLUENCE YOUR
23 DECISION OR WOULD YOU BE ABLE TO DISREGARD IT IN ITS
24 ENTIRETY AND BASE YOUR DECISION EXCLUSIVELY ON THE
25 TESTIMONY AND EVIDENCE IN THIS CASE?

1 JURY PANEL MEMBER: I WOULD BE ABLE TO THAT.

2 THE COURT: OKAY, THANK YOU FOR BRINGING THAT TO
3 OUR ATTENTION, MR. FLAHERTY, I APPRECIATE IT. YES, MA'AM,
4 YOUR NAME AND NUMBER?

5 JURY PANEL MEMBER: DONNA KELLER, 187.

6 THE COURT: ALL RIGHT, MS. KELLER, YOU ARE A
7 MEMBER OF OR A DONATOR TO OR BOTH?

8 JURY PANEL MEMBER: DONATOR.

9 THE COURT: OKAY, TO WHAT ORGANIZATION?

10 JURY PANEL MEMBER: CASA.

11 THE COURT: CASA, THE FACT THAT YOU HAVE GIVEN
12 MONEY TO THAT ORGANIZATION AFFECT YOUR ABILITY TO GIVE BOTH
13 THE STATE AND THE DEFENDANT A FAIR AND IMPARTIAL TRIAL IN
14 THIS CASE?

15 JURY PANEL MEMBER: NO.

16 THE COURT: ALL RIGHT, WOULD YOU BE ABLE TO
17 DISREGARD YOUR ASSOCIATION WITH THAT ORGANIZATION IN ITS
18 ENTIRETY AND BASE YOUR DECISION IN THIS CASE EXCLUSIVELY ON
19 THE TESTIMONY AND EVIDENCE IN THIS CASE?

20 JURY PANEL MEMBER: I WOULD.

21 THE COURT: THANK YOU FOR BRINGING THAT TO OUR
22 ATTENTION. ALL RIGHT, ANYONE ELSE?

23 (NO RESPONSE.)

24 DOES ANY MEMBER OF THE JURY PANEL KNOW OF ANY
25 REASON WHATSOEVER WHY HE OR SHE SHOULD NOT SERVE AS A JUROR

1 IN THIS CASE WITH PARTICULAR EMPHASIS BEING PLACED ON YOUR
2 ABILITY TO BE FAIR AND IMPARTIAL TO BOTH THE STATE AND THE
3 DEFENDANT IN THIS CASE, IF SO, PLEASE STAND?

4 (NO RESPONSE.)

5 ALL RIGHT, ANY ADDITIONAL QUESTIONING BY THE
6 STATE?

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

8 THE COURT: YES, SIR.

9 (WHEREUPON, A BENCH CONFERENCE WAS HELD OFF THE
10 RECORD IN THE PRESENCE OF THE JURY PANEL, BUT OUT OF THE
11 HEARING OF THE JURY PANEL AND THE COURT REPORTER.)

12 THE COURT: ANOTHER POTENTIAL WITNESS IN THIS
13 CASE HAS BEEN BROUGHT TO THE COURT'S ATTENTION, I
14 APOLOGIZE, I OVERLOOKED IT, BUT ANOTHER POTENTIAL WITNESS
15 IN THIS CASE IS JOHN CRIBB. IS THERE ANY MEMBER OF THE
16 JURY PANEL RELATED BY BLOOD OR MARRIAGE, HAVE A CLOSE
17 PERSONAL RELATIONSHIP, SOCIAL RELATIONSHIP, BUSINESS
18 RELATIONSHIP, OR ANY OTHER TYPE OF RELATIONSHIP WITH MR.
19 CRIBB, IF SO, PLEASE STAND?

20 (NO RESPONSE.)

21 ALL RIGHT, ANY ADDITIONAL QUESTIONS BY THE STATE?

22 MR. MYRICK: NO, SIR.

23 THE COURT: ALL RIGHT, ANY BY THE DEFENSE?

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

25 THE COURT: ALL RIGHT, ALL RIGHT, LADIES AND

1 GENTLEMEN, THAT CONCLUDES THE VOIR DIRE QUESTIONING. NOW
2 WHAT HAPPENS NOW IS YOUR NAMES HAVE BEEN FED INTO A
3 COMPUTER AND HAVE BEEN GENERATED ON A LIST AT RANDOM. IF
4 YOUR NAME IS CALLED BY THE CLERK IF YOU WOULD, PLEASE, COME
5 FORWARD, STAND HERE IN FRONT OF THE COURT, AND FACE THE
6 ATTORNEYS.

7 THE STATE'S ATTORNEY WILL LOOK AT YOU A LITTLE
8 WHILE, AND THEN LOOK AT HIS NOTES A LITTLE WHILE, AND THEN
9 HE'LL LOOK BACK AT YOU A LITTLE WHILE, AND HE'LL LOOK AT
10 SOME OTHER NOTES FOR A LITTLE WHILE AND HE'S GOING TO
11 DECIDE IF HE WANTS YOU AS A JUROR, AND THEN IF HE DECIDES
12 HE WANTS YOU AS A JUROR THEN THE DEFENDANT WILL LOOK AT HIS
13 NOTES A LITTLE WHILE, AND TALK TO THE ATTORNEY A LITTLE
14 WHILE, AND LOOK BACK AT HIS NOTES A LITTLE WHILE, AND THEN
15 HE'LL DECIDE IF HE WANTS YOU AS A JUROR, AND WE GO THROUGH
16 THIS PROCESS UNTIL WE SELECT 12 JURORS AND THAT'S HOW IT
17 WORKS.

18 NOW IF YOU WERE STRUCK BY EITHER THE PLAINTIFF OR
19 THE DEFENDANT IN THIS CASE DO NOT TAKE IT PERSONALLY. IT
20 JUST MEANS THAT FOR WHATEVER REASON THEY DO NOT FEEL THAT
21 YOU WOULD FIT THE JUROR THAT THEY ARE LOOKING FOR IN THIS
22 PARTICULAR CASE. I'VE HAD SEVERAL CASES WHERE A PARTY HAS
23 STRUCK A JUROR IN ONE CASE AND ACCEPTED THEM IN THE NEXT
24 CASE. I'VE ALSO HAD THEM WHEN THEY'VE ACCEPTED THEM IN ONE
25 CASE AND STRUCK THEM FROM THE NEXT ONE BECAUSE EACH CASE

1 HAS ITS OWN SET OF FACT AND OWN DIFFERENT CIRCUMSTANCES AND
2 CHARACTERISTICS AND SO THERE'S NO REAL RHYME OR REASON SO,
3 PLEASE, DON'T TAKE IT PERSONALLY, BUT IF YOUR NAME IS
4 CALLED BY THE CLERK IF YOU WOULD, PLEASE, COME FORWARD,
5 BRING WITH YOU ANY POCKETBOOKS, COATS, UMBRELLAS, WHATEVER
6 YOU MIGHT HAVE WITH YOU.

7 ALL RIGHT, THE STRIKES ARE FIVE AND FIVE.

8 JURY PANEL MEMBER: WHAT HAPPENS IF YOUR NAME IS
9 NOT CALLED, WE'RE DONE?

10 THE COURT: IF YOUR NAME IS NOT CALLED THEN I'LL
11 GIVE YOU SOME FURTHER INSTRUCTIONS WHEN WE GET DONE, OKAY.
12 ALL RIGHT, YOU'RE NOT GETTING OFF THAT EASY BUT, ALL RIGHT,
13 PLEASE LISTEN UP AND IF YOUR NAME IS CALLED, PLEASE, COME
14 FORWARD WHEN YOUR NAME IS CALLED.

15 MADAM CLERK: JUROR NUMBER 117, DANIEL FLAHERTY.

16 THE COURT: BEFORE WE GET STARTED, IT'S FIVE AND
17 FIVE, CORRECT?

18 MR. MYRICK: YES, SIR, IT IS.

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

20 THE COURT: OKAY, ALL RIGHT. YES, SIR, COME ON
21 FORWARD.

22 MADAM CLERK: WHAT SAY THE STATE?

23 MR. MYRICK: PLEASE PRESENT THE JUROR.

24 MADAM CLERK: DEFENSE?

25 MR. LOCKLAIR: PLEASE EXCUSE MR. FLAHERTY FROM

1 THIS CASE?

2 MADAM CLERK: YOU'RE EXCUSED FROM THIS
3 PARTICULAR CASE.

4 229, MICHELLE MCGEE.

5 WHAT SAY THE STATE?

6 MR. MYRICK: PLEASE PRESENT THIS JUROR.

7 MADAM CLERK: DEFENSE?

8 MR. LOCKLAIR: PLEASE PRESENT MS. MCGEE.

9 MADAM CLERK: PLEASE BE SEATED IN THE JURY BOX.
10 184, NORMANDE KALBERER.

11 THE COURT: EXCUSE ME, HOW DO YOU PRONOUNCE YOUR
12 LAST NAME?

13 JURY PANEL MEMBER: KALBERER.

14 THE COURT: THANK YOU, MS. KALBERER.

15 MADAM CLERK: WHAT SAY THE STATE?

16 MR. MYRICK: PLEASE PRESENT THE JUROR.

17 MADAM CLERK: DEFENSE?

18 MR. LOCKLAIR: PLEASE PRESENT THE JUROR.

19 MADAM CLERK: PLEASE BE SEATED IN THE JURY BOX.
20 246, HAREES MUNIR.

21 JURY PANEL MEMBER: HAREES MUNIR.

22 MADAM CLERK: THANK YOU, WHAT SAY THE STATE?

23 MR. MYRICK: PLEASE EXCUSE THIS JUROR.

24 MADAM CLERK: YOU'RE EXCUSED FROM THIS
25 PARTICULAR CASE.

1 384, MICHAEL WHITESIDES.

2 WHAT SAY THE STATE?

3 MR. MYRICK: PLEASE PRESENT THE JUROR.

4 MADAM CLERK: DEFENSE?

5 MR. LOCKLAIR: PLEASE PRESENT MR. WHITESIDES.

6 MADAM CLERK: PLEASE BE SEATED IN THE JURY BOX.

7 365, SANDRA VANDERLAAN.

8 WHAT SAY THE STATE?

9 MR. MYRICK: PLEASE PRESENT THE JUROR.

10 MADAM CLERK: DEFENSE?

11 MR. LOCKLAIR: PLEASE PRESENT THE JUROR.

12 MADAM CLERK: PLEASE BE SEATED IN THE JURY BOX.

13 202, JOANIE LEWIS.

14 WHAT SAY THE STATE?

15 MR. MYRICK: PLEASE PRESENT THE JUROR.

16 MADAM CLERK: DEFENSE?

17 MR. LOCKLAIR: PLEASE PRESENT MS. LEWIS.

18 MADAM CLERK: PLEASE BE SEATED IN THE JURY BOX.

19 189, LAWRENCE KENNEDY.

20 WHAT SAY THE STATE?

21 MR. MYRICK: PLEASE EXCUSE MR. KENNEDY.

22 MADAM CLERK: YOU'RE EXCUSED FROM THIS

23 PARTICULAR CASE.

24 200, FRANK LEO.

25 WHAT SAY THE STATE?

1 MR. MYRICK: PLEASE PRESENT THE JUROR.

2 MADAM CLERK: DEFENSE?

3 MR. LOCKLAIR: PLEASE PRESENT MR. LEO.

4 MADAM CLERK: PLEASE BE SEATED IN THE JURY BOX.
5 363, PATRICIA TYLER.

6 WHAT SAY THE STATE?

7 MR. MYRICK: PLEASE PRESENT THE JUROR.

8 MADAM CLERK: DEFENSE?

9 MR. LOCKLAIR: PLEASE EXCUSE MS. TYLER IN THIS
10 CASE.

11 MADAM CLERK: YOU'RE EXCUSED FROM THIS
12 PARTICULAR CASE.

13 129, DANIELLE GILLEN.

14 WHAT SAY THE STATE?

15 MR. MYRICK: PLEASE EXCUSE THE JUROR.

16 MADAM CLERK: YOU'RE EXCUSED FROM THIS
17 PARTICULAR CASE.

18 172, THOMAS JACKSON.

19 WHAT SAY THE STATE?

20 MR. MYRICK: PLEASE PRESENT THE JUROR.

21 MADAM CLERK: DEFENSE?

22 MR. LOCKLAIR: PLEASE EXCUSE MR. JACKSON FROM
23 THIS CASE.

24 MADAM CLERK: YOU'RE EXCUSED FROM THIS
25 PARTICULAR CASE.

1 186, DONNA KELLER.

2 WHAT SAY THE STATE?

3 MR. MYRICK: PLEASE PRESENT THE JUROR.

4 MADAM CLERK: DEFENSE?

5 MR. LOCKLAIR: PLEASE PRESENT MS. KELLER.

6 MADAM CLERK: PLEASE BE SEATED IN THE JURY BOX.

7 171, TRACEY INMAN.

8 WHAT SAY THE STATE?

9 MR. MYRICK: PLEASE PRESENT THE JUROR.

10 MADAM CLERK: DEFENSE?

11 MR. LOCKLAIR: PLEASE EXCUSE MS. INMAN FROM THIS
12 CASE.

13 MADAM CLERK: YOU'RE EXCUSED FROM THIS
14 PARTICULAR CASE.

15 143, NANCY GUINTO.

16 WHAT SAY THE STATE?

17 MR. MYRICK: PLEASE PRESENT THE JUROR.

18 MADAM CLERK: DEFENSE?

19 MR. LOCKLAIR: PLEASE PRESENT THE JUROR.

20 MADAM CLERK: PLEASE BE SEATED IN THE JURY BOX.

21 340, CECIL STROUD.

22 WHAT SAY THE STATE?

23 MR. MYRICK: PLEASE PRESENT THE JUROR.

24 MADAM CLERK: DEFENSE?

25 MR. LOCKLAIR: PLEASE PRESENT MR. STROUD.

1 MADAM CLERK: PLEASE BE SEATED IN THE JURY BOX.
2 66, JULIE CHESTNUT.
3 WHAT SAY THE STATE?
4 MR. MYRICK: PLEASE PRESENT MS. CHESTNUT.
5 MADAM CLERK: DEFENSE?
6 MR. LOCKLAIR: PLEASE PRESENT MS. CHESTNUT.
7 MADAM CLERK: PLEASE BE SEATED IN THE JURY BOX.
8 83, SHARON CROMIE.
9 WHAT SAY THE STATE?
10 MR. MYRICK: PLEASE PRESENT THE JUROR.
11 MADAM CLERK: DEFENSE?
12 MR. LOCKLAIR: PLEASE PRESENT THE JUROR.
13 MADAM CLERK: PLEASE BE SEATED IN THE JURY BOX.
14 MADAM CLERK: 87, SHARI DAVIDSON.
15 WHAT SAY THE STATE?
16 MR. MYRICK: PLEASE PRESENT THE JUROR.
17 MADAM CLERK: DEFENSE?
18 MR. LOCKLAIR: PLEASE PRESENT THE JUROR.
19 MADAM CLERK: PLEASE BE SEATED IN THE JURY BOX.
20 THE COURT: ALL RIGHT, HOW MANY ALTERNATES DO WE
21 WANT?
22 MR. MYRICK: APPROXIMATELY TWO, YOUR HONOR.
23 THE COURT: ALL RIGHT, THE FIRST ALTERNATE THE
24 STATE GETS ONE STRIKE, THE DEFENSE GETS TWO.
25 MR. LOCKLAIR: YES, SIR.

1 MADAM CLERK: 245, CHARLES MOSES.

2 WHAT SAY THE STATE?

3 MR. MYRICK: PLEASE EXCUSE MR. MOSES.

4 MADAM CLERK: YOU'RE EXCUSED FROM THIS
5 PARTICULAR CASE.

6 237, MARIA MIKULAN.

7 WHAT SAY THE STATE?

8 MR. MYRICK: PLEASE PRESENT THE JUROR.

9 MADAM CLERK: DEFENSE?

10 MR. LOCKLAIR: PLEASE EXCUSE THE JUROR.

11 MADAM CLERK: YOU'RE EXCUSED FROM THIS
12 PARTICULAR CASE.

13 244, GAIL MORGAN SWOYER.

14 WHAT SAY THE STATE?

15 MR. MYRICK: PLEASE PRESENT THE JUROR.

16 MR. LOCKLAIR: WHAT'S THE JUROR NUMBER AGAIN?

17 MADAM CLERK: 244.

18 MR. LOCKLAIR: PLEASE PRESENT THE JUROR.

19 MADAM CLERK: PLEASE BE SEATED IN THE JURY BOX.

20 THE COURT: ALL RIGHT, SECOND ALTERNATE THE
21 STATE GETS ONE STRIKE AND THE DEFENSE GETS TWO.

22 MADAM CLERK: 157, JAMES HILL.

23 WHAT SAY THE STATE?

24 MR. MYRICK: PLEASE PRESENT THE JUROR.

25 MADAM CLERK: DEFENSE?

1 MR. LOCKLAIR: PLEASE PRESENT THE JUROR.

2 MADAM CLERK: PLEASE BE SEATED IN THE JURY BOX.

3 THE COURT: LADIES AND GENTLEMEN, YOU ARE THE
4 JURY THAT WILL PRESIDE OVER THIS CASE. I'M GOING TO EXCUSE
5 YOU BACK IN THE JURY ROOM FOR JUST A FEW MINUTES WHILE I
6 RELEASE THE REMAINING MEMBERS OF THE JURY PANEL. ALSO IT
7 WILL GIVE YOU AN OPPORTUNITY TO VIEW THE JURY ROOM TO SEE
8 WHERE YOU WILL BE PRESIDING DURING THE COURSE OF THIS CASE.

9 NOW WHILE YOU ARE IN THE JURY ROOM IT WILL GIVE
10 YOU AN OPPORTUNITY TO STRETCH YOUR LEGS, USE THE RESTROOM,
11 WHATEVER THE CASE MAY BE, BUT IF I COULD GET YOU TO DO ME
12 ONE FAVOR, AND THAT IS TO SELECT A FOREPERSON FOR THE JURY.
13 I KNOW YOU DON'T KNOW ANYONE AND IF YOU'RE UNABLE TO SELECT
14 A FOREPERSON DON'T WORRY ABOUT IT, I CAN APPOINT SOMEONE AS
15 FOREPERSON, BUT I LIKE TO GIVE THE JURY THE OPPORTUNITY TO
16 CHOOSE ONE ON THEIR OWN IF THEY'RE ABLE TO DO SO. MANY
17 JUDGES SELECT THEIR OWN FOREPERSON; AS I SAID I LIKE TO
18 GIVE THE JURY THE OPPORTUNITY TO DO IT FIRST IF THEY WISH
19 TO.

20 THE FOREPERSON HAS NO MORE AUTHORITY, NO MORE
21 IMPORTANCE THAN ANY OTHER JUROR. THE FOREPERSON IS SIMPLY
22 THE LIAISON BETWEEN THE COURT AND THE JURY. IF THE JURY
23 HAS A QUESTION THE FOREPERSON LET'S THE COURT KNOW. IF THE
24 JURY HAS A NEED THE FOREPERSON LET'S THE COURT KNOW. OTHER
25 THAN THAT THE FOREPERSON HAS NO MORE AUTHORITY OR

1 IMPORTANCE THAN ANY OTHER JUROR. WHEN IT'S TIME TO
2 DELIBERATE THE FOREPERSON WILL MANAGE THE DELIBERATIONS,
3 BUT OTHER THAN THAT THERE IS NO MORE IMPORTANCE OR
4 AUTHORITY OF THE FOREPERSON SO IF YOU COULD, PLEASE, SELECT
5 A FOREPERSON, WRITE THE FOREPERSON'S NAME ON A SHEET OF
6 PAPER WITH THE JURY NUMBER AND THEN GIVE IT TO THE BAILIFF.
7 THE ONLY RESTRICTION IS THAT MS., HOW DO YOU PRONOUNCE YOUR
8 LAST NAME, SWOYER?

9 JURY PANEL MEMBER: YES, SIR.

10 THE COURT: ALL RIGHT, MS. SWOYER AND MR. HILL,
11 SINCE YOU ARE THE ALTERNATES AT THIS POINT IN TIME YOU
12 WOULD NOT BE ALLOWED TO SERVE AS FOREPERSON FOR THIS JURY.

13 NOW WHEN YOU COME BACK INTO THE COURTROOM THE
14 ALTERNATES WILL ALWAYS SIT IN THE SEATS WHERE YOU ARE NOW
15 SEATED. THE FOREPERSON WILL ALWAYS OCCUPY THIS FIRST SEAT
16 WHICH IS CLOSEST TO THE WITNESS STAND. THE REST OF YOU ARE
17 AT LIBERTY TO SIT IN WHATEVER SEAT YOU WANT TO SIT IN. IF
18 YOU WANT TO SIT IN THE SAME SEAT THROUGHOUT THE TRIAL OF
19 THE CASE YOU CAN. IF YOU WANT TO ALTERNATE SEATS DURING
20 THE TRIAL OF THE CASE YOU CAN DO THAT AS WELL. THE ONLY
21 REQUIREMENT IS THAT THE FOREPERSON OCCUPIES THE FIRST SEAT
22 CLOSEST TO THE WITNESS AND THE ALTERNATES ALWAYS OCCUPY
23 THEIR ALTERNATE SEATS UNLESS AND UNTIL THEY'RE MADE A PART
24 OF THE JURY.

25 I'M GOING TO SEND YOU BACK TO THE JURY ROOM FOR

1 JUST A FEW BRIEF MOMENTS. PLEASE SELECT THAT FOREPERSON,
2 NOTIFY, AS I SAID WRITE THE FOREPERSON'S NAME ON A SHEET OF
3 PAPER AND GIVE IT TO THE BAILIFF AND WE'LL BRING YOU BACK
4 INTO COURT IN JUST A FEW MINUTES. THANK YOU VERY MUCH.
5 EVERYONE ELSE, PLEASE, REMAIN SEATED WHILE THE JURY IS
6 EXCUSED.

7 (WHEREUPON, THE JURY RETIRED TO THE JURY ROOM AT
8 1:47 P.M.)

9 THE COURT: ALL RIGHT, ANY CHALLENGES TO THE
10 SELECTION OR COMPOSITION OF THE JURY BY THE STATE?

11 MR. MYRICK: NO, SIR, YOUR HONOR.

12 THE COURT: ALL RIGHT, ANY BY THE DEFENSE?

13 MR. LOCKLAIR: NO, YOUR HONOR.

14 THE COURT: ALL RIGHT. ALL RIGHT, LADIES AND
15 GENTLEMEN, THOSE OF YOU WHO REMAIN WITH US IN THE JURY
16 PANEL WE HAVE OUR JURY FOR THIS CASE SO I AM GOING TO
17 EXCUSE YOU -- DO THEY GO HOME NOW OR BACK TO THE COMMON --

18 MADAM CLERK: YES, SIR.

19 THE COURT: OKAY, I'M GOING TO EXCUSE YOU FOR
20 THE REMAINDER OF THE AFTERNOON, HOWEVER YOU SHOULD HAVE
21 BEEN GIVEN A PHONE NUMBER -- YOU WANT THEM TO COME BACK OR
22 CALL THE NUMBER?

23 MADAM CLERK: I WAS TOLD FOR THEM TO CALL BACK,
24 COME BACK IN AT 9:30.

25 THE COURT: OKAY, I'M GOING TO EXCUSE YOU FOR

1 REMAINDER OF THE DAY BUT YOU WILL NEED TO BE BACK IN THE
2 JURY ROOM, JURY PANEL ROOM DOWNSTAIRS WHERE YOU MET EARLIER
3 TODAY AT 9:30 TOMORROW MORNING. THIS CASE MAY BE DISPOSED
4 OF BY THEN; IT MAY NOT BE DISPOSED OF, BUT WE DO HAVE OTHER
5 JUDGES HOLDING OTHER TERMS OF COURT AND THEY MAY NEED A
6 JURY SO IF YOU'D, PLEASE, BE BACK IN THE JURY PANEL ROOM AT
7 9:30 TOMORROW MORNING.

8 I WANT TO THANK YOU FOR BEING HERE, IF YOU WERE
9 NOT SELECTED ON A JURY THIS WEEK PLEASE DO NOT LEAVE
10 THINKING THAT YOU HAVE NOT FULFILLED YOUR DUTY AS JURORS
11 BECAUSE YOU HAVE. THE FACT THAT YOU WERE HERE PRESENT AND
12 WILLING TO SERVE AS JURORS IN AND OF ITSELF IS BRINGING
13 ABOUT THE DISPOSITION OF A NUMBER OF CASES ON BOTH THE
14 CIVIL AND THE CRIMINAL SIDE. YOU HAVE ATTORNEYS AND
15 CLIENTS RE-EVALUATING THE STRENGTHS AND WEAKNESSES OF THEIR
16 CASES. THEY'RE BRINGING ABOUT AMICABLE SETTLEMENTS TO A
17 GREAT NUMBER OF CASES ON BOTH THE CIVIL AND THE CRIMINAL
18 SIDE AND THAT IS SIMPLY BECAUSE YOU ARE HERE WILLING TO
19 SERVE AS JURORS IN THESE CASES AND I WANT TO THANK YOU FOR
20 YOUR SERVICE. AS I SAID, EVEN IF YOU'RE NOT PICKED ON A
21 JURY PLEASE DO NOT LEAVE THINKING THAT YOU HAVE NOT
22 FULFILLED YOUR DUTY AS JURORS BECAUSE YOU HAVE.

23 I HOPE EVERYBODY HAS A GOOD EVENING, AND PLEASE,
24 COME BACK AT 9:30 TOMORROW MORNING IN THE JURY PANEL ROOM
25 DOWNSTAIRS, THANK YOU VERY MUCH.

1 (WHEREUPON, THE JURY VENIRE WAS EXCUSED.)

2 THE COURT: ONCE THEY SELECT A FOREPERSON I'LL
3 JUST BRING THEM BACK IN, I'LL DO SOME OPENING CHARGES, YOU
4 CAN DO YOUR OPENING STATEMENTS, AND WE'LL JUST SEE HOW FAR
5 WE GET TODAY; IS THAT CORRECT OR DO WE HAVE ANYTHING ELSE
6 WE NEED TO BRING UP OUTSIDE THE PRESENCE OF THE JURY?

7 MR. MYRICK: NO, SIR.

8 MR. LOCKLAIR: NOTHING FROM THE DEFENSE, YOUR
9 HONOR, THAT'S FINE WITH US.

10 THE COURT: ALL RIGHT, LET'S TAKE I GUESS ABOUT
11 A FIVE MINUTE BREAK AND FIND OUT WHEN AND IF THEY SELECTED
12 A FOREPERSON AND JUST LET ME KNOW WHEN THEY DO THAT, OKAY.
13 USUALLY THEY DO IT PRETTY QUICK BUT WE'LL GIVE THEM ABOUT
14 FIVE MINUTES. IF THEY HAVEN'T I'LL JUST BRING THEM BACK IN
15 AND I'LL APPOINT SOMEBODY AS FOREPERSON, OKAY.

16 MR. MYRICK: YES, SIR, BEFORE WE GO OFF THE
17 RECORD, AS GOOD A TIME AS ANY, YOUR HONOR, DARRIN STIMATZE
18 IS THE VICTIM IN 2949. HE LOST HIS HOUSE; HE LOST HIS JOB;
19 HE MOVED BACK TO KANSAS; HE'S ON MY WITNESS LIST. WE MADE
20 EVERY EFFORT TO GET HIM HERE AND I AS YOU KNOW, YOUR HONOR,
21 THE STATE CAN'T FORCE SOMEBODY TO COME ---

22 THE COURT: RIGHT.

23 MR. MYRICK: WE HATE TO RE-VICTIMIZE THE VICTIM.
24 IF HE HASN'T SHOWN UP BY THE CLOSE OF BUSINESS ON THURSDAY
25 OR WHENEVER WE WRAP THIS UP I'M GOING TO DISMISS IT ON THE

1 RECORD.

2 THE COURT: OKAY, THAT'S STIMATZE?

3 MR. MYRICK: YES, SIR. SO FOR ALL INTENTS AND
4 PURPOSES WE'LL PROCEED ON THREE INDICTMENTS; WE'RE NOT
5 GOING TO CALL ALL FOUR.

6 THE COURT: ALL RIGHT, ALL RIGHT, SOUNDS GOOD.
7 WE'LL BE IN RECESS FOR ABOUT FIVE MINUTES OR UNTIL THEY GET
8 A FOREPERSON. AS I SAID IF THEY HAVEN'T PICKED SOMEONE IN
9 ABOUT FIVE MINUTES I'LL JUST BRING THEM IN AND APPOINT
10 SOMEONE, OKAY.

11 MR. MYRICK: YES, YOUR HONOR.

12 MR. LOCKLAIR: YES, SIR.

13 THE COURT: ALL RIGHT, THANK YOU VERY MUCH.

14 (WHEREUPON, A RECESS WAS TAKEN AND THE FOLLOWING
15 TAKES PLACE ON THE RECORD AFTER THE RECESS.)

16 THE COURT: THE JURY HAS SELECTED JUROR NUMBER
17 229 MICHELLE MCGEE AS THE FOREPERSON, MICHELLE R. MCGEE.
18 ALL RIGHT, I'M JUST GOING TO MARK THIS AS COURT'S EXHIBIT
19 NUMBER 1 WHERE THEY'VE GOT MS. MCGEE'S NAME ON IT.

20 (WHEREUPON, COURT'S EXHIBIT NUMBER 1 MARKED FOR
21 IDENTIFICATION.)

22 THE COURT: ALL RIGHT, ANYTHING FROM THE STATE
23 BEFORE WE BRING THE JURY BACK IN?

24 MR. MYRICK: NO, SIR.

25 THE COURT: ANYTHING FROM THE DEFENSE?

1 MR. LOCKLAIR: NO, YOUR HONOR.

2 THE COURT: ALL RIGHT, LET'S GO AHEAD AND BRING
3 THE JURY IN.

4 MR. MYRICK: MAY WE APPROACH?

5 THE COURT: YEAH, COME ON UP.

6 (WHEREUPON, A BENCH CONFERENCE WAS HELD OFF THE
7 RECORD OUT OF THE HEARING OF THE COURT REPORTER.)

8 (WHEREUPON, THE JURY RETURNS TO THE COURTROOM AT
9 2:05 P.M.)

10 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN,
11 WELCOME BACK. YOU ARE THE JURY THAT WILL BE PRESIDING OVER
12 THIS CASE. I UNDERSTAND, MS. MCGEE, THEY'VE CHOSEN YOU AS
13 THE FOREPERSON OF THIS JURY; IS THAT CORRECT?

14 MADAM FOREPERSON: YES, SIR.

15 THE COURT: ALL RIGHT, THANK YOU FOR SERVING IN
16 THAT CAPACITY, IF YOU WOULD ALWAYS OCCUPY THE SEAT WHERE
17 YOU NOW SEAT. AS I SAID, MS. SWOYER AND MR. HILL, IF YOU'D
18 ALWAYS OCCUPY THE SEATS WHERE YOU NOW SEAT. THE REST OF
19 YOU ARE AT LIBERTY TO SIT IN WHICHEVER SEAT YOU LIKE. AS I
20 SAID YOU CAN ALTERNATE SEATS DURING THE TRIAL OF THIS CASE
21 OR YOU CAN CHANGE OR YOU CAN KEEP THE SAME SEATS, WHICHEVER
22 YOU WANT TO DO.

23 NOW BEFORE WE GET STARTED I DO WANT TO INTRODUCE
24 YOU TO SOME OF THE COURT PERSONNEL THAT WILL BE WORKING
25 WITH YOU THIS WEEK. OUR BAILIFF IN THIS COURTROOM IS DANA

1 SARVIS OVER HERE; SHE'S THE ONE THAT'S BEEN SHOWING YOU TO
2 THE JURY ROOM AND BRING YOU BACK IN COURT. SHE'S OUR
3 BAILIFF; SHE IS HERE TO TAKE CARE OF YOU. IF YOU HAVE ANY
4 QUESTIONS, IF YOU HAVE ANY CONCERNS, IF YOU HAVE ANY NEEDS
5 PLEASE CONTACT MS. SARVIS AND SHE'LL CERTAINLY TAKE CARE OF
6 WHATEVER NEED YOU HAVE. WE WANT TO THANK HER FOR HER
7 SERVICE.

8 FROM OUR HORRY COUNTY SHERIFF'S DEPARTMENT MR.
9 RAYMOND NOBLES AND ROY HEMINGWAY; THEY'RE OUR COURT
10 SECURITY. THEY'RE HERE IN THE UNIFORMS; THEY'RE HERE FOR
11 YOUR PROTECTION, MY PROTECTION, THE PROTECTION OF THE
12 PARTIES AND THE WITNESSES AND THE ATTORNEYS AND WE WANT TO
13 THANK THEM FOR THEIR SERVICE.

14 MS. HEATHER LEWIS, DOWN HERE TO MY RIGHT, SHE IS
15 FROM THE CLERK OF COURT'S OFFICE. SHE'S RESPONSIBLE FOR
16 ALL THE ADMINISTRATIVE STUFF THAT GOES INTO A CASE MAKING
17 SURE ALL OF THE PAPER WORK IS FILED, MAKING SURE THE JURY
18 NOTICES ARE SENT TO YOU, THAT YOU'RE NOTIFIED WHEN TO BE IN
19 COURT AND THINGS OF THAT NATURE AND WE THANK MS. LEWIS FOR
20 HER SERVICE.

21 MS. BRENDA BABB, MY LEFT, IS THE COURT REPORTER.
22 SHE IS RESPONSIBLE FOR TAKING DOWN EVERYTHING THAT HAPPENS
23 IN COURT. IF ANYBODY WANTS TO KNOW WHAT HAPPENED SHE CAN
24 PROVIDE THEM WITH A VERBATIM TRANSCRIPT OF WHAT WAS SAID,
25 WHEN IT WAS SAID, AND WHO SAID IT, AND WE THANK HER FOR HER

1 SERVICE.

2 NOW ALSO BEFORE WE GET STARTED I NEED TO GO OVER
3 SOME RULES AND REGULATIONS WITH YOU. WHILE YOU'RE IN THE
4 COURTROOM IF YOU HAVE ANY CELL PHONES, PAGER DEVICES, OR
5 OTHER COMMUNICATION DEVICES IF YOU'D PLEASE TURN THEM OFF
6 COMPLETELY. I'LL GIVE YOU PLENTY OF OPPORTUNITIES TO CHECK
7 YOUR MESSAGES AND THINGS OF THAT NATURE, TO RETURN PHONE
8 CALLS OR WHATEVER THE CASE MAY BE, BUT WHILE WE'RE IN THE
9 COURTROOM WE WILL NEED YOUR UNDIVIDED ATTENTION AND I DO
10 NOT WANT YOUR ATTENTION INTERRUPTED FOR ANY REASON SO IF
11 YOU HAVE A CELL PHONE OR A PAGER PLEASE TURN IT OFF
12 COMPLETELY WHILE YOU'RE IN THE COURTROOM.

13 NOW DURING THE TRIAL OF THIS CASE AND THROUGHOUT
14 THIS WEEK YOU ARE NOT TO HAVE ANY CONTACT WITH ANY
15 ATTORNEYS, ANY PARTIES, OR ANY WITNESSES APPEARING BEFORE
16 THE COURT. I DON'T WANT TO IMPLY THAT ANYBODY WOULD DO
17 ANYTHING IMPROPER, HOWEVER, IF YOU HAD A CASE IN COURT AND
18 YOU SAW ONE OF THE WITNESSES FOR THE OTHER SIDE TALKING TO
19 ONE OF THE JURORS IT MAY RAISE SOME SUSPICION IN YOUR MIND,
20 SO TO AVOID EVEN THE APPEARANCE OF ANY IMPROPRIETY WE ASK
21 THAT YOU HAVE NO CONTACT WITH ANY LAWYERS, PARTIES, OR
22 WITNESSES APPEARING BEFORE THE COURT THIS WEEK. IF YOU
23 HAVE FRIENDS WHO ARE APPEARING IN COURT THIS WEEK AND THEY
24 DON'T TALK TO YOU IT'S NOT THAT THEY'RE BEING RUDE, THEY'RE
25 FOLLOWING THE DIRECTIONS OF THE COURT AS WELL BECAUSE

1 THEY'VE BEEN INSTRUCTED NOT TO HAVE ANY CONTACT WITH ANY
2 JURORS THIS WEEK.

3 NOW YOU WILL BE RELEASED FROM TIME TO TIME TO GO
4 TO LUNCH, TO GO HOME FOR THE EVENING, WHATEVER THE CASE MAY
5 BE, WHEN YOU'RE TOLD TO BE BACK PLEASE BE PROMPT. IT
6 DOESN'T MEAN THAT WE WILL BRING YOU INTO THE COURTROOM AS
7 SOON AS YOU GET BACK, HOWEVER, WE CANNOT CONDUCT ANY OF THE
8 COURT'S BUSINESS WITHOUT YOUR BEING PRESENT. SO IF YOU
9 WOULD PLEASE BE PROMPT AND RETURN WHEN YOU ARE TOLD TO
10 RETURN.

11 NOW WE UNDERSTAND THAT FROM TIME TO TIME
12 EMERGENCIES ARISE AND IF AN EMERGENCY COMES UP DON'T WORRY
13 ABOUT IT, JUST PLEASE CALL AND LET US KNOW WHAT THE
14 EMERGENCY IS. OFTENTIMES WE CAN ASSIST YOU WITH THAT
15 EMERGENCY BUT PLEASE DO NOT LEAVE US INTO, IN THE DARK
16 WONDERING WHY YOU HAVEN'T RETURNED WHEN YOU'RE SUPPOSED TO
17 AND PLEASE CALL AND LET US KNOW.

18 NOW DURING THIS AGE OF TECHNOLOGY WITH A LOT OF
19 TECHNOLOGY THAT I DON'T UNDERSTAND, BUT INSTANT MESSAGING,
20 TWEETERING, THINGS OF THAT NATURE THERE HAVE BEEN SOME
21 PROBLEMS IN SOME JURISDICTIONS WITH NOT NECESSARILY JURY
22 TAMPERING, SOME JURY TAMPERING, BUT MOSTLY PEOPLE WANTING
23 TO FIND OUT WHAT'S HAPPENING IN A CASE, AND SO BECAUSE OF
24 THAT OUR CHIEF JUSTICE OF THE STATE SUPREME COURT HAS
25 ISSUED AN ADMINISTRATIVE ORDER THAT SAYS DURING THIS WEEK,

1 DURING YOUR DUTY AS JURORS THIS WEEK YOU ARE NOT TO DISCUSS
2 ANY CASE WITH ANYONE. YOU'RE NOT TO READ OR LISTEN TO ANY
3 NEWS REPORTS ABOUT A CASE. YOU ARE NOT TO USE A COMPUTER,
4 A CELLULAR PHONE, OR OTHER ELECTRONIC DEVICE WITH
5 COMMUNICATE ABILITIES WHILE IN ATTENDANCE AT TRIAL. YOU'RE
6 NOT TO DISCLOSE ANY INFORMATION WHATSOEVER ABOUT A CASE TO
7 ANY PERSON, ORGANIZATION, MEDIA, OR OTHER ENTITY WHATSOEVER
8 WHETHER THAT INFORMATION IS ABOUT A PARTY, A WITNESS, AN
9 ATTORNEY, A COURT OFFICER, OR FELLOW JUROR. YOU CANNOT
10 GIVE ANY NEWS ACCOUNT ABOUT A CASE. YOU CANNOT DISCUSS ANY
11 INFORMATION COLLECTED THROUGH JURY QUALIFICATIONS OR
12 RESEARCH. YOU CANNOT GIVE OUT ANY INFORMATION ABOUT A
13 TOPIC OR A MATTER ABOUT WHICH AN ATTORNEY IS ASKING OR A
14 WITNESS IS TESTIFYING.

15 NOW ONCE YOUR DUTY AS JURORS HAS CONCLUDED YOU
16 ARE AT LIBERTY TO DISCUSS WHATEVER YOU WANT TO WITH
17 WHOMEVER YOU WANT TO DISCUSS IT. THERE IS NO RESTRICTION
18 ON YOU, HOWEVER FOR THIS WEEK WHILE YOU ARE SERVING JURY
19 DUTY WE ASK THAT YOU HAVE NO CONTACT WITH ANYONE DURING THE
20 TRIAL OF THIS CASE OR DURING YOUR SERVICE AS JURORS THIS
21 WEEK.

22 LIKEWISE YOU ARE NOT TO CONDUCT ANY INDEPENDENT
23 INVESTIGATIONS INTO A CASE. YOU'RE NOT TO GO ON THE
24 INTERNET OR TRY TO FIND OUT ANYTHING ABOUT A CASE.
25 EVERYTHING YOU NEED TO BASE YOUR DECISION IN THIS CASE AND

1 IN ANY CASE THIS WEEK WILL BE PRESENTED TO YOU IN EVIDENCE.

2 NOW IS THE TIME FOR LET ME GO AHEAD AND GIVE YOU
3 SOME PRELIMINARY INSTRUCTIONS BUT AS I TOLD YOU EARLIER
4 BEFORE OR FOR YOU TO SERVE AS JURORS THIS WEEK YOU ARE
5 CONSTANTLY TAKING OATHS AND SO I'LL NEED EVERYONE TO PLEASE
6 STAND AND RAISE THEIR RIGHT HAND WHILE THE CLERK
7 ADMINISTERS THE OATH FOR YOU TO SERVE AS JURORS IN THIS
8 PARTICULAR CASE.

9 (WHEREUPON, THE JURY WAS SWORN.)

10 THE COURT: ALL RIGHT, IS THERE ANY MEMBER OF
11 THE JURY WHO DID RESPOND TO THE OATH BY SAYING I DO, PLEASE
12 STAND?

13 (NO RESPONSE.)

14 GOOD, THANK YOU VERY MUCH. NOW BEFORE WE BEGIN
15 THIS TRIAL I WANT TO TELL YOU THIS TRIAL WILL PROBABLY BE
16 DIFFERENT FROM WHAT YOU'RE ACCUSTOMED TO, WHAT YOU'RE USED
17 TO SEEING ON T.V. AND IN THE MOVIES AND READING IN BOOKS.
18 TRIALS ARE OFTEN FULL OF A LOT OF ACTION, A LOT OF
19 SUSPENSE, AND THINGS OF THAT NATURE, AND WHILE THAT MIGHT
20 BE THE CASE IN THIS TRIAL IT PROBABLY WON'T BE. THE MAJOR
21 FUNCTION OF THIS TRIAL IS TO FIND OUT THE TRUTH, TO
22 DETERMINE FACTUALLY WHAT HAPPENED IN THIS CASE. THAT IS
23 OFTEN A SLOW REPETITIVE PROCESS AND THE EXACT OPPOSITE OF
24 WHAT YOU'RE ACCUSTOMED TO WHEN WATCHING T.V. OR THE MOVIES
25 OR THINGS OF THAT NATURE, HOWEVER WE HOPE THAT YOU DO FIND

1 THE TRIAL EDUCATIONAL. WE HOPE THAT YOU DO FIND THE TRIAL
2 INTERESTING.

3 NOW THE ATTORNEYS APPEARING BEFORE YOU ARE
4 ADVOCATES FOR THE PARTIES THEY REPRESENT BUT FIRST AND
5 FOREMOST THEY'RE OFFICERS OF THE COURT. THEY'RE SWORN TO
6 UPHOLD THE INTEGRITY AND THE FAIRNESS OF OUR JUDICIAL
7 SYSTEM AND TO HELP YOU IN A SEARCH FOR THE TRUTH. YOU
8 SHOULD EXPECT THEM TO BE PROFESSIONAL, COMPETENT, AND
9 ETHICAL IN THE REPRESENTATION OF THEIR CLIENTS.

10 NOW WHAT I'LL NOW SAY IS INTENDED TO SERVE AS AN
11 INTRODUCTION TO THE TRIAL OF THIS CASE. THESE ARE, EXCUSE
12 ME, THESE REMARKS ARE NOT A CHARGE ON THE LAW IN THIS CASE.
13 I WILL INSTRUCT YOU ON THE LAW APPLICABLE TO THIS CASE AT
14 THE END OF THE TRIAL BEFORE YOU RETIRE TO CONSIDER YOUR
15 VERDICT. THIS IS MERELY AN EXPLANATION OF THE PROCEDURE
16 WE'LL FOLLOW IN THE TRIAL OF THIS CASE SO THAT YOU MAY
17 BETTER UNDERSTAND WHAT IS HAPPENING.

18 NOW THE DEFENDANT IS CHARGED BY SEVERAL
19 INDICTMENTS FILED IN THIS COURT. HE IS CHARGED WITH THE
20 CRIME OF THE UNAUTHORIZED PRACTICE OF LAW AND THREE COUNTS
21 OF OBTAINING PROPERTY BY FALSE PRETENSE. NOW THE
22 INDICTMENTS ARE SIMPLY THE CHARGE BY WHICH THE CASE IS
23 BROUGHT INTO COURT AND THEY ARE NOT IN ANY SENSE EVIDENCE
24 OF ANY OF THE ALLEGATIONS CONTAINED IN THEM.

25 THE DEFENDANT HAS PLED NOT GUILTY TO THESE

1 INDICTMENTS, THEREFORE, THE STATE HAS THE BURDEN OF PROVING
2 EACH OF THE ELEMENTS OF THE INDICTMENTS BEYOND A REASONABLE
3 DOUBT. IT WILL BE YOUR DUTY, LADIES AND GENTLEMEN, TO
4 DECIDE WHETHER OR NOT THE STATE HAS MET THAT BURDEN.

5 YOUR PURPOSE AS JURORS IS TO FIND AND DETERMINE
6 THE FACTS OF THIS CASE. YOU ARE THE SOLE JUDGE OF THE
7 FACTS OF THIS CASE. IF AT ANY TIME I MAKE ANY COMMENT
8 REGARDING THE FACTS YOU MUST DISREGARD MY COMMENTS. YOU
9 ARE TO DETERMINE THE FACTS FROM THE TESTIMONY YOU HEAR AND
10 THE OTHER EVIDENCE INTRODUCED IN COURT. IT IS UP TO YOU TO
11 DETERMINE THE INFERENCES WHICH YOU FEEL MAY PROPERLY BE
12 DRAWN FROM THAT EVIDENCE.

13 IT IS ESPECIALLY IMPORTANT THAT YOU PERFORM YOUR
14 DUTY OF DETERMINING THE FACTS DILIGENTLY AND
15 CONSCIENTIOUSLY BECAUSE ORDINARILY THERE IS NO WAY TO
16 CORRECT AN ERRONEOUS DETERMINATION OF THE FACTS BY A JURY.

17 ON THE OTHER HAND AND WITH EQUAL EMPHASIS THE
18 SAME LAW THAT MAKES YOU THE JUDGE OF THE FACTS MAKES ME THE
19 JUDGE OF THE LAW OF THIS CASE. THE LAW AS GIVEN BY THE
20 COURT IS THE ONLY LAW YOU MAY CONSIDER. YOU MUST ACCEPT
21 AND FOLLOW THE LAW EVEN THOUGH YOU MAY DISREGARD, EXCUSE
22 ME, MAY DISAGREE WITH IT. JUST AS I CANNOT TELL YOU WHAT
23 THE FACTS OF THIS CASE ARE YOU CANNOT DISAGREE WITH ME
24 ABOUT THE LAW TO BE APPLIED IN THIS CASE.

25 YOUR JOB IS TO TAKE THE LAW AS I GIVE IT TO YOU

1 AND APPLY IT TO THE FACTS AS YOU FIND THOSE FACTS TO BE
2 FROM THE TESTIMONY OF THE WITNESSES AND ANY OTHER EVIDENCE
3 THAT IS INTRODUCED. AFTER DOING THAT YOU WILL RENDER A
4 VERDICT, THAT IS A TRUE AND JUST VERDICT UNDER THE SOLEMN
5 OATH YOU JUST TOOK AS JURORS.

6 NOW UNTIL I ADVISE YOU TO BEGIN YOUR
7 DELIBERATIONS YOU MUST NOT DISCUSS THIS CASE WITH ANYONE
8 INCLUDING YOUR FELLOW JURORS, OR FRIENDS, OR FAMILY
9 MEMBERS, AND ANYONE INVOLVED IN THE CASE. AFTER THE CASE
10 IS SUBMITTED TO YOU YOU MUST DISCUSS IT ONLY IN THE JURY
11 ROOM WITH YOUR FELLOW JURORS. THE ATTORNEYS AND PARTIES IN
12 THIS CASE HAVE BEEN ADVISED THAT THEY ARE NOT TO TALK TO
13 YOU AT ALL, SO IF YOU SEE ANYONE INVOLVED IN THE CASE AND
14 THEY DO NOT SAY HELLO THEY'RE NOT BEING RUDE, THEY'RE JUST
15 FOLLOWING THE INSTRUCTIONS OF THE COURT.

16 NOW DURING THE TRIAL AS I PREVIOUSLY INSTRUCTED
17 YOU, YOU ARE NOT TO READ, LISTEN TO, OR WATCH ANY NEWS
18 REPORTS ABOUT THE CASE. THIS INCLUDES ANYTHING THAT MAY BE
19 IN THE NEWSPAPER OR ON THE INTERNET, THE RADIO, OR THE
20 TELEVISION. YOU MUST NOT CONSIDER ANYTHING YOU MAY HAVE
21 READ OR HEARD ABOUT THE CASE OUTSIDE OF THE COURTROOM
22 WHETHER BEFORE OR DURING THE TRIAL OF THIS CASE.

23 IT IS IMPORTANT THAT YOU KEEP AN OPEN MIND AND
24 NOT DECIDE ANY ISSUE IN THIS CASE UNTIL ALL OF THE EVIDENCE
25 HAS BEEN PRESENTED TO YOU, THE PARTIES HAVE MADE THEIR

1 CLOSING ARGUMENTS AND I'VE INSTRUCTED YOU ON THE LAW IN THE
2 CASE.

3 IT IS YOUR SOLEMN RESPONSIBILITY TO DETERMINE THE
4 GUILT OR INNOCENCE OF THE DEFENDANT AND YOUR VERDICT MUST
5 BE BASED SOLELY ON THE EVIDENCE AS IT IS PRESENTED TO YOU
6 IN THIS TRIAL AND ON THE LAW AS I INSTRUCT YOU DURING AND
7 AT THE CLOSE OF THE TRIAL.

8 NOW IN JUST A MOMENT THE ATTORNEY GENERAL'S
9 OFFICE WILL MAKE WHAT IS CALLED AN OPENING STATEMENT IN
10 WHICH THE STATE WILL EXPLAIN TO YOU THE ISSUES IN THIS CASE
11 OR AT LEAST WHAT THEY THINK THE ISSUES IN THIS CASE ARE.
12 THE ATTORNEY FOR THE DEFENDANT MAY ALSO MAKE AN OPENING
13 STATEMENT ALTHOUGH HE IS NOT REQUIRED TO DO SO.

14 WHAT THE ATTORNEYS TELL YOU DURING THEIR OPENING
15 STATEMENTS IS NOT EVIDENCE IN THIS CASE. IT IS ONLY THEIR
16 CONTENTION AS TO WHAT THE ISSUES IN THIS CASE ARE. THE
17 EVIDENCE IN THIS CASE WILL BE PRESENTED TO YOU BY THE
18 TESTIMONY OF SWORN WITNESSES FROM THE WITNESS STAND AND BY
19 ANY OTHER EXHIBITS THAT MAY BE INTRODUCED INTO EVIDENCE.

20 NOW IN DETERMINING WHAT THE TRUE FACTS ARE IN
21 THIS CASE YOU MUST DECIDE WHETHER OR NOT THE TESTIMONY OF
22 THE WITNESSES IS BELIEVABLE. IT WILL BE MY RESPONSIBILITY
23 TO RULE AS A MATTER OF LAW AS TO WHETHER CERTAIN TESTIMONY
24 IS ADMISSIBLE AT ALL OR NOT BUT ONCE TESTIMONY IS ADMITTED
25 INTO EVIDENCE WHETHER OR NOT YOU BELIEVE IT IS SOLELY FOR

1 YOU TO DETERMINE.

2 IN DECIDING WHETHER TO BELIEVE A WITNESS YOU HAVE
3 THE RIGHT TO CONSIDER THE INTEREST OF ANY WITNESS, THE BIAS
4 OF ANY WITNESS, THE PREJUDICE OF ANY WITNESS, THE
5 OPPORTUNITY FOR THE WITNESS TO HAVE SEEN THE MATTERS AND
6 THINGS ABOUT WHICH THE WITNESS MAY TESTIFY, AND THE WAY THE
7 WITNESS ACTS ON THE WITNESS STAND.

8 YOU HAVE THE RIGHT TO CONSIDER ANYTHING THAT IS
9 IN THE RECORD THAT WILL HELP YOU EVALUATE THE TESTIMONY OF
10 THE WITNESS. THAT MEANS IT IS YOUR DUTY TO PAY CLOSE
11 ATTENTION TO THESE WITNESSES, TO OBSERVE THE WITNESSES, THE
12 LISTEN TO THE WITNESSES, AND TO PAY CLOSE ATTENTION TO THE
13 ATTORNEYS AND TO THE COURT. DON'T LET YOUR THOUGHTS WANDER
14 BUT GIVE STRICT ATTENTION TO THE TESTIMONY IN THIS CASE SO
15 AT THE END OF ALL OF THE TESTIMONY, AFTER THE ARGUMENTS OF
16 COUNSEL, AND THE CHARGE OF THE LAW BY THE COURT YOU WILL
17 THEN BE IN A POSITION TO DETERMINE WHAT THE TRUE FACTS ARE
18 AND TO APPLY THE LAW TO THOSE FACTS AND THUS RENDER A TRUE
19 AND JUST VERDICT.

20 ALL RIGHT, NOW ALSO UNDERSTAND THAT YA'LL HAVE
21 ASKED WHETHER OR NOT YOU CAN TAKE NOTES IN THIS CASE. YOU
22 HAVE BEEN PROVIDED PADS AND YOU HAVE BEEN PROVIDED WRITTEN
23 INSTRUCTIONS AND I WILL ALLOW YOU TO TAKE NOTES, HOWEVER, I
24 MUST GIVE YOU SOME INSTRUCTIONS IN TAKING NOTES. YOU ARE
25 NOT REQUIRED TO TAKE NOTES IN THIS CASE IF YOU DO NOT WANT

1 TO. IF YOU DO DECIDE TO TAKE NOTES YOU CANNOT SHARE YOUR
2 NOTES WITH ANYONE. THE PURPOSE OF NOTE TAKING IS TO
3 REFRESH YOUR MEMORY, TO RAISE SOMETHING IN YOUR MIND THAT
4 YOU THINK IS IMPORTANT DURING THE TRIAL OF THIS CASE.

5 SOME PEOPLE ARE BETTER NOTE TAKERS THAN OTHERS.
6 SOME PEOPLE CAN SIT AND LISTEN TO TESTIMONY AND RECALL IT
7 BETTER THAN OTHERS, SO THE FACT THAT YOU TAKE NOTES DOES
8 NOT MEAN THAT YOU RECALL TESTIMONY OR INTERPRET TESTIMONY
9 ANY BETTER THAN SOMEONE WHO DOES NOT TAKE NOTES. WHEN
10 YOU'RE EXCUSED FROM THE COURTROOM YOU WILL BE REQUIRED TO
11 LEAVE YOUR PADS IN THE JURY BOX AND YOU WILL NEED TO WRITE
12 YOUR NAMES ON THE FRONT OF YOUR PAD SO THAT YOU GET THE
13 RIGHT NOTE PAD BACK WHEN YOU RETURN TO THE JURY ROOM.

14 PLEASE DO NOT GET SO CAUGHT UP IN TAKING NOTES
15 THAT IT AFFECTS YOUR ABILITY THE LISTEN TO THE WITNESSES.
16 IF YOU HEAR SOMETHING DURING TESTIMONY THAT YOU THINK IT IS
17 IMPORTANT AND YOU WANT TO RECALL IT JOT A QUICK NOTE DOWN
18 IN YOUR NOTES SO THAT AT THE END OF THE TRIAL YOU CAN LOOK
19 BACK AND IT WILL REFRESH YOUR MEMORY AND THAT IS THE SOLE
20 PURPOSE OF NOTE TAKING. IT IS NOT TO TAKE A TRANSCRIPT OR
21 TO MAKE A TRANSCRIPT OF EVERYTHING THAT IS TESTIFIED TO.
22 IT IS JUST TO REMIND YOU OF WHAT YOU THINK IS IMPORTANT AND
23 IT IS PERSONAL TO YOU AND NOT TO BE SHARED WITH ANY OTHER
24 JUROR.

25 ALL RIGHT, ARE THERE ANY CHALLENGES OR ADDITIONS

1 TO THE OPENING CHARGES BY THE STATE?

2 MR. MYRICK: NO, YOUR HONOR.

3 THE COURT: ANY BY THE DEFENSE?

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

5 THE COURT: ALL RIGHT, ALL RIGHT, LADIES AND
6 GENTLEMEN, AT THIS TIME WE WILL BEGIN THE TRIAL OF THIS

7 CASE WITH OPENING STATEMENTS. MR. MYRICK, DO YOU HAVE ANY
8 OPENING STATEMENTS?

9 MR. MYRICK: IF IT PLEASE THE COURT?

10 THE COURT: YES, SIR,

11 **OPENING STATEMENT**

12 **BY MR. MYRICK:**

13 GOOD AFTERNOON, YA'LL, I'M ALLEN MYRICK, I WORK
14 FOR THE ATTORNEY GENERAL. WE'RE HERE TODAY CAUSE MR. JOLLY
15 SITTING RIGHT HERE BY HIS LAWYER, MR. LOCKLAIR, HAS BEEN
16 CHARGED WITH PRACTICING LAW WITHOUT A LICENSE, AND THREE
17 COUNTS OF OBTAINING GOODS OR PROPERTY BY FALSE PRETENSES.

18 AS HE SITS THERE RIGHT NOW HE'S INNOCENT, THAT'S
19 THE WAY OUR SYSTEM WORKS. IT'S A GOOD SYSTEM. IT'S MY JOB
20 TO PRESENT EVIDENCE THROUGH WITNESSES WHO ARE GOING TO BE
21 SITTING IN THIS CHAIR. THE EVIDENCE IS GOING TO BE
22 ELICITED FOR THE SOLE PURPOSE OF CONVICTING MR. JOLLY OF
23 THE CRIMES THAT HE'S BEEN CHARGED WITH.

24 NOW WHAT I SAY IS NOT EVIDENCE. WHAT HIS
25 ATTORNEY SAYS IS NOT EVIDENCE. THE ONLY EVIDENCE IN THIS

1 CASE IS GOING TO COME FROM THAT CHAIR AND THE DOCUMENTS
2 INTRODUCED THROUGH THIS COURT. HE'S INNOCENT, HE'S
3 PRESUMED INNOCENT BUT AT THE END OF THIS TRIAL I'M GOING TO
4 ASK YOU TO CONVICT HIM, THANK YOU.

5 THE COURT: MR. LOCKLAIR, DOES THE DEFENSE WHICH
6 TO MAKE AN OPENING STATEMENT?

7 MR. LOCKLAIR: YES, SIR, YOUR HONOR, MAY IT
8 PLEASE THE COURT?

9 THE COURT: ALL RIGHT.

10 OPENING STATEMENT

11 BY MR. LOCKLAIR:

12 LADIES AND GENTLEMEN, ONCE AGAIN MY NAME IS
13 WESLEY LOCKLAIR; I REPRESENT MR. JOLLY IN THIS CASE THAT'S
14 BEEN BROUGHT BY THE ATTORNEY GENERAL'S OFFICE AGAINST HIM.
15 AS MR. MYRICK TOLD YOU MR. JOLLY IS PRESUMED INNOCENT
16 THROUGHOUT THIS TRIAL AND IT IS UP TO THE STATE TO PROVE
17 HIM GUILTY BEYOND A REASONABLE DOUBT. ALSO AS HE SAID WHAT
18 I SAY AND WHAT HE SAYS IS NOT EVIDENCE, THE EVIDENCE IS
19 GOING TO COME THROUGH THESE WITNESSES AND THE JUDGE HAS
20 GAVE YOU SOME PRELIMINARY INSTRUCTIONS ABOUT JUDGING THE
21 CREDIBILITY OF WITNESSES AND GETTING TO THE BOTTOM OF THE
22 CASE AND BY BASICALLY SEARCHING FOR THE TRUTH; THAT'S YOUR
23 JOB. JUST AS THE JUDGE SAID HE'S THE JUDGE OF THE LAW,
24 YOU'RE THE SOLE JUDGES OF THE FACTS. NOBODY CAN TELL YOU
25 WHAT THE FACTS ARE; THAT'S FOR THE 12 OF YOU TO DECIDE

1 COLLECTIVELY WHEN YOU GO BACK AND DELIBERATE, AND I SAY
2 THIS BECAUSE WHEN THESE WITNESSES GET UP AND TESTIFY YOU'RE
3 GOING TO HEAR SOME STORIES THAT AREN'T GOING TO SOUND GOOD
4 BECAUSE THEY'RE GOING TO BE SAD.

5 THIS IS ABOUT SOME PEOPLE WHO LOST THEIR HOMES
6 AND NOBODY IS GOING TO FEEL GOOD ABOUT SOMEBODY LOSING
7 THEIR HOME. IT'S GOING TO AROUSE A CERTAIN AMOUNT OF
8 EMOTION IN EVERYBODY BECAUSE PEOPLE GET INTO A BAD
9 SITUATION AND OBVIOUSLY A HOME IS A BIG INVESTMENT, A BIG
10 PERSONAL DEAL, BUT WHEN YOU FEEL THOSE EMOTIONS YOU HAVE TO
11 SET THOSE ASIDE AND THAT'S WHY YA'LL HAVE ONE OF THE
12 HARDEST JOB IN THE COURTROOM BECAUSE YOU HAVE TO DECIDE THE
13 FACTS OF THE CASE WITHOUT EMOTION OF PASSION. YOU HAVE TO
14 SET ALL THAT ASIDE AND LOOK AT IT LOGICALLY AND REASONABLY
15 AND APPLY THE LAW THE JUDGE GIVES YOU TO THE FACTS AND
16 DECIDE WHAT REALLY OCCURRED AND DID A CRIME REALLY OCCUR.

17 NOW MR. JOLLY HAS BEEN CHARGED WITH UNAUTHORIZED
18 PRACTICE OF LAW AND OBTAINING PROPERTY BY FALSE PRETENSES.
19 I SUBMIT TO YOU THAT WHEN THE EVIDENCE COMES FROM THE
20 WITNESS STAND YOU'RE GOING TO SEE THAT WHILE THESE PEOPLE
21 LOST THEIR HOMES WHAT MR. JOLLY DID WAS NOT A CRIMINAL ACT.
22 THERE WAS NO INTENT ---

23 MR. MYRICK: THAT'S IMPROPER ARGUMENT IN AN
24 OPENING STATEMENT, YOUR HONOR.

25 THE COURT: ALL RIGHT, OVERRULED, GO AHEAD.

1 MR. LOCKLAIR: (CONTINUING) WE THINK THAT IT
2 WILL SHOW THAT THERE WASN'T AN INTENT TO DEFRAUD BECAUSE
3 WHICH IS REQUIRED BY THE STATUTE. WE THINK THE EVIDENCE IS
4 GOING TO SHOW THAT THESE PEOPLE WERE DISTRESSED; THEY'RE
5 WERE BEHIND IN THEIR MORTGAGES FOR WHATEVER REASON, WHETHER
6 IT WAS UNEMPLOYMENT, WHETHER IT WAS OTHER OBLIGATIONS,
7 WHETHER THEY OBTAINED A LOAN THAT THEY THAT THEY WEREN'T
8 ABLE TO PAY BECAUSE SOMETHING CHANGED IN THEIR LOAN
9 CIRCUMSTANCES, BUT FOR WHATEVER REASON THEY WERE GOING TO
10 BE BEHIND IN THEIR LOAN PAYMENTS. AND WE SUBMIT THE
11 EVIDENCE IS GOING TO SHOW THAT MR. JOLLY HAD A COMPANY
12 WHERE HE OFFERED PEOPLE HELP TO TRY TO GET THEM OUT OF
13 THOSE, THESE SITUATIONS AND YOU'RE GOING TO HEAR EVIDENCE
14 FROM THEM ABOUT EVENTUALLY HOW THEIR HOUSES DID GET
15 FORECLOSED ON AND THE GOVERNMENT IS ALSO GOING TO, WE
16 SUBMIT, OFFER EVIDENCE THAT'S GOING TO SHOW THAT THEY
17 PROPOSED THAT MR. JOLLY WAS TRYING TO OBTAIN THIS PROPERTY
18 FROM THEM BY FALSE PRETENSE BY HAVING THEM DO A QUITCLAIM
19 DEED TO THEM, BUT WE THINK THE EVIDENCE IS ULTIMATELY GOING
20 TO SHOW THROUGH THESE SAME WITNESSES THAT THAT REALLY
21 WASN'T THE CASE.

22 WHY IT MIGHT LOOK LIKE THAT FROM AFAR WHEN YOU
23 REALLY GET DOWN INTO THE DETAILS OF IT WHAT HE WAS DOING
24 WAS TRYING TO OFFER A RESOLUTION TO THE BANKS TO RESOLVE
25 THE CASE AND IF THEY DIDN'T WANT TO RESOLVE IT THROUGH A

1 SETTLEMENT THEN TO TAKE IT TO CIVIL COURT AND RESOLVE IT
2 THAT WAY, BASICALLY TRYING TO FIND A WAY IN THE LAW, WE
3 THINK THE EVIDENCE WILL SHOW, WHERE THE HOMEOWNER COULD
4 FIGHT THE BANK VERSUS BEING COMPLETELY POWERLESS.

5 NOW AS I TOLD YOU BEFORE HE'S PRESUMED INNOCENT
6 THROUGHOUT THIS WHOLE TRIAL AND THAT'S ANOTHER BURDEN THAT
7 YA'LL CARRY IS YOU'LL HEAR CERTAIN THINGS THAT WHEN YOU
8 HEAR ONE LITTLE PIECE OF IT YOU MIGHT THINK, OH, THAT
9 SOUNDS LIKE HE'S GUILTY BUT I USED TO LISTEN TO PAUL HARVEY
10 WITH MY GRANDFATHER. HE ALWAYS WOULD SAY, YOU KNOW, NOW
11 FOR THE REST OF THE STORY, AND THAT'S WHY YA'LL CAN'T MAKE
12 A DECISION UNTIL YOU HEAR ALL THE EVIDENCE IN THE CASE AND
13 THE JUDGE CHARGES YOU ON THE LAW AND THEN YOU GO BACK AND
14 DELIBERATE BECAUSE AS THE STATE PRESENTS THEIR EVIDENCE
15 IT'S OBVIOUSLY GOING TO COME ACROSS TO YOU, YOU KNOW, IT'S
16 DAMAGING BECAUSE IT'S THEIR JOB TO PRESENT IT THAT WAY AND
17 THAT'S WHY IT'S IMPORTANT YOU LISTEN TO ALL THE WITNESSES
18 IN THE CASE AND WHAT THEY SAY ON DIRECT AND CROSS
19 EXAMINATION.

20 PART OF WHAT HE'S CHARGED WITH, AS I MENTIONED,
21 WAS OBTAINING PROPERTY BY FALSE PRETENSES AND IT'S
22 IMPORTANT WHEN THE JUDGE CHARGES YOU ON THE LAW TO PAY
23 ATTENTION TO THE LAW BECAUSE PART OF THAT LAW REQUIRES THE
24 INTENT TO CHEAT AND DEFRAUD A PERSON OF THAT PROPERTY; AND
25 WE SUBMIT THAT THE EVIDENCE IS GOING TO SHOW THERE WAS NO

1 INTENT TO CHEAT ANYBODY OR TO DEFRAUD ANYBODY, THAT WHAT
2 MR. JOLLY WAS TRYING TO DO WAS ASSIST HOMEOWNERS IN TRYING
3 TO SAVE THEIR HOMES AGAINST BANKS THAT HAD DEVELOPED BAD
4 BANKING PRACTICES.

5 WE THINK THE EVIDENCE IS GOING TO SHOW THAT WHILE
6 THESE PEOPLE DID LOSE THEIR HOMES AND WHILE THEY DID GIVE
7 MR. JOLLY MONEY HE'S NOT GUILTY OF ANY CRIMES FOR WHAT HE
8 DID AND I THINK ONCE YOU HEAR ALL THE EVIDENCE AND THE
9 JUDGE CHARGES YOU ON THE LAW AND YOU GO BACK AND DELIBERATE
10 YOU'RE GOING TO FIND THAT MR. JOLLY IS NOT GUILTY,. THANK
11 YOU.

12 THE COURT: MR. MYRICK, YOU CAN CALL YOUR FIRST
13 WITNESS.

14 MR. MYRICK: YES, SIR, IF IT PLEASE THE COURT?

15 THE COURT: ALL RIGHT.

16 MR. MYRICK: THE STATE CALLS ANNIE BELL MARTIN.

17 ANNIE BELL MARTIN

18 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

19 MADAM CLERK: PLEASE STATE YOUR FULL NAME AND
20 SPELL YOUR LAST NAME FOR THE COURT.

21 THE WITNESS: MY FIRST NAME IS ANNIE BELL
22 MARTIN, M-A-R-T-I-N.

23 THE COURT: ALL RIGHT, MR. MYRICK.

24 DIRECT EXAMINATION

25 BY MR. MYRICK:

1 Q MS. MARTIN, I'D LIKE TO TAKE A MINUTE AND
2 HAVE YOU INTRODUCE YOURSELF TO THE JURY, WOULD YOU TELL
3 THEM WHERE YOU LIVE AND WHERE YOU WORK?

4 A MY NAME IS ANNIE BELL MARTIN; I LIVE AT
5 CONWAY, SOUTH CAROLINA. I WORK IN
6 THE CAFETERIA AT PEE DEE ELEMENTARY; I AM THE ASSISTANT
7 MANAGER. I'VE BEEN WITH THEM FOR 24 YEARS.

8 Q TWENTY-FOUR YEARS?

9 A YES, SIR.

10 Q AND YOUR ADDRESS IN THAT'S
11 THE STREET ADDRESS?

12 A YES, SIR.

13 Q HOW LONG HAVE YOU LIVED THERE?

14 A I HAVE LIVED THERE 11 YEARS.

15 Q MS. MARTIN, WHAT WAS THE STATE OF YOUR
16 MORTGAGE IN THE SUMMER OF 2008?

17 A I HAD GOTTEN BEHIND ON MY PAYMENTS AND I
18 WAS FACING INTENT TO FORECLOSE AND I WAS SEEKING HELP ON
19 REFINANCING.

20 Q WHAT HAPPENED THAT CAUSED YA'LL TO GET
21 BEHIND?

22 A MY HUSBAND'S WORK HAD FAILED AND I COULDN'T
23 MAKE ENDS MEET ON MY PAY CHECK FROM THE SCHOOL DISTRICT.

24 Q WHAT KIND OF WORK WAS IT?

25 A HE WAS A CONTRACTOR; HE BUILT HOMES.

1 Q AND WHEN DID YOU FIRST MEET MR. JOLLY?

2 A I WAS INTRODUCED TO, I MET MR. JOLLY IN
3 LATTER PART OF JUNE, THE FIRST PART OF JULY 2009.

4 Q AND WHERE DID YOU MEET HIM?

5 A HE HAS AN OFFICE OR HE HAD AN OFFICE IN
6 SOCASTEE.

7 Q IS THAT IN HORRY COUNTY?

8 A YES, SIR.

9 Q AND DO YOU SEE MR. JOLLY HERE TODAY?

10 A YES, SIR.

11 Q WOULD YOU POINT HIM OUT, PLEASE, FOR THE
12 RECORD?

13 A HE'S SITTING OVER HERE.

14 Q WHEN YOU MET WITH -- RIGHT THERE?

15 A YES, SIR, OVER HERE.

16 Q WHEN YOU MET WITH MR. JOLLY WHAT DID HE
17 TELL YOU?

18 A HE TOLD ME THAT HE COULD HELP ME WHERE I
19 WOULDN'T LOSE MY HOME AND I WAS UNDER THE IMPRESSION THAT
20 HE WAS REFINANCING MY HOME FOR ME SO THAT I WOULDN'T HAVE
21 TO DEAL WITH THE PRESENT MORTGAGE COMPANY AT THAT TIME.

22 MR. MYRICK: YOUR HONOR, I'D LIKE TO GET
23 SOMETHING MARKED?

24 THE COURT: ALL RIGHT.

25 (WHEREUPON, STATE'S EXHIBIT NUMBER 5 MARKED FOR

1 IDENTIFICATION.)

2 MR. MYRICK: MAY I APPROACH THE WITNESS, YOUR
3 HONOR?

4 THE COURT: YES, SIR.

5 MR. MYRICK: (CONTINUING)

6 Q MS. MARTIN, I'M GOING TO HAND YOU
7 SOMETHING; DO YOU RECOGNIZE THAT?

8 A YES, SIR.

9 Q WHAT IS IT?

10 A IT'S A QUITCLAIM DEED.

11 Q AND WHERE DID YOU GET THAT?

12 A FROM MR. JOLLY.

13 Q AND WHAT DID HE TELL YOU IT WAS?

14 A I'M NOT REALLY SURE EXACTLY HOW HE
15 DESCRIBED IT, MORE AS TO HE WAS IN CHARGE OF MY HOME, I
16 MADE MY PAYMENTS TO HIM.

17 Q MAY I SEE IT?

18 A YES, SIR.

19 Q WOULD YOU READ TO YOURSELF THAT SECOND LINE
20 RIGHT THERE ON THE VERY TOP?

21 A THIS PART?

22 Q YES, MA'AM.

23 A OKAY, THIS INSTRUMENT PREPARED BY ANNIE
24 BELL MARTIN.

25 Q SO IT'S REFERRED TO AS AN INSTRUMENT?

1 A YES, SIR.

2 Q PREPARED BY WHO?

3 A IT SAYS ANNIE BELL MARTIN.

4 Q DID YOU PREPARE IT?

5 A NO, SIR, I DID NOT PREPARE THIS.

6 Q AND WHERE DID YOU GET IT, WHO SPECIFICALLY
7 DID YOU GET IT FROM; WAS IT MR. JOLLY?

8 A YES, SIR.

9 MR. MYRICK: YOUR HONOR, WE'RE GOING TO OFFER
10 THIS INTO EVIDENCE AS A SELF-AUTHENTICATED PUBLIC DOCUMENT.

11 THE COURT: ANY OBJECTION?

12 MR. LOCKLAIR: WE WOULD OBJECT TO THE SELF-
13 AUTHENTICATED.

14 MR. MYRICK: YOUR HONOR, IT'S GOT THE RAISED
15 SEAL OF THE REGISTERED DEED.

16 THE COURT: ALL RIGHT, LET ME SEE IT.

17 MR. LOCKLAIR: WE STILL THINK IT WOULD REQUIRE
18 AUTHENTICATION THROUGH THE WITNESS WHICH IS UP TO YOUR
19 HONOR TO DECIDE.

20 THE COURT: ALL RIGHT, I'M GOING TO GO AHEAD AND
21 ADMIT STATE'S EXHIBIT NUMBER 5 OVER THE OBJECTION OF THE
22 DEFENDANT.

23 MR. MYRICK: THANK YOU, YOUR HONOR.

24 THE COURT: THANK YOU.

25 (WHEREUPON, STATE'S EXHIBIT NUMBER 5 ENTERED INTO

1 EVIDENCE.)

2 MR. MYRICK: (CONTINUING)

3 Q NOW I SEE YOUR NAME ON THAT DOCUMENT,
4 WHAT'S ABOVE YOUR NAME? WHAT'S THE WORD THAT APPEARS ABOVE
5 YOUR NAME IN THAT LITTLE CAPTION?

6 A IN TESTIMONY WHEREOF.

7 Q NO, MA'AM, THERE'S A LITTLE BOX ON THE VERY
8 FIRST PAGE?

9 A OH, ON THE FIRST PAGE, I'M SORRY, QUITCLAIM
10 DEED, OH, GUARAN-

11 Q GRANTOR?

12 A GRANTOR, OKAY, I'M SORRY.

13 Q AND IS THERE A GRANTEE LISTED?

14 A YES, SIR.

15 Q WHO IS THE GRANTEE?

16 A ROBERT STEVE JOLLY.

17 Q MAY I HOLD IT FOR A MOMENT?

18 A YES, SIR.

19 MR. MYRICK: YOUR HONOR, I'D LIKE TO PUBLISH A
20 SENTENCE OUT OF THIS NOW THAT IT'S BEEN ADMITTED TO THE
21 JURY?

22 THE COURT: ALL RIGHT.

23 MR. MYRICK: (CONTINUING)

24 Q SAYS "AND WITNESS WHEREOF THE GRANTOR ANNIE
25 BELL MARTIN ON 7-2-08 HEREBY ACKNOWLEDGED AS REMISED,

1 RELEASED, AND FOREVER QUITCLAIM UNTO THE GRANTEE MR. JOLLY
2 AND HIS OR HER HEIRS AND ASSIGNS ALL RIGHT, TITLE, CLAIM,
3 AND INTEREST IN A TRACT OR PARCEL OF LAND"; DO YOU KNOW
4 WHAT PARCEL OF LAND THIS REFERRED TO?

5 A THE PROPERTY I'M LIVING ON.

6 Q IT'S YOUR HOME?

7 A YES, SIR.

8 Q AND IS THIS YOUR SIGNATURE, RIGHT THERE IS
9 THAT YOUR NAME?

10 A THAT'S MY NAME, YES, SIR.

11 Q WHAT DID HE TELL YOU THIS DOCUMENT
12 ACCOMPLISHED; WHY DID HE HAVE YOU SIGN IT, WHAT DID, WHAT
13 DID HE TELL YOU?

14 A THAT HE WOULD OWN MY HOME UNTIL I PAID HIM
15 FOR IT.

16 Q OUTRIGHT?

17 A OUTRIGHT, YES, SIR, THAT'S WAS HIS QUOTE
18 WORDS, HE'D OWN MY HOME UNTIL I PAID HIM FOR IT.

19 Q NOW AND WHAT WAS SUPPOSED TO HAPPEN WHEN
20 YOU PAID HIM OFF?

21 A ONCE I PAID HIM OFF THEN IT WAS SUPPOSED TO
22 BE MY HOME, THAT NOBODY COULD TOUCH, NO ONE COULD TAKE FROM
23 ME.

24 Q NOW --

25 MR. MYRICK: YOUR HONOR, I'D LIKE TO GET

1 SOMETHING ELSE MARKED?

2 THE COURT: ALL RIGHT.

3 (WHEREUPON, STATE'S EXHIBIT NUMBER 6 MARKED FOR
4 IDENTIFICATION.)

5 MR. MYRICK: IF I MIGHT APPROACH THE WITNESS
6 AGAIN, YOUR HONOR?

7 THE COURT: ALL RIGHT.

8 MR. MYRICK: (CONTINUING)

9 Q MS. MARTIN, I'M GOING TO HAND YOU WHAT'S
10 BEEN MARKED AS STATE'S EXHIBIT NUMBER 6; WOULD YOU TELL THE
11 JURY WHAT THAT IS?

12 A THIS IS A PROMISSORY NOTE THAT I WAS GIVEN
13 WITH MR. JOLLY'S NAME ON IT WITH THE AMOUNT OF MY HOME FOR
14 \$68,000 ON JANUARY THE 9TH, OF 2008 WITH THE INTEREST RATE
15 OF ONE POINT OR ONE FOURTH PERCENT.

16 Q OKAY, NOW THAT COPY IS NOT SIGNED?

17 A NO, SIR.

18 Q WHY NOT?

19 A THIS WAS JUST MY COPY; THEY KEPT ORIGINAL
20 THAT WAS SIGNED.

21 Q HE DIDN'T GIVE YOU A COPY OF YOUR OWN?

22 A NOT WITH MY SIGNATURE ON IT, NO, SIR.

23 Q WELL WHAT DID YOU PROMISE TO DO IN THAT
24 DOCUMENT?

25 A I PROMISED TO MAKE PAYMENTS TO HIM OF \$500

1 A MONTH UNTIL MY HOME WAS PAID IN FULL.

2 Q AND DID YOU MAKE THE PAYMENTS?

3 A YES, I DID.

4 Q AND IS THAT AN EXACT COPY?

5 A YES, SIR.

6 MR. MYRICK: YOUR HONOR, WE'D MOVE TO ENTER THAT
7 INTO EVIDENCE?

8 THE COURT: ANY OBJECTION?

9 MR. LOCKLAIR: NO OBJECTION, YOUR HONOR.

10 THE COURT: ALL RIGHT, STATE'S EXHIBIT NUMBER 6
11 ADMITTED INTO EVIDENCE WITHOUT OBJECTION.

12 (WHEREUPON, STATE'S EXHIBIT NUMBER 6 ENTERED INTO
13 EVIDENCE.)

14 MR. MYRICK: (CONTINUING)

15 Q NOW WHO WERE YOU SUPPOSED TO PAY UNDER
16 THIS?

17 A MR. JOLLY.

18 Q AND DID YOU PAY HIM?

19 A YES, SIR, I DID.

20 Q I'M GOING TO HAND YOU WHAT'S BEEN MARKED AS
21 STATE'S EXHIBIT NUMBER 7 --

22 (WHEREUPON, STATE'S EXHIBIT NUMBER 7 MARKED FOR
23 IDENTIFICATION.)

24 MR. MYRICK: (CONTINUING)

25 Q I'M GOING TO HAND YOU WHAT'S BEEN MARKED AS

1 STATE'S NUMBER 7 --

2 (WHEREUPON, STATE'S EXHIBITS NUMBERS 8, 9, 10,
3 11, 12, 13, 14, AND 15 MARKED FOR IDENTIFICATION.)

4 MR. MYRICK: (CONTINUING)

5 Q WHAT DID I HAND YOU MARKED AS NUMBER 7?

6 A IT'S A COPY OF MY CHECK PAYABLE TO MR.
7 JOLLY OR JOLLY AND ASSOCIATES.

8 Q IS THAT YOUR SIGNATURE ON IT?

9 A YES, SIR, IT IS.

10 Q IS THAT AN EXACT COPY?

11 A EXACT COPY.

12 Q HOW MUCH DID YOU PAY HIM?

13 A FIVE HUNDRED DOLLARS.

14 Q AND WHEN WAS THAT?

15 A THIS ONE WAS APRIL THE 4TH OF '09.

16 Q I'M GOING TO HAND YOU WHAT'S BEEN MARKED AS
17 STATE'S NUMBER 15?

18 A OKAY.

19 Q WHAT EXACTLY IS THAT?

20 A THIS IS A STATEMENT THAT HE SENT ME SHOWING
21 THESE PAYMENTS THAT I HAD MADE TO HIM, THE FIRST ONE AT 725
22 ON JULY 2ND AND THEN \$500 AFTER THAT.

23 Q AND THAT'S YOUR CHECK AND YOUR SIGNATURE?

24 A YES, SIR, IT IS.

25 Q AND HE COPIED YOUR CHECK ONTO THE BOTTOM OF

1 THE STATEMENT?

2 A I ALWAYS DID THAT.

3 Q YOU DID THAT?

4 A YES, SIR.

5 Q TO KEEP TRACK?

6 A YES, SIR.

7 Q AND I'M GOING TO HAND YOU NUMBER 14, NUMBER
8 13; WHAT ARE THOSE?

9 A THESE ARE ALSO COPIES OF CHECKS THAT I
10 MADE, SENT TO HIM.

11 Q AND WHAT MONTH?

12 A NOVEMBER THE 7TH OF 2008, DECEMBER THE 1ST
13 OF 2008, IN THE AMOUNT OF \$500 APIECE.

14 (WHEREUPON, STATE'S EXHIBITS NUMBERS 16, 17, AND
15 18 AND 19 MARKED FOR IDENTIFICATION.)

16 MR. MYRICK: (CONTINUING)

17 Q AND ARE THE STATEMENTS ATTACHED TO THOSE
18 CHECKS AS WELL?

19 A YES, SIR, EACH ONE FOR \$500 THAT I MADE
20 PAYABLE TO HIM.

21 Q I'M GOING TO HAND YOU WHAT'S BEEN MARKED AS
22 STATE'S NUMBER 10; WOULD YOU IDENTIFY THAT, PLEASE?

23 A THIS IS ALSO A STATEMENT FROM MR. JOLLY.

24 Q WHEN DID YOU GET THAT ONE?

25 A THIS ONE CAME MARCH THE 1ST OF 2009.

1 Q IS THAT AN EXACT COPY?

2 A YES, SIR.

3 Q I'M GOING TO HAND YOU WHAT'S BEEN MARKED AS
4 STATE'S 11, AS WELL, AND STATE'S 12; WHAT ARE THOSE?

5 A THESE ARE ALSO STATEMENTS FROM MR. JOLLY.

6 Q AND NUMBER 10 WHEN DID YOU RECEIVE THAT
7 FROM MR. JOLLY?

8 A NUMBER 10 I RECEIVED ON MARCH THE 1ST OF
9 2009.

10 Q AND DID IT LIST ALL THE PAYMENTS UP UNTIL
11 THAT TIME?

12 A YES, SIR.

13 Q AND IS IT AN ACCURATE COPY?

14 A YES, SIR.

15 Q OF EXACTLY WHAT YOU GOT IN THERE FROM HIM?

16 A YES, SIR.

17 Q AND WAS THAT THE LAST STATEMENT YOU GOT OR
18 DID YOU GET ONE AFTER THAT?

19 A I DON'T THINK I RECEIVED ANY AFTER THE
20 MARCH STATEMENT, I THINK THAT WAS THE LAST ONE.

21 Q MAY I HOLD IT, PLEASE?

22 A YES, SIR.

23 Q AND WHAT IS NUMBER 19?

24 A NUMBER 19 IS A CASHIERS CHECK IN THE AMOUNT
25 OF SEVEN HUNDRED AND SIXTY ONE DOLLARS TO JOLLY AND

1 ASSOCIATES WHICH WAS THE DOWN PAYMENT.

2 Q FROM WHO?

3 A FROM ME TO MR. JOLLY.

4 Q A DOWN PAYMENT FOR WHAT?

5 A FOR THEM TO START, WELL I DON'T KNOW IF
6 YOU'D CALL IT A DOWN PAYMENT BECAUSE THEY JUST SAID THEY
7 NEEDED THE 761 CHECK TO SEND TO MY MORTGAGE COMPANY AND IF
8 MY MORTGAGE COMPANY ACCEPTED IT IT MEANT THAT THEY AGREED
9 TO THE DEAL THAT MR. JOLLY HAD MADE WITH THEM.

10 Q I'M GOING TO HAND YOU WHAT IS STATE'S
11 NUMBER 18; DO YOU RECOGNIZE THAT?

12 A YES, SIR.

13 Q WHAT IS IT?

14 A THAT'S A COPY OF MY CHECK THAT I MADE
15 PAYABLE TO HIM.

16 Q ON WHAT DATE?

17 A ON APRIL THE 4TH OF '09.

18 Q IS IT ACCURATE?

19 A YES, SIR, IT IS.

20 Q I'M GOING TO HAND YOU WHAT'S BEEN MARKED AS
21 STATE'S 6824; WHAT IS THAT?

22 A THIS IS A COPY OF A STATEMENT WITH A COPY
23 OF THE RECEIPT OF THE CHECK I SENT TO THEM ALSO.

24 Q A DIFFERENT CHECK?

25 A YES, SIR.

1 Q WHEN IT IS DATED?

2 A THIS ONE IS DATED FOR OCTOBER THE 1ST OF
3 2008.

4 Q I'M GOING TO HAND YOU WHAT'S BEEN MARKED AS
5 STATE'S NUMBER 16; IS THAT THE SAME THING?

6 A YES, SIR, THAT'S THE SAME THING.

7 Q BUT A DIFFERENT DATE?

8 A YES, SIR, FEBRUARY THE 20TH.

9 Q WHAT IS THAT ONE DATED?

10 A FEBRUARY THE 20 OF 2009.

11 Q I'M GOING TO HAND YOU WHAT'S BEEN MARKED
12 NUMBER 17; WHAT'S THAT?

13 A IT'S A COPY OF THE MARCH 1ST 2009 CHECK.

14 Q I'M ALSO GOING TO HAND YOU 8 AND 9; WHAT
15 ARE THOSE?

16 A THESE ARE ALSO COPIES OF THE CHECKS THAT I
17 MAILED HIM, ONE IS FOR AUGUST OF 2008 AND ONE IS FOR
18 SEPTEMBER 2008.

19 Q EVERYTHING I'VE HANDED YOU IS AN EXACT
20 COPY?

21 A YES, SIR.

22 MR. MYRICK: YOUR HONOR, WE'RE GOING TO MOVE TO
23 ADMIT STATE'S 8, 9, 17, 16, 18, 19, AS WELL AS 7, 10, 12,
24 11, 15, 14, AND 13.

25 THE COURT: ALL RIGHT, ANY OBJECTIONS?

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

2 THE COURT: ALL RIGHT, STATE'S EXHIBITS 7, 8, 9.
3 10, 11, 12, 13, 14, 15, 16, 17, 18, AND 19 ARE ADMITTED
4 INTO EVIDENCE WITHOUT OBJECTION.

5 MR. MYRICK: (CONTINUING)

6 Q NOW HOW MUCH DID YOU PAY HIM ALL TOGETHER?

7 A ALL TOGETHER I PAID HIM \$5225.

8 Q DO YOU THINK THIS WAS A SATISFACTORY
9 ARRANGEMENT?

10 A YES, I DID, I TRUSTED HIM IN MAKING THESE
11 PAYMENTS TO HIM AND I MADE THESE PAYMENTS TO HIM
12 FAITHFULLY.

13 Q WHAT HAPPENED WITH YOUR HOUSE?

14 A MY HOUSE STILL WENT INTO INTENT TO
15 FORECLOSE, NONE OF THIS MONEY WENT TOWARDS THE MORTGAGE.

16 Q WHEN DID YOU FIND THAT OUT?

17 A NOT UNTIL 2009.

18 Q HAD YOUR MORTGAGE COMPANY BEEN GETTING
19 PAID?

20 A NO, SIR.

21 Q YOU WERE PAYING MR. JOLLY THE WHOLE TIME?

22 A YES, SIR.

23 Q AND YOU SIGNED YOUR HOUSE OVER TO HIM?

24 A YES, SIR.

25 Q WHAT DID MR. JOLLY DO TO HELP YOU?

1 A WELL IN THE END HE DIDN'T REALLY DO
2 ANYTHING TO HELP ME; HE WAS SUPPOSED TO HELP ME SAVE MY
3 HOME.

4 Q DO YOU KNOW OF ANYTHING CONSTRUCTIVE HE DID
5 TO HELP YOU?

6 A NO, SIR, IT ONLY HURT ME MORE BECAUSE IN
7 THE END I HAD TO COME UP WITH ALMOST \$3000 TO KEEP THEM
8 FROM FORECLOSING ON ME, AT ONE TIME.

9 Q I NOTICED YOU TOOK SOMETHING TO THE WITNESS
10 STAND WITH YOU?

11 A YES, SIR, IT'S HIS BUSINESS CARD.

12 Q WHERE DID YOU GET THAT?

13 A FROM HIM, FROM HIS OFFICE.

14 MR. MYRICK: I'D LIKE TO GET THIS MARKED, YOUR
15 HONOR.

16 (WHEREUPON, STATE'S EXHIBIT NUMBER 20 MARKED FOR
17 IDENTIFICATION.)

18 MR. MYRICK: (CONTINUING)

19 Q WHERE EXACTLY DID YOU GET THIS?

20 A FROM MR. JOLLY'S OFFICE.

21 Q HAVE YOU CHANGED IT?

22 A SIR?

23 Q SINCE YOU GOT IT HAVE YOU ALTERED IT?

24 A NO, SIR.

25 MR. MYRICK: YOUR HONOR, THE STATE MOVES TO

1 ENTER EXHIBIT 20.

2 THE COURT: ANY OBJECTION?

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

4 THE COURT: ALL RIGHT, PLAINTIFF'S EXHIBIT
5 NUMBER 20 ADMITTED INTO EVIDENCE WITHOUT OBJECTION.

6 MR. MYRICK: (CONTINUING)

7 Q WHAT DOES IT SAY ON THE FRONT, MS. MARTIN?

8 A STEVE JOLLY, CONSULTANT, JOLLY AND
9 ASSOCIATES LLC, NO PROBLEMS, ONLY SOLUTIONS.

10 Q SOLUTIONS?

11 A YES, SIR.

12 Q DID HE OFFER YOU ANY SOLUTION?

13 A HE OFFERED PLENTY OF SOLUTIONS.

14 Q NOW WERE YOU GETTING MAIL FROM YOUR BANK AT
15 THE TIME?

16 A AT THAT TIME, NO, SIR.

17 Q WHO WAS YOUR MORTGAGE COMPANY?

18 A I ASSUMED IT WAS JOLLY AND ASSOCIATES.

19 Q BUT WHO WAS IT REALLY?

20 A CARRINGTON MORTGAGE.

21 Q DID YOU HAVE A DISCUSSION WITH THE
22 DEFENDANT ABOUT CARRINGTON MORTGAGE?

23 A YES, SIR.

24 Q WHAT DID HE TELL YOU?

25 A HE TOLD ME TO SEND A LETTER TO CAROLINA,

1 CARRINGTON MORTGAGE, I'M SORRY, CARRINGTON MORTGAGE STATING
2 FOR THEM TO CEASE AND DESIST ON CONTACTING ME AND CALLING
3 ME IN ANY WAY AT ALL AND IF I DID RECEIVE ANYTHING FROM
4 THEM I WAS TO BRING IT TO HIM AND HE WOULD HANDLE IT.

5 Q HOW DID YOU FEEL WHEN YOU LEFT HIS OFFICE
6 AFTER THAT FIRST MEETING?

7 A I WAS CONFIDENT THAT HE WAS A SOLUTION TO
8 MY PROBLEM THAT I WOULD NOT LOOSE MY HOME.

9 Q AND DID YOU FOLLOW HIS ADVICE?

10 A YES, I DID.

11 Q WHAT DID HE TELL YOU ABOUT LAWYERS?

12 A HE TOLD ME IN HIS OFFICE THAT LAWYERS DID
13 NOT LIKE TO COME UP AGAINST HIM BECAUSE HE COULD ALWAYS
14 BEAT THEM AT THEIR GAME. HE ALSO MADE A STATEMENT THAT IF
15 A POLICE OFFICER WAS TO PULL US OVER AND WRITE US A TICK,
16 WRITE US FIVE TICKETS OR MORE AT ONE TIME THAT WE COULD
17 BEAT IT BECAUSE WE COULD PROVE THAT THE OFFICER WAS ANGRY
18 AND WAS TAKING IT OUT ON US.

19 Q ADVICE, HUH?

20 A YES, SIR.

21 Q WELL DID YOU FIND OUT LATER FROM CARRINGTON
22 WHAT THE STATUS OF YOUR HOUSE WAS?

23 A I DIDN'T FIND OUT UNTIL I CAME TO THE
24 COURTHOUSE TO FIND OUT WHY I HAD NOT RECEIVED A TAX NOTICE.

25 Q AND WHAT DID YOU FIND OUT ABOUT YOUR HOUSE?

1 A AT THAT POINT IN TIME I LEARNED THAT MY
2 HOUSE WAS NOT IN MY NAME, IT WAS IN MR. JOLLY'S NAME, AND
3 THEN I HAD TO GET THEM TO CHANGE IT FROM HIS NAME BACK TO
4 MY NAME SO THAT I COULD GET MY TAX NOTICE AND MAKE MY TAX
5 PAYMENTS AND THEN GET STRAIGHT WITH CARRINGTON MORTGAGE
6 WHICH I SAID, YOU KNOW, I HAD TO COME UP WITH \$3000 TO KEEP
7 THEM FROM FORECLOSING ON ME.

8 (WHEREUPON, STATE'S EXHIBIT NUMBER 21 MARKED FOR
9 IDENTIFICATION.)

10 MR. MYRICK: (CONTINUING)

11 Q I'M GOING TO HAND YOU WHAT HAS BEEN MARKED
12 AS STATE'S NUMBER 21. FIRST OF ALL I'D DIRECT YOUR
13 ATTENTION TO PAGE SEVEN; WHOSE SIGNATURE IS THAT ON IT?

14 A THAT'S MY SIGNATURE.

15 Q HOW DID THAT DOCUMENT COME TO BE, TAKE A
16 MOMENT AND LOOK AT THE WHOLE THING IF YOU FEEL LIKE YOU
17 NEED TO, IF YOU DON'T REMEMBER? DO YOU RECALL?

18 A VAGUELY.

19 Q WHERE DID YOU GET THAT?

20 A FROM MR. JOLLY.

21 Q WHAT DID HE TELL YOU ABOUT IT?

22 A BASICALLY THAT IT WAS PART OF OUR AGREEMENT
23 TO MAKE PAYMENTS TO HIM AND THAT ONCE I HAD PAID THE
24 \$68,000 TO HIM MY HOME WOULD BELONG TO ME AND I DIDN'T HAVE
25 TO WORRY ABOUT THE MORTGAGE COMPANY TAKING MY AWAY HOME

1 FROM ME.

2 Q DID YOU CONSULT A LAWYER ABOUT THAT?

3 A NO, SIR, JUST MR. JOLLY.

4 Q JUST MR. JOLLY?

5 A YES, SIR.

6 Q MAY I SEE IT, AND IS THIS AN EXACT COPY AS
7 YOU REMEMBER OF WHAT YOU SIGNED?

8 A YES, SIR.

9 Q NOW THAT'S YOUR NAME AT THE TIPPY TOP?

10 A YES, SIR.

11 Q DID YOU WRITE THAT; THAT LOAN DOCUMENT DID
12 YOU TYPE THAT UP?

13 A OH, NO, SIR, I DID NOT.

14 Q AND WHERE DID YOU GET IT FROM?

15 A FROM MR. JOLLY.

16 Q AND WHO TOLD YOU TO SIGN IT?

17 A HE DID.

18 Q DO YOU KNOW WHAT HE DID WITH IT?

19 A NO, SIR.

20 Q THEN WHY DID YOU SIGN IT?

21 A BECAUSE I TRUSTED HIM, I THOUGHT HE WAS
22 HELPING ME.

23 MR. MYRICK: YOUR HONOR, WE'D LIKE TO GO AHEAD
24 AND MOVE STATE'S NUMBER 21 INTO EVIDENCE?

25 THE COURT: ANY OBJECTION?

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

2 THE COURT: ALL RIGHT, STATE'S EXHIBIT NUMBER 21
3 ADMITTED INTO EVIDENCE WITHOUT OBJECTION.

4 (WHEREUPON, STATE'S EXHIBIT NUMBER 21 ENTERED
5 INTO EVIDENCE.)

6 MR. MYRICK: (CONTINUING)

7 Q YOU SIGNED IT ON PAGE EIGHT, TOO, DIDN'T
8 YOU, MS. MARTIN?

9 A YES, SIR.

10 Q WOULD YOU TAKE A MINUTE AND READ THAT TO
11 YOURSELF, PLEASE? MS. MARTIN, MAY I INTERRUPT YOU?

12 A YES, SIR.

13 Q DO YOU UNDERSTAND THAT DOCUMENT?

14 A NO, SIR.

15 Q MAY I HAVE IT?

16 A YES, SIR.

17 Q AND WHAT DID YOU FIND OUT ABOUT THE TITLE
18 TO YOUR HOUSE WHEN YOU CONTACTED CARRINGTON AND THE BANK?

19 A WELL CARRINGTON IN THE BEGINNING WOULDN'T
20 TALK WITH, STILL WOULDN'T TALK WITH ME AFTERWARDS.

21 Q WHY NOT?

22 A BECAUSE OF THE LETTER OF CEASE AND DESIST
23 THAT HE HAD TOLD ME TO WRITE THEM.

24 Q WHEN YOU SAY HE, WHO DO YOU MEAN?

25 A MR. JOLLY.

1 Q AND YOU DID WHAT HE SAID?

2 A YES, SIR, I DID.

3 Q WHAT HAPPENED WITH THE TITLE?

4 A IT WAS PUT IN MR. JOLLY'S NAME.

5 Q ALL TOGETHER?

6 A YES, SIR.

7 Q HOW LONG HAVE YOU LIVED THERE?

8 A I PURCHASED THE HOME IN MARCH OF 2000 SO
9 I'VE BEEN THERE 11 YEARS NOW.

10 Q AND HOW FAR, HOW LONG HAD YOU LIVED THERE
11 WHEN YOU FELL BEHIND?

12 A 2008, EIGHT YEARS.

13 Q WHAT DOES OWNING YOUR HOME MEAN TO YOU, MS.
14 MARTIN?

15 A OWNING MY HOME MEANS A GREAT DEAL TO ME.

16 MR. LOCKLAIR: YOUR HONOR, I OBJECT TO THIS LINE
17 OF QUESTIONING. IT'S MADE TO PLAY OFF EMOTION AND
18 PREJUDICE THE JURY AND NOT RELEVANT TO THE FACTS AT HAND.

19 THE COURT: SUSTAINED.

20 MR. MYRICK: (CONTINUING)

21 Q HOW MUCH DO YOU EARN WORKING AT THE
22 ELEMENTARY SCHOOL?

23 A BRING HOME OR GROSS?

24 Q BRING HOME?

25 A BRING HOME, I BRING HOME \$577 DOLLARS EVERY

1 TWO WEEKS.

2 Q AND YOU PAID MR. JOLLY HOW MUCH?

3 A I PAID HIM \$5225.

4 Q TEN WEEKS?

5 A PAY CHECKS, YES, SIR.

6 Q TEN PAY CHECKS?

7 A YES.

8 Q TWENTY WEEKS?

9 A WELL TEN, TEN WEEKS WOULD BE 5000.

10 Q IF YOU HAD KNOWN THEN WHAT YOU KNOW NOW

11 WOULD YOU HAVE SIGNED THAT DOCUMENT?

12 A NO, SIR.

13 Q WOULD YOU HAVE PAID MR. JOLLY?

14 A NO, SIR.

15 Q IS IT SAFE TO SAY YOU PAID HIM ONLY BECAUSE

16 OF WHAT HE TOLD YOU TO DO?

17 A THAT'S THE ONLY REASON I PAID HIM.

18 Q DID HE DO ANY OF IT?

19 A NO, SIR, HE DID NOT.

20 MR. MYRICK: THAT'S ALL I HAVE RIGHT NOW, MS.

21 MARTIN, PLEASE ANSWER ANY QUESTIONS MR. LOCKLAIR HAS.

22 MR. LOCKLAIR: MAY IT PLEASE THE COURT, YOUR

23 HONOR?

24 THE COURT: YES, SIR.

25 CROSS EXAMINATION

1 BY MR. LOCKLAIR:

2 Q GOOD AFTERNOON, MS. MARTIN.

3 A HELLO.

4 Q YOU ORIGINALLY BOUGHT YOUR HOUSE BACK IN
5 2000; WHO WAS THE ORIGINAL MORTGAGER ON THE HOME?

6 A Horry COUNTY STATE BANK.

7 Q AND WHEN DID THAT CHANGE?

8 A FIVE YEARS LATER.

9 Q AND WAS THAT GOING DIRECTLY TO CARRINGTON
10 OR ANYBODY ELSE?

11 A WE WENT TO MR. PAVILACK'S OFFICE IN MYRTLE
12 BEACH AND GOT IT REFINANCED THROUGH, THEY REFINANCED IT
13 WITH CENTURY, CENTURY MORTGAGE COMPANY, AND CARRINGTON
14 MORTGAGE BOUGHT OUT THE CENTURY MORTGAGE COMPANY.

15 Q HAVE YOU EVER HAVE ANY DEALING WITH
16 DEUTSCHE BANK AS FAR AS YOUR HOME?

17 A NOT TO MY KNOWLEDGE.

18 Q WERE THEY INVOLVED IN ANY FORECLOSURE
19 ACTIONS?

20 A I'M NOT REALLY, OKAY, I THINK THAT SOME OF
21 THE FORECLOSURE, INTENT TO FORECLOSURE LETTERS CAME FROM
22 THEM BUT I DIDN'T REALLY KNOW WHO, I JUST ASSUMED THAT WAS
23 SOMEBODY THAT WAS HANDLING IT FOR CARRINGTON.

24 Q ARE YOU FAMILIAR WITH BANKING PRACTICES AT
25 ALL?

1 A NO, SIR.

2 Q HAVE YOU EVER HEARD ABOUT HOW BANKS CAN
3 SELL MORTGAGES TO ANOTHER COMPANY?

4 A RECENTLY I HAVE LEARNED THAT, YES.

5 Q OKAY, DID YOU KNOW AT THE TIME THAT YOUR
6 HOUSE WAS, HAD THE INTENT TO FORECLOSE LETTER TO COME TO
7 YOU; DO YOU KNOW WHO ACTUALLY OWNED THE NOTE AND MORTGAGE
8 ON YOUR HOUSE?

9 A I ASSUMED IT WAS CENTURY.

10 Q IT SHOWED IT WAS CENTURY AT THE TIME?

11 A YES, SIR.

12 Q DID CENTURY EVER TAKE ANY LEGAL ACTION
13 AGAINST YOU TITLED IN THEIR NAME?

14 A TO MY KNOWLEDGE CENTURY DID NOT.

15 Q WHO DID?

16 A CARRINGTON MORTGAGE WHENEVER I GOT BEHIND
17 ON MY PAYMENTS WITH THEM THEY WOULD SEND ME INTENT TO
18 FORECLOSE.

19 Q THAT WAS AFTER THEY BOUGHT CENTURY,
20 CORRECT?

21 A YES.

22 Q OKAY, STATE'S EXHIBIT 21 THAT THE
23 PROSECUTOR SHOWED YOU EARLIER --

24 MR. LOCKLAIR: MAY I APPROACH, YOUR HONOR?

25 THE COURT: YES, SIR.

1 MR. LOCKLAIR: (CONTINUING)

2 Q I'LL SHOW YOU TO REFRESH YOUR RECOLLECTION;
3 HAVE YA'LL SEEN THAT DOCUMENT?

4 A YES, SIR.

5 Q OKAY, AND THIS IS SOMETHING THAT YOU
6 SIGNED, CORRECT?

7 A YES, SIR.

8 Q DID YOU READ IT PRIOR TO SIGNING IT?

9 A NO, SIR.

10 Q WAS IT EXPLAINED TO YOU PRIOR TO SIGNING
11 IT?

12 A TO SOME EXTENT, YES, SIR.

13 Q AND WHAT WAS YOUR UNDERSTANDING OF WHAT
14 THIS DOCUMENT PURPORTED TO DO?

15 A WHAT I UNDERSTOOD IT TO BE WAS THAT MR.
16 JOLLY WAS MY MORTGAGE CARRIER AND THAT I WOULD MAKE MY
17 PAYMENTS TO HIM AND ONCE I PAID IN FULL THEN MY HOME WOULD
18 BE MINE.

19 Q WHAT WAS YOUR UNDERSTANDING OF WHAT WAS
20 GOING TO HAPPEN WITH THAT DEBT WITH CARRINGTON HOW WAS THAT
21 GOING TO BE HANDLED?

22 A I'M SORRY?

23 Q WHAT WAS YOUR UNDERSTANDING OF WHAT WOULD
24 HAPPEN WITH THE DEBT WITH CARRINGTON THE MORTGAGE YOU HAD
25 WITH THEM?

1 A THAT HE WOULD, THAT HE WAS TAKING CARE OF
2 THAT HISSELF.

3 Q OKAY, EARLIER ON DIRECT EXAMINATION YOU
4 SAID THAT \$761 YOU CALLED IT A DOWN PAYMENT AND THEN SAID
5 IT WAS TO SEND TO THE MORTGAGE COMPANY AND SEE IF THE
6 MORTGAGE COMPANY WOULD AGREE WITH THE DEAL THAT MR. JOLLY
7 MADE WITH THEM; IS THAT CORRECT?

8 A YES, SIR.

9 Q WHAT WAS YOUR UNDERSTANDING OF THAT WHOLE
10 SITUATION; WHAT SORT OF DEAL WAS HE PROPOSING TO THE
11 MORTGAGE COMPANY?

12 A THAT WAS EXPLAINED TO ME THAT IF THE, IF
13 THE MORTGAGE COMPANY CASHED THAT CHECK IT MEANT THAT THEY
14 WOULD ACCEPT THE DEAL THAT HE HAD OFFERED THEM ON SELLING
15 MY MORTGAGE TO HIM AND THEN HE WOULD BE THE ONE THAT OWNED
16 MY MORTGAGE UNTIL I PAID FOR IT.

17 Q OKAY, SO WHAT HE WAS TELLING YOU WAS THAT
18 THE MORTGAGE COMPANY WOULD HAVE, IF THEY CASHED THIS CHECK
19 AND ACCEPTED THIS DEAL THAT THAT WOULD SATISFY YOUR
20 MORTGAGE?

21 A YES, SIR.

22 Q WHAT ELSE DID HE TELL YOU ABOUT THE
23 SITUATION AS FAR AS WHAT HE WAS PROPOSING TO THE MORTGAGE
24 COMPANY HOW IT WOULD WORK, WHAT WAS YOUR, WHAT ELSE WAS
25 YOUR UNDERSTANDING OF IT?

1 A THAT WAS THE BIGGEST PART THAT I UNDERSTOOD
2 THAT IF THEY ACCEPTED THAT CHECK THEN THAT MEANT THAT I NO
3 LONGER DEALT WITH THEM, I ONLY DEALT WITH HIM.

4 Q OKAY, DID HE EVER GO INTO WHAT WOULD HAPPEN
5 IF THEY DIDN'T ACCEPT THE CHECK?

6 A WELL HE SAID THAT THEY HAD THE RIGHT TO
7 ACCEPT IT OR DENY IT AND SINCE THEY ACCEPTED IT EVERYTHING
8 WAS GOOD.

9 Q I WANT TO SHOW YOU ON WHAT'S PREVIOUSLY
10 BEEN MARKED AS STATE'S EXHIBIT 21 ON PAGE SEVEN AND ASK YOU
11 IF THAT'S YOUR SIGNATURE?

12 A YES, SIR.

13 Q AND DOWN BELOW THAT SOMEBODY ELSE SIGNED,
14 CORRECT?

15 A YES, SIR.

16 Q AND WHAT DOES IT SAY ABOVE THEIR SIGNATURE,
17 THE SENTENCE THAT STARTS WITH SWORN?

18 A I DON'T SEE THE WORD SWORN.

19 Q SUBSCRIBE, SORRY.

20 A OKAY.

21 Q I APOLOGIZE.

22 A OKAY, SO WHAT DO YOU WANT ME --

23 Q SUBSCRIBE, THAT SENTENCE.

24 A SUBSCRIBED AND SWORN BEFORE ME SECOND DAY
25 OF JULY, WHAT ARE YOU ASKING FOR THERE?

1 Q JUST TO READ THAT, WHAT IS, WHAT DOES
2 SUBSCRIBED AND SWORN MEAN? WELL SKIP SUBSCRIBE, WHAT DOES
3 SWORN MEAN, IF YOU SWEAR TO DO SOMETHING?

4 MR. MYRICK: I'M NOT SURE WHICH DOCUMENT HE'S
5 SHOWING HER?

6 MR. LOCKLAIR: I SAID IT WAS STATE'S EXHIBIT 21,
7 I PUT IT ON THE RECORD, STATE'S EXHIBIT 21 PAGE 713.

8 MR. LOCKLAIR: (CONTINUING)

9 Q WHAT DOES IT MEAN WHEN SOMETHING IS SWORN,
10 SWORN DOCUMENT?

11 A AS TO LIKE A PROMISE.

12 Q OKAY, YEAH, I JUST WANTED TO SEE WHAT YOU
13 THOUGHT IT MEANT SINCE YOU WERE THE ONE WHO SIGNED THAT
14 WHAT YOU BELIEVED IT MEANT, YES, MA'AM, THAT'S FINE; WHAT
15 IT ESSENTIALLY MEANS IS A PROMISE THAT THERE'S SOME TRUTH
16 TO IT, RIGHT?

17 A YES, SIR.

18 Q SORT OF LIKE IF YOU SWORE TO TELL THE TRUTH
19 HERE, YOU KNOW?

20 A YES, SIR.

21 Q AND THERE'S A CONSEQUENCE OF SWEARING AND
22 IT NOT BEING TRUE, CORRECT?

23 A YES, SIR.

24 Q SO WHEN YOU SIGNED THIS IT ACTUALLY WASN'T
25 SWORN, WAS IT, EVEN THOUGH IT SAID SO?

1 A I'M NOT SURE WHAT YOU'RE ASKING.

2 Q WELL YOU SAID YOU DIDN'T KNOW WHAT WAS IN
3 THIS DOCUMENT, YOU DIDN'T DRAFT THIS DOCUMENT BUT YOU
4 SIGNED YOUR NAME AND SWORE IN FRONT OF A NOTARY PUBLIC THAT
5 IT WAS YOUR DOCUMENT AND YOU SIGNED IT?

6 A RIGHT, BECAUSE I TRUSTED HIM.

7 Q OKAY, SO BUT WHEN YOU SIGNED THIS BASICALLY
8 YOU WEREN'T TELLING THE TRUTH WHEN YOU SIGNED THIS BECAUSE
9 YOU'RE PURPORTING THIS BE SWORN AND SIGNING THIS AND SAYING
10 YOU UNDERSTOOD IT AND DRAFTED IT WASN'T TRUE, WAS IT?

11 A I DON'T UNDERSTAND EVERYTHING IN IT, NO,
12 SIR, BUT I KIND OF HAD THE OVERALL THAT IT WAS A PROMISE
13 THAT HE WAS MY MORTGAGE CARRIER AND THAT I WAS TO MAKE MY
14 PAYMENTS TO HIM, I KNEW THAT.

15 MR. LOCKLAIR: I BEG THE COURT'S INDULGENCE.

16 THE COURT: ALL RIGHT.

17 MR. LOCKLAIR: I APOLOGIZE, YOUR HONOR.

18 THE COURT: ALL RIGHT.

19 MR. LOCKLAIR: IT WAS ON THE RAIL AND I DIDN'T
20 NOTICE IT.

21 MR. MYRICK: MY APOLOGIES, YOUR HONOR, I LEFT IT
22 THERE.

23 MR. LOCKLAIR: (CONTINUING)

24 Q I'D LIKE TO SHOW YOU ONCE AGAIN WHAT'S
25 PREVIOUSLY BEEN ADMITTED AS STATE'S EXHIBIT NUMBER 5 AND

1 ASK YOU TO LOOK AT THAT DOCUMENT?

2 A YES, SIR.

3 Q AND WHAT IS THAT DOCUMENT?

4 A QUITCLAIM DEAL.

5 Q QUITCLAIM DEED?

6 A DEED, I'M SORRY, YES.

7 Q DID YOU BOTHER TO READ THAT DOCUMENT PRIOR
8 TO SIGNING IT AT ALL?

9 A NO, SIR.

10 Q WAS THAT DOCUMENT EXPLAINED TO YOU PRIOR TO
11 SIGNING IT?

12 A TO SOME EXTENT, IT'S LIKE I SAID I TRUSTED
13 MR. JOLLY.

14 Q WHAT IS YOUR UNDERSTANDING OF WHAT A DEED
15 TO PROPERTY IS, WHAT DOES THAT DO, WHAT WAS YOUR
16 UNDERSTANDING AT THE TIME?

17 A WELL A DEED TO PROPERTY IS THAT SOMEBODY
18 OWNS IT.

19 Q WHEN YOU SIGNED THAT YOU KNEW YOU WERE
20 GRANTING HIM AN OWNERSHIP INTEREST IN YOUR PROPERTY, HE WAS
21 CLEAR ABOUT THAT, CORRECT?

22 A YES, SIR.

23 Q OKAY, MAY I LOOK AT THAT REAL QUICK --

24 A I MEAN THAT'S NORMALLY WHAT A MORTGAGE
25 COMPANY DOES, THEY ARE IN CHARGE OF IT UNTIL YOU GET IT

1 PAID FOR.

2 Q AND ONCE AGAIN THAT WAS YOUR SIGNATURE THAT
3 WAS ON THE SECOND PAGE OF THIS, CORRECT?

4 A YES, SIR, THAT'S MY SIGNATURE.

5 Q AND NOBODY FORCED YOU TO SIGN THE DEED,
6 CORRECT?

7 A NO, SIR.

8 Q AND DID HE EXPLAIN TO YOU WHY HE NEEDED TO
9 BE ON THE DEED?

10 A I DON'T REMEMBER EXACTLY, I MEAN I JUST
11 TOOK IT FOR GRANTED, YOU KNOW, THE MORTGAGE COMPANY IS ON
12 THE DEED THEY OWN IT UNTIL YOU GET IT PAID FOR.

13 Q WELL WITH CARRINGTON YOU ACTUALLY WOULD GET
14 A NOTICE FROM THE TAX ASSESSOR BECAUSE YOUR NAME WAS ON THE
15 DEED, RIGHT?

16 A OKAY.

17 Q THAT'S NOT ALWAYS THE CASE, CORRECT?

18 A OKAY, I UNDERSTAND WHAT YOU'RE SAYING.

19 Q OKAY SO HE, HE EXPLAINED TO YOU THERE'S A
20 REASON HE NEEDED TO BE ON THE DEED, CORRECT, OTHER THAN
21 JUST BECAUSE HE WAS GOING TO HAVE AN INTEREST IN THE
22 FINANCE OF THE PROPERTY, AS PART OF THE DEAL WITH THE BANK
23 DID HE EXPLAIN TO YOU WHY HE NEEDED TO BE ON THE DEED?

24 A NOT CLEAR.

25 Q OKAY, HE NEVER TALKED TO YOU ABOUT ON GOING

1 TO COURT AND HIS NAME NEEDED TO BE ON THE DEED?

2 A NO, SIR.

3 Q DO YOU HAVE ANY RECOLLECTION OF THE
4 CONVERSATIONS THAT HE WOULD HAVE HAD WITH YOU ABOUT WHAT
5 WOULD HAVE HAPPENED HAD THE MORTGAGE COMPANY NOT ACCEPTED
6 THE TENDER OFFER THAT HE SENT TO THEM?

7 A NO, SIR, BECAUSE WE WERE ALL PRETTY SURE
8 THAT, HE WAS PRETTY SURE THAT THEY WOULD ACCEPT IT AND THEY
9 DID SO WE DIDN'T GO ANY FURTHER AS TO WHAT WOULD HAPPEN IF
10 THEY DIDN'T.

11 Q OKAY, DID HE EVER GET TO WHAT MIGHT HAPPEN
12 IF THINGS HAD TO GO TO COURT?

13 A NO, SIR.

14 Q YOU STILL OWN THE HOUSE TODAY; IS THAT
15 CORRECT?

16 A YES, SIR.

17 MR. LOCKLAIR: BEG THE COURT'S INDULGENCE ONE
18 MOMENT, PLEASE, YOUR HONOR? JUST A COUPLE MORE QUESTIONS,
19 YOUR HONOR.

20 MR. LOCKLAIR: (CONTINUING)

21 Q ONCE AGAIN I'M GOING TO SHOW YOU STATE'S
22 EXHIBIT 21 AND POINT YOU TO PARAGRAPH ONE LABELED
23 AGREEMENT. IF YOU COULD JUST GLANCE OVER THAT REAL QUICK
24 PLEASE? DO YOU RECALL MR. JOLLY DISCUSSING THAT PARAGRAPH
25 WITH YOU PRIOR TO YOU SIGNING THAT?

1 A SOMEWHAT.

2 Q AND THAT BASICALLY EXPLAINS WHAT HE'S GOING
3 TO TRY AND DO WITH THE BANK TO TRY TO RESOLVE YOUR
4 MORTGAGE, CORRECT?

5 A YES, SIR.

6 Q BUT HE SPECIFICALLY POINTED THAT PARAGRAPH
7 OUT TO YOU, CORRECT?

8 A WELL I MEAN HE DIDN'T EXACTLY JUST SAY,
9 OKAY, THIS PARAGRAPH BUT HE TOLD ME THAT IF THEY ACCEPTED
10 MY CHECK THEN I WOULD MAKE MY PAYMENTS TO HIM AND HE WOULD
11 BE IN CHARGE OF MY HOME UNTIL I GOT HIM PAID IN FULL FOR
12 IT.

13 Q IT'S FAIR TO SAY THAT'S A PRETTY LONG
14 DOCUMENT, ISN'T IT, I THINK IT'S THIRTEEN PAGES SINGLE
15 SPACED, IT'S FAIRLY LONG, IS THAT FAIR TO SAY?

16 A YES, SIR.

17 Q AND OUT OF ALL THAT THAT'S IN THAT DOCUMENT
18 THAT'S ONE OF THE THINGS HE SPECIFICALLY POINTED OUT TO
19 YOU, CORRECT?

20 A THAT ABOUT THE DEAL ON THE 725 FOR THE ---

21 Q RIGHT, YOU RECALL THAT SPECIFICALLY?

22 A YES, SIR.

23 Q OKAY, FINALLY I WANT TO SHOW YOU STATE'S
24 EXHIBIT 5 ONE MORE TIME; DID YOU SEE WHO PREPARED THAT
25 DEED?

1 A NO, SIR.

2 Q AND YOU'RE THE ONE WHO SIGNED IT, CORRECT?

3 A YES, SIR.

4 Q BUT YOU HAVE ACTUAL NO KNOWLEDGE OF WHO
5 PREPARED THAT DEED, WHO FILED THAT DEED, OR EXECUTED THAT
6 DEED, CORRECT?

7 A NO, SIR.

8 MR. LOCKLAIR: THANK YOU VERY MUCH, THAT'S ALL I
9 HAVE, YOUR HONOR.

10 THE COURT: ALL RIGHT, REDIRECT?

11 MR. MYRICK: I'D LIKE TO BEG THE COURT'S
12 INDULGENCE FOR ONE SECOND, YOUR HONOR.

13 REDIRECT EXAMINATION

14 BY MR. MYRICK:

15 Q THAT'S NUMBER 5, WELL YOU KNOW WHO GAVE IT
16 TO YOU?

17 A YES, SIR.

18 Q WHO WAS THAT?

19 A MR. JOLLY.

20 Q AND WHAT DID HE TELL YOU ABOUT IT?

21 A THAT IT WAS THE QUITCLAIM DEED THAT HE WAS
22 IN CHARGE OF UNTIL I PAID FOR MY HOME.

23 Q AND DID HE RECOMMEND IT?

24 A YES, SIR.

25 Q AND THIS DOCUMENT HERE THAT'S MARKED WHO

1 GAVE IT TO YOU?

2 A MR. JOLLY.

3 Q AND DID HE RECOMMEND THAT YOU SIGN IT?

4 A YES, SIR.

5 Q WHEN HE EXPLAINED IT TO YOU DID YOU
6 UNDERSTAND IT AS BEST YOU COULD?

7 A YES, SIR.

8 Q WERE YOU TRYING TO CHEAT ANYBODY?

9 A NO, SIR.

10 Q WERE YOU TRYING TO CHEAT YOUR OLD BANK?

11 A NO, SIR.

12 Q WERE YOU TRYING TO CHEAT HIM?

13 A NO, SIR.

14 Q DID YOU GET ANY OF YOUR MONEY BACK?

15 A NO, SIR.

16 Q DID IT END UP AT YOUR OLD MORTGAGE COMPANY?

17 A NO, SIR, IT DID NOT.

18 Q SO HE GOT YOUR MONEY AND YOUR HOUSE?

19 A YES, SIR.

20 MR. MYRICK: THANK YOU, MS. MARTIN.

21 THE COURT: THANK YOU, YOU MAY STEP DOWN, CALL
22 YOUR NEXT WITNESS.

23 MR. MYRICK: YOUR HONOR, THE STATE CALLS
24 PAULETTE HOLMES.
25

1 PAULETTE HOLMES

2 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

3 MADAM CLERK: STATE YOUR FULL NAME AND SPELL
4 YOUR LAST NAME FOR THE COURT.

5 THE WITNESS: PAULETTE HOLMES, H-O-L-M-E-S.

6 THE COURT: ALL RIGHT, MR. MYRICK?

7 MR. MYRICK: THANK YOU, YOUR HONOR, PLEASE THE
8 COURT?

9 THE COURT: YES, SIR.

10 DIRECT EXAMINATION

11 BY MR. MYRICK:

12 Q MS. HOLMES, WHERE DO YOU LIVE?

13 A MYRTLE BEACH, IN THE
14 SOCASTEE AREA.

15 Q IN SOCASTEE?

16 A YES, SIR.

17 Q WHAT COUNTY IS THAT?

18 A HORRY.

19 Q AND HOW LONG HAVE YOU LIVED THERE?

20 A I'VE LIVED THERE FOR 22 YEARS.

21 Q SAME ADDRESS?

22 A SAME ADDRESS.

23 Q WHEN DID YOU BUY THE HOUSE?

24 A 1989.

25 Q WHO DID YOU BUY IT WITH?

1 A MY HUSBAND AND I MOVED HERE IN '89 AND WE
2 GOT THE HOUSE.

3 Q WHAT CAUSED YOU TO MOVE TO SOUTH CAROLINA?

4 A HE WAS IN THE AIR FORCE AND WE CAME FROM
5 CHARLOTTE AND SUMTER TO MYRTLE BEACH.

6 Q NOW I'D LIKE TO FAST FORWARD TO 2008; WHAT
7 WAS GOING ON WITH YOUR HOUSE THEN?

8 A I WAS BEHIND IN SOME OF MY PAYMENTS AND I
9 SAW A SIGN ABOUT WE CAN HELP IF YOU'RE BEHIND IN MORTGAGE
10 PAYMENTS, CALL THE NUMBER, AND --

11 Q AND DID YOU CALL THE NUMBER?

12 A YES, SIR.

13 Q AND WHAT WAS THE NAME OF THE BUSINESS?

14 A IT WAS JOLLY AND ASSOCIATES.

15 Q AND WHO WAS THE HEAD OF IT?

16 A STEVE JOLLY.

17 Q DID YOU MEET WITH MR. JOLLY?

18 A YES, I DID.

19 Q WHAT DID HE TELL YOU?

20 A HE TOLD ME HE COULD SAVE MY HOUSE. IT
21 STARTED I HAD TO GIVE A 600, PAY HIM \$600. HE WAS GOING TO
22 SEND IT TO THE MORTGAGE COMPANY. IF THEY AGREED TO, IF
23 THEY CASHED THE CHECK THEY AGREED TO THE TERMS OF HIS
24 LETTER OR WHATEVER HE SENT THEM AND I COULD KEEP MY HOME
25 AND PAY HIM.

1 Q DID HE SAY HE WAS GOING TO CHEAT ANYBODY?

2 A NO, HE DIDN'T.

3 Q DID YOU WANT TO CHEAT YOUR MORTGAGE
4 COMPANY?

5 A NO.

6 (WHEREUPON, STATE'S EXHIBIT NUMBER 22 MARKED FOR
7 IDENTIFICATION.)

8 MR. MYRICK: (CONTINUING)

9 Q I'M GOING TO HAND YOU SOMETHING, MS.
10 HOLMES, THAT'S MARKED AS STATE'S NUMBER 22; DO YOU
11 RECOGNIZE IT?

12 A I HAVE NEVER SEEN THIS IN MY LIFE, NO.

13 Q WELL LOOK ON PAGE TWO?

14 A THE SECOND PAGE LOOKS FAMILIAR BUT THE
15 FIRST ONE DOESN'T.

16 Q IS THAT YOUR SIGNATURE ON IT?

17 A IT SEEMS TO BE, YES.

18 Q NOW YOU SIGNED SOME STUFF FOR MR. JOLLY,
19 DIDN'T YOU?

20 A YES, I DID.

21 Q HOW MANY THINGS DID YOU SIGN?

22 A OH, IT WAS SEVERAL, I COULDN'T TELL YOU
23 EXACTLY HOW MANY, I DON'T RECALL EXACTLY.

24 Q HOW MANY PAGES WERE THERE?

25 A IT WAS LIKE A NORMAL MORTGAGE BUNDLE OR

1 SOMETHING YOU WOULD NORMALLY SIGN FOR A MORTGAGE.

2 Q SO WHEN YOU FIRST BOUGHT YOUR HOUSE IN 1989
3 IT WAS LIKE THAT?

4 A SIMILAR.

5 Q WHEN YOU FIRST BOUGHT YOUR HOUSE WHO ALL
6 WAS THERE?

7 A THE FIRST TIME WE, THERE WAS AN ATTORNEY
8 FOR THE MORTGAGE COMPANY, MY HUSBAND, SECRETARY, THAT WAS
9 IT AS FAR AS I CAN RECALL.

10 Q A LAWYER, THOUGH?

11 A YES, IT WAS AN ATTORNEY THERE, YES.

12 Q AND YOU HAD TO SIGN SOME THINGS THEN?

13 A YES.

14 Q DID YOU UNDERSTAND THEM ALL?

15 A FROM MY UNDERSTANDING, YEAH, IT WAS A
16 MORTGAGE. WE, THEY WERE GOING TO PAY THE OWNER OF THE
17 HOUSE, WE PAY THE MORTGAGE COMPANY AND WHEN WE PAID IN FULL
18 IT WAS OUR HOME.

19 Q AND DID YOU SIGN WHAT THE LAWYER ASKED YOU
20 TO?

21 A YES, I DID, YES, WE DID.

22 Q NOW WHEN YOU MET WITH MR. JOLLY DID YOU
23 SIGN WHERE HE ASKED YOU TO?

24 A YES.

25 Q AND WHEN YOU MET WITH HIM AND HE SHOWED YOU

1 DOCUMENTS WHO EXPLAINED THEM TO YOU?

2 A HE WOULD, HE WOULD, WELL REALLY THE ONLY
3 THING HE WOULD EXPLAIN WAS IF THE MORTGAGE COMPANY WOULD
4 ACCEPT THE CHECK THAT HE SENT THEM AND THE TERMS -- HE SAID
5 SOMETHING ABOUT THE PAYMENTS WOULD BE LOWER -- HE WAS GOING
6 TO OFFER THE MORTGAGE COMPANY A LOWER AMOUNT FOR THE HOUSE
7 AND IF THEY CASHED THE CHECK ---

8 Q WHICH WOULD BE BETTER THAN FORECLOSURE?

9 A YES.

10 Q AND DID HE TELL YOU WHAT HE WAS GOING TO DO
11 WITH YOUR MONEY?

12 A FROM MY UNDERSTANDING PAY THE MORTGAGE
13 COMPANY LIKE A REGULAR REFINANCING OR SOMETHING LIKE THAT.

14 Q YOU WERE GOING TO PAY HIM AND HE WAS GOING
15 TO PAY THEM?

16 A YES, THAT WAS MY UNDERSTANDING.

17 Q AND YOUR PAYMENT WAS GOING TO GO DOWN CAUSE
18 THEY WERE GOING TO ACCEPT LESS THAN WHAT ---

19 A YES, WHAT I OWED.

20 Q AND DID IT MAKE SENSE TO YOU THE WAY HE
21 EXPLAINED IT?

22 A WELL HE HAD A BETTER RATE THAN I HAD WITH
23 THE MORTGAGE COMPANY IT MADE SENSE.

24 Q NOW YOU SIGNED THE SECOND PAGE?

25 A YES, THERE WAS NO NOTARY.

1 (WHEREUPON, STATE'S EXHIBITS NUMBERS 23, 24, 25,
2 26, 27, 28, 29, 30, 31, AND 32 MARKED FOR IDENTIFICATION.)

3 MR. MYRICK: YOUR HONOR, THE STATE WOULD MOVE
4 NUMBER 22 INTO EVIDENCE UNLESS THERE'S AN OBJECTION?

5 MR. LOCKLAIR: NO OBJECTION, YOUR HONOR.

6 THE COURT: ALL RIGHT, STATE'S EXHIBIT NUMBER 22
7 ADMITTED WITHOUT OBJECTION.

8 (WHEREUPON, STATE'S EXHIBIT NUMBER 22 ENTERED
9 INTO EVIDENCE.)

10 MR. MYRICK: (CONTINUING)

11 Q AND WHAT'S THE TITLE ON THIS, MS. HOLMES?

12 A QUITCLAIM DEED.

13 Q AND WHO'S THE GRANTOR?

14 A MYSELF, PAULETTE HOLMES.

15 Q AND WHO'S THE GRANTEE?

16 A ROBERT STEVE JOLLY.

17 Q WHO PREPARED THE DOCUMENT AT THE TOP OF
18 THAT FIRST PAGE?

19 MR. MYRICK: IF I MAY APPROACH THE WITNESS, YOUR
20 HONOR?

21 THE COURT: ALL RIGHT.

22 MR. LOCKLAIR: NO OBJECTION.

23 MR. MYRICK: IF I MAY, YOUR HONOR, I DON'T
24 BELIEVE SHE WAS IN THE COURTROOM WHEN YOU INSTRUCTED THE
25 JURORS ABOUT THE PHONES.

1 THE COURT: ALL RIGHT, IF ANYONE HAS A CELL
2 PHONE OR A PAGER LET'S TURN IT OFF COMPLETELY.

3 THE WITNESS: I'M SORRY, YOUR HONOR, I THOUGHT I
4 HAD IT OFF. IT'S NOT IN MY CASE, I'M SORRY.

5 THE COURT: ALL RIGHT, GO AHEAD WITH YOUR
6 QUESTION.

7 MR. MYRICK: (CONTINUING)

8 Q MS. HOLMES, WHAT DOES THIS LINE RIGHT THERE
9 SAY, THAT SECOND LINE FROM THE TOP?

10 A THIS INSTRUMENT PREPARED BY PAULETTE
11 HOLMES.

12 Q DO YOU KNOW WHAT AN INSTRUMENT IS?

13 A A LEGAL DOCUMENT.

14 Q PREPARED MEANS WHAT?

15 A I PUT IT TOGETHER.

16 Q WELL IS THAT TRUE?

17 A NO, SIR, IT'S NOT.

18 Q NOW YOU SAID YOU SAW THE SECOND PAGE?

19 A UH-HUH.

20 Q BUT YOU'VE NEVER SEEN THE FIRST PAGE
21 BEFORE?

22 A NO, SIR, NEVER.

23 Q WHY DID YOU SIGN THAT?

24 A I TRUSTED MR. JOLLY, YOU KNOW. I SAW THE
25 SIGN, I CALLED, I THOUGHT HE WAS GOING TO HELP ME AND I

1 BELIEVED WHAT HE TOLD ME. EVERYONE ELSE I EVER DEALT
2 BUSINESS WITH NEVER LIED TO ME LIKE THIS. I HAD NO REASON
3 NOT TO TRUST HIM.

4 Q I'M GOING TO HAND YOU WHAT'S BEEN MARKED AS
5 STATE'S NUMBER 23, 24, 25, 26, 27, 28, AND 29; DO YOU
6 RECOGNIZE THOSE?

7 A YES, SIR, THEY ARE MY BILLING HISTORY I
8 WOULD GET THROUGH THE MAIL AFTER I MADE A PAYMENT IT WOULD
9 COME.

10 Q FROM WHO?

11 A FROM MR. JOLLY.

12 Q NOW ARE THOSE ORIGINALS?

13 A COPY OF THE ORIGINALS.

14 Q IS IT AN ACCURATE COPY?

15 A YES, SIR.

16 Q HAS ANYTHING BEEN CHANGED?

17 A NO.

18 MR. MYRICK: YOUR HONOR, THE STATE MOVES TO
19 ADMIT STATE'S 24, 23, 25, 26, 29, 28, AND 27.

20 THE COURT: ANY OBJECTION?

21 MR. LOCKLAIR: MAY WE REVIEW THEM REAL QUICK?

22 THE COURT: ALL RIGHT.

23 MR. LOCKLAIR: WITHOUT OBJECTION, YOUR HONOR.

24 THE COURT: ALL RIGHT, STATE'S EXHIBITS 23, 24,
25 25, 26, 27, 28, AND 29 ARE ADMITTED INTO EVIDENCE WITHOUT

1 OBJECTION.

2 (WHEREUPON, STATE'S EXHIBITS NUMBERS 23, 24, 25,
3 26, 27, 28, AND 29 ENTERED INTO EVIDENCE.)

4 MR. MYRICK: (CONTINUING)

5 Q HOW LONG DID YOU PAY MR. JOLLY, MS. HOLMES?

6 A FROM APRIL '08 TILL FEBRUARY 2009.

7 Q IS IT POSSIBLE YOU PAID HIM IN MARCH 2009?

8 A MARCH --

9 Q I'M GOING TO HAND YOU WHAT ---

10 A LET ME SEE.

11 Q THIS IS NUMBER 29?

12 A OKAY, YES, I DID PAY IN MARCH ALSO, YES.

13 Q HOW MUCH DID YOU PAY HIM PER MONTH?

14 A SIX HUNDRED PER MONTH.

15 Q AND OVER THE COURSE OF TIME DO YOU KNOW
16 EXACTLY OR ABOUT HOW MUCH YOU PAID HIM?

17 A ABOUT 6,100.

18 Q AT LEAST 5,000?

19 A YES, AT LEAST.

20 Q AND THAT'S IN THESE STATEMENTS; IS IT NOT?

21 A YES.

22 Q AND THESE ARE ALL ACCURATE?

23 A UH-HUH.

24 MR. MYRICK: YOUR HONOR, I'D LIKE TO GO AHEAD
25 AND PUBLISH THESE TO THE JURY.

1 THE COURT: ALL RIGHT.

2 MR. MYRICK: (CONTINUING)

3 Q NOW HOW DID YOU GET THOSE STATEMENTS, MS.
4 HOLMES?

5 A THEY CAME THROUGH THE MAIL.

6 Q I'M GOING TO HAND YOU WHAT'S BEEN MARKED AS
7 STATE'S NUMBER 30 AND NUMBER 31; WHAT ARE THOSE?

8 A THEY LOOK LIKE AN ENVELOPE WITH MY NAME ON
9 IT.

10 Q IS IT ---

11 A A COPY OF AN ENVELOPE WITH MY NAME ON IT.

12 Q FROM WHO?

13 A MR. JOLLY.

14 Q IS THAT HOW THE STATEMENTS ARRIVED?

15 A YES.

16 Q IS IT ACCURATE?

17 A YES, IT'S MY ADDRESS, YES.

18 Q AND I'M GOING TO HAND YOU WHAT'S BEEN
19 MARKED AS STATE'S NUMBER 32; HAVE YOU SEEN THOSE BEFORE?

20 A YES, SIR, I HAVE.

21 Q WHAT IS IT?

22 A THEY'RE RECEIPTS FROM WHEN I PAID CASH AND
23 THAT'S SOME MONEY ORDERS I PAID HIM.

24 Q AND WHO SIGNED THOSE RECEIPTS?

25 A ROBERT JOLLY LOOK LIKE FROM THE SIGNATURE.

1 Q AND ARE THESE ACCURATE COPIES?

2 A YES, SIR.

3 Q SO THIS PAGE ALONE TOTALS HOW MUCH?

4 A I DIDN'T LOOK AT IT CAREFULLY.

5 THE COURT: HOLD FOR A MINUTE LET ME, YES,

6 MA'AM?

7 A ONE THOUSAND EIGHT HUNDRED.

8 THE COURT: HOLD FOR ONE SECOND.

9 MADAM FORELADY: IS THIS TO BE PASSED AROUND OR
10 ARE YOU HANDING THESE TO ME?

11 THE COURT: HE PUBLISHED THEM. YOU PASS THEM
12 AROUND IN THE JURY BOX, MA'AM, THANK YOU.

13 (WHEREUPON, STATE'S EXHIBIT NUMBER 33 MARKED FOR
14 IDENTIFICATION.)

15 THE COURT: YES, MA'AM?

16 MADAM FORELADY: THE JURY IS REQUESTING FOR HER
17 TO REPEAT THE TOTAL AMOUNT THAT SHE PAID HIM.

18 THE COURT: WHY DON'T YOU JUST ASK HER THE
19 QUESTION AGAIN.

20 MR. MYRICK: (CONTINUING)

21 Q MS. HOLMES, DO YOU REMEMBER THE EXACT
22 AMOUNT OFF THE TOP OF YOUR HEAD?

23 A IT WAS EITHER 5,500 OR 6,100.

24 Q DEPENDING ON IF YOU PAID HIM AN EXTRA
25 MONTH?

1 A YES, SIR.

2 Q WAS IT AT LEAST 5,000?

3 A YES.

4 Q NOW I'M GOING TO HAND YOU IN JUST A MOMENT,
5 MS. HOLMES, WHAT'S BEEN MARKED AS STATE'S NUMBER 33; WHAT
6 IS THAT?

7 A THIS IS A MONEY ORDER FOR \$400, SHORT THIS
8 MONTH. I HAD PAID 200 AT ONE TIME AND THEN I PAID 400 TO
9 MAKE THE BALANCE OF 600.

10 Q WELL IS THAT A RECEIPT?

11 A YES, SIR.

12 Q AND WHO SIGNED IT?

13 A ROBERT JOLLY.

14 MR. MYRICK: YOUR HONOR, THE STATE IS GOING TO
15 MOVE TO ADMIT NUMBER 32 AND NUMBER 33.

16 THE COURT: ANY OBJECTION?

17 MR. LOCKLAIR: NO OBJECTION.

18 THE COURT: ALL RIGHT, STATE'S EXHIBITS 32 AND
19 33 ADMITTED INTO EVIDENCE WITHOUT OBJECTION.

20 (WHEREUPON, STATE'S EXHIBITS NUMBERS 32 AND 33
21 ENTERED INTO EVIDENCE.)

22 MR. MYRICK: AS WELL AS 30 AND 31, YOUR HONOR.

23 THE COURT: ANY OBJECTION?

24 MR. LOCKLAIR: THOSE JUST AREN'T RELEVANT,
25 COPIES OF ENVELOPES, I DON'T SEE HOW THEY'RE RELEVANT. I

1 MEAN I DON'T CARE BUT THEY'RE JUST NOT RELEVANT JUST TO
2 ADMIT.

3 THE COURT: ALL RIGHT, WHAT'S THE RELEVANCE?

4 MR. MYRICK: THE COPIES OF THE ENVELOPES WHICH
5 HE SENT THE MONTHLY STATEMENTS IN IT PROVES IT CAME FROM
6 HIM, IT SAYS JOLLY AND ASSOCIATES ON IT. IT MAY BE
7 CUMULATIVE, YOUR HONOR, BUT IT'S RELEVANT.

8 THE COURT: ALL RIGHT, STATE'S EXHIBITS 30 AND
9 31 ADMITTED INTO EVIDENCE OVER THE OBJECTION OF THE
10 DEFENSE.

11 MR. MYRICK: THANK YOU, YOUR HONOR.

12 (WHEREUPON, STATE'S EXHIBIT NUMBER 30 AND 31
13 ENTERED INTO EVIDENCE.)

14 MR. MYRICK: (CONTINUING)

15 Q NOW WHEN YOU MET WITH MR. JOLLY WHERE DID
16 YOU MEET WITH HIM?

17 A HE HAD AN OFFICE RIGHT UP THE STREET FROM
18 MY HOUSE ON HIGHWAY 707 IN SOCASTEE.

19 Q IS THAT IN HORRY COUNTY?

20 A YES, SIR.

21 Q NOW YOU SEE MR. JOLLY HERE TODAY?

22 A YES, I DO.

23 Q WHERE IS HE?

24 A HE'S SITTING RIGHT THERE BESIDE HIS
25 ATTORNEY.

1 Q NOW AFTER YOU WENT INTO BUSINESS WITH MR.
2 JOLLY, DID YOU HAVE AN ISSUE WITH YOUR MAIL?

3 A OH, ONE DAY HE CALLED ME, NO, I WENT UP
4 THERE TO MAKE A PAYMENT AND HE TOLD ME I HAD TO GO TO 38TH
5 AVENUE POST OFFICE TO GET SOME MAIL. IT WAS IN MY NAME BUT
6 I NEVER OPENED A BOX UP THERE ON 38TH AVENUE CAUSE I LIVE
7 IN SOCASTEE.

8 Q SO YOUR MAIL WAS GOING WHERE?

9 A TO A P.O. BOX ON 38TH AVENUE POST OFFICE.

10 Q YOU WEREN'T EVEN GETTING YOUR MAIL; IS THAT
11 RIGHT?

12 A RIGHT.

13 Q CONCERNING WHAT?

14 A I ASSUME IT WAS SOMETHING WITH THE MORTGAGE
15 OR SOMETHING ABOUT COURT.

16 Q WELL DID YOU GO UP TO THE POST OFFICE?

17 A YES, I DID.

18 Q AND WHAT DID YOU GET?

19 A IT WAS A LETTER, A CERTIFIED LETTER I HAD
20 TO SIGN FOR.

21 Q AND WHAT DID YOU DO WITH IT?

22 A HE TOLD ME TO BRING IT BACK TO HIM. I
23 DIDN'T OPEN IT, I TOOK IT BACK TO HIM.

24 Q YOU DID WHAT HE SAID?

25 A YES.

1 Q NOW HIS OFFICE, WHAT, WHAT DID HIS OFFICE
2 LOOK LIKE WHEN YOU WENT THERE?

3 A IT WAS SET UP LIKE A REGULAR OFFICE. YOU
4 HAD YOUR LITTLE WAITING AREA LIKE A RECEPTIONIST DESK,
5 CHAIRS. TO THE SIDE WAS A LITTLE ROOM LIKE FOR HIS COPIER
6 AND FAX MACHINE AND THEN HE HAD A LARGER PART IN THE BACK.
7 I NEVER DID GO BACK IN THE BACK, I DON'T, I COULDN'T TELL
8 YOU EXACTLY WHAT WAS IN THERE.

9 Q AND HOW MANY TIMES DID YOU MEET WITH MR.
10 JOLLY?

11 A AT LEAST ONCE A MONTH.

12 Q FOR THIS ENTIRE TIME?

13 A UP UNTIL --

14 Q MARCH?

15 A YES.

16 Q WHAT DID YA'LL TALK ABOUT WHEN YOU MET;
17 WHAT DID HE SAY TO YOU?

18 A HE PRETTY MUCH DIDN'T TAKE ANYTHING, HE
19 WOULD TAKE MY MONEY, WRITE OUT A RECEIPT, I MOSTLY PAID
20 CASH. IF HE WASN'T THERE I WOULD GO GET A MONEY ORDER AND
21 PUT IT IN HIS LITTLE DROP BOX, BUT WE NEVER TALKED ABOUT
22 THE MORTGAGE AGAIN, YOU KNOW, FROM THE BEGINNING AFTER, YOU
23 KNOW, HAD BEEN A WHILE SINCE IT STARTED AND I ASSUMED
24 EVERYTHING WAS OKAY.

25 Q DID HE SAY ANYTHING TO LET YOU BELIEVE IT

1 WASN'T?

2 A NO, HE DIDN'T, NEVER.

3 Q WELL WAS EVERYTHING OKAY?

4 A NO, IT WASN'T.

5 Q WHAT DID YOU LEARN LATER?

6 A I GOT A, IT WAS A SUNDAY, WHAT DO YOU CALL
7 IT WHEN THEY COME TO YOUR HOUSE AND ISSUE YOU A, SOMETHING
8 TO APPEAR IN COURT.

9 Q DID YOU LEARN SOMETHING ABOUT YOUR HOUSE AS
10 A RESULT OF THAT?

11 A YES, I DID, THAT IT WAS IN FORECLOSURE AND
12 I HAD HAD TO ---

13 Q AND HAD MR. JOLLY TOLD YOU THAT?

14 A NO, HE DIDN'T.

15 Q HAD HE GIVEN YOU ANY CAUSE FOR ALARM?

16 A NO, HE DIDN'T.

17 Q HE'S NOT EVEN THE ONE WHO TOLD YOU, IS HE?

18 A NO.

19 Q YOU FOUND IT OUT ON YOUR OWN?

20 A YES.

21 Q NOW YOU KNOW WHO MATTHEW BILLINGSLEY IS?

22 A YES, SIR.

23 Q WOULD YOU TELL THE JURY WHO HE IS?

24 A ONCE I WAS SERVED THE PAPERS THAT SUNDAY IT
25 STATED THAT I HAD TO COME TO COURT WITH A LAWYER SO I

1 CALLED LEGAL AID AND MR. BILLINGSLY WAS ASSIGNED TO MY CASE
2 FROM LEGAL AID AND HE CAME TO COURT WITH ME.

3 Q AND WHAT DID MR. BILLINGSLY DO?

4 A HE TALKED WITH THE MORTGAGE -- THE MORTGAGE
5 ATTORNEY WAS AT THE TRIAL THAT DAY ALSO AND THEY DISCUSSED
6 SOME KIND OF ARRANGEMENTS THAT PERHAPS, YOU KNOW, WE COULD
7 WORK OUT WITHOUT LOSING THE HOUSE.

8 Q SO MR. BILLINGSLY WAS A LAWYER?

9 A YES, SIR.

10 Q HOW MUCH DID YOU HAVE TO PAY HIM?

11 A NOTHING.

12 Q WHAT'S THE STATUS OF YOUR HOUSE NOW?

13 A I STILL HAVE MY HOUSE; WE DID A LOAN
14 REMODIFICATION; THEY WORKED WITH ME.

15 Q THE SAME THING YOU THOUGHT YOU DID WITH MR.
16 JOLLY?

17 A YES.

18 Q AND AGAIN THESE DOCUMENTS YOU SIGNED WERE
19 YOU TRYING TO CHEAT ANYBODY?

20 A NO.

21 Q DO YOU WORK?

22 A YES, WELL I HAD BEEN OUT OF WORK FOR TWO
23 YEARS.

24 Q DO YOU WORK NOW?

25 A YES, I AM.

1 Q WHERE DO YOU WORK?

2 A I'M A NIGHT DESK CLERK ON THE BOULEVARD IN
3 A MOTEL.

4 Q HOW LONG HAVE YOU DONE THAT?

5 A I'VE DONE THAT FOR ABOUT EIGHT YEARS BUT
6 I'VE JUST GONE BACK IN MARCH OF THIS YEAR.

7 Q YOU STILL HAVE YOUR HOME IN SOCASTEE?

8 A YES, I DO.

9 Q

10 A YES.

11 Q WHAT KIND OF HOUSE IS IT?

12 A IT'S A THREE BEDROOM RANCH BUILT IN 1980.

13 Q AND DO YOU LIVE THERE BY YOURSELF?

14 A I DO RIGHT NOW, YES.

15 Q FOR THE PAST 20 YEARS?

16 A YEAH, WELL MY DAUGHTER MOVED OUT TWO YEARS
17 AGO.

18 Q DID ANY OF YOUR MONEY MAKE IT TO THE
19 MORTGAGE COMPANY?

20 A THAT FIRST \$600 WHEN HE SAID IF THEY ACCEPT
21 THAT THEN, YOU KNOW, WE WOULD HAVE A DEAL, THAT'S ALL THEY
22 EVER GOT.

23 Q IF YOU KNEW THEN WHAT YOU KNOW NOW WOULD
24 YOU HAVE GIVEN HIM YOUR MONEY?

25 A I NEVER WOULD HAVE SPOKEN TO THE MAN. NO,

1 I WOULDN'T HAVE.

2 MR. MYRICK: THANK YOU, MS. HOLMES, PLEASE
3 ANSWER ANY QUESTIONS MR. LOCKLAIR HAS.

4 MR. LOCKLAIR: MAY IT PLEASE THE COURT, YOUR
5 HONOR?

6 THE COURT: YES, SIR.

7 CROSS EXAMINATION

8 BY MR. LOCKLAIR:

9 Q GOOD AFTERNOON, MS. HOLMES.

10 A GOOD AFTERNOON.

11 Q WHEN DID YOU FIRST GO MEET WITH MR. JOLLY?

12 A IT WAS IN APRIL AROUND 23RD, SOMETHING LIKE
13 THAT, I DON'T RECALL THE EXACT DATE.

14 Q AND YOU MET WITH HIM AT HIS OFFICE?

15 A YES, I DID.

16 Q WAS IT JUST YOU AND HIM PRESENT?

17 A NO, THERE WAS SOMEONE ELSE THERE.

18 Q I ASSUME BY THAT ANSWER YOU DON'T KNOW WHO
19 THAT PERSON WAS, IT WAS SOMEBODY YOU DIDN'T KNOW OR --

20 A I DON'T KNOW WHO HE WAS, I COULDN'T TELL
21 YOU IF IT WAS HIS BROTHER, SISTER, SON, OR WHO.

22 Q OKAY, AND STATE'S EXHIBIT 22 WHICH MR.
23 MYRICK SHOWED YOU EARLIER, YOU SAY YOU DIDN'T SEE THE FIRST
24 PAGE OF THAT?

25 A NOT AT ALL.

1 Q WHEN YOU WENT TO SIGN IT WAS JUST A SINGLE
2 SECOND PAGE?

3 A NO, IT WAS A TOP PAGE OVER THAT, IT WAS
4 SINGLE SPACED, I DO RECALL THAT, BUT IT WASN'T THAT
5 QUITCLAIM DEED.

6 Q BUT YOU DO RECALL THERE WAS SOMETHING ON
7 THE TOP PAGE?

8 A YES.

9 Q SINGLE SPACED, BUT YOU ALLEGE NOW THAT IT
10 DIDN'T SAY QUITCLAIM DEED ON IT? YOU READ IT, DID IT SAY
11 QUITCLAIM ---

12 A IT DIDN'T SAY QUITCLAIM.

13 Q --- DEED AT THE TIME, OKAY?

14 A NO, IT DIDN'T.

15 Q AND SO I ASSUME THAT IT ALSO DIDN'T SAY
16 THAT THIS INSTRUMENT PREPARED BY PAULETTE HOLMES, CORRECT?

17 A PAULETTE HOLMES DON'T KNOW HOW TO PREPARE
18 AN INSTRUMENT LIKE THAT, NO.

19 Q OKAY, AND SO IT DIDN'T HAVE THIS LITTLE BOX
20 AND CAPTION WHENEVER YOU SIGNED?

21 A NO, IT DIDN'T.

22 Q BUT YOU'RE SURE THE SECOND PAGE LOOKED THE
23 SAME, CORRECT?

24 A YES.

25 Q AND THAT IS YOUR SIGNATURE, CORRECT?

1 A THAT WAS THE ONLY THING ON THE PAGE MY
2 SIGNATURE. ALL THAT OTHER STUFF WASN'T INCLUDED, ALL THOSE
3 OTHER SIGNATURES AND THINGS.

4 Q SO WHEN YOU SIGNED IT WHAT YOU'RE SAYING IS
5 THAT THE WITNESSES HADN'T SIGNED IT YET, THE NOTARY HADN'T
6 SIGNED IT, CORRECT?

7 A THERE WAS NOTHING ABOUT A WITNESS OR ANY OF
8 THAT ON THAT PAGE. IT WAS JUST A LINE WITH MY SIGNATURE.
9 IT WAS THE FRONT PAGE SINGLE SPACED, THAT PAGE FOR MY
10 SIGNATURE.

11 Q RIGHT, BUT WHAT I'M SAYING IS THE TYPED
12 WORD DID THEY EXIST ON THE SHEET OF PAPER WHEN YOU SIGNED
13 IT?

14 A THIS WAS HERE, THIS MAY HAVE BEEN, ALL THIS
15 WAS NOT HERE.

16 Q OKAY, BUT BASICALLY WHAT YOU'RE SAYING IS
17 NONE OF THIS EXISTED ON THIS SHEET OF PAPER WHEN YOU SIGNED
18 IT?

19 A YES.

20 Q THAT SOMEHOW NOW HAVE BEEN PUT ON THE SHEET
21 OF PAPER; IS THAT WHAT YOU'RE ALLEGING?

22 A AS FAR AS I KNOW BUT IT'S THE TRUTH.

23 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER 1 MARKED
24 FOR IDENTIFICATION.)

25 MR. LOCKLAIR: (CONTINUING)

1 Q I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS
2 DEFENSE EXHIBIT 1. I ALREADY KNOW YOU OBVIOUSLY HAVEN'T
3 SEEN THE FIRST PAGE, IF YOU WOULD LOOK AT THE SECOND PAGE
4 AND TELL ME IF YOU RECOGNIZE THAT PAGE?

5 A NO.

6 Q IS THAT YOUR SIGNATURE?

7 A YES.

8 Q BUT YOU DON'T RECOGNIZE THAT SHEET OF
9 PAPER?

10 A SIR, THIS SHEET OF PAPER WAS NOT ATTACHED
11 TO ANYTHING I SIGNED.

12 Q NO, I'M SAYING THE SECOND PAGE, NOT THE
13 FIRST PAGE; DO YOU RECOGNIZE THE SECOND PAGE?

14 A YES.

15 Q NOW THAT I'VE SHOWN YOU YOUR ORIGINAL
16 SIGNATURE ON THAT PAGE DO YOU WISH TO CHANGE YOUR TESTIMONY
17 ABOUT WHETHER THERE WAS ANY WRITING OR NOT?

18 A NO, AGAIN THIS WAS NOT INCLUDED. I HAVE
19 NEVER SIGNED A PAGE WITH ALL THIS INFORMATION ON IT.

20 Q OKAY, BUT THAT IS YOUR SIGNATURE?

21 A YES.

22 Q SO AFTER YOU SIGNED IF SOMEBODY ELSE TYPED
23 THAT WHO DID SOMETHING TO GET IT ON THERE?

24 A I DON'T KNOW HOW IT GOT THERE BUT ---

25 Q BUT IT DIDN'T EXIST, YOU'RE SURE ABOUT

1 THAT?

2 A I'M POSITIVE.

3 Q OKAY, SOMEHOW IT LATER APPEARED, BUT YOU
4 ARE CERTAIN THAT'S YOUR SIGNATURE IN BLUE INK, CORRECT?

5 A YES.

6 MR. LOCKLAIR: YOUR HONOR, I MOVE TO ADMIT
7 DEFENSE 1.

8 THE COURT: ANY OBJECTION?

9 MR. MYRICK: NO, SIR.

10 THE COURT: ALL RIGHT, DEFENDANT'S EXHIBIT
11 NUMBER 1 ADMITTED INTO EVIDENCE WITHOUT OBJECTION.

12 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER 1 ENTERED
13 INTO EVIDENCE.)

14 (DEFENDANT'S EXHIBIT NUMBER 2 MARKED FOR
15 IDENTIFICATION.)

16 MR. LOCKLAIR: (CONTINUING)

17 Q LET ME SHOW YOU WHAT'S BEEN MARKED AS
18 DEFENSE EXHIBIT 2 FOR IDENTIFICATION PURPOSES ONLY AND ASK
19 IF YOU CAN IDENTIFY THAT DOCUMENT?

20 A THIS DOESN'T LOOK FAMILIAR EITHER.

21 Q YOU DON'T RECALL MR. JOLLY GOING OVER THAT
22 WITH YOU WHEN YOU WENT TO HIS OFFICE TO EXECUTE THE
23 DOCUMENTS?

24 A NO.

25 Q SO THERE WOULDN'T BE A SIGNED COPY OUT

1 THERE ANYWHERE WITH YOUR SIGNATURE ON IT THEN SINCE YOU'VE
2 NEVER SEEN THAT BEFORE, CORRECT? NO, I'M SORRY, I'M SAYING
3 THERE DOES NOT EXIST A SIGNED ONE ACCORDING TO YOU?

4 A AS FAR AS I KNOW CAUSE I DON'T RECALL
5 SEEING THIS EVER.

6 Q YOU DON'T RECALL MR. JOLLY SPECIFICALLY
7 DISCUSSING PARAGRAPHS OF THAT WITH YOU PERTAINING TO HOW HE
8 WAS GOING TO TRY AND RESOLVE YOUR MORTGAGE WITH YOUR
9 MORTGAGE COMPANY?

10 A NO, SIR. MR. JOLLY TALKED ABOUT, THE ONLY
11 THING MR. JOLLY TALKED TO ME ABOUT WAS OFFER MY MORTGAGE
12 COMPANY A LOWER AMOUNT FOR MY HOME. IF THEY ACCEPT THAT
13 \$600 IT WAS A DEAL AND THAT WAS IT. MR. JOLLY NEVER
14 DISCUSSED ANYTHING IN DETAIL.

15 Q OKAY, HE DIDN'T DISCUSS HOW HE WAS GOING TO
16 PLAN TO RESOLVE HIS PLAN TO RESOLVE YOUR MORTGAGE WITH YOUR
17 FORMER COMPANY?

18 A YES.

19 Q OKAY, COULD YOU READ PARAGRAPH ONE TO
20 YOURSELF FOR ME ON THE FIRST PAGE?

21 A THIS WAS NEVER DISCUSSED.

22 Q WELL DOESN'T THAT PARAGRAPH DISCUSS HOW
23 HE'S GOING TO TRY AND RESOLVE YOUR MORTGAGE WITH YOUR
24 MORTGAGE COMPANY?

25 A THIS ONE DOES BUT HE NEVER GAVE ME ANYTHING

1 OR SAID ANYTHING ABOUT THIS.

2 Q WELL YOU SAID HE DISCUSSED HOW HE WAS GOING
3 TO RESOLVE THE MORTGAGE WITH YOUR MORTGAGE COMPANY,
4 CORRECT?

5 A HE DIDN'T DISCUSS THIS.

6 Q BUT DOESN'T THAT DISCUSS RESOLVING YOUR
7 MORTGAGE WITH YOUR MORTGAGE COMPANY?

8 A WHEN YOU SAY DISCUSS I'M TALKING ABOUT HE
9 AND I ---

10 Q WHAT DOES THAT PARAGRAPH ---

11 A --- WAS TALKING. HE HAD NO PAPER IN FRONT
12 OF HIM, HE HAD NOTHING IN FRONT OF HIM WHEN WE TALKED.

13 Q RIGHT, BUT WHAT I'M SAYING IS THE PRINCIPAL
14 OF RESOLVING THE MORTGAGE WITH YOUR MORTGAGE COMPANY THAT
15 HE DISCUSSED ORALLY WITH YOU IS THE SAME PRINCIPAL OF
16 RESOLVING YOUR MORTGAGE WITH YOUR MORTGAGE COMPANY THAT IS
17 PUT DOWN IN WRITING IN THAT DOCUMENT, CORRECT?

18 A THIS WRITING STATES THAT IF THEY DO NOT
19 ACCEPT, HE NEVER MENTIONED ANYTHING ABOUT IF THEY DON'T
20 ACCEPT.

21 Q OKAY, SO OTHER THAN THAT PART IN GENERAL
22 THE PART ABOUT HOW IT'S GOING TO BE RESOLVED HE DISCUSSED
23 IN THIS DOCUMENT AND HE DISCUSSED IT WITH YOU IN PERSON,
24 CORRECT?

25 A YES.

1 Q BUT YOU'RE ASSERTING THAT YOU'VE NEVER SEEN
2 THIS DOCUMENT BEFORE AND YOU NEVER WOULD HAVE SIGNED THIS
3 DOCUMENT, CORRECT?

4 A RIGHT, I HAD NEVER SEEN THAT DOCUMENT.

5 Q WHAT DOCUMENTS OTHER THAN THE PROMISSORY
6 NOTE AND THE DEED DID YOU EXECUTE WITH MR. JOLLY THEN?

7 A I DIDN'T EXECUTE A DEED WITH MR. JOLLY; THE
8 ONLY THING I SAW WAS THAT PAGE I SHOWED YOU.

9 Q OKAY, OTHER THAN THE PROMISSORY NOTE AND
10 THE SECOND PAGE OF THE QUITCLAIM DEED THAT YOU CLAIM YOU'VE
11 NEVER SEEN THE FIRST PAGE AND THERE WAS WRITING MISSING
12 THAT'S TYPED ON THERE ON THE SECOND PAGE THAT WASN'T THERE
13 WHEN YOU SIGNED IT, OTHER THAN THOSE TWO DOCUMENTS WHAT
14 OTHER DOCUMENTS DID YOU EXECUTE WITH MR. JOLLY?

15 A NOTHING. I RECEIVED FROM ONE OF MY
16 BILLINGS THAT I NEED TO COME AND SIGN SOME PAPERS ONCE BUT
17 I NEVER DID.

18 Q WELL I'M CONFUSED. YOU SAID WHEN YOU WENT
19 IN TO SIT DOWN WITH HIM IT WAS SIMILAR TO A MORTGAGE AND
20 I'VE BEEN THROUGH SEVERAL MORTGAGES MYSELF AND HAVE DONE
21 THEM AS A REAL ESTATE LAWYER. SEEMS TO ME MOST MORTGAGES
22 HAVE A LOT MORE THAN THREE SHEETS. WHAT IS THIS BE ONE,
23 TWO, THREE, AND THERE WASN'T A FOURTH PAGE, SO FIVE SHEETS
24 OF PAPER AND ONE OF THEM ONLY HAD A THIRD OF THE PAGE
25 WRITTEN, THAT IT, SO THAT ISN'T THE SAME AS A REGULAR

1 MORTGAGE, IS IT?

2 A WELL I GUESS IT WASN'T.

3 Q OKAY, BUT YOU WILL ADMIT THAT YOU SIGNED
4 THE PROMISSORY NOTE? YOU WILL ADMIT THAT THAT'S AT LEAST
5 YOUR SIGNATURE ON THE SECOND PAGE OF THE DEED EVEN THOUGH
6 ALL THE OTHER WRITING ON THAT PAGE DIDN'T EXIST AT THE TIME
7 YOU SIGNED IT?

8 A THAT'S WHAT I, YES.

9 Q AND THERE WAS ANOTHER FIRST PAGE BUT IT
10 DIDN'T SAY QUITCLAIM DEED BUT IT WAS SINGLE SPACED?

11 A YES.

12 Q OKAY. SINCE YOU DIDN'T READ THE FIRST PAGE
13 WHICH WAS DIFFERENT THAN THIS FIRST PAGE, DID YOU BOTHER TO
14 READ THE SECOND PAGE WHICH WOULD HAVE BEEN ONE, TWO, THREE,
15 FOUR, FIVE SENTENCES BEFORE YOU SIGNED IT?

16 A I MAY HAVE GLANCED, I COULDN'T TELL YOU
17 WHAT IT SAYS, THOUGH.

18 Q OKAY, EVEN THOUGH THERE ARE ONLY FIVE
19 SENTENCES RIGHT THERE YOU WOULDN'T BOTHER TO HAVE READ
20 THOSE BEFORE YOU SIGNED IT; IT'S NOT EVEN A LONG MORTGAGE,
21 IS IT?

22 A I TRUSTED THE MAN, YOU KNOW, WHEN YOU TRUST
23 SOMEONE YOU TRUST SOMEONE.

24 Q NONE OF THIS WAS HERE, AM I RIGHT?

25 A NO, SIR.

1 Q BE SURE ON THAT, OKAY. SINCE YOU SAY YOU
2 DIDN'T TALK TO MR. JOLLY MUCH AFTER THAT I GUESS YOU'RE NOT
3 AWARE OF ANY SUBSEQUENT ACTIONS HE TOOK PERTAINING TO YOUR
4 MORTGAGE COMPANY AND YOUR MORTGAGE, ARE YOU?

5 A NO, SIR.

6 Q AND YOU WOULDN'T HAVE BEEN PRIVY TO ANY
7 LEGAL ACTIONS THAT WOULD HAVE OCCURRED AS PART OF HIS
8 ATTEMPT TO SETTLE THE DEBT, CORRECT?

9 A I ASSUME SO, I NEVER DID.

10 Q OKAY, BUT HE DID MAKE IT CLEAR TO YOU WHEN
11 YOU CAME TO HIM THAT HE WAS GOING TO TRY AND SEND THAT
12 MONEY TO RESOLVE YOUR MORTGAGE WITH YOUR MORTGAGE COMPANY -
13 --

14 A YES.

15 Q --- AND TRY AND SETTLE THE DEBT?

16 A YES.

17 Q AND AFTER THAT I GUESS YOU REALLY DON'T
18 HAVE ANY KNOWLEDGE OF WHAT OCCURRED AS FAR AS HIS ACTIONS
19 OTHER THAN YOU GIVING HIM CHECKS AND THEN YOU EVENTUALLY
20 HAVING HIM CALL YOU TO GO TO THE P.O. BOX?

21 A YES.

22 Q DO YOU KNOW AT THE TIME YOU WENT TO MR.
23 JOLLY WHO OWNED YOUR MORTGAGE?

24 A AMERICAN GENERAL FINANCIAL.

25 Q OKAY, WERE THEY THE ORIGINAL MORTGAGOR?

1 A THAT WAS THE REFINANCE FROM, I HAD A SECOND
2 MORTGAGE WITH CITI FINANCIAL, IT'S BEEN A WHILE.

3 Q WAS IT SOMEBODY DIFFERENT, THOUGH?

4 A IT WAS TWO DIFFERENT, IT WAS A FIRST AND
5 SECOND.

6 Q OKAY, IF YOU CAN'T REMEMBER THE NAMES
7 THAT'S NOT AS IMPORTANT. AT THE END OF THIS, THOUGH,
8 WEREN'T YOU INVOLVED WITH, AT ANY TIME YOU WERE INVOLVED
9 WITH AMERICAN SERVICING COMPANY OR WAS IT ALWAYS AMERICAN
10 GENERAL FINANCING?

11 A IT WAS AMERICAN GENERAL FINANCING AS LONG
12 AS I CAN REMEMBER.

13 Q OKAY, WHEN YOUR CASE ACTUALLY WENT TO
14 FORECLOSURE AND YOU WERE APPOINTED THE ATTORNEY BY LEGAL
15 AID WERE THEY EVER PRODUCED A MORTGAGE AND ORIGINAL NOTE TO
16 SHOW YOU?

17 A WHO, THE LEGAL AID OR --

18 Q AMERICAN GENERAL FINANCE OR ANYBODY WHO
19 COULD SHOW THAT THEY ACTUALLY HAD THE NOTE ON THE HOUSE AT
20 THE TIME THEY WERE INSTITUTING THE FORECLOSURE ACTION?

21 A NO, THAT WAS NEVER BROUGHT UP.

22 Q OKAY, SO YOU DON'T KNOW IF THEY TECHNICALLY
23 HAVE A LEGAL RIGHT TO FORECLOSE ON THE HOUSE AT THE TIME OR
24 NOT, DO YOU?

25 A FROM MY UNDERSTANDING THEY DID SINCE THEY

1 DIDN'T GET PAID.

2 Q YEAH, BUT YOUR OBLIGATION TO THE MORTGAGE
3 COMPANY IS BASED ON YOU SIGNING A MORTGAGE AND A NOTE THAT
4 WILL PROMISE TO PAY THEM MONEY, CORRECT?

5 A YES.

6 Q AND THEY DIDN'T HAVE THAT NOTE AND THEY
7 DIDN'T HAVE THAT MORTGAGE YOU WOULDN'T BE OBLIGED TO PAY
8 THEM, CORRECT?

9 A NO.

10 Q OKAY, AND SO YOU'RE NOT AWARE ABOUT YOUR
11 MORTGAGE WAS REFINANCED AND/OR SOLD WHO ACTUALLY OWNED THE
12 NOTE, WHO ACTUALLY OWNED THE MORTGAGE OTHER THAN WHAT YOU
13 SIGNED ORIGINALLY AT AN ATTORNEY'S OFFICE WHEN YOU FIRST
14 BOUGHT OR REFINANCED THE HOUSE, CORRECT?

15 A NO, WHEN I REFINANCED WITH AMERICAN GENERAL
16 WE HAD AN ATTORNEY THERE, THEY HAD AN ATTORNEY.

17 Q RIGHT, BUT I'M SAYING WHEN YOU SIGNED THE
18 DOCUMENTS AT THE CLOSING OF THE REFINANCE WITH AMERICAN
19 GENERAL ---

20 A YEAH.

21 Q --- YOU SIGNED A MORTGAGE AND A NOTE THEN
22 BUT AFTER THAT YOU DON'T HAVE ANY PERSONAL KNOWLEDGE AS TO
23 WHAT HAPPENED TO YOUR MORTGAGE AND NOTE?

24 A NO.

25 Q AND YOU DON'T HAVE ANY PERSONAL KNOWLEDGE

1 AS TO THE STATE OF THE MORTGAGE OR MOTE AT THE TIME OF
2 FORECLOSURE ACTION EITHER, DO YOU?

3 A NO, I DON'T.

4 Q OKAY --

5 MR. LOCKLAIR: BEG THE COURT'S INDULGENCE ONE
6 MOMENT, PLEASE, YOUR HONOR.

7 THE COURT: ALL RIGHT.

8 MR. LOCKLAIR: THAT'S ALL THE QUESTIONS I HAVE
9 FOR THIS WITNESS, THANK YOU, YOUR HONOR.

10 THE COURT: ALL RIGHT, REDIRECT?

11 MR. MYRICK: BRIEFLY, YOUR HONOR, IF I MAY.

12 THE COURT: ALL RIGHT.

13 **REDIRECT EXAMINATION**

14 **BY MR. MYRICK:**

15 Q MS. HOLMES, IS IT POSSIBLE HE ADDED A PAGE,
16 IS THAT WHAT YOU'RE ALLEGING?

17 A IT SEEMS LIKE IT, YES.

18 Q WELL IF YOU HAD SEEN A QUITCLAIM DEED IN
19 BIG LETTERS WHAT, IF ANYTHING, WOULD YOU HAVE DONE?

20 A I WOULDN'T HAVE SIGNED IT. THERE'S NO WAY
21 BECAUSE I NEVER DONE A REFINANCE AND IT HAD QUITCLAIM ON
22 IT, NEVER.

23 Q DID YOU THINK SOME OF YOUR MONTHLY PAYMENTS
24 WERE GOING TO MAKE ITS WAY TO YOUR OLD MORTGAGE COMPANY?

25 A YES, ALL OF THEM THAT'S WHAT I THOUGHT.

1 Q WERE YOU TRYING TO CHEAT ANYBODY?

2 A NO.

3 Q YOU SAID IN RESPONSE TO MR. LOCKLAIR'S
4 QUESTION THAT YOU TRUSTED THE DEFENDANT?

5 A YES.

6 Q WOULD YOU TELL THE JURY WHY?

7 A BECAUSE HE SAID HE COULD HELP ME SAVE MY
8 HOME. I NEEDED TO SAVE MY HOME AND I TRUSTED EVERY WORD HE
9 TOLD ME, GAVE HIM MY MONEY, YOU KNOW, TRYING TO DO THE
10 RIGHT THING.

11 MR. MYRICK: THANK YOU, MS. HOLMES.

12 MR. LOCKLAIR: YOUR HONOR, PERMISSION FOR A
13 BRIEF RECROSS, THERE'S SOME ITEMS BROUGHT UP IN REDIRECT?

14 THE COURT: WHAT WAS BROUGHT OUT ON REDIRECT
15 THAT WASN'T ADDRESSED?

16 MR. LOCKLAIR: ABOUT THAT SHE WOULD HAVE NOTICED
17 WHAT WAS BROUGHT UP ON QUITCLAIM DEED AND I HAVE THE
18 DOCUMENTS THAT WILL SHOW SOMETHING ELSE AND I WOULD LIKE TO
19 RECROSS HER ON.

20 THE COURT: ALL RIGHT, BRIEFLY.

21 MR. LOCKLAIR: IT WILL BE BRIEF, YOUR HONOR, I
22 PROMISE.

23 THE COURT: ALL RIGHT.

24 (DEFENDANT'S EXHIBIT NUMBER 3 MARKED FOR
25 IDENTIFICATION.)

RECROSS EXAMINATION

BY MR. LOCKLAIR:

Q I'M GOING TO HAND YOU THIS DOCUMENT AND ASK IF YOU RECOGNIZE IT AND POINT TO YOUR SIGNATURE ON PAGE THREE AND ASK IF THAT IS IN FACT YOUR SIGNATURE?

A OKAY, THIS IS WHAT I WAS TELLING YOU IT LOOKED SOMETHING LIKE THAT THE FIRST PAGE I SAW WITH MY SIGNATURE.

Q LET'S GO TO THE THIRD PAGE HERE; IS THAT YOUR SIGNATURE?

A YES.

Q IF I COULD GET YOU TO READ THIS PARAGRAPH HERE AND TELL ME WHAT WORDS ARE IN BOLD CAPITAL LETTERS UNDERLINED?

A ?CONSIDERATION FOR LIEN AGAINST REAL PROPERTY QUITCLAIM DEED WHICH IS SECURED."

Q AND HOW IS QUITCLAIM DEED PRINTED ON THAT, THE SAME AS ALL THE OTHER WRITING?

A NO, IT'S BOLD AND UNDERLINED.

Q AND HOW FAR ABOVE YOUR SIGNATURE IS THAT WORD QUITCLAIM DEED WHICH IS BOLD AND UNDERLINED AND IN ALL CAPS?

A ABOUT FOUR LINES UP.

Q SO YOU WOULD HAVE SEEN THE WORDS QUITCLAIM DEED WHEN YOU SIGNED THAT DOCUMENT, CORRECT?

1 A I SHOULD HAVE, YES.

2 Q AND YOU WOULD HAVE SIGNED IT REGARDLESS,
3 CORRECT?

4 A I DOUBT THAT.

5 Q WELL YOU DID SIGN IT, DIDN'T YOU?

6 A I DID.

7 Q SO ISN'T IT POSSIBLE THAT MAYBE YOU MISSED
8 THE WORD QUITCLAIM DEED ON THE ACTUAL QUITCLAIM DEED?

9 A NO, SIR, IT WAS NEVER ON THAT QUITCLAIM
10 DEED, I NEVER SAW THAT PAGE.

11 MR. LOCKLAIR: I MOVE TO ENTER THIS AS DEFENSE
12 3, YOUR HONOR.

13 THE COURT: ANY OBJECTION?

14 MR. MYRICK: YOUR HONOR, I BELIEVE IT'S ALREADY
15 IN EVIDENCE.

16 MR. LOCKLAIR: THERE'S NOT A DOCUMENT UP THERE,
17 YOUR HONOR, I DON'T KNOW WHAT MR. MYRICK IS REFERRING TO.

18 MR. MYRICK: WELL IF IT'S NOT I HAVE NO
19 OBJECTION.

20 THE COURT: ALL RIGHT, DEFENDANT'S EXHIBIT
21 NUMBER 3 IS ADMITTED INTO EVIDENCE WITHOUT OBJECTION.

22 MR. LOCKLAIR: THAT'S ALL I HAVE, YOUR HONOR,
23 APPRECIATE THE COURT'S INDULGENCE.

24 (DEFENDANT'S EXHIBIT NUMBER 3 ENTERED INTO
25 EVIDENCE.)

1 THE COURT: ALL RIGHT, YOU MAY STEP DOWN. ALL
2 RIGHT, LADIES AND GENTLEMEN, LET'S TAKE ABOUT A TEN, 15-
3 MINUTE BREAK; WE'VE BEEN GOING AT IT PRETTY HARD. IF YOU
4 HAVE PADS LEAVE YOUR PADS IN YOUR SEATS, DON'T TAKE THEM
5 WITH YOU. ANY COURT'S EXHIBITS LEAVE THEM RIGHT THERE ON
6 THE RAIL. WHEN YOU LEAVE MAKE SURE YOUR NAME IS ON YOUR
7 PADS SO YOU'LL GET THE RIGHT ONE BACK WHEN YOU COME BACK
8 INTO THE COURTROOM,

9 DO NOT DISCUSS THE CASE EVEN AMONG YOURSELVES AT
10 THIS POINT IN TIME. YOU CAN CHECK YOUR PHONE MESSAGES, YOU
11 CAN RETURN PHONE CALLS, BUT DO NOT DISCUSS THE CASE IN ANY
12 WAY, SHAPE, OR FORM WITH ANYONE EVEN AMONG YOURSELVES, IT'S
13 STILL TOO EARLY FOR DELIBERATIONS. WE'LL TAKE ABOUT A 15-
14 MINUTE BREAK AND WE'LL BRING YOU BACK OUT IN JUST A MINUTE.

15 (WHEREUPON, THE JURY RETIRED TO THE JURY ROOM AT
16 4:00 P.M.)

17 THE COURT: ALL RIGHT, ANYTHING FROM THE STATE
18 BEFORE WE TAKE A BREAK?

19 MR. MYRICK: NO, SIR.

20 THE COURT: ANYTHING FROM THE DEFENSE?

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

22 THE COURT: ALL RIGHT, LET'S TAKE ABOUT A TEN,
23 FIFTEEN MINUTE BREAK, OKAY.

24 MR. LOCKLAIR: THANK YOU, YOUR HONOR,

25 MR. MYRICK: THANK YOU, JUDGE.

1 (WHEREUPON, A RECESS WAS TAKEN AND THE FOLLOWING
2 TAKES PLACE ON THE RECORD AFTER THE RECESS.)

3 (WHEREUPON, STATE'S EXHIBITS NUMBERS 34 THROUGH
4 STATE'S EXHIBIT 55 MARKED FOR IDENTIFICATION.)

5 THE COURT: ANYTHING FROM THE STATE BEFORE WE
6 BRING THEM BACK IN?

7 MR. MYRICK: NO, SIR.

8 THE COURT: ANYTHING FROM THE DEFENSE?

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

10 THE COURT: ALL RIGHT, JUST FOR PLANNING
11 PURPOSES SO I'LL KNOW HOW LATE WE NEED TO GO AND THINGS OF
12 THAT NATURE, IS THERE SOMETHING YOU'RE GOING TO BE PUSHING
13 TO GET IN BY FRIDAY?

14 MR. LOCKLAIR: I DON'T BELIEVE SO AT THIS POINT,
15 YOUR HONOR, BECAUSE SOME OF THIS STUFF THAT I HAD PLANNING
16 ON BRINGING UP ON MY CROSS WITH THESE AND WITH YOUR RULING
17 THAT I THINK WE CAN PROBABLY BE FINISHED BY THURSDAY.

18 THE COURT: OKAY, WELL ---

19 MR. LOCKLAIR: BUT I DON'T KNOW WHAT THE
20 ATTORNEY GENERAL'S THOUGHTS ARE.

21 THE COURT: I MEAN I'M GOING TO LEAVE IT TO
22 YA'LL TO LET ME KNOW IF I NEED TO GO LATE OR NOT.

23 MR. MYRICK: I'M AFRAID TO MISSPEAK, YOUR HONOR.

24 THE COURT: ALL RIGHT.

25 MR. MYRICK: BUT WITH THAT CAVEAT, YOU KNOW, THE

1 RULING THIS MORNING ESSENTIALLY CUT OUT SOME OF MY LONGER
2 WITNESSES.

3 THE COURT: OKAY.

4 MR. MYRICK: MAYBE NOT THE WHOLE WITNESS BUT
5 WHAT THEY'RE GOING TO TALK ABOUT.

6 THE COURT: RIGHT.

7 MR. MYRICK: WHAT I'D LIKE TO DO, JUDGE, IS LOOK
8 AT IT TONIGHT, FIGURE IT OUT AND VERIFY WITH THE COURT IN
9 THE MORNING, BUT I'LL TELL THE COURT NOW I THINK WE CAN BE
10 DONE BY FRIDAY.

11 THE COURT: OKAY, HOW ABOUT LET'S DO THIS
12 BECAUSE I DON'T KNOW WHAT THE SECURITY HAS BEEN TOLD OR
13 ANYTHING OF THAT NATURE. WHEN WE GET READY TO BREAK, YOU
14 KNOW, WE CAN GO AHEAD AND TAKE ANOTHER WITNESS BUT I'LL TRY
15 TO, YOU KNOW, DEPENDING ON WHAT TIME IT IS BUT TELL THEM
16 THAT THEY MIGHT WANT, THAT IF WE ARE GOING TO GO LATE WE'LL
17 BE GOING LATE TOMORROW NIGHT AND THURSDAY NIGHT SO THEY
18 PROBABLY NEED TO MAKE ARRANGEMENTS FOR WEDNESDAY AND
19 THURSDAY JUST TO MAKE SURE WE GET DONE BY FRIDAY. I'M NOT
20 GOING TO TELL THEM THAT WE'RE GOING TO GO LATE BUT AFTER
21 YA'LL KIND OF GET A FEEL OF HOW LONG YOUR CASE IS GOING TO
22 GO IF WE GO LATE IT WILL BE THOSE TWO NIGHTS.

23 MR. MYRICK: IT MAY SATURDAYS.

24 THE COURT: WELL, YEAH ---

25 MR. MYRICK: MAY BE SATURDAYS.

1 THE COURT: OKAY, ALL RIGHT. BUT I GUESS MY
2 QUESTION IS IF WE PLAN ON GOING LATE TWO NIGHTS, WEDNESDAY
3 AND THURSDAY, WE'LL DEFINITELY GET DONE BY FRIDAY, YOU
4 THINK?

5 MR. LOCKLAIR: I BELIEVE SO, YOUR HONOR.

6 MR. MYRICK: MOST ASSUREDLY.

7 THE COURT: OKAY, ALL RIGHT, ANYTHING FROM THE
8 STATE BEFORE WE BEING THE JURY IN?

9 MR. MYRICK: NO, SIR.

10 THE COURT: ANYTHING FROM THE DEFENSE?

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

12 THE COURT: ALL RIGHT, LET'S GO AHEAD AND BRING
13 THEM IN.

14 (WHEREUPON, THE JURY RETURNS TO THE COURTROOM AT
15 4:27 P.M.)

16 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN,
17 WELCOME BACK, WE'RE NOW READY TO RESUME THE TRIAL OF THE
18 CASE. I'LL REMIND YOU IF YOU HAVE ANY CELL PHONES, PAGER
19 DEVICES, OR ANYTHING OF THAT NATURE, PLEASE, TURN THEM OFF.
20 LIKEWISE IF YOU HAVE NOTE PADS AND BEEN TAKING NOTES MAKE
21 SURE YOU HAVE YOUR OWN INDIVIDUAL NOTE PADS. ALL RIGHT,
22 MR. MYRICK, YOU CAN CALL YOUR NEXT WITNESS.

23 MR. MYRICK: THANK YOU, YOUR HONOR. IF IT
24 PLEASE THE COURT THE STATE CALLS MS. AUDREY GODWIN.

25 THE COURT: ALL RIGHT.

AUDREY GODWIN

BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

MADAM CLERK: STATE YOUR NAME AND SPELL YOUR
LAST NAME FOR THE COURT.

THE WITNESS: MY NAME IS AUDREY GODWIN.

MADAM CLERK: SPELL YOUR LAST NAME?

THE WITNESS: G-O-D-W-I-N.

THE COURT: MR. MYRICK?

MR. MYRICK: THANK YOU, YOUR HONOR.

DIRECT EXAMINATION

BY MR. MYRICK:

Q MS. GODWIN, WHERE DO YOU LIVE?

A MYRTLE BEACH, SOUTH
CAROLINA.

Q HOW LONG HAVE YOU LIVED IN MYRTLE BEACH?

A I'VE LIVED THERE NOW ABOUT SIX YEARS.

Q SIX YEARS AT THAT PARTICULAR ADDRESS?

A YES.

Q I'M SORRY, WHAT DID YOU SAY IT WAS?

A

Q WHO DO YOU LIVE WITH?

A I LIVE WITH MY TWO SONS.

Q AND WHO ARE THEY?

A GARY EDWARDSON AND MICHAEL EDWARDSON.

Q HOW OLD ARE YOUR SONS?

1 A I'VE DONE LOST COUNT, I DON'T, THEY'RE
2 ABOUT, THEY'RE IN THEIR 40s.

3 Q AND YA'LL HAVE LIVED THERE HOW LONG AGAIN?

4 A SIX YEARS.

5 Q DO YOU REMEMBER WHEN YOU MET ROBERT JOLLY?

6 A YES, I DO.

7 Q ABOUT WHAT TIME WAS THAT?

8 A THAT WAS PROBABLY IN FEBRUARY OF 2008, I
9 BELIEVE.

10 Q AND WHAT WAS THE STATE OF YOUR MORTGAGE?

11 A ACTUALLY ---

12 MR. LOCKLAIR: YOUR HONOR, I'M GOING TO OBJECT
13 TO THIS TESTIMONY AS IT APPLIES TO RULE 403 RULES OF
14 EVIDENCE AND BEING MORE PREJUDICIAL THAN PROBATIVE.

15 THE COURT: ALL RIGHT, LET ME SEE THE ATTORNEYS
16 FOR A SECOND.

17 (WHEREUPON, A BENCH CONFERENCE WAS HELD OFF THE
18 RECORD IN THE PRESENCE OF THE JURY, BUT OUT OF THE HEARING
19 OF THE JURY AND THE COURT REPORTER.)

20 THE COURT: I'M GOING TO NEED TO EXCUSE YOU BACK
21 TO THE JURY ROOM FOR JUST A MINUTE WHILE WE DISCUSS THESE
22 LEGAL ISSUES, AND I'LL TELL YOU BEFORE WHILE WE TAKE THIS
23 BREAK, WHY WE EXCUSE YOU BACK TO THE JURY ROOM, IT'S NOT
24 THAT WE'RE TRYING TO HIDE ANYTHING FROM YOU BUT AS I TOLD
25 YOU I DECIDE THE LAW IN THIS CASE. YOU AND YOU ALONE

1 DECIDE THE FACTS OF THIS CASE.

2 OFTENTIMES WHEN WE TAKE UP LEGAL ISSUES OR ISSUES
3 ON THE LAW IT REQUIRES ME AS THE JUDGE AND THE ATTORNEYS TO
4 DISCUSS FACTUAL ISSUES BUT WHAT WE SAY DURING THESE
5 DISCUSSIONS IS NOT EVIDENCE SO WE DON'T WANT ANYTHING THAT
6 I SAY IN RULING UPON THESE LEGAL MATTERS OR THAT THE
7 ATTORNEYS SAY WHEN THEY'RE ARGUING THEIR POSITION ON THESE
8 MATTERS TO INFLUENCE YOU IN YOUR DECISION OF WHAT THE
9 FACTUAL ISSUES ARE AND THAT'S WHY WE EXCUSE YOU BACK TO THE
10 JURY ROOM IS SO THAT YOU BASE YOUR FACTUAL FINDINGS ON THE
11 TESTIMONY AND EVIDENCE AND NOT BASED UPON WHAT I SAY OR
12 WHAT THE ATTORNEYS SAY DURING THESE LEGAL ARGUMENTS. SO
13 I'M GOING TO EXCUSE YOU BACK TO THE JURY ROOM FOR JUST A
14 MINUTE AND WE'LL BRING YOU BACK OUT IN JUST A SECOND.

15 (WHEREUPON, THE JURY RETIRED TO THE JURY ROOM AT
16 4:34 P.M.)

17 THE COURT: ALL RIGHT, MR. LOCKLAIR, YOU HAD AN
18 OBJECTION AS TO THIS WITNESS' TESTIMONY IN ITS ENTIRETY?

19 MR. LOCKLAIR: WELL I WANTED TO GO AHEAD AND NIP
20 IT IN THE BUD BEFORE SHE STARTED TALKING ABOUT WHAT
21 OCCURRED WITH MR. JOLLY BUT I'M OBJECTING TO ANY OF HER
22 TESTIMONY INVOLVING HER DEALINGS WITH MR. JOLLY AS BEING
23 UNDULY PREJUDICIAL AND THE PREJUDICIAL VALUE OUTWEIGHING
24 ANY PROBATIVE VALUE THEY MAY HAVE. OBVIOUSLY UNFAIR
25 PREJUDICE MEANS AN UNDUE TENDENCY TO SUGGEST DECISION ON AN

1 IMPROPER BASIS SUCH AS EMOTIONAL ONE.

2 IT'S MY UNDERSTANDING THIS WITNESS' TESTIMONY
3 WILL IN FACT BE DIFFERENT THAN SOME OF THE OTHERS, THAT HER
4 HOUSE WASN'T IN FORECLOSURE BUT SHE WAS TRYING TO PLAN
5 AHEAD. WE FEEL THAT'S ONLY BEING USED TO HELP WHY IT
6 DOESN'T GO TO RES GESTAE OF THE CASE, IT'S NOT NECESSARY.
7 THE PROBATIVE VALUE IS SO LIMITED TO WHAT THE OTHER
8 WITNESSES TESTIFIED TO THAT THE PREJUDICIAL EFFECT OF
9 TRYING TO PLAY ON THE JURY'S EMOTION SPECIFICALLY BY
10 CALLING THIS ONE WITNESS OUT OF OVER 45 CASES THAT MR.
11 JOLLY WAS INVOLVED IN WHEN SHE IS ONE WHO'S NOT SIMILAR
12 SITUATED AND HER'S ACTUALLY WOULD INCITE MORE EMOTION FROM
13 THE JURY BECAUSE OF THE FACT THAT HER HOUSE WASN'T IN
14 TROUBLE WHEN SHE WENT TO HIM; THAT WE THINK THIS WITNESS
15 WAS CHOSEN SOLELY FOR THAT PURPOSE WHEN THERE WERE OTHER
16 WITNESSES THAT COULD HAVE BEEN CALLED, NOT SOLELY FOR THAT
17 PURPOSE, BUT IT COULD COME ACROSS TO THE JURY AS BEING TOO
18 EMOTIONAL AND PREJUDICIAL AND WE THINK THE PREJUDICIAL
19 VALUE OUTWEIGHS ANY PROBATIVE VALUE. IN ADDITION IT'S
20 CUMULATIVE EVIDENCE TO WHAT'S ALREADY BEEN TESTIFIED TO AS
21 FAR ANY COMMON SCHEME OR PLAN TO THESE OTHER WITNESSES AND
22 WITNESSES THAT THEY HAVE STILL TO CALL SO WE'D ASK THE
23 COURT TO EXCLUDE IT BASED ON RULE 403.

24 THE COURT: ALL RIGHT, OKAY, SO SHE'S NOT ONE OF
25 THE VICTIMS IN ONE OF THESE PENDING CASES; IS THAT CORRECT?

1 MR. LOCKLAIR: CORRECT.

2 THE COURT: ALL RIGHT, MR. MYRICK, LET ME HEAR
3 FROM YOU, WHAT IS THE RELEVANCY HERE?

4 MR. MYRICK: YOUR HONOR, I'M LOOKING FOR MY
5 INDICTMENT.

6 THE COURT: ON THE INDICTMENTS I HAVE THE
7 VICTIMS ARE DARRIN STIMATZE, PAULETTE HOLMES, ANNIE BELL
8 MARTIN, AND THEN YOU'VE GOT THE UNAUTHORIZED PRACTICE OF
9 LAW.

10 MR. MYRICK: AND SHE IS A VICTIM OF THE
11 UNAUTHORIZED PRACTICE OF LAW. SHE'S GOING TO TESTIFY THAT
12 HE GAVE HER LEGAL ADVICE, HE PREPARED AND HAD HER SIGN
13 DOCUMENTS WHICH WERE THEN FILED IN THE COURTHOUSE WHICH
14 DEPRIVED HER OF PROPERTY RIGHTS; AND IN STATE V. MCLAUREN,
15 M-C-L-A-U-R-E-N, THE COURT DIRECTS THEM -- NOW IS AS GOOD A
16 TIME AS ANY, YOUR HONOR, FOR ME TO HAND UP THE PROPOSED
17 CHARGE FOR THE UNAUTHORIZED PRACTICE OF LAW BECAUSE OUR
18 SUPREME COURT HAS SAID THAT "THE PRACTICE OF LAW INCLUDES
19 COURT APPEARANCES, THE PREPARATION OF LEGAL INSTRUMENTS OF
20 ALL KINDS, AND IN GENERAL ALL ADVICE TO CLIENTS, AND ALL
21 ACTION TAKEN FOR THEM IN MATTERS CONNECTED WITH THE LAW IN
22 ORDER THAT THE PUBLIC BE PROTECTED FROM THE CONSEQUENCES
23 RESULTING FROM THE ERRONEOUS PREPARATION OF LEGAL DOCUMENTS
24 OR INACCURATE LEGAL ADVICE GIVEN BY PERSONS UNTRAINED IN
25 THE LAW." THAT'S A SYNOPSIS OF IN RE DUNCAN, STATE V.

1 MCLAUREN, LINDER V. INSURANCE CLAIMS CONSULTANTS, AS WELL
2 AS STATE V. DESBAIN.

3 THE COURT: ALL RIGHT,. WELL LET ME GET THIS
4 STRAIGHT, THIS WITNESS IS GOING TO TESTIFY THAT HE PREPARED
5 DOCUMENTS OR HE JUST SUBMITTED IT TO HER FOR HER SIGNATURE?

6 MR. MYRICK: ADVICE, YOUR HONOR, AND ---

7 THE COURT: ALL RIGHT, ADVICE. I'M TRYING TO
8 GET THE PARAMETERS OF HER TESTIMONY. NOW, WHAT'S HER
9 TESTIMONY GOING TO BE?

10 MR. MYRICK: LEGAL ADVICE; WE THINK THE
11 DOCUMENTS THAT HE PERMITTED THAT CAME FROM HIM IS
12 CIRCUMSTANTIAL EVIDENCE THAT HE PREPARED THEM, IT CAME
13 STRAIGHT FROM HIM TO HER SO IT'S LEGAL ADVICE, YOUR HONOR,
14 AND SHE PAID HIM FOR IT.

15 THE COURT: ALL RIGHT.

16 MR. LOCKLAIR: YOUR HONOR, IF SHE HAS ANY DIRECT
17 EVIDENCE IN PREPARING DOCUMENTS THAT WOULD BE DIFFERENT BUT
18 I DOUBT SHE HAS ANY TESTIMONY SHE WOULD BE ABLE TO OFFER
19 PERSONAL KNOWLEDGE OF HIM PREPARING ANYTHING. HE MIGHT
20 HAVE PRESENTED THINGS TO HER BUT THAT DOESN'T MEAN THAT HE
21 PREPARED THEM. EVEN ASSUMING THAT IT WOULD GO TO SHOW, I
22 GUESS, ANY SORT OF COMMON SCHEME OR PLAN OR ANYTHING LIKE
23 THAT WE STILL FEEL THE PREJUDICIAL VALUE OUTWEIGH THE
24 PROBATIVE VALUE.

25 FURTHERMORE SHE'S NOT THE VICTIM OF UNAUTHORIZED

1 PRACTICE OF LAW CAUSE THAT'S TECHNICALLY A VICTIMLESS
2 CRIME. IT'S A CRIME AGAINST THE STATE BECAUSE THE LAW OF
3 THE STATE IS NOT NECESSARILY A VICTIM TYPE OF CRIME, BUT WE
4 WOULD JUST ARGUE THAT IT IS FAR TO PREJUDICIAL. SHOULD
5 YOUR HONOR ALLOW HER TO TESTIFY WE WOULD ASK YOU TO LIMIT
6 THE TESTIMONY SPECIFICALLY TO AREAS DEALING WITH THE
7 UNAUTHORIZED PRACTICE OF LAW MEANING EXCLUDING ANY
8 TESTIMONY ABOUT I PAID HIM MONEY FOR THIS, HE AGREED TO DO
9 THAT, IF I LOST ANY MONEY. WE FEEL ALL THAT IS CERTAINLY
10 TOO PREJUDICIAL AND IS TRYING TO PREJUDICE THE JURY AS FAR
11 AS THE OTHER OBTAINING GOODS BY FALSE PRETENSES, HOWEVER,
12 WE ALSO FEEL THAT HER TESTIMONY ON UNAUTHORIZED PRACTICE OF
13 LAW WOULD BE NOT ONLY PREJUDICIAL BUT ALSO OVERLY
14 CUMULATIVE AS WELL.

15 THE COURT: ALL RIGHT, I'M GOING TO ALLOW HER TO
16 TESTIFY AS TO ANY LEGAL ADVICE AND THINGS OF THAT NATURE
17 BUT I AGREE WITH HIM I'M GOING TO SUSTAIN ANY OBJECTION ON
18 HER TESTIFYING WHERE HE TOOK ANY, SHE'S NOT, SHE'S NOT ONE
19 OF THE VICTIMS IN THE OBTAINING GOODS BY FALSE PRETENSE, SO
20 IF THERE IS, I'M NOT GOING TO LET HER GET INTO ANY
21 TESTIMONY ABOUT ANY ATTEMPTS BY HIM OR ANY ACTUAL OBTAINING
22 GOODS BY FALSE PRETENSE FROM HER, THAT SHE'S NOT ONE OF THE
23 INDICTMENTS BEING PROSECUTED, BUT IF HE DID GIVE HER LEGAL
24 ADVICE SHE CAN TESTIFY AS TO HIM RENDERING LEGAL ADVICE TO
25 HER.

1 MR. LOCKLAIR: THANK YOU.

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

3 THE COURT: YEAH.

4 MR. MYRICK: MR. LOCKLAIR'S OBJECTION AMOUNTS TO
5 WE OBJECT THAT IT'S REALLY REALLY BAD FOR MY CLIENT. WE
6 DON'T THINK IT HAS ANY LEGAL BASIS FOR RES GESTAE OF THE
7 CRIME OF THE UNAUTHORIZED PRACTICE OF LAW IS THE ENTIRETY
8 OF WHAT HE DID AND HOW HE ENGAGED IN IT WITH THIS VICTIM.

9 CHAMBERS V. MISSISSIPPI, UNITED STATES SUPREME
10 COURT CASE, SAYS THAT THE STATE HAS A RIGHT AS WELL AS ANY
11 PARTY TO A COURT TO PUT UP ITS WITNESSES. THE RES GESTAE
12 REQUIRES THAT THE JURY NOT BE DEPRIVED ---

13 THE COURT: WELL SHE'S NOT A RES GESTAE OF THIS
14 PARTICULAR CRIME, OTHERWISE THERE WOULD BE AN INDICTMENT
15 LISTING HER AS A VICTIM. THE ONLY RES GESTAE IS HER
16 GETTING LEGAL ADVICE, UNAUTHORIZED PRACTICE OF LAW. IF HE
17 WAS CHARGED WITH MURDER AND PERSON (A), (B), AND (C) YOU
18 CAN'T GET IN EVIDENCE THAT HE MURDERED PERSON (E) BECAUSE
19 PERSON (E) HAS GOT NOTHING TO DO WITH THE MURDER OF (A),
20 (B), AND (C). I DON'T SEE WHERE HER TESTIMONY HAS ANY
21 RELEVANCE AS TO THE INDICTMENTS FOR OBTAINING GOODS UNDER
22 FALSE PRETENSE FROM PAULETTE HOLMES, ANNIE BELL MARTIN, OR
23 DARRIN STIMATZE.

24 MR. MYRICK: IT DOESN'T, YOUR HONOR.

25 THE COURT: OKAY, SO ---

1 MR. MYRICK: IT'S STRICTLY BUT IT IS AN ELEMENT
2 OF THE UNAUTHORIZED PRACTICE OF LAW. HE MET WITH HER AND
3 GAVE HER ADVICE; HE WAS ENGAGED IN THE UNAUTHORIZED
4 PRACTICE.

5 THE COURT: RIGHT, AND SHE CAN TESTIFY THAT HE
6 MET WITH HER AND GAVE HER LEGAL ADVICE, YEAH, I RULED THAT
7 SHE CAN TESTIFY TO THAT.

8 MR. MYRICK: AND SHE PAID HIM AS WELL, YOUR
9 HONOR.

10 THE COURT: YEAH, BUT SHE CAN TEST---

11 MR. MYRICK: SHE PAID HIM FOR THAT ADVICE.

12 MR. LOCKLAIR: WELL, YOUR HONOR, SHE'D HAVE TO
13 TESTIFY TO THAT, IT'S MY UNDERSTANDING, I'M SURE IT'S HER
14 UNDERSTANDING SHE WAS PAYING FOR STUFF ON HER HOME NOT FOR
15 ADVICE. I THINK WE NEED TO PROFFER THAT TESTIMONY ---

16 THE COURT: WELL, IF IT'S A CASE HE RENDERED
17 LEGAL ADVICE AND SHE PAID HIM A FEE IF IT'S A FEE, IS THAT
18 WHAT YOU'RE SAYING SHE PAID HIM A FEE FOR THAT ADVICE?

19 MR. MYRICK: SHE PAID HIM AS PART OF THE
20 REFINANCING OF HER HOME BASED ON THE ADVICE HE GAVE HER; IT
21 COULDN'T BE MORE SIMPLE, YOUR HONOR.

22 MR. LOCKLAIR: I BELIEVE THE ONLY PAYMENTS WERE
23 PROBABLY A DOWN PAYMENT AND THEN PAYMENTS UNDER THE
24 PROMISSORY NOTES AND THERE WERE NO OTHER PAYMENTS OTHER
25 THAN "MORTGAGE PAYMENTS" AS DOWN PAYMENT THAT WERE GIVEN TO

1 HIM.

2 THE COURT: WELL I'M GOING TO GO AHEAD AND I'M
3 GOING TO LET HER TESTIFY AS TO ANY ADVICE HE GAVE HER,
4 LEGAL ADVICE THAT HE GAVE HER BECAUSE THAT IS A RES GESTAE
5 OF UNAUTHORIZED PRACTICE OF LAW.

6 MR. LOCKLAIR: OKAY, AND, YOUR HONOR, I WOULD
7 MOVE TO EXCLUDE THE ATTORNEY GENERAL FROM BEING ABLE TO ASK
8 HER WHAT LEGAL ADVICE WAS GIVEN BECAUSE THAT'S THE ULTIMATE
9 ISSUE AS TO WHETHER IT WAS LEGAL ADVICE OR NOT. IF IT'S
10 ADVICE AND IF THE JURY DECIDES WHETHER IT'S LEGAL ADVICE
11 BECAUSE IF HE'S ALLOWED TO SAY IT'S LEGAL ADVICE AND YOU
12 REFER TO IT AS LEGAL ADVICE THEN YOU'LL BE MAKING AN
13 INDIRECT COMMENT ON THE FACTS BECAUSE GIVING LEGAL ADVICE
14 IF HE DID THAT IS AUTOMATICALLY THE UNAUTHORIZED PRACTICE
15 OF LAW. THERE'S NO IF'S, AND'S, OR BUT'S ABOUT IT, IF HE
16 GAVE LEGAL ADVICE HE UNAUTHORIZED PRACTICED LAW.

17 THE COURT: WELL UNTIL WE GET INTO IT JUST ASK
18 WHAT KIND OF ADVICE WAS GIVEN SO SHE CAN SAY HE ADVISED
19 HER.

20 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

21 MR. MYRICK: YES, SIR, I WILL.

22 THE COURT: ALL RIGHT. ALL RIGHT, LET'S BRING
23 THE JURY BACK IN.

24 (WHEREUPON, THE JURY RETURNS TO THE COURTROOM AT
25 4:45 P.M.)

1 THE COURT: LADIES AND GENTLEMEN, WELCOME BACK,
2 MR. MYRICK, YOU CAN CONTINUE WITH YOUR QUESTIONING.

3 MR. MYRICK: THANK YOU, YOUR HONOR.

4 Q (CONTINUING) MS. GODWIN, WHEN DID YOU FIRST
5 MEET MR. JOLLY?

6 A I BELIEVE IT WAS IN FEBRUARY OF 2008.

7 Q AND DO YOU SEE HIM IN THE COURTROOM?

8 A YES, I DO.

9 Q WOULD YOU POINT HIM OUT, WOULD YOU SAY?

10 A HE'S RIGHT OVER THERE BESIDE HIS LAWYER.

11 Q WHAT DID YA'LL TALK ABOUT?

12 A WE TALKED ABOUT, ABOUT HIM, WHAT HE WOULD
13 DO FOR ME IN THE REFINANCE OF MY HOME. HE HESITATED TO
14 TAKE ME ON AS A CLIENT AT FIRST SINCE ---

15 MR. LOCKLAIR: YOUR HONOR, I OBJECT TO THAT TO
16 BE ANSWERED, I BELIEVE BY SOMETHING WE DISCUSSED EARLIER.

17 THE COURT: OVERRULED, I'LL ALLOW IT, GO AHEAD.

18 THE WITNESS: (CONTINUING)

19 A HE HESITATED TO TAKE ME ON AS A CLIENT AT
20 FIRST BECAUSE MY HOME WAS NOT IN FORECLOSURE AND HE
21 DOESN'T, HE DIDN'T TAKE ON ANYONE WHOSE HOUSE WASN'T IN
22 FORECLOSURE BUT I DESCRIBED TO HIM THE KIND OF HELP I
23 NEEDED, WHY I WAS SEEKING HELP IN THIS CASE, AND SO HE
24 DECIDED TO HELP ME.

25 Q WHAT DID HE TELL YOU HE WOULD DO FOR YOU?

1 A HE TOLD ME THAT HE WOULD CONTACT MY
2 MORTGAGOR, PAY FOR MY MORTGAGE THIRTY CENTS ON THE DOLLAR,
3 AND IT WOULD BE HIS, AND THEN I WOULD PAY HIM, THAT HE WAS
4 LITERALLY BUYING IT FROM THEM SO THAT HE WOULD OWN IT AND
5 THEN I WOULD PAY HIM.

6 Q AND WHAT ELSE DID HE SAY HE WOULD DO FOR
7 YOU?

8 A HE WAS ADVISING ME ABOUT THE OTHER BILL, MY
9 OTHER BILLS. I WAS HEADING FOR TROUBLE, YOU KNOW, WITH MY
10 CREDIT CARDS AND BILLS BECAUSE MY MORTGAGE COMPANY WAS PAY,
11 WAS ASKING TOO MUCH APR, THAT'S WHY I WAS TRYING TO GET
12 REFINANCED.

13 Q HAD YOUR RATE GONE UP?

14 A MY RATE HAD GONE UP AND I WAS TRYING TO
15 FIND SOMEONE TO REFINANCE ME A LITTLE LOWER RATE BUT NO ONE
16 WOULD BECAUSE BY THAT TIME I HAD NO EQUITY IN MY HOUSE SO I
17 WAS HAVING A PROBLEM.

18 Q SO WHAT KIND OF ADVICE WAS HE GIVING YOU?

19 A HE WAS ---

20 Q HOW WOULD YOU CHARACTERIZE IT?

21 A YES, HE WAS GIVING ME ADVICE. I SAID WE
22 WERE TALKING ABOUT MY CREDIT CARDS AND OTHER BILLS AND
23 EVERYTHING AND PARTICULARLY ABOUT MY CREDIT CARDS HE TOLD
24 ME NOT TO PAY THEM, HE SAID DON'T PAY THEM.

25 Q DID HE SAY WHY?

1 A HE SAID THEY CAN'T DO ANYTHING ABOUT IT.
2 HE SAID, AND I ASKED HIM, I SAID, WELL IF I DON'T PAY THEM,
3 YOU KNOW, THEY'LL TAKE ME TO COURT OR, YOU KNOW, THAT AND
4 EVERYTHING LIKE THAT, AND HE SAID HAVE EVERYTHING PUT IN
5 SOMEONE ELSE'S NAME, NOT MY OWN NAME, HAVE IT PUT IN
6 SOMEONE ELSE'S NAME.

7 Q AND DID HE TELL YOU WHAT WOULD HAPPEN IF
8 YOU GOT SUMMONED TO COURT?

9 A YES, HE ---

10 Q THAT HE WOULD ---

11 A YEAH, THAT HE WOULD COUNSEL ME.

12 Q HE WOULD?

13 A YES, AND HE WOULD BE WITH ME AND --

14 Q WHERE WOULD HE BE WITH YOU?

15 A IN COURT.

16 Q OKAY, AND HE WOULD, WHAT WORD DID YOU USE?

17 A COUNSEL.

18 Q COUNSEL YOU, AND WHAT DID YOU TAKE THAT TO
19 MEAN?

20 A LEGAL ADVICE, ACT AS A LEGAL PERSON, YOU
21 KNOW.

22 Q AND THAT WAS FROM THE FIRST TIME YOU MET
23 HIM?

24 A YES, YES, I'M NOT EXACTLY SURE IT WAS THE
25 FIRST TIME I MET HIM, BUT WE HAD MANY MEETINGS AFTER THAT.

1 WE, YOU KNOW, WE SIGNED THE PAPERS AND STUFF LIKE THAT AND
2 ALL THIS CONVERSATION HAPPENED DURING THE EARLY PART OF OUR
3 MEETING, EARLY PART OF MEETING EACH OTHER, YOU KNOW,
4 WHENEVER WE WERE WORKING OUT DETAILS AND STUFF LIKE THAT.

5 Q DID HE SAY WHAT THE FOCUS OF HIS BUSINESS
6 WAS?

7 A THE FOCUS OF HIS BUSINESS?

8 Q YES, MA'AM.

9 A YES, HE SAID HE WAS A SORT OF LIKE A SAVIOR
10 OR A DOC, ELDERLY PEOPLE WITH THEIR HOUSES IN FORECLOSURE
11 HE COMES ALONG AND TAKES THEIR HOUSE FOR THEM SO THAT THEY
12 WON'T BE FORECLOSED ON. HE BUYS THEIR HOUSES FROM THE
13 MORTGAGE COMPANIES AND THAT'S WHAT HE IS. HE KIND OF
14 PAINTED HISSELF AS A DO-GOODER, YOU KNOW WHAT I MEAN,
15 SOMEBODY THAT HELPS OTHER PEOPLE, PARTICULARLY THE ELDERLY.

16 Q AND DID YOU PAY HIM FOR THIS ADVICE AND HIS
17 HELP?

18 A I PAID HIM PLENTY; I PAID HIM 14 OR
19 \$15,000.

20 Q AS PART OF THE REFINANCE?

21 A YES, AS PART OF THE REFINANCE. I PAID HIM
22 A \$1,000 A MONTH FOR 14 MONTHS. I PAID A DOWN PAYMENT OF A
23 \$1,000 DOLLARS AND I HAVE THE --

24 Q DO YOU RECOGNIZE THESE/ I'M GOING TO HAND
25 YOU WHAT'S BEEN MARKED AS STATE'S 41 THROUGH 54; DO YOU

1 RECOGNIZE THOSE?

2 A YES, I DO. THESE ARE CANCELED CHECKS TO
3 JOLLY AND ASSOCIATES, SOME OF THEM ARE MADE OUT TO STEVE
4 JOLLY, ALL OF THEM ARE MADE OUT FOR A \$1,000 A MONTH. THEY
5 HAVE HIS STAMP ON IT WHERE HE CASHED THEM AND THEN IT HAS
6 SOMETHING BELOW IT THAT MY BANK PUT ON THERE. I GOT THESE
7 FROM MY OWN BANK WHERE THEY HAD CASHIERS CHECK.

8 Q AND DID YOU FOLLOW HIS ADVICE?

9 A NO, I MEAN I DIDN'T FOLLOW IT, NO. I MEAN
10 I KEPT PAYING MY BILLS. I DIDN'T QUIT PAYING MY BILLS.

11 Q WHAT ABOUT WITH RESPECT TO YOUR HOUSE?

12 A YES, YES, I, I TOOK HIM ON AS MY MORTGAGOR
13 BECAUSE HE, HE HAD THIS BIG CONTRACT HE DIDN'T LET ME, I
14 MEAN HE LET ME HOLD IT AND HE LET ME SEE THE CHECK, YOU
15 KNOW, AND SAID HE WAS GOING TO SEND IT TO MY MORTGAGE
16 COMPANY AND IF MY MORTGAGE COMPANY CASHED THAT CHECK THEN
17 IT WOULD BE THE SAME AS THEM, YOU KNOW, SELLING HIM MY
18 HOUSE, HIM TAKING A DEAL THAT I GUESS THE CONTRACT MADE
19 OUT, I DIDN'T READ THE CONTRACT. IT WAS VERY LARGE AND
20 THICK AND EVERYTHING AND ---

21 Q WHO TOLD YOU WHAT THE CONTRACT SAID?

22 A JOLLY, STEVE JOLLY, HE DESCRIBED WHAT IT
23 SAID ---

24 Q AND DID HE TELL YOU WHETHER OR NOT YOU
25 SHOULD SIGN IT?

1 A I'M SORRY, WHAT?

2 Q DID HE TELL YOU WHETHER OR NOT YOU SHOULD
3 SIGN IT?

4 A YEAH, YEAH.

5 Q WHAT DID HE TELL YOU?

6 A HE SAID TO SIGN IT. I MEAN THAT, THAT WAS,
7 I MEAN THAT WAS THE REASON FOR THE CONTRACT, I MEAN HE
8 SHOWED IT ME. I'M SORRY, I CANT REMEMBER IF I SIGNED THAT
9 CONTRACT THEN OR SOMETIME LATER OR WHAT, I'M SORRY, I CAN'T
10 REMEMBER.

11 Q AND DO YOU KNOW WHAT A QUITCLAIM DEED IS?

12 A YES, I DO.

13 Q AND WHAT IS IT, MS. GODWIN?

14 A IT'S A SORT OF LIKE TAKING YOUR HANDS OFF
15 THE PROPERTY AND PUTTING IN THE HANDS OF SOMEONE ELSE.

16 Q AND DID YOU DO THAT?

17 A NO, NOT INTENTIONALLY I DIDN'T. IT SEEMS
18 IT TURNS OUT THAT MY PROPERTY IS PUT IN THE, WAS PUT IN THE
19 HANDS OF STEVE JOLLY.

20 Q WAS THAT YOUR INTENTION?

21 A NO, THAT WAS NOT MY INTENTION.

22 Q AND WHO ADVISED YOU REGARDING THE QUITCLAIM
23 DEED?

24 A OKAY, WHAT HAPPENED WITH THE QUITCLAIM DEED
25 WAS ---

1 Q YOU GAVE IT TO HIM, RIGHT?

2 A I, WELL I DIDN'T HAVE, HE ASKED ME FOR THE
3 QUITCLAIM DEED BUT I DIDN'T HAVE A COPY OF IT, SO HE
4 INSTRUCTED ME TO GO DOWN TO THE COURTHOUSE AND GET A COPY
5 OF IT SO I SENT MY SON DOWN. HE GOT A COPY OF IT AND WHEN
6 I GOT IT WELL I CALLED AND TOLD JOLLY I HAD IT OR GUERNSEY,
7 WHOEVER IT WAS THAT WAS HELPING HIM, SORRY, I'M SORRY.

8 Q SO WHAT HAPPENED WITH YOUR HOUSE?

9 MR. LOCKLAIR: YOUR HONOR, I'D OBJECT TO THAT
10 UNDER OUR PREVIOUS OBJECTION.

11 THE COURT: SUSTAINED.

12 MR. MYRICK: (CONTINUING)

13 Q THROUGHOUT THIS PROCESS WHO WERE YOU
14 TURNING TO FOR HELP?

15 A I WAS TURNING TO JOLLY.

16 Q WHO ELSE, JUST JOLLY AND ASSOCIATES?

17 A JOLLY AND ASSOCIATES, YEAH.

18 Q HIS BUSINESS?

19 A DO I MENTION ANY NAMES AS TO WHO, IS THAT,
20 IS THAT ALLOWED?

21 Q AND HOW WOULD YOU CHARACTERIZE HIS ADVICE,
22 MR. JOLLY'S?

23 MR. LOCKLAIR: YOUR HONOR, I OBJECT TO THAT
24 QUESTION. IT'S CALLING FOR AN ULTIMATE CONCLUSION OF FACT
25 TO BE DECIDED BY THE JURY.

1 THE COURT: I'M GOING TO ALLOW THAT, GO AHEAD.

2 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

3 THE COURT: THANK YOU, YOU CAN TEST -- GO AHEAD.

4 THE WITNESS: (CONTINUING)

5 A OKAY, HE, I'M SORRY, WOULD YOU FORM THAT
6 QUESTION AGAIN? I DON'T KNOW WHERE, EXACTLY WHAT IT WAS.

7 Q IN YOUR WORDS, NO ONE ELSE'S, WHAT, IF ANY,
8 KIND OF ADVICE DID HE GIVE YOU; WHAT KIND OF ADVICE WAS IT?

9 A IT WAS, OH, OKAY. HE SAID THAT MY MORTGAGE
10 COMPANY WOULD PROBABLY BE CALLING ME AND HE SAID DON'T TALK
11 TO THEM. IF THEY, IF YOU GET, IF THEY GET YOU ON THE PHONE
12 TELL THEM TO SEND ANYTHING THAT THEY WANT ME TO SEE IN THE
13 MAIL AND THEN TAKE THAT MAIL THAT THEY SEND ME AND GIVE IT
14 TO HIM. DON'T LOOK AT ANY MAIL, DON'T ANSWER, I MEAN DON'T
15 TALK TO THEM IN ANY WAY, AND I DON'T HAVE ANYTHING TO DO
16 WITH THEM, JUST GIVE EVERYTHING TO HIM, AND THAT'S WHAT I
17 DID. WHENEVER I GOT MAIL I DIDN'T EVEN LOOK AT IT, SO I
18 COULDN'T TELL YOU WHAT WAS IN IT. I LOOKED, I GAVE IT TO
19 JOLLY FOR HIM TO HANDLE FOR ME BECAUSE I THOUGHT HE WAS MY
20 MORTGAGER AND THAT HE WAS THE ONE THAT WAS DEALING WITH
21 THESE PEOPLE.

22 Q SO YOU TOOK HIS ADVICE?

23 A YES, I DID.

24 Q MAY I SEE THOSE?

25 MR. MYRICK: YOUR HONOR, THE STATE WOULD MOVE TO

1 ADMIT STATE'S 34 AS A SELF-AUTHENTICATED PUBLIC DOCUMENT.

2 MR. LOCKLAIR: WE'D OBJECT UNDER OUR PREVIOUS
3 OBJECTIONS, YOUR HONOR, TO ALL THESE EXHIBITS.

4 THE COURT: LET ME SEE WHAT IT IS. YEAH, I'M
5 GOING TO SUSTAIN THE OBJECTION, INADMISSIBLE.

6 MR. MYRICK: MAY WE APPROACH, YOUR HONOR?

7 THE COURT: YEAH.

8 (WHEREUPON, A BENCH CONFERENCE WAS HELD OFF THE
9 RECORD IN THE PRESENCE OF THE JURY, BUT OUT OF THE HEARING
10 OF THE JURY AND THE COURT REPORTER.)

11 MR. MYRICK: (CONTINUING)

12 Q AND, MS. GODWIN, ALL YOUR CHECKS WERE
13 CASHED?

14 A YES.

15 Q DO YOU KNOW BY WHO?

16 A WELL AFTER THEY LEFT MY HANDS I DON'T
17 REALLY KNOW, I ASSUME ---

18 Q WHO DID YOU MAKE THEM OUT TO?

19 A I MADE THEM OUT TO JOLLY AND ASSOCIATES OR
20 STEVE JOLLY AND I SENT THEM TO A POST OFFICE BOX BECAUSE HE
21 SAID HE DIDN'T HAVE AN OFFICE AT THAT TIME.

22 MR. MYRICK: YOUR HONOR, THE STATE WOULD MOVE TO
23 INTRODUCE STATE'S 41 THROUGH 54.

24 MR. LOCKLAIR: WE'D OBJECT UNDER OUR PREVIOUS
25 OBJECTIONS AS WELL, YOUR HONOR.

1 THE COURT: ALL RIGHT, I NEED TO SEE WHAT THOSE
2 ARE. YEAH, I'M GOING TO SUSTAIN THE OBJECTION.

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

4 THE COURT: OKAY, ALL RIGHT, LADIES AND
5 GENTLEMEN, WE'VE GOT TO TAKE UP ANOTHER ISSUE OF LAW. I'M
6 GOING TO EXCUSE YOU BACK TO THE JURY ROOM FOR JUST A
7 MINUTE. WE'LL BRING YOU BACK OUT IN JUST A SECOND.

8 (WHEREUPON, THE JURY RETIRED TO THE JURY ROOM AT
9 5:00 P.M.)

10 THE COURT: ALL RIGHT, MR. MYRICK, LET ME HEAR
11 FROM YOU.

12 MR. MYRICK: YOUR HONOR, IN ADDITION TO BEING
13 THE PROSECUTOR FOR THE ATTORNEY GENERAL I AM ALSO THE HEAD
14 OF VICTIM SERVICES FOR THE ATTORNEY GENERAL'S OFFICE. AS
15 SUCH I SUPERVISE ALL OF OUR VICTIM SERVICES EFFORTS. THE
16 STATE'S POSITION WITH RESPECT TO THOSE CHECKS IS THAT HER
17 FINANCIAL LOSS IS A DIRECT RESULT OF HIS UNAUTHORIZED
18 PRACTICE OF LAW. WE BELIEVE THAT UPON CONVICTION SHE
19 SHOULD BE ENTITLED TO RESTITUTION BASED ON THE LOSS SHE
20 SUFFERED BECAUSE OF HIS ENGAGING IN THE UNAUTHORIZED
21 PRACTICE OF LAW. WE THINK THOSE CHECKS ARE FORENSIC
22 EVIDENCE OF WHAT SHE LOST BY TRUSTING IN HIM AND LISTENING
23 TO HIS LEGAL ADVICE REGARDING THE LEGAL DOCUMENT THAT OUR
24 SUPREME COURT SAID IN IN RE DUNCAN AND STATE V. MCLAUREN
25 THAT THE PREPARATION OF LEGAL DOCUMENT OR INACCURATE LEGAL

1 ADVICE GIVEN BY PERSONS UNTRAINED IN THE LAW CONSTITUTES
2 THE UNAUTHORIZED PRACTICE OF LAW. WE THINK HER TESTIMONY
3 MAKES VERY CLEAR THAT SHE HAD AN UNTRAINED PERSON PREPARING
4 DOCUMENTS, PRESENTING DOCUMENTS, AND GIVING ERRONEOUS
5 ADVICE, SHE RELIED ON IT AND THAT'S WHAT IT COST HER. WE
6 THINK IT'S A RESTITUTION ISSUE, YOUR HONOR, AS WELL AS VERY
7 BASIC, THE MOST BASIC EVIDENCE TO SUPPORT THAT SHE LISTENED
8 TO HIS ADVICE.

9 THE COURT: ALL RIGHT, WELL THE STATE'S EXHIBITS
10 41 THROUGH 54 ARE NOT PAYMENTS FOR LEGAL ADVICE; THEY'RE
11 PAYMENTS, MORTGAGE PAYMENTS, HAS ABSOLUTELY NOTHING TO DO,
12 THEY'RE ALL LISTED AS MORTGAGE PAYMENTS, AUGUST PAYMENT,
13 JULY PAYMENT, AND THEY DON'T REPRESENT AN UNAUTHORIZED
14 PRACTICE OF LAW, NUMBER ONE.

15 NUMBER TWO, STATE'S EXHIBIT NUMBER 34 IS THE SAME
16 THING YOU'VE ALREADY GOT IN ON THE OTHER WITNESSES WHO HAVE
17 INDICTMENTS IN THIS CASE. THIS WITNESS DOES NOT HAVE AN
18 INDICTMENT IN THIS CASE, SO ALL YOU ARE DOING IS OFFERING
19 CUMULATIVE EVIDENCE TO PROVE GUILT ON THESE FOUR
20 INDICTMENTS. YOU'VE ALREADY GOT THE SAME EVIDENCE IN FROM
21 THE FIRST TWO WITNESSES. YOU'VE GOT A QUITCLAIM DEED AND
22 ALL THESE DOCUMENTS IN WITH ANNIE BELL MARTIN. YOU'VE GOT
23 A QUITCLAIM DEED AND ALL OF THESE DOCUMENTS IN WITH
24 PAULETTE HOLMES, SO ALL YOU'RE DOING IS CUMULATIVE SO THE
25 PREJUDICIAL EFFECT FAR OUTWEIGHS THE PROBATIVE VALUE.

1 THERE'S NO REASON, AS YOU SAID, FOR 54, PUT IN 54 DOCUMENTS
2 WHEN YOU'RE TRYING TO GET A CONVICTION ON FOUR INDICTMENTS,
3 SO I THINK THE PREJUDICIAL EFFECT FAR OUTWEIGHS THE
4 PROBATIVE VALUE.

5 LIKEWISE THERE IS NO INDICTMENT WITH THIS PERSON
6 FOR OBTAINING GOODS BY FALSE PRETENSE. SHE CAN TESTIFY AND
7 SHE HAS TESTIFIED THAT HE RENDERED HER LEGAL ADVICE. THE
8 FACT THAT SHE, YOU'RE TRYING TO GET IN CHECKS FOR MORTGAGE
9 PAYMENTS IS NOT EVIDENCE OF RENDERING UNAUTHORIZED PRACTICE
10 OF LAW. THE SOLE PURPOSE OF THAT IS TO SHOW THAT THERE
11 WERE POTENTIALLY OBTAIN GOODS BY FALSE PRETENSES FROM HER
12 AND THE ONLY REASON YOU'RE DOING THAT IS TO TRY TO GET A
13 CONVICTION ON THE OTHER PEOPLE FOR WHICH INDICTMENTS STAND,
14 SO I'M GOING TO STAND BY MY RULING AND RULE THAT THEY'RE
15 INADMISSIBLE.

16 ALL RIGHT, ANYTHING ELSE?

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

18 THE COURT: ANYTHING ELSE FROM THE STATE?

19 MR. MYRICK: NO, SIR.

20 THE COURT: ALL RIGHT, LET'S GO AHEAD AND BRING
21 THE JURY BACK IN.

22 (WHEREUPON, THE JURY RETURNS TO THE COURTROOM AT
23 5:05 P.M.)

24 THE COURT: ALL RIGHT, MR. MYRICK, YOU CAN
25 CONTINUE WITH YOUR QUESTIONING.

1 MR. MYRICK: THANK YOU. THANK YOU, PLEASE
2 ANSWER ANY QUESTIONS MR. LOCKLAIR HAS.

3 MR. LOCKLAIR: I DON'T HAVE ANY QUESTIONS FOR
4 THIS WITNESS, YOUR HONOR.

5 THE COURT: ALL RIGHT, YOU MAY STEP DOWN.

6 THE WITNESS: THANK YOU, SIR.

7 THE COURT: ALL RIGHT, LET ME SEE THE ATTORNEYS
8 FOR JUST A SECOND.

9 (WHEREUPON, A BENCH CONFERENCE WAS HELD OFF THE
10 RECORD IN THE PRESENCE OF THE JURY, BUT OUT OF THE HEARING
11 OF THE JURY AND THE COURT REPORTER.)

12 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN, WE
13 WERE JUST DOING SOME SCHEDULING TO SEE AS FAR AS THE NEXT
14 WITNESS AND HOW LONG WE THOUGHT THE TESTIMONY WAS GOING TO
15 TAKE. WITH IT BEING FIVE AFTER FIVE I THINK WE ARE GOING
16 TO GO AHEAD AND BREAK FOR THE EVENING. I'M GOING TO ALLOW
17 YOU TO GO HOME FOR THE EVENING. PLEASE BE BACK IN THE JURY
18 ROOM UP HERE ON THE THIRD FLOOR AT 9:15 TOMORROW MORNING
19 AND WE'LL TRY TO GET STARTED AS SOON AFTER 9:15 AS WE CAN.
20 USUALLY I LIKE TO TAKE THE BENCH AT ABOUT 9:30 BUT I KNOW
21 THEY'LL HAVE COFFEE FOR YOU AND THINGS OF THAT NATURE SO,
22 PLEASE, BE BACK IN THE JURY ROOM AT 9:15.

23 DO NOT DISCUSS THE CASE EVEN AMONG YOURSELVES AT
24 THIS POINT IN TIME. IT'S STILL TOO PRELIMINARY TO DISCUSS
25 THE CASE EVEN DELIBERATE IT IN ANY FORM OR FASHION. DON'T

1 CONDUCT ANY INDEPENDENT INVESTIGATION, DON'T GO LOOKING FOR
2 ANY NEWSPAPER ACCOUNTS OR GO ON THE INTERNET OR TRY TO FIND
3 OUT ANYTHING ABOUT THE CASE.

4 I HOPE EVERYBODY HAS A GOOD EVENING. IF YOU HAVE
5 NOTE PADS, PLEASE, LEAVE THEM HERE IN THE JURY BOX, WE'LL
6 GET THOSE BACK TO YOU TOMORROW MORNING AND WE'LL SEE YOU
7 BACK TOMORROW MORNING, THANK YOU VERY MUCH.

8 (WHEREUPON, THE JURY WAS EXCUSED FOR THE EVENING
9 AT 5:07 P.M.)

10 THE COURT: ALL RIGHT, MR. MYRICK, YOU WANTED TO
11 PUT SOMETHING ON THE RECORD.

12 MR. MYRICK: YES, SIR, I'D LIKE SOME
13 CLARIFICATION THAT I'D LIKE TO ADDRESS THE VICTIM'S ISSUE
14 AND THE PREJUDICE ISSUE. I WOULD LIKE TO STATE AS CLEARLY
15 AS I CAN WHEN THE STATE CHARGED MR. JOLLY WITH THIS LONG
16 TERM OF THE UNAUTHORIZED PRACTICE OF LAW WE DID IN GOOD
17 FAITH BELIEVE THAT IT WAS THE BEST WAY TO CHARGE RATHER
18 THAN CHARGE HIM FIFTY TIMES FOR EVERY TIME HE FILED A
19 DOCUMENT, DRAFTED A PLEADING, OR WENT TO COURT.

20 THE COURT: RIGHT, BUT THE FACT THAT, AND THIS
21 IS WHERE I RAN INTO A PROBLEM, FILING A DOCUMENT IS NOT THE
22 UNAUTHORIZED PRACTICE OF LAW; GETTING A SIGNATURE IS NOT
23 THE UNAUTHORIZED PRACTICE OF LAW. PREPARING LEGAL
24 DOCUMENTS, GIVING LEGAL ADVICE, THINGS OF THAT NATURE
25 THAT'S THE UNAUTHORIZED PRACTICE OF LAW. THERE'S A LOT OF

1 PEOPLE OUT THERE WHO ARE NOT LICENSED TO PRACTICE LAW THAT
2 TAKE MATTERS TO THE CLERK OF COURT'S OFFICE AND FILE THEM
3 EVERY DAY, SO IF YOU'RE RELYING ON THE FACT THAT HE FILED A
4 LEGAL DOCUMENT WITH THE CLERK OF COURT UNLESS YOU SHOW ME
5 SOMETHING THAT SAYS ONLY A PERSON LICENSED TO PRACTICE LAW
6 IN THE STATE OF SOUTH CAROLINA CAN FILE THAT DOCUMENT WITH
7 THE CLERK OF COURT. AND I DON'T THINK THERE'S ANYTHING OUT
8 THERE BECAUSE I THINK THE CLERK OF COURT OR THE REGISTER OF
9 DEEDS WOULD HAVE HAD SOMETHING WHERE THEY ARE REQUIRED TO
10 SEE A PERSON'S LAW LICENSE BEFORE THEY ACCEPT ANY SUCH
11 FILING.

12 NOW IF YOU HAVE SOMEBODY WHO SAID THEY GOT LEGAL
13 ADVICE FROM MR. JOLLY THEY CAN TESTIFY TO THAT. IF YOU
14 HAVE SOMEBODY THAT SAYS HE PREPARED THESE LEGAL DOCUMENTS
15 FOR THEM THEY CAN TESTIFY TO THAT, BUT THE EXHIBITS THAT I
16 JUST RULED INADMISSIBLE UNDER MS. GODWIN THEY HAD NOTHING
17 TO DO WITH THE PRACTICE OF LAW. THEY HAD EVERYTHING TO DO
18 WITH OBTAINING GOODS BY FALSE PRETENSE. THERE'S NO
19 INDICTMENT AGAINST MR. JOLLY FOR OBTAINING GOODS UNDER
20 FALSE PRETENSE FROM MS. GODWIN, THEREFORE, I RULED THAT THE
21 PREJUDICIAL EFFECT FAR OUTWEIGHED THE PROBATIVE VALUE
22 BECAUSE YOU ALREADY HAD THE SAME THING WITH THE OTHER TWO
23 WITNESSES FOR WHOM YOU DO HAVE INDICTMENTS AND SO YOU'RE
24 NOT GOING TO BE ABLE TO SHOW, IF THE WITNESS IS GOING TO
25 GET UP TO SAY HE GOT ME TO SIGN A QUITCLAIM DEED AND I GAVE

1 HIM THESE CHECKS TO PAY OFF MY MORTGAGE AND HE RECORDED THE
2 DEED AND YOU DON'T HAVE AN INDICTMENT FOR THEM THEY'RE NOT
3 GOING TO BE ABLE TO GET INTO THAT.

4 THEY ARE GOING TO BE ABLE TO SAY WHAT KIND OF
5 LEGAL ADVICE HE GAVE THEM. THEY CAN SAY HE PREPARED A
6 QUITCLAIM DEED FOR ME TO SIGN; HE PREPARED A MORTGAGE FOR
7 ME TO SIGN; HE PREPARED A PROMISSORY NOTE FOR ME TO SIGN,
8 ALTHOUGH I DON'T EVEN KNOW IF PREPARING A PROMISSORY NOTE
9 IS UNAUTHORIZED PRACTICE OF LAW. IT MIGHT BE BUT I'M NOT
10 SURE IF IT IS OR NOT; I'LL NEED TO CHECK ON THAT.

11 I KNOW THE SUPREME COURT HAS RULED RENDERING
12 LEGAL ADVICE AS FAR AS WHAT'S A FIRST LIEN, WHAT'S A SECOND
13 LIEN AND THINGS OF THAT NATURE IS UNAUTHORIZED PRACTICE OF
14 LAW SO KEEP IT RESTRICTED TO THE UNAUTHORIZED PRACTICE OF
15 LAW. HOWEVER WHEN YOU START CROSSING OVER INTO THE
16 OBTAINING GOODS BY FALSE PRETENSE WHICH MEANS THAT YOU'RE
17 GETTING IN CUMULATIVE STUFF THAT IS IN ADDITION TO THE
18 TESTIMONY OF ANNIE BELL MARTIN AND PAULETTE HOLMES THEN,
19 WELL LET ME SEE, WHO ARE THE, I KEEP FORGETTING TO SEE WHO
20 THE --

21 MR. MYRICK: THAT'S CORRECT, YOUR HONOR.

22 THE COURT: YEAH, PAULETTE HOLMES WHO WE HAVE AN
23 INDICTMENT FOR AND ANNIE BELL MARTIN WHO WE HAVE AN
24 INDICTMENT FOR. SO AFTER THAT IT JUST BECOMES CUMULATIVE
25 AND MORE PREJUDICIAL THAN PROBATIVE BECAUSE YOU'VE ALREADY

1 GOT, YOU KNOW, YOU'VE ALREADY GOT THE EVIDENCE IN. THE
2 SOLE REASON YOU'RE TRYING TO GET MORE EVIDENCE IN IS TO SAY
3 IF YOU DON'T BELIEVE THESE TWO THEN MAYBE YOU'LL BELIEVE
4 THESE.

5 MR. MYRICK: AGAIN, YOUR HONOR, THAT WOULD BE AN
6 UNINTENDED CONSEQUENCE. THE LAST TWO WITNESSES WERE
7 DIRECTLY IN THE STATE'S INTENTION TOWARD THE UPL COUNT.
8 WE'RE NOT TO PREJUDICE MR. JOLLY.

9 THE COURT: AND I UNDERSTAND THAT AND SO THAT'S
10 WHY I ---

11 MR. MYRICK: ABSOLUTELY NOT.

12 THE COURT: THAT'S WHY I ALLOWED MS. GODWIN TO
13 TESTIFY THAT HE GAVE HER LEGAL ADVICE AND THAT SHE WENT TO
14 HIM AND WAS OF THE IMPRESSION THAT SHE WAS GETTING LEGAL
15 ADVICE BUT WHEN YOU OFFER THESE CHECKS THEY HAD CLEARLY ON
16 THERE MORTGAGE PAYMENT AND I CAN GIVE A CHECK TO WHOMEVER I
17 WANT TO AND WRITE MORTGAGE PAYMENT ON IT FOR THEM TO PAY MY
18 MORTGAGE AND THEY DON'T HAVE TO HAVE A LAW LICENSE TO DO
19 THAT. IT'S PERFECTLY LEGAL FOR ME TO GIVE MR. JOLLY MY
20 CHECK TO GO PAY MY MORTGAGE WITH IT.

21 NOW IF HE SAYS HE'S GOING TO PAY THE MORTGAGE AND
22 HE DOESN'T PAY THE MORTGAGE THAT'S OBTAINING GOODS BY FALSE
23 PRETENSE AND IT'S IRRELEVANT AS TO WHETHER OR NOT HE
24 OBTAINED GOODS BY FALSE PRETENSE FOR MS. GODWIN WHEN YOU'RE
25 TRYING TO PROVE IT AGAINST MS. MARTIN AND MS. HOLMES, OKAY,

1 SO THAT'S THE DISTINCTION THERE.

2 MR. MYRICK: YES, SIR, AND AGAIN, YOUR HONOR, WE
3 WEREN'T TRYING TO PREJUDICE HIM. I SINCERELY INTENDED FOR
4 THAT EVIDENCE TO BE USED SOLELY FOR THE UPL COUNT AND IF
5 WE, IF WE NEED, MR. LOCKLAIR WANTS TO ASK THE COURT FOR AN
6 INSTRUCTION LATER THAT SUBSEQUENT WITNESSES WHO WEREN'T
7 INVOLVED WITH MS. ANNIE BELL MARTIN OR MS. PAULETTE HOLMES
8 SHOULD BE CONSIDERED ONLY FOR THAT ONE COUNT AT THE END OF
9 THE TRIAL, ONLY FOR THE UPL COUNT, THAT WOULD SUIT US FINE
10 BECAUSE WE DON'T WANT TO PREJUDICE ANYONE.

11 THE COURT: WELL, NO, I THINK, YOU KNOW, I'VE
12 ALREADY MADE THE RULING ON THIS AND I CAN TELL YOU THE
13 CHECKS, THE CHECKS THAT MS. GODWIN GAVE TO MR. JOLLY,
14 THAT'S NOT PROOF OF UNAUTHORIZED PRACTICE OF LAW IN ANY WAY
15 SHAPE OR FORM. SO, NUMBER ONE, NOT ONLY IS IT CUMULATIVE,
16 IT'S IRRELEVANT FOR THE UNAUTHORIZED PRACTICE OF LAW
17 BECAUSE ALL SHE DID WAS GIVE HIM CHECKS TO GO PAY HER
18 MORTGAGE AND YOU DON'T HAVE, THAT DOESN'T SIGNIFY OR ISN'T
19 ANY PROOF OF UNAUTHORIZED PRACTICE OF LAW IN ANY WAY SHAPE
20 OR FORM. IT'S ONLY WHEN HE KEEPS THOSE CHECKS THEN YOU,
21 THAT'S NOT UNAUTHORIZED PRACTICE OF LAW, THAT'S OBTAINING
22 GOODS BY FALSE PRETENSE AND IF HE OBTAINED GOODS BY FALSE
23 PRETENSE FROM MS. GODWIN THAT'S TOTALLY IRRELEVANT AS TO
24 WHETHER OR NOT HE OBTAINED GOODS BY FALSE PRETENSE FROM MS.
25 MARTIN OR MS. HOLMES, SO IT'S INADMISSIBLE IN THAT REGARD.

1 MR. MYRICK: AGAIN I UNDERSTAND, YOUR HONOR. I
2 PUT OUR POSITION ON THE RECORD THAT IT WAS A CONSEQUENCE OF
3 HIS LEGAL ADVICE BUT I UNDERSTAND THE COURT.

4 THE COURT: I UNDERSTAND WHAT YOU'RE SAYING.
5 ALL RIGHT, IS THERE ANYTHING ELSE?

6 MR. MYRICK: NO, SIR.

7 MR. LOCKLAIR: NOTHING FROM THE DEFENSE, YOUR
8 HONOR.

9 THE COURT: ALL RIGHT, SOUNDS GOOD. ALL RIGHT,
10 LET'S STAND IN RECESS. I LIKE TO HAVE THE JURY COME BACK
11 ABOUT 9:15 CAUSE I KNOW THEY USUALLY HAVE SOME COFFEE FOR
12 THEM AND STUFF LIKE THAT AND THEN I'LL TRY TO TAKE THE
13 BENCH RIGHT AT 9:30, OKAY.

14 MR. MYRICK: YES, SIR, AND BASED UPON THE
15 COURT'S RULING NOW WE MAY NOT HAVE TO WORK LATE AT ALL THIS
16 WEEK.

17 THE COURT: OKAY, SOUNDS GOOD.

18 MR. MYRICK: THANK YOU, YOUR HONOR.

19 MR. LOCKLAIR: THANK YOU.

20 THE COURT: THANK YOU VERY MUCH. ALL RIGHT,
21 WE'LL STAND IN RECESS UNTIL 9:30 TOMORROW MORNING.

22 (WHEREUPON, COURT WAS ADJOURNED FOR THE EVENING
23 AND RESUMES ON APRIL 13, 2011 AT 9:00 A.M.)

24 (WHEREUPON, STATE'S EXHIBIT NUMBER 56 MARKED FOR
25 IDENTIFICATION.)

1 THE COURT: I MET BACK IN CHAMBERS WITH THE
2 ATTORNEYS IN THIS CASE. THE BAILIFF APPROACHED ME WITH A
3 NOTE SHE HAD JUST WRITTEN THE ALTERNATES NAME, JAMES W.
4 HILL, JUROR NUMBER 157, SAID HE NEEDED TO SPEAK WITH ME
5 ABOUT AN ISSUE, SO I CALLED THE ATTORNEYS BACK AND BROUGHT
6 MR. HILL IN. BASICALLY MR. HILL JUST SAID THAT HIS
7 PROFESSION WAS IN THE REAL ESTATE WORLD AND HE HAD SOME
8 STRONG OPINIONS AND DID NOT THINK HE COULD BE FAIR. WE
9 DIDN'T GET INTO WHETHER OR NOT HE WAS TALKING ABOUT HE
10 COULD NOT BE FAIR TO THE STATE OR COULD NOT BE FAIR TO THE
11 DEFENDANT, HE JUST SAID THAT HE THOUGHT HE WOULD BE
12 INFLUENCED BY HIS PRIOR DEALINGS IN REAL ESTATE. SO BASED
13 UPON THAT THE FACT THAT HE ADMITTED THAT HE WOULD
14 INFLUENCED BY SOMETHING OTHER THAN THE EVIDENCE PRESENTED
15 IN THIS COURT I THINK WE'RE GOING TO GO AHEAD AND EXCUSE
16 HIM. HE'S JUST, HE'S AN ALTERNATE NOW SO HE'S NOT EVEN ON
17 THE JURY AT THIS POINT IN TIME. HE DID ASSURE ME THAT HE
18 HAD NOT SPOKEN WITH ANY OTHER JURORS SO I THINK I'M GOING
19 TO GO AHEAD AND EXCUSE JUROR 157, MR. HILL. ANYTHING FROM
20 THE STATE ON THAT REGARD?

21 MR. MYRICK: NO, SIR.

22 THE COURT: ANYTHING FROM THE DEFENSE?

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

24 THE COURT: ALL RIGHT, LET'S GO AHEAD AND BRING
25 MR. HILL IN BRIEFLY.

1 (WHEREUPON, ALTERNATE MR. JAMES HILL, JUROR
2 NUMBER 157, ENTERED THE COURTROOM.)

3 THE COURT: MR. HILL, BASED UPON OUR
4 CONVERSATIONS BACK IN MY CHAMBERS WITH THE ATTORNEYS I
5 THINK WE ARE GOING TO GO AHEAD AND EXCUSE YOU FROM THIS
6 JURY, I THANK YOU FOR YOUR SERVICE. DO YOU KNOW IF HE
7 NEEDS TO REPORT BACK OR IS THAT IT?

8 MADAM CLERK: I WOULD JUST ASK THAT HE CALL
9 TONIGHT AFTER SIX.

10 THE COURT: OKAY, ALL RIGHT, JUST CALL BACK
11 AFTER 6:00 TONIGHT, OKAY, THANK YOU VERY MUCH.

12 (WHEREUPON, THE ALTERNATE EXITED THE COURTROOM.)

13 THE COURT: ANYTHING FROM THE STATE BEFORE WE
14 BRING THE JURY BACK IN?

15 MR. MYRICK: ONLY THAT I HAD THAT INADVERTENT
16 CONTACT WITH A JUROR THIS MORNING.

17 THE COURT: YEAH, I'M NOT TOO WORRIED ABOUT
18 THAT, SHE JUST WALKED IN AND SAID WHERE AM I SUPPOSED TO
19 GO.

20 MR. MYRICK: YES, SIR, MY ONLY CONCERN WAS THAT
21 SHE MIGHT HAVE THOUGHT I WAS RUDE IN NOT SPEAKING TO HER.

22 THE COURT: YEAH, BUT I DON'T WANT TO, I THINK
23 I'M JUST GOING TO KIND OF LEAVE THAT, LEAVE THAT ALONE.

24 MR. MYRICK: THANK YOU, YOUR HONOR.

25 MR. LOCKLAIR: NOTHING FROM THE DEFENSE BEFORE

1 WE START.

2 THE COURT: OKAY, ANYTHING WITH REGARDS TO THE
3 JUROR WALKING IN AND ASKING WHERE TO GO AND MR. MYRICK
4 SAYING WE'RE NOT SUPPOSED TO BE TALKING?

5 MR. LOCKLAIR: I MEAN TO BE HONEST, JUDGE, I'VE
6 HAD THAT HAPPEN BEFORE AND I MEAN I THINK IT WOULD BE BEST
7 IF AT SOME POINT IF YOUR HONOR DID SAY SOMETHING THAT IF
8 YOU'VE HAD ANY CONTACT WITH SOME ATTORNEYS IN THIS TRIAL
9 PLEASE UNDERSTAND THEY'RE NOT TRYING TO BE RUDE. I
10 UNDERSTAND THE SITUATION HE'S IN CAUSE YOU'RE LIKE A DEER
11 IN THE HEADLIGHTS, YOU ALMOST DON'T WANT TO TELL THEM EVEN
12 TO GO IN THE HALL, SO I MEAN, I KIND OF FEEL HIS POSITION
13 FOR HIM.

14 THE COURT: ALL RIGHT. ALL RIGHT, WELL WHEN WE
15 BRING THEM IN, YOU SAY IT WAS ONE OF THE JURORS ON THIS
16 JURY?

17 MR. MYRICK: YES, SIR.

18 THE COURT: OKAY, ALL RIGHT, I'LL GIVE SOME TYPE
19 OF INSTRUCTION TO THEM WHEN THEY COME IN. ALL RIGHT, LET'S
20 GO AHEAD AND BRING THE JURY IN.

21 (WHEREUPON, THE JURY RETURNS TO THE COURTROOM AT
22 9:41 A.M.)

23 THE COURT: LADIES AND GENTLEMEN, WELCOME BACK,
24 I HOPE EVERYONE HAD A RESTFUL EVENING. WE'RE NOW READY TO
25 RESUME THE TRIAL OF THIS CASE. BEFORE WE GET STARTED I

1 WANT TO REMIND YOU IF YOU HAVE ANY CELL PHONES OR PAGER
2 DEVICES OR OTHER COMMUNICATION DEVICES IF YOU'D PLEASE TURN
3 THEM OFF AT THIS POINT IN TIME. I ALSO WANT TO THANK YOU
4 FOR BEING PROMPT AND BEING BACK ON TIME, THAT IS OF GREAT
5 ASSISTANCE TO THE COURT AND I APPRECIATE EVERYBODY BEING
6 PROMPT.

7 I UNDERSTAND SOME OF YOU MIGHT HAVE HAD SOME
8 TROUBLE TRYING TO FIND OUT WHERE YOU'RE SUPPOSED TO GO THIS
9 MORNING, DON'T WORRY ABOUT THAT. I WANT TO ASSURE THAT IF
10 YOU HAD ANY CONTACT, I KNOW THERE WAS NO INTENTIONAL
11 CONTACT, BUT ANY INADVERTENT CONTACT WITH EITHER OF THE
12 ATTORNEYS IN THIS CASE OR WITH ANYONE INVOLVED IN THIS CASE
13 AND THEY WOULDN'T SPEAK TO YOU THAT THEY'RE JUST FOLLOWING
14 THE INSTRUCTIONS OF THE COURT. YOU'RE NOT SUPPOSED TO, AND
15 YOU'RE NOT TO TAKE THAT AS ANY CRITICISM OR RUDENESS ON
16 THEIR PART. THEY RE JUST FOLLOWING THE INSTRUCTIONS OF THE
17 COURT SO, PLEASE, DON'T HOLD THAT AGAINST ANYONE IN THIS
18 CASE.

19 ALSO ONE OF THE ALTERNATE JURORS, MR. HILL, I'VE
20 EXCUSED HIM. HE HAD SOMETHING THAT CAME UP AND FROM TIME
21 TO TIME THAT HAPPENS AND THAT'S WHY I WANTED TO MAKE SURE
22 YOU KNEW THAT IF YOU HAD AN EMERGENCY OR SOMETHING CAME UP
23 TO LET US KNOW. SINCE HE WAS AN ALTERNATE IT'S NOT GOING
24 TO CAUSE TOO MUCH DISRUPTION BUT I HAVE EXCUSED HIM BECAUSE
25 OF A SITUATION.

1 ANYTHING FROM THE STATE BEFORE WE START BACK?

2 MR. MYRICK: NO, YOUR HONOR.

3 THE COURT: ANYTHING FROM THE DEFENSE?

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

5 THE COURT: ALL RIGHT, THE STATE CAN CALL ITS
6 NEXT WITNESS. OH, EXCUSE ME, HAVE THEY GOT THEIR PADS, I
7 KNOW SOME OF THEM ---

8 THE BAILIFF: YES, SIR, THEY HAVE.

9 THE COURT: EVERYBODY HAS GOT, OKAY, MAKE SURE
10 YOU'VE GOT YOUR OWN PADS. ALL RIGHT, CALL YOUR NEXT
11 WITNESS.

12 MR. MYRICK: IF IT PLEASE COURT?

13 THE COURT: YES, SIR.

14 MR. MYRICK: YOUR HONOR, THE STATE CALLS MS.
15 ESTHER REINHARDT.

16 THE COURT: ALL RIGHT.

17 ESTHER MAE REINHARDT

18 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

19 MADAM CLERK: PLEASE STATE YOUR FULL NAME AND
20 SPELL YOUR LAST NAME FOR THE COURT.

21 THE WITNESS: MY NAME IS ESTHER REINHARDT, R-E-
22 I-N-H-A-R-D-T.

23 DIRECT EXAMINATION

24 BY MR. MYRICK:

25 Q GOOD MORNING, MS. REINHARDT?

1 A GOOD MORNING, SIR.

2 Q DO YOU LIVE HERE AT THE BEACH?

3 A I DO.

4 Q WHERE DO YOU LIVE?

5 A NOW I LIVE AT MURRELLS INLET.

6 Q IN MURRELLS INLET?

7 A YES, SIR.

8 Q WHAT'S YOUR ADDRESS?

9 A MURRELLS INLET.

10 Q AND HOW LONG HAVE YOU LIVED AT THE BEACH?

11 A SIXTEEN YEARS, SIR.

12 Q WHERE DID YOU LIVE BEFORE THEN?

13 A IN THE SOCASTEE AREA.

14 Q I'M SORRY, BEFORE YOU MOVED TO THE BEACH?

15 A OH, I'M SORRY, IN MICHIGAN, I'M SORRY.

16 Q IN MICHIGAN, AND WHO'S YOUR HUSBAND?

17 A MY HUSBAND IS LARRY REINHARDT. HE'S A

18 RETIRED CHIEF OF POLICE FROM THE VILLAGE OF BEULAH.

19 Q YA'LL RETIRED FROM AT THE BEACH?

20 A YES, WE DID.

21 Q IN WHAT YEAR?

22 A 1995 WE CAME HERE.

23 Q AND WHERE DID YOU LIVE WHEN YOU FIRST MOVED

24 HERE?

25 A AT IN THE SOCASTEE AREA.

1 Q AND HOW LONG DID YOU LIVE ON

2 A UNTIL SEPTEMBER '09.

3 Q HOW MANY YEARS WAS THAT THAT YOU LIVED ON

4

5 A FOURTEEN YEARS, SIR.

6 Q AND WHAT, IF ANYTHING, HAPPENED AROUND
7 APRIL OF 2008?

8 A WELL IN EARLY JANUARY ACTUALLY WE HAD A
9 DOG, WE RAISE POODLES, ONE OF OUR POODLES GOT VERY ILL AND
10 SPENT SOME TIME IN THE HOSPITAL. WE GOT BEHIND ON SOME
11 BILLS, AND WE WERE LIKE ONE MONTH BEHIND ON OUR MORTGAGE
12 PAYMENT AND I TRIED TO CALL THE MORTGAGE COMPANY AND GET
13 THEM TO GO ALONG WITH US BEING LATE, AND THEY GOT A LITTLE
14 CRAPPY, EXCUSE MY LANGUAGE. BUT AND SO I TRIED OTHER
15 MORTGAGE COMPANIES AND NO ONE WOULD DEAL WITH US BECAUSE
16 NOW WE ARE BOTH ON SOCIAL SECURITY AND OUR INCOME IS LESS
17 AND OUR MORTGAGE IS HIGH AND SO WE WERE INADVERTENTLY
18 REFERRED TO MR. STEVE JOLLY WHO TRIED TO RE-MORTGAGE OUR
19 HOUSE.

20 Q THAT'S WHAT HE TOLD YOU?

21 A THAT'S WHAT HE TOLD US, YES, SIR.

22 Q I'M GOING TO HAND YOU, MS. REINHARDT,
23 WHAT'S BEEN MARKED AS STATE'S EXHIBIT NUMBER 56. WOULD YOU
24 TAKE A MOMENT AND LOOK AT IT, PLEASE? DO YOU RECOGNIZE IT?

25 A YES, SIR, I DO.

1 Q WHAT IS IT?

2 A IT IS A QUITCLAIM DEED FROM MY HUSBAND AND
3 MYSELF TO MR. ROBERT STEVE JOLLY.

4 Q DID YOU SIGN IT?

5 A WE DID.

6 Q WHEN DID YOU SIGN IT?

7 A I DON'T KNOW IF THERE'S A DATE ON IT, IT
8 SAYS THE 12TH OF APRIL OF '08, SIR.

9 Q AND WHO, IF ANYONE, ADVISED YOU TO SIGN IT?

10 A MR. JOLLY.

11 Q WHERE DID YOU GET IT FROM?

12 A HE PRESENTED IT TO US.

13 Q AND WHAT DID HE TELL YOU ABOUT IT?

14 A THAT HE WOULD TAKE, HE WOULD PAY OFF OUR
15 MORTGAGE IF WE STARTED PAYING HIM FOR A LOT LESS MONEY A
16 MONTH RATHER THAN \$1300 WE WOULD BE PAYING HIM \$500 A
17 MONTH.

18 MR. LOCKLAIR: YOUR HONOR, I'M GOING TO OBJECT
19 TO THIS WITNESS' QUESTIONS AND GO AHEAD AND ASK YOU TO
20 EXCUSE THE JURY SO I MIGHT BE HEARD ON THE RECORD OUTSIDE
21 THEIR PRESENCE.

22 MR. MYRICK: MAY WE APPROACH, YOUR HONOR?

23 THE COURT: YEAH.

24 (WHEREUPON, A BENCH CONFERENCE WAS HELD OFF THE
25 RECORD IN THE PRESENCE OF THE JURY, BUT OUT OF THE HEARING

1 OF THE JURY AND THE COURT REPORTER.)

2 MR. MYRICK: (CONTINUING)

3 Q DID YOU WRITE THAT DOCUMENT, MS. REINHARDT?

4 A NO, SIR, I DID NOT.

5 Q WHO WROTE IT?

6 A ACCORDING TO THIS IT SAYS MR. JOLLY.

7 Q WHERE DOES IT SAY THAT?

8 A IN THE TOP PARAGRAPH IT SAYS THIS

9 INSTRUMENT WAS PREPARED BY ROBERT JOLLY.

10 Q MAY I SEE IT?

11 A YES, SIR.

12 MR. MYRICK: YOUR HONOR, WE WANT TO GO AHEAD AND

13 MOVE TO INTRODUCE STATE'S NUMBER 56.

14 THE COURT: ALL RIGHT, ANY OBJECTION?

15 MR. LOCKLAIR: YES, SIR, WE CAN JUST BE HEARD AT

16 A LATER POINT.

17 THE COURT: OKAY, THIS IS ---

18 MR. LOCKLAIR: IT'S IN FOLLOWING PART OF

19 DISCUSSION AT THE SIDE BAR.

20 THE COURT: ALL RIGHT, WELL I'LL GO AHEAD AND

21 ADMIT STATE'S EXHIBIT NUMBER 56 OVER THE DEFENDANT'S

22 OBJECTION.

23 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

24 THE COURT: THANK YOU.

25 (WHEREUPON, STATE'S EXHIBIT NUMBER 56 ENTERED

1 INTO EVIDENCE.)

2 MR. MYRICK: (CONTINUING)

3 Q AND ON THE LAST PAGE HERE, MS. REINHARDT,
4 IT SAYS HERE RESPONSIBLE PERSON CONNECTED WITH THE
5 TRANSACTION AND THERE'S A SIGNATURE ON THERE; DO YOU
6 RECOGNIZE IT?

7 A IT'S ROBERT JOLLY'S.

8 Q DO YOU RECOGNIZE HIS SIGNATURE?

9 A YES.

10 Q AND YOU SIGNED THAT BASED ON HIS ADVICE?

11 A YES, SIR, I DID.

12 MR. MYRICK: THANK YOU, MS. REINHARDT, WOULD
13 YOU, PLEASE, ANSWER ANY QUESTIONS THAT MR. LOCKLAIR HAS?

14 A YES, SIR.

15 CROSS EXAMINATION

16 BY MR. LOCKLAIR:

17 Q GOOD MORNING, MS. REINHARDT.

18 A GOOD MORNING, SIR.

19 Q YOU WEREN'T ACTUALLY PRESENT WHEN SOMEBODY
20 PREPARED THIS DEED, THOUGH, WERE YOU; IT WAS JUST PRESENTED
21 TO YOU, CORRECT?

22 A NO, I WAS NOT PRESENT, NO, SIR.

23 Q AND THE GRANTEE ON THE DEED WAS ROBERT
24 STEVE JOLLY, CORRECT?

25 A YES, THAT'S CORRECT.

1 Q THAT'S WHO THE PROPERTY WAS BEING
2 TRANSFERRED TO, CORRECT?

3 A YES.

4 Q AND ON THIS LAST PAGE IF YOU'LL TAKE A LOOK
5 AT THAT, WHAT'S THAT LAST PAGE LABELED AS?

6 A IT'S AN AFFIDAVIT.

7 Q AND THAT'S THE ONE HE ASKED YOU ABOUT THE
8 RESPONSIBLE PARTY?

9 A I DON'T RECALL ANY CONVERSATION ABOUT A
10 RESPONSIBLE PARTY IF YOU'RE CONSIDERING THE FACT THAT HE
11 OWNED MY PROPERTY NOW.

12 Q NO, MA'AM, I THINK I CONFUSED YOU. MR.
13 MYRICK JUST A MINUTE AGO ASKED YOU WHOSE SIGNATURE WAS ON
14 THAT PAGE AS THE RESPONSIBLE PARTY. THAT'S THE SAME SHEET
15 HE WAS ASKING ABOUT WHEN HE SHOWED IT TO YOU EARLIER,
16 CORRECT?

17 A YES, AND THAT'S ROBERT JOLLY.

18 Q AND ARE YOU AWARE WHAT THAT DOCUMENT IS?

19 A YES, SIR, I AM.

20 Q WHAT IS THAT DOCUMENT?

21 A THAT IS QUITCLAIMING MY PROPERTY OVER TO
22 HIM MAKING HIM THE OWNER OF IT.

23 Q NO, MA'AM, WHAT DOES THAT AFFIDAVIT, ARE
24 YOU AWARE THE AFFIDAVIT IS ACTUALLY NOT PART OF THE DEED?

25 A I'M NOT AWARE OF THAT, SIR.

1 Q ARE YOU AWARE THAT'S A TAX AFFIDAVIT
2 REQUIRED BY THE SOUTH CAROLINA DEPARTMENT OF REVENUE
3 WHENEVER PROPERTY IS TRANSFERRED BETWEEN TWO PARTIES IN THE
4 STATE OF SOUTH CAROLINA?

5 A NO, SIR, I WAS NOT AWARE OF THAT.

6 Q OKAY, LET ME SHOW YOU SOMETHING ON HERE
7 REAL QUICK?

8 A SURE.

9 Q IF YOU COULD JUST UNDER READ OUT PARAGRAPH
10 (A) WHICH DEFINES WHAT THE RESPONSIBLE PARTY IN THIS TYPE
11 OF TRANSACTION FOR THE PURPOSES OF THAT AFFIDAVIT IS?

12 A OUT LOUD, SIR?

13 Q JUST READ, YES, OUT LOUD, PLEASE?

14 A AS REQUIRED BY CODE SECTION 12-2-470 I
15 STATE THAT I AM THE RESPONSIBLE PERSON WHO IS CONNECTED
16 WITH THE TRANSACTION AS BUYER.

17 Q OKAY, AND IT'S YOUR UNDERSTANDING THAT
18 UNDER THIS QUITCLAIM DEED MR. JOLLY WOULD BE CONSIDERED THE
19 BUYER OF THAT PROPERTY, CORRECT?

20 A YES.

21 MR. LOCKLAIR: OKAY, THAT'S ALL I HAVE, YOUR
22 HONOR, THANK YOU, MA'AM.

23 THE COURT: ANYTHING ON REDIRECT?

24 MR. MYRICK: NO, YOUR HONOR.

25 THE COURT: ALL RIGHT, YOU MAY STEP DOWN, THANK

1 YOU VERY MUCH. MR. MYRICK, YOU CAN CALL YOUR NEXT WITNESS.

2 MR. MYRICK: YOUR HONOR, THE STATE CALLS MS.
3 NANCY HOLMES.

4 THE COURT: ALL RIGHT.

5 MR. LOCKLAIR: YOUR HONOR, WE HAVE AN OBJECTION.

6 THE COURT: ALL RIGHT, LET'S GO AHEAD AND SWEAR
7 HER.

8 NANCY HOLMES

9 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

10 MADAM CLERK: STATE YOUR FULL NAME AND SPELL
11 YOUR LAST NAME.

12 THE WITNESS: NANCY HOLMES, H-O-L-M-E-S.

13 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN, WE
14 DO HAVE ANOTHER LEGAL MATTER WE NEED TO TAKE UP RIGHT QUICK
15 SO I'M GOING TO ASK YOU GO BACK TO THE JURY ROOM AND WE'LL
16 BRING YOU OUT IN JUST A MINUTE, PLEASE DO NOT DISCUSS THE
17 CASE EVEN AMONG YOURSELVES AT THIS POINT IN TIME.

18 (WHEREUPON, THE JURY RETIRED TO THE JURY ROOM AT
19 9:54 A.M.)

20 THE COURT: ALL RIGHT, MR. LOCKLAIR?

21 MR. LOCKLAIR: YOUR HONOR, THIS WITNESS WAS NOT
22 ON THE WITNESS LIST. OBVIOUSLY I DON'T KNOW WHAT SHE'S
23 GOING TO BE TESTIFYING TO BUT I'M SURE IT HAS SOMETHING TO
24 DO WITH THE REGISTER OF DEEDS OFFICE SO WE WERE UNABLE TO
25 PREPARE FOR THAT. WE HAVE POTENTIAL WITNESSES DEPENDING IN

1 WHAT SHE WOULD HAVE TESTIFIED TO OR GOING TO TESTIFY TO IF
2 IT'S ABOUT ANYONE WHO ACTUALLY BUYS A DEEDS AND WE HAVE
3 WITNESSES TO REBUT THAT BUT OBVIOUSLY SHE WASN'T ON THE
4 LIST SO IT'S UNDUE SURPRISE TO US AND WE'D ASK THAT HER
5 TESTIMONY BE EXCLUDED.

6 THE COURT: ALL RIGHT, MR. MYRICK, SHE'S NOT ON
7 THE WITNESS, LET ME HEAR FROM YOU.

8 MR. MYRICK: YES, SIR, I AM ABASHED, EVIDENTLY
9 WHEN I WAS PUTTING MY NOTEBOOK TOGETHER ON SUNDAY NIGHT I
10 PRINTED A PRIOR COPY OF MY WITNESS LIST RATHER THAN MY
11 UPDATED ONE PRIOR TO COURT AND WITH THAT MY APOLOGIES TO
12 THE COURT AND TO MR. LOCKLAIR. IT'S TOTALLY UNINTENTIONAL.
13 HAVING SAID THAT, YOUR HONOR, I THINK SHE'S GOING TO GIVE
14 THE JURY SOME BASIC INFORMATION ABOUT THE OFFICE.

15 THE COURT: NOW THE PROBLEM I'VE GOT IS IN VOIR
16 DIRE WHERE WE ASKED THE JURORS IF THEY WERE RELATED BY
17 BLOOD OR MARRIAGE OR HAVE ANY CLOSE PERSONAL RELATIONSHIP
18 OR ANY OTHER TYPE OF RELATIONSHIP WITH ANY OF THE WITNESSES
19 WE HAVE NO VOIR DIRE WITH REGARD TO THIS WITNESS.

20 MR. MYRICK: YES, SIR.

21 THE COURT: SHE'S WITH WHICH OFFICE?

22 MR. MYRICK: THE REGISTER OF DEEDS OFFICE.

23 THE COURT: HERE IN HORRY COUNTY. SO YOU GOT AN
24 HORRY COUNTY JURY AND AN HORRY COUNTY REGISTER OF DEEDS
25 EMPLOYEE.

1 MR. LOCKLAIR: ANOTHER ISSUE I'D HAVE SOME OF
2 THE JURORS, LIKE THERE'S ONE JUROR 117, HIS WIFE WAS
3 FORMERLY IN THE MORTGAGE BUSINESS. SHE MIGHT HAVE HAD
4 DEALINGS WITH THE REGISTER OF DEEDS OFFICE AND I WOULDN'T
5 KNOW ABOUT IT. THE FOREMAN USED TO WORK WITH EDWARD JONES
6 INVESTMENTS. ANOTHER JUROR IS IN INSURANCE AND FINANCE.
7 ANOTHER ONE HAS A SPOUSE WHO IS AN ACCOUNTANT. THEY ARE
8 MANY PEOPLE WHO COULD HAVE HAD DEALINGS WITH THIS OFFICE
9 AND I MIGHT HAVE PICKED A JUROR DIFFERENT AS WELL SO THAT'S
10 JUST ANOTHER OBJECTION.

11 THE COURT: ALL RIGHT, YEAH, I'M GOING TO
12 EXCLUDE HER TESTIMONY, I'M NOT GOING TO ALLOW IT.

13 MR. MYRICK: AGAIN MY APOLOGIES TO THE COURT.

14 THE COURT: THAT'S FINE.

15 MR. MYRICK: AND MR. LOCKLAIR BUT IT WASN'T
16 INTENTIONAL.

17 THE COURT: ALL RIGHT, MS. HOLMES, YOU CAN STEP
18 DOWN, THANK YOU VERY MUCH.

19 MR. MYRICK: YOUR HONOR, MAY I HAVE ONE MOMENT
20 TO APOLOGIZE?

21 THE COURT: YEAH, THAT WILL BE FINE.

22 MR. MYRICK: BEG COURT'S INDULGENCE.

23 THE COURT: THAT WILL BE FINE. OKAY, YOU WANT
24 TO GO AHEAD WHILE THE JURY IS OUT AND PUT YOUR OBJECTION ON
25 THE RECORD WITH REGARD TO MS. REINHARDT AND PLAINTIFF'S

1 EXHIBIT NUMBER 56?

2 MR. LOCKLAIR: YES, SIR.

3 THE COURT: EXCUSE ME, BEFORE WE GET INTO THAT I
4 JUST WANT TO PUT ON THE RECORD THAT YOU CAME FORWARD AND WE
5 HAD A SIDE BAR IN WHICH YOU VOICED IT AND I DECIDED TO WAIT
6 UNTIL AFTER THE JURY WAS EXCUSED TO LET YOU PUT IT ON THE
7 RECORD.

8 MR. LOCKLAIR: YES, SIR, THANK YOU, YOUR HONOR.

9 THE COURT: ALL RIGHT, GO AHEAD.

10 MR. LOCKLAIR: OBVIOUSLY WE WOULD OBJECT TO IT
11 BEING CUMULATIVE BUT WE UNDERSTAND THE COURT'S RULING ON
12 THAT. THE MAIN OBJECTION WE WANTED TO RENEW WAS THE
13 OBJECTION THAT THIS EVIDENCE, ONCE IT GETS INTO DOUBLE
14 JEOPARDY REALM BECAUSE IT WAS PART OF THE SAME SCHEME TO
15 "IS ALLEGED" AS TO REINHARDT EVEN THOUGH IT WAS THE
16 UNAUTHORIZED PRACTICE OF LAW IT WAS STILL THE UNAUTHORIZED
17 PRACTICE OF LAW AS IT APPLIED TO THEM WHICH IS SOMETHING
18 THAT WAS ALREADY RULED ON BY JUDGE BAXLEY IN HIS PRIOR
19 ORDER BECAUSE HE LOOKED AT THE ENTIRE SCHEME AND PLAN; AND
20 SO WE'D OBJECT AND ASK THAT ALL THAT TESTIMONY BE STRICKEN
21 AND THE JURY GIVEN AN INSTRUCTION TO IGNORE IT.

22 THE COURT: I UNDERSTAND YOUR OBJECTION BUT I'M
23 GOING TO STAND BY MY RULING TO LET IT IN.

24 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

25 THE COURT: ALL RIGHT, ANYTHING ELSE BEFORE WE

1 BRING THE JURY IN?

2 MR. MYRICK: ONE QUICK THING?

3 THE COURT: YES, SIR.

4 MR. MYRICK: I ADMIT THAT I GAVE THE COURT AND
5 MR. LOCKLAIR A ANTIQUATED WITNESS LIST, IF I COULD ASK MR.
6 LOCKLAIR TO LOOK AT HIS WITNESS LIST AND MAKE SURE WE DON'T
7 RUN INTO THIS AGAIN IN THE NEXT TWO MINUTES?

8 THE COURT: OKAY, WELL YOU WANT TO SEE WHAT YOU
9 HANDED UP TO THE COURT?

10 MR. MYRICK: YES, SIR, I DO. I GAVE YOU ONE
11 COPY OF IT AND THE CLERK A COPY.

12 MR. LOCKLAIR: AND OBVIOUSLY WE HAVE NO PROBLEM
13 WITH THE LATER ADDITION OF JOHN CRIBB THAT HE ADDED ON.

14 THE COURT: YEAH, AND I ADDED HIM ON, MY MAJOR
15 CONCERN WAS WHETHER OR NOT WE QUESTIONED ANY POTENTIAL
16 JURORS OR ANY OF THESE JURORS AS TO WHETHER OR NOT THEY
17 HAVE ANY ASSOCIATION WITH ANY OF THE WITNESSES.

18 MR. MYRICK: WE'RE READY, YOUR HONOR.

19 THE COURT: ALL RIGHT, LET'S BRING THE JURY BACK
20 IN.

21 (WHEREUPON, THE JURY RETURNS TO THE COURTROOM AT
22 10:00 A.M.)

23 THE COURT: MR. MYRICK, YOU CAN CALL YOUR NEXT
24 WITNESS.

25 MR. MYRICK: THANK YOU, YOUR HONOR, IF IT PLEASE

1 THE COURT, THE STATE CALLS KIM HARDWICK.

2 THE COURT: ALL RIGHT.

3 KIMBERLY HARDWICK

4 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

5 MADAM CLERK: PLEASE STATE YOUR FULL NAME AND
6 SPELL YOUR LAST NAME FOR THE COURT.

7 THE WITNESS: KIMBERLY HARDWICK, H-A-R-D-W-I-C-
8 K.

9 DIRECT EXAMINATION

10 BY MR. MYRICK:

11 Q GOOD MORNING, MS. HARDWICK.

12 A GOOD MORNING.

13 Q YOU LIVE HERE AT THE BEACH?

14 A I LIVE IN CONWAY.

15 Q WHERE DO YOU WORK?

16 A HORRY COUNTY 911.

17 Q I'M SORRY?

18 A HORRY COUNTY 911.

19 Q AND WHAT DO YOU DO THERE?

20 A I'M A DISPATCHER FOR THE POLICE FIRE AND
21 EMS.

22 Q WHERE DO YOU LIVE NOW, WHAT'S YOUR ACTUAL
23 ADDRESS?

24 A

25 Q HOW LONG HAVE YOU LIVED THERE?

1 A ALMOST A YEAR.

2 Q WHERE DID YOU LIVE BEFORE THAT?

3 A I LIVED AT IN AYNOR.

4 Q HAVE YOU HAD SOME ISSUES WITH YOUR MORTGAGE
5 WHEN YOU LIVED IN AYNOR?

6 A I DID.

7 Q AND DID YOU SEEK HELP?

8 A I DID.

9 Q IS THAT HOW MET THE DEFENDANT?

10 A IT IS.

11 Q DO YOU RECOGNIZE HIM SITTING THERE?

12 A I DO.

13 Q WHAT'S HIS NAME?

14 A STEVE JOLLY.

15 Q AND WHEN DID YOU MEET HIM?

16 A I MET HIM IN MARCH OF '08.

17 Q AND WHAT ARE YOUR PURPOSE OF MEETING WITH
18 HIM?

19 A I NEEDED LEGAL HELP.

20 Q AND WHERE DID YOU GO; WHERE DID YOU MEET
21 HIM AT PHYSICALLY?

22 A AT HIS, AT AN OFFICE.

23 Q IN WHAT COUNTY?

24 A IN HORRY COUNTY.

25 Q OKAY, AND WHAT DID HE TELL YOU WHEN YOU MET

1 WITH HIM?

2 A I MADE THE COMMENT THAT I MIGHT NEED LIKE A
3 LAWYER'S HELP AND HE STATED THAT HE WAS GLAD I CAME TO HIM
4 BECAUSE HE COULD HELP ME OUT.

5 Q AND DID YOU PAY HIM FOR THOSE SERVICES?

6 A I DID.

7 Q AND WHAT, IF ANYTHING, DID HE HAVE YOU DO?

8 A HE HAD ME DO A POWER OF ATTORNEY, MY
9 BOYFRIEND CAUSE MY BOYFRIEND WAS ON THE HOUSE WITH ME, AND
10 I NEEDED TO GET A POWER OF ATTORNEY SO THAT IT COULD BE
11 DISCUSSED IN COURT WITHOUT HIM PRESENT. HE WENT TO COURT
12 WITH ME AND ---

13 Q WHO WENT TO COURT WITH YOU?

14 A MR. JOLLY.

15 Q HOW MANY TIMES?

16 A WE WENT THREE TIMES TOGETHER.

17 Q WHAT COURT?

18 A FORECLOSURE COURT.

19 Q WHEN YOU GOT TO COURT WHAT DID YOU DO?

20 A I DIDN'T DO ANYTHING. I SAT THERE, HE DID
21 ALL THE TALKING.

22 Q WHY DID HE DO ALL THE TALKING?

23 A CAUSE HE WAS REPRESENTING ME ON MY HOUSE.

24 Q HOW MANY TIMES?

25 A THREE.

1 Q AND WHO TOLD YOU NOT TO SAY ANYTHING OR DO
2 ANYTHING?

3 A HE DID.

4 Q AND HIS ADVICE TO YOU?

5 A WAS I WAS NOT SUPPOSED TO SPEAK AND IF
6 ANYTHING WAS STATED THAT I WASN'T, HE WOULD TELL ME, IF
7 SOMEBODY SAID SOMETHING OR A QUESTION WAS ASKED HE WOULD,
8 YOU KNOW --

9 Q BY THE JUDGE?

10 A BY THE JUDGE OR THE MORTGAGE ATTORNEY THAT
11 WAS THERE.

12 Q RIGHT.

13 A BECAUSE WE MET IN THE CHAMBERS TWICE AND IN
14 THE COURTROOM ONCE.

15 Q WITH WHO?

16 A THE JUDGE AND THE MORTGAGE ATTORNEYS. WE
17 WERE IN LIKE THE JUDGE'S CHAMBERS, THE FORECLOSURE JUDGE'S
18 CHAMBERS AND HE WENT AND PUT HIS HAND ON THE MIKE IF THEY
19 ASKED SOMETHING OR HE WOULD DO THIS BY THE DESK WOULD THINK
20 IT WASN'T SEEN HE WOULD ---

21 Q FOR WHAT PURPOSE?

22 A IF I NOT TO ANSWER OR NOT TO, IF HE WAS
23 GOING TO SPEAK.

24 Q WHO WAS HE TALKING TO?

25 A LIKE WHEN HE DID THE HAND GESTURE WAS ME;

1 IF THE JUDGE ASKED A QUESTION OR IF THE ATTORNEY.

2 Q WHEN YOU WERE IN CHAMBERS?

3 A UH-HUH.

4 Q WHO WAS THE DEFENDANT TALKING TO?

5 A TO THE MAGISTRATE JUDGE AND TO THE, TO THE
6 EQUITY JUDGE, THE MAGISTRATE EQUITY JUDGE, AND TO THE
7 MORTGAGE ATTORNEY.

8 Q AND WAS HE TALKING ABOUT YOUR HOUSE?

9 A YES.

10 Q AND YOU SAT THERE SILENT/

11 A YES.

12 Q WHY?

13 A BECAUSE I WASN'T SUPPOSED TO SPEAK, HE TOLD
14 ME NOT TO.

15 Q AND WHEN YOU WENT WITH HIM WHAT WAS YOUR
16 UNDERSTANDING OF HIS ROLE?.

17 A HIS ROLE WAS TO FIGHT FOR MY HOUSE SO THAT
18 I COULD KEEP MY HOUSE AND THEN I PAY HIM FOR MY HOUSE.

19 Q WHAT HAPPENED WITH YOUR HOUSE?

20 A IT WAS FORECLOSED ON.

21 MR. MYRICK: THANK YOU, MS. HARDWICK, PLEASE
22 ANSWER ANY QUESTIONS MR. LOCKLAIR HAS.

23 MR. LOCKLAIR: MAY IT PLEASE THE COURT, YOUR
24 HONOR?

25 THE COURT: YES, SIR.

CROSS EXAMINATION

BY MR. LOCKLAIR:

Q GOOD MORNING, MS. HARDWICK.

A GOOD MORNING.

Q WHEN YOU WENT TO THESE HEARINGS I GUESS YOU HAD ONE ON THE COURTROOM AND TWO IN CHAMBERS, YOU SAID?

A UH-HUH.

Q WERE YOU ON THE DEED OR WAS MR. JOLLY ON THE DEED AT THAT TIME?

A I HAD ALL THE NOTICES AND I KNOW THAT, I DIDN'T KNOW THAT, WHEN I SIGNED THE DEED OVER MR. JOLLY SHOWED UP TO MY JOB TO 911 AND CALLED ME IN AND TOLD ME I NEEDED TO COME AND SIGN SOME PAPER WORK FOR HIM THAT WAS NOT SIGNED. MR. FITZGERALD WAS NOT THERE, HE WAS MY BOYFRIEND AND ON THE HOUSE.

Q AT THE TIME WHEN YOU WENT AND MET WITH THE JUDGE YOU HAD ALREADY SIGNED THE DEED TO MR. JOLLY, CORRECT?

A YES.

Q HE WAS ON THE DEED AT THE TIME OF THESE MEETINGS WITH THE JUDGE AND THE ONE IN THE COURTROOM?

A I DIDN'T KNOW THAT HE WAS ON THE DEED BUT, YES.

Q BUT HE WAS?

A UH-HUH.

1 Q SO HE WAS A DEFENDANT IN A FORECLOSURE
2 ACTION BECAUSE HE WAS ON THE DEED OF THE PROPERTY, CORRECT?

3 A APPARENTLY SO.

4 Q SO BY HIM BEING THERE IN THE COURTROOM HE
5 WAS ALLOWED TO SPEAK BECAUSE HE WAS ACTUALLY A PARTY TO THE
6 LAWSUIT AS WELL AS YOU, CORRECT?

7 A YES.

8 Q DID THE JUDGE EVER ASK YOU A QUESTION
9 DIRECTLY AND YOU REFUSED TO TALK TO THE JUDGE OR WAS THE
10 JUDGE ASKING GENERAL QUESTIONS AND WHOEVER SPOKE GOT TO
11 SPEAK?

12 A IF THE JUDGE LOOKED --

13 Q IF THE JUDGE SAID MS. HARDWICK I NEED TO
14 KNOW SOMETHING FROM YOU WOULD YOU IGNORE THE JUDGE?

15 A NO.

16 MR. LOCKLAIR: OKAY, THAT'S ALL I HAVE. THANK
17 YOU VERY MUCH.

18 THE COURT: ANYTHING IN REDIRECT?

19 MR. MYRICK: NO, SIR.

20 THE COURT: ALL RIGHT, YOU MAY STEP DOWN. ALL
21 RIGHT, CALL YOUR NEXT WITNESS.

22 MR. MYRICK: YOUR HONOR, THE STATE CALLS MS.
23 MARGARET CURTIS.

24 MARGARET CURTIS

25 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

1 MADAM CLERK: PLEASE STATE YOUR FULL NAME AND
2 SPELL YOUR LAST NAME FOR THE COURT.

3 THE WITNESS: MARGARET CURTIS, C-U-R-T-I-S.

4 DIRECT EXAMINATION

5 BY MR. MYRICK:

6 Q GOOD MORNING, MS. CURTIS.

7 A GOOD MORNING.

8 Q WHERE DO YOU LIVE?

9 A LITTLE RIVER.

10 Q IS THAT IN HORRY COUNTY?

11 A YES, SIR.

12 Q HOW LONG HAVE YOU LIVED THERE?

13 A SINCE A YEAR AGO LAST OCTOBER.

14 Q WHERE DID YOU LIVE BEFORE THAT?

15 A

16 Q AND HOW LONG HAD YOU LIVED AT THAT ADDRESS?

17 A ELEVEN YEARS.

18 Q ELEVEN YEARS?

19 A YES.

20 Q DID YOU HAVE TROUBLE WITH YOUR HOUSE AT THE
21 OLD ADDRESS?

22 A YES, SIR.

23 Q AND DID YOU SEEK HELP?

24 MR. LOCKLAIR: YOUR HONOR, I'M GOING TO OBJECT
25 TO THIS EVIDENCE BEING CUMULATIVE.

1 THE COURT: OKAY, OVERRULED, I'M GOING TO ALLOW
2 IT.

3 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

4 MR. MYRICK: (CONTINUING)

5 Q DID YOU SEEK HELP, MS. CURTIS?

6 A YES, I DID.

7 Q WHO DID YOU SEEK HELP FROM?

8 A MR. JOLLY.

9 Q DO YOU SEE HIM HERE?

10 A YES, HE'S RIGHT THERE.

11 Q WHERE DID YOU MEET HIM?

12 A THE FIRST TIME I MET HIM AT STARBUCKS IN
13 NORTH MYRTLE BEACH.

14 Q IS THAT IN HORRY COUNTY?

15 A YES, SIR.

16 Q IN FACT ALL OF YOUR DEALINGS WITH HIM
17 OCCURRED IN HORRY COUNTY; DID THEY NOT?

18 A YES, SIR.

19 Q AND WHAT DID HE, WHAT DID HE PROPOSE?

20 A HE TOLD ME THAT HE COULD HELP ME BUT IT WAS
21 NECESSARY FOR HIM TO PUT HIS NAME ON MY DEED AND THAT WAS
22 DONE AND HE, HIS NAME WENT ON MY DEED BUT MINE WAS NEVER
23 TAKEN OFF.

24 Q OKAY, DID YOU HAVE TO GO TO COURT?

25 A I WAS IN MASTER OF EQUITY COURT SIX TIMES

1 WITH HIM, A COUPLE OF TIMES IT WAS. WE CAME BUT NOTHING
2 HAPPENED BECAUSE OF ONE PROBLEM OR ANOTHER BUT I CAN RECALL
3 SIX TIMES THAT I WAS IN THIS COURT.

4 Q THIS COURTHOUSE RIGHT HERE?

5 A YEAH, MASTER OF EQUITY.

6 Q NOW MR. JOLLY'S NAME WAS ON THE DEED AT
7 THIS TIME, TOO, RIGHT?

8 A YES, SIR.

9 Q SO HE TECHNICALLY HAD AN INTEREST IN THE
10 PROPERTY, TOO?

11 A YES, SIR.

12 Q DID HE SPEAK, DID HE SPEAK JUST FOR HIMSELF
13 WHEN HE WENT TO COURT OR DID HE SPEAK FOR YOU, TOO?

14 A NO, HE SPOKE FOR ME.

15 Q DID HE TELL YOU THAT? WHAT DID HE TELL YOU
16 ABOUT WHO HE WAS SPEAKING FOR?

17 A HE WOULD SPEAK FOR ME WHEN HE, WE CAME TO
18 COURT. HE DID TELL ME, HE SHOWED ME WHAT HE HAD PREPARED
19 FOR THE COURT AND IF I WAS CALLED AS A WITNESS WHAT I WAS
20 TO SAY BUT I WAS NEVER CALLED AS A WITNESS IN OUR CASES.

21 Q BUT HE GAVE YOU ADVICE ABOUT WHAT TO SAY?

22 A YES, SIR.

23 Q HOW MANY TIMES DID HE GOT TO COURT WITH
24 YOU?

25 A WE WERE HERE SIX TIMES.

1 Q IS IT CLEAR IN YOUR MIND THAT HE WAS
2 SPEAKING FOR YOU? DID HE TELL YOU HE WAS GOING TO ---

3 A YES.

4 Q --- REPRESENT YOU?

5 A YES.

6 Q AND DID HE DO IT?

7 A YES.

8 Q AND WHAT HAPPENED TO YOUR HOUSE?

9 A I LOST MY HOUSE SEPTEMBER THE 9TH 2010 OR
10 '09, I'M SORRY, '09.

11 Q AND YOU HAD LIVED THERE FOR HOW LONG?

12 A I'D LIVED THERE FOR 12 YEARS.

13 MR. MYRICK: THANK YOU, MS. CURTIS.

14 THE COURT: CROSS EXAMINATION.

15 MR. LOCKLAIR: MAY IT PLEASE THE COURT, YOUR
16 HONOR?

17 THE COURT: YES, SIR.

18 CROSS EXAMINATION

19 BY MR. LOCKLAIR:

20 Q GOOD MORNING, MS. CURTIS.

21 A GOOD MORNING.

22 Q JUST TO CLARIFY THE SIX TIMES THAT YA'LL
23 WERE AT THE COURTHOUSE, YOU DIDN'T APPEAR BEFORE THE MASTER
24 IN EQUITY ALL SIX TIMES, CORRECT?

25 A NO.

1 Q HOW MANY TIMES DID YOU ACTUALLY COME INTO A
2 COURTROOM, AND HAVE A JUDGE SITTING ON THE BENCH IN A BLACK
3 ROBE?

4 A THREE.

5 Q THREE TIMES, AND IN THOSE THREE TIMES YOU
6 NEVER SAID ANYTHING?

7 A NO, THE JUDGE ASKED ME IF I HAD ANYTHING TO
8 SAY AND I SAID NO, HOWEVER, IF I HAD BEEN ASKED A DIRECT
9 QUESTION I WOULD ANSWERED.

10 Q YES, MA'AM. NOW DID MR. JOLLY ACTUALLY SAY
11 HE WAS GOING TO REPRESENT YOU IN COURT OR DID HE SAY THAT
12 HE WAS GOING TO BE FIGHTING FOR YOUR HOUSE? DO YOU RECALL
13 THE EXACT WORDS HE USED IT BEING SO LONG AGO?

14 A WHENEVER I GOT ANYTHING IN THE MAIL TO
15 APPEAR IN COURT I CALLED TO MAKE SURE HE HAD GOTTEN IT,
16 TOO. THE FIRST TIME THAT THEY, THE FIRST FORECLOSURE THAT
17 WAS SENT WAS SENT TO US BOTH AND EVERYTHING AFTER THAT WAS
18 SENT TO ME AND TO HIM AND THEN HE, WE CAME TO COURT
19 TOGETHER.

20 Q BASICALLY HE WAS A CODEFENDANT IN YOUR
21 FORECLOSURE ACTION, CORRECT?

22 A WELL I SUPPOSE.

23 Q I MEAN IN THE PAPER WORK WHEN YOU GOT SUED
24 BY THE BANK AND IT SAID (X) NAME VERSUS MARGARET CURTIS IT
25 ALSO HAD ROBERT STEVE JOLLY LISTED AS ONE OF THE

1 DEFENDANTS, CORRECT?

2 A YES.

3 Q OKAY, SO THE JUDGE WHO HEARD THIS I ASSUME
4 IT WAS THE MASTER IN EQUITY HERE IN HORRY COUNTY, CORRECT?

5 A YES, SIR.

6 Q AND I ASSUME THAT HE KNEW WHO WERE THE
7 DEFENDANTS IN THE CASE AND WHO WAS THE PLAINTIFF IN THE
8 CASE, CORRECT?

9 A WELL IN THE BEGINNING WHEN WE FIRST STARTED
10 COMING TO COURT THE MASTER OF EQUITY JUDGE WAS SICK SO WE
11 HAD A FILL IN AND WE MET IN HIS CHAMBERS ONCE AND THEN THE
12 MASTER OF EQUITY JUDGE CAME BACK AND WE MET IN COURT IN THE
13 COURTROOM.

14 Q OKAY, IN ANY OF THE MEETINGS YA'LL HAD,
15 WHETHER OUTSIDE THE COURT OR IN THE COURTROOM WITH ANY OF
16 THE JUDGES, WAS THERE EVER ANY CONFUSION THAT ROBERT STEVE
17 JOLLY WAS A DEFENDANT IN THE CASE, DID THE JUDGES EVER SEEM
18 CONFUSED ABOUT THAT?

19 A I CAN'T ANSWER THAT QUESTION.

20 Q OKAY ---

21 A ABOUT THEIR CONFUSION.

22 Q --- DID YOU EVER WITNESS ANY PROBLEMS IN
23 THE COURTROOM WHERE SOMEBODY DIDN'T KNOW THAT ROBERT STEVE
24 JOLLY WAS A DEFENDANT IN THE CASE?

25 A I CAN'T ANSWER THAT QUESTION.

1 Q OKAY, WHEN YOU WERE IN THE COURTROOM DID
2 YOU NOTICE OF THE COURT PERSONNEL WAS ALLOWED, WHOEVER
3 WANTED TO JUST TO WANDER AROUND THE COURT OR SIT WHEREVER
4 THEY WANT, DO WHATEVER THEY WANT, OR DID THEY ONLY ALLOW
5 CERTAIN PARTIES TO COME IN AND SIT AT THESE TABLES?

6 A I SAT AT THE TABLE WITH MR. JOLLY AND THE
7 OTHER PEOPLE WHO WERE OBSERVING WERE BEHIND US.

8 Q OKAY, SO IT'S FAIR TO SAY THAT ONLY THE
9 PEOPLE WHO WERE INVOLVED IN THE ACTUAL CASE WERE PAST
10 WHAT'S CALLED BAR SITTING AT THESE TABLES?

11 A YES, SIR.

12 Q SO IT'S FAIR TO SAY THAT ROBERT JOLLY WAS
13 SITTING AT ONE OF THESE TABLES, TOO, CORRECT?

14 A YES.

15 Q BUT YOU NEVER NOTICED ANY DIRECT CONFUSION
16 WHERE THE JUDGE MIGHT HAVE MISTAKEN HIM OR SOMEBODY OTHER
17 THAN THE DEFENDANT, CORRECT?

18 A I CAN'T ANSWER TO A JUDGE'S CONFUSION, SIR.

19 Q DID THE JUDGE EVER ADDRESS HIM AS A LAWYER?
20 DID THE JUDGE EVER CALL HIM UP FOR A MEETING OR DID THE
21 PARTIES STAY BACK AND JUST THE LAWYERS WENT UP THERE; DID
22 ANY OF THAT EVER OCCUR?

23 A I DON'T RECALL.

24 Q OKAY, DID THE JUDGE EVER CALL HIM COUNSELOR
25 OR ROBERT JOLLY, ESQUIRE?

1 A NO, SIR.

2 Q THERE WAS NEVER ANY INDICATION TO YOU THAT
3 THE JUDGE HAD ANY CONFUSION WHATSOEVER ABOUT MR. JOLLY'S
4 ROLE IN THAT COURTROOM THAT DAY, WAS THERE?

5 A NO, SIR.

6 MR. LOCKLAIR: OKAY, THANK YOU, THAT'S ALL I
7 HAVE.

8 THE COURT: REDIRECT?

9 MR. MYRICK: JUST BRIEFLY, YOUR HONOR.

10 THE COURT: ALL RIGHT.

11 REDIRECT EXAMINATION

12 BY MR. MYRICK:

13 Q WERE YOU IN COURT WITH MR. JOLLY?

14 A YES.

15 Q AND YOU TOLD THE JUDGE YOU DIDN'T HAVE
16 ANYTHING TO SAY?

17 A YES.

18 Q DO YOU REMEMBER THAT? HAD SOMEONE TOLD YOU
19 TO SAY THAT?

20 A I WAS TOLD NOT TO SAY ANYTHING UNLESS I WAS
21 ASKED TO BE A DIRECT WITNESS.

22 Q BY WHO?

23 A MR. JOLLY.

24 MR. MYRICK: THANK YOU, MS. CURTIS.

25 THE COURT: YOU MAY STEP DOWN. ALL RIGHT, YOU

1 CAN CALL YOUR NEXT WITNESS.

2 MR. MYRICK: YOUR HONOR, THE STATE CALLS MS.
3 JILL ROTHSTEIN.

4 JILL ROTHSTEIN

5 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

6 MADAM CLERK: PLEASE STATE YOUR FULL NAME AND
7 SPELL YOUR LAST NAME FOR THE COURT.

8 THE WITNESS: MY NAME IS JILL, LAST NAME IS
9 ROTHSTEIN, R-O-T-H-S-T-E-I-N.

10 MR. LOCKLAIR: YOUR HONOR, THE DEFENSE IS GOING
11 HAVE AN OBJECTION TO THIS WITNESS. I DON'T KNOW IF YOU
12 WANT TO HEAR BEFORE SHE STARTED TESTIFYING OR WAIT UNTIL IT
13 AROSE?

14 THE COURT: WELL YOU TELL ME?

15 MR. LOCKLAIR: IT'S GOING TO BE THE SCOPE OF HER
16 TESTIMONY AND I ASK IT BE EXCLUDED.

17 THE COURT: OKAY. ALL RIGHT, LADIES AND
18 GENTLEMEN, LET'S TAKE UP A MATTER OF LAW. I'M GOING TO
19 EXCUSES YOU BACK TO THE JURY ROOM FOR JUST A BRIEF SECOND,
20 WE'LL BRING YOU OUT IN JUST A MINUTE.

21 (WHEREUPON, THE JURY RETIRED TO THE JURY ROOM AT
22 10:19 A.M.)

23 THE COURT: ALL RIGHT, MR. LOCKLAIR?

24 MR. LOCKLAIR: YOUR HONOR, I'M ASSUMING HER
25 TESTIMONY IS GOING TO GO ABOUT THE UNAUTHORIZED PRACTICE OF

1 LAW AND THE UPDATES AND THE RULES OF LAW ON THAT AND IT'S
2 OUR OPINION THAT WHAT SHE'S GOING TO TESTIFY TO COMES DOWN
3 TO BEING AN OPINION OF LAW AND, OF COURSE, WHILE YOU CAN,
4 IT'S NOT OBJECTIONABLE BECAUSE IT EMBRACES AN ULTIMATE
5 ISSUE OF FACT AND OPINION OF LAW IS NOT ADMISSIBLE BY AN
6 EXPERT. THERE'S SUPREME COURT CASE LAW ON THAT AND WE FEEL
7 WHAT'S SHE'S GOING TO BE GIVEN IS AN OPINION OF WHAT THE
8 LAW IS ON UNAUTHORIZED PRACTICE OF LAW AND, THEREFORE, THAT
9 OPINION OF LAW WOULD BE INADMISSIBLE AND WE'D ASK THAT
10 TESTIMONY BE EXCLUDED.

11 THE COURT: ALL RIGHT, MR. MYRICK?

12 MR. MYRICK: YOUR HONOR, I'M GUESSING HERE THAT
13 WHAT MR. LOCKLAIR THINKS IS THAT WE'RE GOING TO BE
14 ELICITING TESTIMONY THAT WOULD RUN AFOUL OF THE RULE IN
15 DAWKINS V. FIELDS. THAT WAS AN EQUITY CASE IN BEAUFORT
16 COUNTY WHERE PROFESSOR FREIDMAN TESTIFIED AND HE ALSO
17 SUBMITTED AN AFFIDAVIT FOR THE COURT WHICH CONTAINED LEGAL
18 ARGUMENTS AND BASICALLY HE WAS TELLING THE COURT WHAT TO DO
19 AND WHY THEY SHOULD DO IT. WE DON'T INTEND TO DO THAT.
20 WE'RE NOT GOING TO QUALIFY HER AN AS EXPERT. I THINK IT'S
21 AN ELEMENT OF THE CASE AS TO WHETHER OR NOT HE WAS ADMITTED
22 TO PRACTICE IN SOUTH CAROLINA AND WE THINK IT WOULD BE
23 BENEFICIAL FOR THE JURY TO UNDERSTAND WHAT IT MEANS AND
24 WHAT IT TAKES TO BECOME A LAWYER IN SOUTH CAROLINA.

25 I'VE TRIED A HALF OF DOZEN OF THESE CASES, JUDGE.

1 I'VE TRIED THEM BEFORE JUDGES ALL OVER THE STATE AND IN
2 EACH INSTANCE MS. ROTHSTEIN OR ONE OF HER COUNTER PARTNERS
3 WHO WORKS FOR THE BAR OR VOLUNTEERS OF THE LAW HAS SAID,
4 YOU KNOW, THIS IS WHAT IT MEANS TO BE A LAWYER, THIS IS HOW
5 YOU BECOME ONE.

6 THE COURT: AND THAT'S GOING TO BE THE SCOPE OF
7 HER TESTIMONY?

8 MR. MYRICK: NOW IS AS GOOD TIME AS ANY. WE MAY
9 ADDITIONALLY SEEK TO ELICIT SOME TESTIMONY REGARDING WHAT
10 OUR STATE SUPREME COURT HAS SAID ABOUT WHO MAY CONDUCT REAL
11 ESTATE TRANSACTIONS OR THE COURT CAN INSTRUCT THE JURY AS
12 TO THAT AT THE TIME OF CHARGE AND EITHER WAY WOULD SUIT US.

13 THE COURT: YEAH, I THINK THAT'S MORE THE JURY
14 CHARGE WE GET IN ON THE CHARGE OF THE LAW.

15 MR. MYRICK: WE'RE JUST GOING TO TALK ABOUT HOW
16 YOU GET TO BE LAWYER AND IS HE ONE.

17 THE COURT: ALL RIGHT.

18 MR. LOCKLAIR: I MEAN I WOULD JUST ASK THAT IT
19 BE LIMITED TO THAT. IF HE WOULD BE WILLING TO STIPULATE
20 THAT IT'S THREE YEARS OF LAW SCHOOL, PASS THE BAR, AND NO,
21 HE'S NOT. IF THAT'S WHAT HE WANTS TO BRING OUT BUT OTHER
22 THAN THAT WE WOULD OBJECT TO ANY OTHER TESTIMONY OTHER THAN
23 BASICALLY THOSE THREE QUESTIONS.

24 MR. MYRICK: WE'RE GOING TO DECLINE THE
25 STIPULATION.

1 THE COURT: OKAY.

2 MR. LOCKLAIR: I KNOW THE WITNESS.

3 THE COURT: ALL RIGHT.

4 MR. MYRICK: THANK YOU, YOUR HONOR.

5 THE COURT: ALL RIGHT, LET'S GO AHEAD AND BRING
6 THE JURY BACK.

7 (WHEREUPON, THE JURY RETURNS TO THE COURTROOM AT
8 10:23 A.M.)

9 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN,
10 WELCOME BACK. MR. MYRICK, START YOUR DIRECT EXAMINATION.

11 MR. MYRICK: THANK YOU, YOUR HONOR.

12 DIRECT EXAMINATION

13 BY MR. MYRICK:

14 Q GOOD MORNING.

15 A GOOD MORNING.

16 Q WOULD YOU TELL THE JURY YOUR NAME AGAIN?

17 A SURE, MY NAME IS JILL ROTHSTEIN.

18 Q AND WHERE DO YOU LIVE?

19 A I LIVE IN GREENVILLE, SOUTH CAROLINA.

20 Q AND WHAT'S YOUR PROFESSION?

21 A I'M A LAWYER.

22 Q AND WHERE DO YOU WORK?

23 A I WORK FOR THE SOUTH CAROLINA BAR WHICH IS

24 A NON PROFIT MEMBERSHIP ORGANIZATION LIKE THE MEDICAL

25 ASSOCIATION OR AGC.

1 Q WHO CREATED THE SOUTH CAROLINA BAR?

2 A THE SUPREME COURT DID.

3 Q IF YOU WOULD, MS. ROTHSTEIN, I'D LIKE FOR
4 YOU TO DISCUSS THE QUALIFICATIONS TO BECOME A MEMBER OF THE
5 BAR IN SOUTH CAROLINA?

6 A SURE, THERE ARE RULES THAT THE COURT SET UP
7 TO SET THE STANDARDS TO BECOME A LAWYER AND ESSENTIALLY YOU
8 HAVE TO GRADUATE FROM COLLEGE, TAKE AN EXAM, GET ADMITTED
9 TO LAW SCHOOL, MAKE IT THROUGH LAW SCHOOL AND GRADUATE, AND
10 THE LAW SCHOOL HAS TO BE ACCREDITED IN ORDER TO SIT FOR THE
11 BAR EXAM. YOU THEN SIT FOR THE BAR EXAM, PASS THAT, AND
12 THEN YOU BECOME A LAWYER, AND IN THAT PROCESS THERE'S SOME
13 OTHER STEPS LIKE CHARACTER AND FITNESS AND AN APPLICATION.

14 Q WHAT'S CHARACTER AND FITNESS?

15 A CHARACTER AND FITNESS IS A WORD THAT IS SET
16 UP BY THE SUPREME COURT TO TAKE A LOOK ESSENTIALLY AT
17 EVERYONE'S BAR APPLICATION TO SEE IF THERE'S ANYTHING THAT
18 SORT OF IS A RED FLAG THAT THEY MIGHT WANT TO JUST KNOW A
19 LITTLE BIT MORE ABOUT, EXCESSIVE NUMBER OF PARKING TICKETS,
20 JAIL TIME, THAT SORT OF THING. IT DOESN'T NECESSARILY
21 PRECLUDE YOU FROM BECOMING A LAWYER BUT THEY WANT TO KNOW A
22 LITTLE BIT MORE.

23 Q HOW LONG DOES THE BAR EXAM LAST?

24 A YEARS, ACTUALLY WHEN I SAT FOR IT IT WAS I
25 THINK THREE FULL DAYS, MORNING AND AFTERNOON.

1 Q OF WHAT?

2 A EXAM, WRITTEN BLUE BOOK EXAM.

3 Q AND AFTER YOU TAKE THE BAR AND YOU GET BY
4 CHARACTER AND FITNESS ARE YOU ALLOWED TO PRACTICE LAW?

5 A YOU HAVE TO BECOME, YOU HAVE TO BE SWORN IN
6 BY THE COURT. THERE'S A CEREMONY AND EVERYONE RAISES THEIR
7 RIGHT HAND AND TAKES AN OATH AND THEN THE CHIEF JUSTICE
8 DOES CONGRATULATIONS AND WELCOME TO THE BAR AND THAT'S WHEN
9 YOU'RE A BAR MEMBER.

10 Q AND YOU GET A LICENSE?

11 A YOU DO, PAPER LICENSE.

12 Q CAN YOU GO INTO COURT AT THAT POINT?

13 A NO, THERE ARE ACTUALLY SOME OTHER
14 QUALIFICATIONS YOU HAVE TO MEET. ONE OF THEM IS SET FORTH
15 IN APPELLATE COURT RULE 403, YOU HAVE TO HAVE A CERTAIN
16 NUMBER OF TRIAL EXPERIENCES WITH PRACTICING BAR MEMBERS TO
17 LEARN THE PROCESS.

18 Q WHAT'S THE PROFESSIONAL RESPONSIBILITY
19 EXAM?

20 A IT'S A SEPARATE MULTI STATE EXAM WHEN THE
21 BUBBLE SHEET EXAMS WITH QUESTIONS PURELY ABOUT ETHICS AND
22 PROFESSIONAL RESPONSIBILITY. YOU HAVE TO PASS THAT, TOO, I
23 FORGOT ABOUT THAT.

24 Q AND WHAT'S BRIDGE THE GAP?

25 A BRIDGE THE GAP IS A SEMINAR THAT A PERSON

1 WHO WANTS TO BECOME A BAR MEMBER TAKES, SORT OF IN THE
2 SUMMER. IT'S ALL THE STUFF YOU MAY NOT HAVE GOTTEN IN LAW
3 SCHOOL THAT LEADS YOU TOWARDS PRACTICE. IT'S MORE
4 PRACTICAL APPLICATION OF ALL THE ACADEMICS YOU LEARNED IN
5 LAW SCHOOL SO TO SPEAK.

6 Q IS IT MANDATORY?

7 A YES.

8 Q NOW YOU WORK AT THE BAR?

9 A CORRECT.

10 Q AND WHERE IS YOUR OFFICE?

11 A MY OFFICE IS IN THE BAR BUILDING WHICH IS
12 AT 950 TAYLOR STREET IN COLUMBIA.

13 Q AND DOES THAT OFFICE MAINTAIN ROLES OF WHO
14 IS LICENSED?

15 A YES.

16 Q AND IN PREPARATION FOR COURT TODAY DID YOU
17 CHECK ON THE NAME ROBERT STEVE JOLLY?

18 A I DID.

19 Q IS HE LICENSED IN THE STATE OF SOUTH
20 CAROLINA TO PRACTICE LAW?

21 A NO.

22 MR. MYRICK: THANK YOU, MS. ROTHSTEIN.

23 THE COURT: CROSS EXAMINATION?

24 MR. LOCKLAIR: MAY IT PLEASE THE COURT?

25 CROSS EXAMINATION

1 BY MR. LOCKLAIR:

2
3 Q GOOD MORNING, MS. ROTHSTEIN.

4 A GOOD MORNING.

5 Q YOU DON'T HAVE TO BE A LAWYER TO REPRESENT
6 YOURSELF IN COURT, DO YOU?

7 A NO.

8 MR. LOCKLAIR: OKAY, THANK YOU.

9 THE COURT: REDIRECT?

10 MR. MYRICK: MAY I HAVE ONE MOMENT, YOUR HONOR.

11 THE COURT: ALL RIGHT.

12 MR. MYRICK: NO, SIR, NOTHING, YOUR HONOR.

13 THE COURT: ALL RIGHT, YOU MAY STEP DOWN, THANK
14 YOU.

15 A CERTAINLY.

16 THE COURT: YOU CAN CALL YOUR NEXT WITNESS.

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

18 THE COURT: YES, SIR.

19 (WHEREUPON, A BENCH CONFERENCE WAS HELD OFF THE
20 RECORD IN THE PRESENCE OF THE JURY, BUT OUT OF THE HEARING
21 OF THE JURY AND THE COURT REPORTER.)

22 THE COURT: LADIES AND GENTLEMEN, IT'S TIME FOR
23 US TO TAKE A LITTLE BREAK. WE'RE GOING TO TAKE ABOUT A 15,
24 20-MINUTE BREAK, GIVE YOU AN OPPORTUNITY TO STRETCH YOUR
25 LEGS. IF YOU HAVE ANY PHONE CALLS YOU CAN RETURN YOUR

1 PHONE CALLS BUT, PLEASE, DO NOT DISCUSS THE CASE WITH
2 ANYONE, IF YOU HAVE NOTE PADS, PLEASE, LEAVE THESE NOTE
3 PADS HERE IN THE JURY BOX. I HOPE EVERYBODY HAS A GOOD
4 BREAK, AND WE'LL BRING YOU BACK OUT IN JUST A MOMENT.

5 (WHEREUPON, THE JURY RETIRED TO THE JURY ROOM AT
6 10:29 A.M.)

7 THE COURT: ALL RIGHT, LET'S TAKE A 15, 20
8 MINUTE, OKAY.

9 MR. MYRICK: YES, SIR.

10 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

11 THE COURT: FOR SCHEDULING PURPOSES WE STILL ON
12 SCHEDULE AS FAR AS BEING OUT BY FRIDAY?

13 MR. MYRICK: YES, SIR, WE ARE.

14 THE COURT: OKAY, ALL RIGHT, SOUNDS GOOD, THANK
15 YOU VERY MUCH.

16 MR. MYRICK: THANK YOU, YOUR HONOR.

17 (WHEREUPON, A RECESS WAS TAKEN AND THE FOLLOWING
18 TAKES PLACE ON THE RECORD AFTER THE BREAK.)

19 THE COURT: ANYTHING FROM THE STATE BEFORE WE
20 BRING THE JURY IN?

21 MR. MYRICK: YES, SIR, BRIEFLY, YOUR HONOR.

22 THE COURT: ALL RIGHT.

23 MR. MYRICK: I UNDERSTAND YOU HAVE TWO COMMON
24 PLEAS CASES BACK THERE ON THE BENCH WITH YOU IN THE GREEN
25 FOLDERS?

1 THE COURT: YEAH, RIGHT, I DIDN'T EVEN KNOW HAD
2 THEM BUT I DO.

3 MR. MYRICK: THE CLERK BROUGHT THEM AT MY
4 REQUEST, THANK YOU.

5 THE COURT: OKAY, ANYTHING FROM THE DEFENSE
6 BEFORE WE BRING THE JURY IN?

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

8 THE COURT: ALL RIGHT, LET'S GO AHEAD AND BRING
9 THE JURY IN.

10 (WHEREUPON, THE JURY RETURNS TO THE COURTROOM AT
11 10:55 A.M.)

12 THE COURT: LADIES AND GENTLEMEN, WELCOME BACK,
13 MR. MYRICK, YOU CAN CALL YOUR NEXT WITNESS.

14 MR. MYRICK: YOUR HONOR, THE STATE CALLS BOB
15 WOOD TO THE STAND.

16 THE COURT: ALL RIGHT.

17 ROBERT P. WOOD

18 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

19 MADAM CLERK: PLEASE STATE YOUR FULL NAME AND
20 SPELL YOUR LAST NAME.

21 THE WITNESS: ROBERT P. WOOD, W-O-O-D.

22 THE COURT: ALL RIGHT, MR. MYRICK.

23 MR. MYRICK: THANK YOU, YOUR HONOR, MAY IT
24 PLEASE THE COURT?

25 THE COURT: YES, SIR.

DIRECT EXAMINATION

BY MR. MYRICK:

Q MR. WOOD, WOULD YOU TAKE A MINUTE AND
INTRODUCE YOURSELF TO THE JURY?

A GOOD MORNING, I'M BOB WOOD, ROBERT P. WOOD,
I'M A LAWYER IN COLUMBIA. I LIVE JUST NORTH OF COLUMBIA,
PRACTICE WITH THE LAW FIRM OF ROGERS, TOWNSEND, AND THOMAS.

Q AND WHAT'S THE NATURE OF YOUR PRACTICE?

A MY LAW FIRM DOES PROBABLY A THIRD TO A HALF
OF ITS WORK IN MORTGAGE FORECLOSURES. I DO GENERAL
LITIGATION, COMPLICATED FORECLOSURES, AND A VARIETY OF WORK
FOR INDIVIDUAL CLIENTS, MOSTLY CIVIL LITIGATION.

Q YOU RELISH TAKING PEOPLE'S HOMES?

A NO, IN FACT WE REPRESENT THESE MORTGAGE
COMPANIES, THE LENDERS, AND THE NUMBER ONE GOAL THEY HAVE
IS TO LET PEOPLE STAY IN THEIR HOMES AS LONG AS THEY CAN.
MY CLIENTS WOULD RATHER HAVE WHAT THEY CALL A PERFORMING
LOAN WHERE THE BORROWER PAYS INTEREST, THEIR MORTGAGE
PAYMENTS EVERY MONTH, AND THEY LIVE IN THE HOUSE AND STAY
IN THE HOUSE RATHER THAN MY CLIENT GETTING THE HOUSE BACK
AND HAVING TO SELL IT IN A FORECLOSURE SALE AND THAT'S WHAT
WE TRY TO DO; BUT IF THEY CAN'T IT WORKED OUT THEN IT IS MY
JOB AND I'M PAID TO GET THE FORECLOSURE COMPLETED FOR MY
CLIENTS.

Q BUT A PERFORMING LOAN, EVEN A PARTIALLY

1 PERFORMING LOAN IS BETTER THAN NOTHING?

2 A RIGHT, IT'S A BUSINESS DECISION BY THE
3 CLIENT BUT OUR NUMBER ONE RULE IS TO TRY TO HELP THE PEOPLE
4 KEEP THEIR HOUSES BUT IF THEY CAN'T THEN WE DO GET A
5 FORECLOSURE COMPLETED FOR OUR CLIENT.

6 Q WOULD YOU EVER ADVISE SOMEBODY TO STOP
7 PAYING ALTOGETHER?

8 A OH, NO, NO.

9 Q ARE YOU FAMILIAR WITH SOMETHING CALLED THE
10 QUITCLAIM DEED?

11 A YES, SIR.

12 Q ARE THEY ROUTINELY USED IN SOUTH CAROLINA?

13 A RARELY USED BUT ROUTINELY USED. EVERY DAY
14 QUITCLAIM DEEDS ARE SIGNED BY PEOPLE BUT IT'S A RARE THING.
15 WHEN YOU GO AND BUY OR SELL YOUR HOUSE TO SOMEBODY ---

16 MR. LOCKLAIR: YOUR HONOR, I'M GOING TO OBJECT.
17 I THINK THIS IS OUTSIDE THE SCOPE OF HIS QUALIFICATION. I
18 DON'T THINK HE'S QUALIFIED TO TESTIFY AS WHAT DEEDS ARE
19 FILED ALL AROUND SOUTH CAROLINA, WITH WHAT FREQUENCY, WHICH
20 ONES ARE QUITCLAIM DEEDS AND WHICH ONES ARE NOT. I DARE
21 SAY HE'S NOT THE REGISTER DESIGNATE CONVEYANCE OFFICE IN
22 ALL 46 COUNTIES.

23 THE COURT: ALL RIGHT, OVERRULED, I'M GOING TO
24 ALLOW IT.

25 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

1 THE WITNESS: (CONTINUING)

2 A WHEN PEOPLE BUY AND SELL HOUSES IN A NORMAL
3 REAL ESTATE TRANSACTION IT'S ALMOST ALWAYS DONE WITH WHAT
4 THEY CALL A GENERAL WARRANTY DEED. SOMEBODY PAYS A LOT OF
5 MONEY TO SOMEBODY WHO THEN GIVES A TITLE TO THEIR HOUSE
6 BACK TO THE, TO THE BUYER, TO THE BUYER. THEY CALL THAT A
7 GENERAL WARRANTY DEED.

8 WE USE QUITCLAIM DEEDS, Q-U-I-T-C-L-A-I-M DEEDS
9 WHEN SOMEBODY IS GIVING UP THEIR INTEREST IN A PIECE OF
10 PROPERTY AND NORMALLY THAT'S DONE TO CLEAR TITLE. IF
11 SOMEBODY DOESN'T EVEN KNOW THEY HAVE PROPERTY BUT SOME
12 LAWYER DECIDES THAT MAYBE THEY DO OWN SOME PROPERTY THE
13 PERSON ACKNOWLEDGES THAT WELL I'M REALLY NOT SUPPOSED TO
14 OWN THIS SO I'M GOING TO GIVE A QUITCLAIM DEED TO WHOEVER
15 REALLY OUGHT TO OWN THE PROPERTY, SO TO SPEAK, AND THEN
16 THAT PERSON NO LONGER OWNS ANY INTEREST AT ALL IN THAT
17 PROPERTY. IT'S AN UNUSUAL THING BUT WE DO SEE THEM EVERY
18 DAY, I SUPPOSE.

19 Q DO YOU APPEAR IN HORRY COUNTY VERY OFTEN?

20 A MIGHT HAVE TO BE HERE TOMORROW. I GUESS I
21 GET DOWN HERE THREE TO FIVE TIMES A YEAR.

22 Q AND WERE YOU APPEARING IN HORRY COUNTY IN
23 2008?

24 A I WAS.

25 Q AND IN 2009?

1 A I WAS.

2 Q DO YOU RECOGNIZE THAT MAN SITTING BY MR.
3 LOCKLAIR?

4 A YES, SIR, THAT'S ROBERT STEVE JOLLY.

5 Q WHERE DID YOU FIRST SEE HIM?

6 MR. LOCKLAIR: YOUR HONOR, I'M GOING TO OBJECT
7 TO THIS LINE OF QUESTIONING AS BEING IRRELEVANT, BEING
8 CUMULATIVE, AND BEING POTENTIALLY TO MISLEAD THE JURY AND
9 CONFUSE THE ISSUES IN THE CASE. IT'S GOING INTO CIVIL
10 ISSUES THAT ARE OUTSIDE THE SCOPE OF THIS TRIAL.

11 THE COURT: ALL RIGHT, OVERRULED, I'LL ALLOW IT.

12 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

13 THE WITNESS: (CONTINUING)

14 A AS I RECALL THE FIRST TIME I SAW HIM WAS
15 HERE IN THIS COURTHOUSE IN THREE CASES WE TRIED IN ONE DAY.

16 Q AND WHAT WAS HE DOING?

17 A HE HAD, HE HAD GOTTEN A QUITCLAIM DEED FROM
18 MS. REINHARDT, WHO I THINK IS STILL IN THE COURTROOM, AND
19 FROM A LADY NAMED MS. JOHNSON, I CAN'T REMEMBER HER FIRST
20 NAME, AND THEN FROM THE UTERMARCK'S, U-T-E-R-M-A-R-K; AND SO
21 OUR LAW FIRM WENT TO FORECLOSE ON THOSE THREE FAMILIES, SO
22 TO SPEAK, BUT BECAUSE MR. JOLLY WAS THE ONLY PERSON WHO HAD
23 A OWNERSHIP INTEREST IN THE PROPERTY ON THE PUBLIC RECORDS
24 WE ONLY SUED MR. JOLLY, SO THE UTERMARCK CASE, FOR EXAMPLE,
25 WOULD BE CALLED BOB'S CLIENT VERSUS JOLLY, ETCETERA,

1 ETCETERA.

2 Q WERE THERE CASES WHERE MR. JOLLY AND THE
3 QUITCLAIM DEED SIGNED?

4 A WHERE WE SUED THEM BOTH?

5 Q YES, SIR?

6 A THERE WERE THOSE.

7 Q AND DID YOU GET PLEADINGS?

8 A YES, IN EVERY CASE WHERE WE SUED EVEN MR.
9 JOLLY OR ONE OF THE PEOPLE WHO HE WAS HAD GOTTEN A
10 QUITCLAIM DEED FOR WE WOULD GET AN ANSWER BACK FROM MR.
11 JOLLY FROM HIS P. O. BOX DOWN IN, I THINK IT WAS IN MYRTLE
12 BEACH.

13 Q WHAT, IF ANYTHING, DID YOU NOTICE ABOUT
14 THESE ANSWERS?

15 A WELL THEY ALL LOOK ALIKE. YOU CAN TELL
16 INSTANTLY IF IT WAS WHAT I CALL A JOLLY ANSWER. THE
17 CAPTION WILL LOOK THE SAME. HE WOULD CALL THE DOCUMENT THE
18 SAME. WE LAWYERS WOULD CALL THESE THINGS ANSWERS BUT HE
19 MIGHT CALL IT AN AFFIDAVIT OR SOMETHING LIKE THAT AND HE
20 WOULD USE THE SAME FONT, HE'D BOLD THE SAME WORDS, BOLD,
21 CAPITALIZE ALL THE SAME LETTERS. SO IN A HURRY PEOPLE IN
22 MY OFFICE WOULD RECOGNIZE THIS AS A JOLLY ANSWER AND AFTER
23 A WHILE THEY STARTED SENDING THEM TO ME TO TAKE CARE OF.

24 Q IF YOU WOULD, MR. WOOD, PLEASE TAKE A SHORT
25 BREAK WHILE THE COURT REPORTER MARKS SOMETHING FOR ME?

1 (WHEREUPON, STATE'S EXHIBIT NUMBER 57 MARKED FOR
2 IDENTIFICATION.)

3 MR. MYRICK: (CONTINUING)

4 Q I'M GOING TO HAND YOU WHAT'S BEEN MARKED AS
5 STATE'S NUMBER 57, I BELIEVE, MR. WOOD, WOULD YOU TAKE A
6 MOMENT AND LOOK AT IT?

7 A ALL RIGHT.

8 Q WHAT IS IT?

9 A IT SAYS NOTICE OF MOTION TO RESCIND
10 FORECLOSURE JUDICIAL SALE AND TO ENJOIN ENFORCEMENT OF WRIT
11 OF ASSISTANCE IF ISSUED, THAT'S THE FIRST, SEVERAL I GUESS
12 SIX PAGES OF IT, AND IT APPEARS TO BE SIGNED BY ROBERT
13 JOLLY AND ALSO BY MARGARET CURTIS.

14 Q HOW WAS IT CAPTIONED?

15 A THE CAPTION OF THE CASE IS DEUTSCHE BANK
16 NATIONAL TRUST COMPANY V. MARGARET CURTIS AND ROBERT STEVE
17 JOLLY IS THE CAPTION OF THE CASE AND THEN THE TITLE OF THE
18 PLEADING IS NOTICE OF MOTION TO RESCIND FORECLOSURE
19 JUDICIAL SALE.

20 Q NOW HAVE YOU SEEN THAT ONE BEFORE?

21 A NOT THIS PARTICULAR ONE.

22 Q IT'S NEW TO YOU?

23 A RIGHT, IT'S NOT MY LAW FIRM, A DIFFERENT
24 LAW FIRM WAS INVOLVED IN THIS CASE BUT ---

25 Q WHAT, IF ANYTHING, JUMPS OUT AT YOU WHEN

1 YOU LOOK AT THAT DOCUMENT?

2 A THE FIRST THING IS THIS SHOWS A P. O. BOX
3 FOR MARGARET CURTIS ---

4 MR. LOCKLAIR: YOUR HONOR, I'M GOING TO OBJECT
5 TO ANY TESTIMONY ABOUT WHAT ABOUT THIS DOCUMENT. IT'S NOT
6 SOMETHING THAT HE PREPARED; IT'S NOT SOMETHING FROM HIS
7 OFFICE. HE WASN'T INVOLVED IN THE CASE. I THINK IT'S
8 IRRELEVANT AND UNDULY PREJUDICIAL.

9 THE COURT: OVERRULED, I'M GOING TO ALLOW IT.

10 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

11 THE WITNESS: (CONTINUING)

12 A THE FIRST THING I NOTICE IS THAT MARGARET
13 CURTIS' P. O. BOX IS AND I LEARNED THE HARD WAY THAT
14 THAT IS MR. JOLLY'S P. O. BOX, NOT, I GUARANTEE THAT'S NOT
15 MARGARET CURTIS' AND I DON'T EVEN KNOW HER, AND THEN IT
16 SHOWS ROBERT JOLLY'S P. O. BOX AS P. O. BOX WHICH
17 I'VE SEEN BEFORE, THAT'S THE P. O. BOX HE USES. THE
18 OVERALL LOOK OF THE CAPTION OF THIS THING IS VERY SIMILAR.
19 MY STAFF WOULD INSTANTLY RECOGNIZE THIS AS A JOLLY
20 DOCUMENT, AS WE CALL THEM, AND I RECOGNIZE IT, TOO. THE
21 POSTURE OF THIS CASE IS NOT AT THE ANSWER STAGE. HE SEEMS
22 TO BE THAT THIS CASE IS THAT A LITTLE BIT DIFFERENT POSTURE
23 THAN WHAT IT'S NORMALLY IN WHEN I WOULD GET THESE THINGS
24 BUT IT'S WHAT WE CALL A RULE 60 MOTION IS WHAT IT SEEMS TO
25 BE.

1 Q DID HE FILE STUFF LIKE THAT ROUTINELY IN
2 YOUR CASE?

3 A HE FILED ANSWERS THAT WERE SOMEWHAT SIMILAR
4 TO THIS IN MY CASES ROUTINELY. I DON'T THINK I EVER SAW A
5 RULE 60 MOTION FROM HIM BUT THEY ALL GENERALLY LOOK ALIKE.
6 HE ASSERTS STANDING, FOR EXAMPLE, AS AN ISSUE IN HERE AND -
7 -

8 Q IS THAT SOMETHING YOU NORMALLY DO?

9 A ALL THE TIME.

10 Q ALL THE TIME, WOULD YOU CLASSIFY IT AS A
11 HALLMARK OF THE JOLLY FILING?

12 A YES, BUT I'LL DON'T KNOW IT'S A JOLLY FILE
13 BEFORE I EVER GET TO WHERE HE RAISES STANDING BUT THAT'S
14 RIGHT, HE ALWAYS RAISED STANDING AS A DEFENSE.

15 Q MAY I HAVE THAT JUST ONE MOMENT?

16 MR. MYRICK: YOUR HONOR, THIS IS A COPY OF A
17 FILING THAT'S BEEN MADE RIGHT HERE IN THIS COURTHOUSE, AN
18 ACCURATE COPY. IT'S SOMEWHERE, I DON'T KNOW IF IT'S ON THE
19 BENCH OR IF IT'S DOWN IN THE CLERK'S OFFICE, BUT IT'S A
20 PUBLIC DOCUMENT. IT BECAME ONE WHEN IT WAS FILED, AND WE'D
21 LIKE TO MOVE IT INTO EVIDENCE.

22 THE COURT: MR. LOCKLAIR?

23 MR. LOCKLAIR: WE'D OBJECT UNDER RELEVANCY AND
24 HEARSAY AND ALSO UNDER RULE 403.

25 THE COURT: OKAY, OVERRULED, I'LL ALLOW IT.

1 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

2 THE COURT: THANK YOU, THAT'S EXHIBIT NUMBER 57?

3 MR. MYRICK: YES, SIR.

4 THE COURT: ALL RIGHT.

5 (WHEREUPON, STATE'S EXHIBIT NUMBER 57 ENTERED
6 INTO EVIDENCE.)

7 MR. MYRICK: (CONTINUING)

8 Q HOW MANY CASES DID YOU HAVE WHERE MR. JOLLY
9 BECAME INVOLVED?

10 A IN HORRY COUNTY WE HAD ABOUT TEN OR 15,
11 THEN WE HAD SEVERAL MORE OVER IN GEORGETOWN COUNTY, TOO,
12 THAT'S JUST MY LAW FIRM.

13 Q NOW WHEN YOU PRACTICE LAW DO YOU EVER MAKE
14 WHAT'S CALLED AN APPEARANCE?

15 A YES, SIR.

16 Q WHAT'S AN APPEARANCE?

17 A YOU CAN MAKE AN APPEARANCE A COUPLE
18 DIFFERENT WAYS BUT THAT'S WHERE A LAWYER OR A PERSON MAKES
19 AN OFFICIAL APPEARANCE WITH THE COURT OR BY SAYING, WELL
20 LET'S SAY IF IT'S A PERSON, YOU CAN MAKE WHAT WE CALL A PRO
21 SE APPEARANCE WHERE YOU SIGN YOUR OWN ANSWER, YOU SIGN YOUR
22 OWN COMPLAINT, YOU SIGN YOUR OWN DOCUMENTS, AND YOU PRESENT
23 THEM TO THE COURT. THAT'S WHAT WE CALL AN APPEARANCE AND
24 YOU DON'T PHYSICALLY APPEAR IN COURT THAT WAY. YOU JUST
25 SIGN A DOCUMENT AND FILE IT WITH THE COURT AS IF IT'S YOUR

1 OWN. IF YOU'RE A LAWYER LIKE IN MY CASE I'LL MAKE AN
2 APPEARANCE ON BEHALF OF MY CLIENTS BY SIGNING A COMPLAINT
3 OR AN ANSWER, A MOTION OR SOMETHING LIKE THAT. I COULD
4 FILE WHAT WE CALL A NOTICE OF APPEARANCE. ANOTHER WAY IS I
5 JUST COME INTO COURT WITH MY CLIENT AND RIGHT HERE IN THE
6 COURTROOM I TELL THE JUDGE THAT I'M APPEARING ON BEHALF OF
7 SUCH AND SUCH CLIENT AND THAT'S WHAT AN APPEARANCE IS.

8 Q DO YOU HAVE TO SET FOOT IN THE COURTHOUSE
9 TO MAKE AN APPEARANCE?

10 A OH, NO, FILING AN ANSWER, SIGNING AN ANSWER
11 AND FILING IT WE CONSIDER THAT TO BE AN APPEARANCE.

12 Q HOW MANY CASES DID YOU SAY?

13 A WITH MR. JOLLY?

14 Q YES, SIR?

15 A TEN OR 15 IN HORRY COUNTY AND PROBABLY
16 ABOUT FIVE OR SO IN GEORGETOWN COUNTY.

17 Q AND DID HE MAKE SIMILAR APPEARANCES AND
18 PLEADINGS IN THOSE CASES?

19 A EVERY ONE OF THEM, OH, THERE MIGHT HAVE
20 BEEN ONE OR TWO WHERE THE DOCUMENT WAS WHAT WE CALL A JOLLY
21 DOCUMENT BUT IT APPEARED TO BE SIGNED BY THE CLIENT AND NOT
22 BY MR. JOLLY BUT IT WOULD HAVE THE CLIENT'S, USING THE WORD
23 CLIENT, MAYBE I SHOULD SAY BORROWER, HIS P. O. BOX AS MR.
24 JOLLY'S P. O. BOX.

25 Q ALWAYS?

1 A ALWAYS.

2 Q HOW LONG HAVE YOU PRACTICED LAW, MR. WOOD?

3 A SINCE 1980.

4 Q THIRTY-ONE YEARS?

5 A THIS IS MY 30-FIRST YEAR, I THINK.

6 Q AND HOW LONG HAS YOUR PRACTICE FOCUSED ON
7 REAL ESTATE LITIGATION?

8 A PROBABLY ABOUT 15.

9 Q HOW MANY TIMES HAVE YOU APPEARED IN COURT
10 ON REAL ESTATE CASES THIS PAST YEAR?

11 A I COULDN'T SAY, 100s, THAT'S A GUESS.

12 Q AND DO YOU REGULARLY STUDY AND KEEP ABREAST
13 OF GOVERNMENT?

14 A I DO, YES, SIR.

15 Q ON ALL THOSE JOLLY PLEADINGS DID YOU EVER
16 SEE AN ARGUMENT THAT HAD LEGAL MERIT?

17 A THE VAST MAJORITY DID NOT BUT THERE WAS,
18 THERE WERE A COUPLE THAT SEEMED TO HAVE MERIT. FOR
19 EXAMPLE, PEOPLE ARE ALWAYS ENTITLED TO CHALLENGE THE AMOUNT
20 OF THEIR DEBT AND KNOWING EXACTLY HOW MUCH SOMEBODY OWES TO
21 THE BANK. IT'S SOMETIMES TRICKY AND HE WOULD RAISE THAT AS
22 A DEFENSE ON BEHALF OF HIS CLIENTS AND I THOUGHT THAT HAD
23 MERIT. HE GOT ONE JUDGE TO BUY INTO HIS STANDING DEFENSE
24 SO I WOULD NEVER SAY THAT ALL OF HIS ARGUMENTS WERE
25 MERITLESS, I WOULD NOT SAY THAT.

1 Q IN THE 15 CASES THAT YOU HAD DID YOU SEE
2 ANY WHERE, IN YOUR OPINION, THE PERSON RELYING ON ENDED UP
3 BETTER OFF AFTER HE GOT INVOLVED?

4 A THAT'S A JUDGMENT CALL.

5 MR. LOCKLAIR: YOUR HONOR, I DON'T BELIEVE HE'S
6 IN A POSITION TO TESTIFY AS TO WHO WAS BETTER OFF AND WORSE
7 OFF. HE'S NOT PRIVY TO THE FULL FINANCIAL SITUATIONS AND
8 LIFESTYLE, THEIR DEGREE OF HAPPINESS.

9 THE COURT: SUSTAINED.

10 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

11 THE WITNESS: (CONTINUING)

12 A THAT'S TRUE.

13 MR. MYRICK: THAT'S ALL I HAVE, THANK YOU.

14 THE COURT: CROSS EXAMINATION?

15 MR. LOCKLAIR: MAY IT PLEASE THE COURT, YOUR
16 HONOR?

17 THE COURT: YES, SIR.

18 CROSS EXAMINATION

19 BY MR. LOCKLAIR:

20 Q GOOD AFTERNOON, MR. WOOD.

21 A HELLO.

22 Q YOU SAID THAT SOME OF THE ARGUMENTS THAT HE
23 PUT FORTH DID HAVE MERIT, CORRECT?

24 A YES, SIR.

25 Q AND ANY DOCUMENT THAT YOU WERE INVOLVED IN

1 HE EVER SIGNED HE WAS THE NAMED DEFENDANT IN THAT CASE,
2 CORRECT?

3 A NO, I THINK THE MARTIN, MARTIN AND DOROTHY
4 MARTIN I DON'T THINK HE WAS A NAMED DEFENDANT. AMANDA PORT
5 HE WAS NOT A NAMED DEFENDANT AND ANGELA AND JOHN RABON HE
6 WAS NOT A NAMED DEFENDANT, THEN THERE WAS ONE WHERE JOLLY
7 AND ASSOCIATES WAS THE DEFENDANT, THAT'S A CORPORATION,
8 JOLLY AND ASSOCIATES LLC RATHER THAN MR. JOLLY
9 INDIVIDUALLY, THAT WAS THE PETER JONES CASE, AND THEN WE
10 HAD ONE CALLED VITHARANA, V-I-T-H-A-R-A-N-A, WHERE AS I
11 RECALL WE SUED MR., MR. VITHARANA TO FORECLOSE BUT MR.
12 JOLLY SIGNED THE ANSWER HIMSELF. I'M NOT REAL FAMILIAR
13 WITH THAT CASE BUT IT WAS A MIXED BAG.

14 Q ALL RIGHT, AND YOU CLAIM THAT HE "GOT ONE
15 JUDGE TO BUY INTO HIS STANDING" DEFENSE?

16 A THAT'S RIGHT.

17 Q I'M ASSUMING BY YOUR LANGUAGE GOT ONE JUDGE
18 TO BUY INTO THAT YOU DISAGREED WITH THE JUDGE'S DECISION ON
19 THAT?

20 A HE'S THE ONLY JUDGE IN SOUTH CAROLINA WHO
21 HAS ADOPTED BY POSITION AND THAT WAS JUDGE STROMAN AND HE'S
22 NOT PRACTICING ANY MORE, I MEAN HE'S NOT A JUDGE ANY MORE
23 THAT I KNOW OF.

24 Q RIGHT, BUT THAT WASN'T BECAUSE HE DID
25 ANYTHING WRONG, THAT WAS BECAUSE OF SOME OTHER ISSUES,

1 CORRECT?

2 A RIGHT, THE JUDGE ADOPTED MR. JOLLY'S
3 ARGUMENT.

4 Q OKAY, BUT I'M SAYING THAT JUDGE STROMAN IS
5 NOT A JUDGE BECAUSE OF DOING ANYTHING WRONG?

6 A NO, NO, NO, NO.

7 Q I JUST WANTED TO MENTION HE'S JUST NOT A
8 JUDGE ANYMORE, CORRECT?

9 A YEAH, RIGHT, THAT'S RIGHT.

10 Q OKAY, AND WHAT HE, WHAT HE RULED ON
11 BASICALLY WAS THAT YA'LL HAD FILED A LAWSUIT BEFORE YOU HAD
12 FILED ASSIGNMENTS OF NOTE FOR THE BANK TO OWN THE PROPERTY,
13 CORRECT?

14 A YOU'RE NOT TECHNICALLY RIGHT, BUT AS I
15 RECALL JUDGE STROMAN EITHER WANTED THE PROMISSORY NOTE TO
16 BE IN THE NAME OF MY CLIENT OR HE WANTED THE MORTGAGE TO BE
17 IN THE NAME OF MY CLIENT. I CAN'T REMEMBER WHICH ONE IT
18 WAS BEFORE WE FILED THE LAWSUIT, AND WE HAD FILED MAYBE
19 EVEN THREE, AT LEAST ONE, BUT MAYBE THREE OF THOSE LAWSUITS
20 BEFORE LIKE A WEEK OR TWO OR THREE, WE FILED THE LAWSUIT
21 BEFORE THE MORTGAGE COMPANY ACTUALLY HAD THE NAME OF THE,
22 ACTUALLY HAD OWNERSHIP OF THE NOTE AND MORTGAGE AND JUDGE
23 STROMAN FELT LIKE WE NEEDED TO HAVE THAT IN PLACE BEFORE WE
24 FILED SUIT. SO HE GAVE US THE RIGHT TO AMEND THE PLEADINGS
25 TO ALLEGE THAT WE NOW OWNED THE NOTE AND MORTGAGE AND THAT

1 WE OWNED IT, MY CLIENT OWNED IT BEFORE THE LAWSUIT WAS
2 AMENDED.

3 Q SO BASICALLY THE JUDGE WANTED YOUR CLIENT
4 TO OWN THE NOTE THEY WERE GOING TO SUE ON BEFORE THEY SUED?

5 A RIGHT, HE'S THE ONLY JUDGE TO MY KNOWLEDGE,
6 THE ONLY JUDGE IN SOUTH CAROLINA WHO REQUIRES THAT. MOST
7 OF THEM SAY AS LONG AS YOU HAVE THE NOTE AND MORTGAGE IN
8 THE CLIENT'S NAME BEFORE THE JUDGEMENT IS ENTERED THEN
9 THAT'S GOOD ENOUGH FOR THEM SO I GIVE MR. JOLLY CREDIT FOR
10 THAT.

11 Q SO IN THE FORECLOSURE WORLD IT'S BEEN
12 COMMON PRACTICE TO ALLOW SOMEBODY TO SUE BEFORE THEY
13 ACTUALLY OWN ANYTHING TO SUE ON?

14 A RIGHT, THAT'S STILL A PROCEDURE IN SOUTH
15 CAROLINA TODAY. IT MIGHT BE CHANGING, THE TREND MIGHT BE
16 CHANGING BUT THAT'S THE LAW.

17 Q DO YOU KNOW OF ANY OTHER AREA OF THE LAW
18 WHERE I COULD GO SUE SOMEBODY BEFORE I HAVE BEEN AGGRIEVED
19 OR HAVE THE PROPERTY INTEREST IN SOMETHING?

20 A WELL UNDER RULE 17 YOU MIGHT, IT'S A CIVIL
21 RULE. PEOPLE CAN DO THAT AND THEN THE JUDGE, WITHIN ITS
22 DISCRETION, WILL ALLOW AN AMENDMENT OR SOME EVENT TO HAPPEN
23 AS LONG AS IT OCCURS BEFORE THE JUDGMENT IS ENTERED THEN
24 NOBODY IS HURT BY THAT AND IT'S ALLOWED TO GO FORWARD; BUT
25 IT'S A DISCRETIONARY MATTER WITH THE JUDGE IS WHAT I'VE

1 FOUND.

2 Q WHAT AREAS OF LAW DOES THAT HAPPEN IN OTHER
3 THAN THE BANKING AND FORECLOSURE INDUSTRY?

4 A A LOT OF CASES UNDER RULE 17 ALLOW PARTIES
5 TO BE SUBSTITUTED, FOR EXAMPLE. RULE 15 ALLOWS PLEADING TO
6 BE AMENDED REALLY ANY AREA OF CIVIL LITIGATION. I'VE GOT
7 ONE RIGHT NOW WHERE THAT'S GOING ON RIGHT NOW. IT'S NOT
8 UNUSUAL AT ALL.

9 Q WELL I KNOW IT'S NOT UNUSUAL TO SUBSTITUTE
10 AUTHORITY IF I WERE TO NAME A CORPORATION NAMED AL'S DELI
11 AND THEN FIND OUT AL'S DELI INC. LLC ACTUALLY OWNS AND HAVE
12 TO AMEND THAT NAME?

13 A GOOD EXAMPLE.

14 Q BUT HOW MANY OTHER EXAMPLES CAN I BASICALLY
15 SUE BEFORE I SHOULD HAVE A RIGHT TO SUE BECAUSE I HAVE NO
16 INTEREST? WHAT INTEREST DOES A BANK HAVE BEFORE THEY OWN
17 THE NOTE TO EVEN SUE?

18 A WHAT HAPPENS A LOT OF TIMES IS IN THE BACK
19 OFFICES AT THE BANK THEY'LL BUY AND SELL THESE MORTGAGES
20 AND THEN IT'S JUST A MATTER OF GETTING DOWN TO DOCUMENT THE
21 FACT THAT A MORTGAGE WAS BOUGHT OR SOLD BETWEEN BANKS SO
22 IT'S A MATTER DOCUMENTATION, IF THAT'S YOUR QUESTION.

23 Q AND ARE THESE SAME BANK BACK OFFICES WHERE
24 THEY GROUP TOGETHER ALL THESE JUNK MORTGAGES AND PUT THEM
25 ON THE STOCK MARKET AND CAUSE OUR ECONOMY TO FALL FLAT.

1 A WELL MY FIRM TO MY KNOWLEDGE WE DON'T DO
2 WHAT WE CALL SUBPRIME MORTGAGES, WE DON'T FORECLOSE
3 SUBPRIME MORTGAGES. I DON'T THINK ANYBODY CALLS THEM JUNK
4 MORTGAGES BUT MY CLIENTS DO. WE DEAL WITH WHAT THEY CALL
5 "A" PAPER, THE BETTER CREDIT RISK, AND THOSE DO GET WHAT
6 THEY CALL SECURE TITLES WHERE THEY'LL GET BUNDLED. A BUNCH
7 OF NOTES AND MORTGAGES WILL GET BUNDLED AND THEN THAT
8 BUNDLE OF NOTES AND MORTGAGES WILL BE BOUGHT AND SOLD AS A
9 BUNDLE, IF THAT'S WHAT YOU'RE ASKING.

10 Q RIGHT, AND YOUR, YOUR CLIENTS MIGHT NOT DO
11 THAT BUT IN THE BANKING, AND, OF COURSE, YA'LL WOULDN'T
12 CALL THEM JUNK MORTGAGES ---

13 MR. MYRICK: I'M GOING TO OBJECT, YOUR HONOR,
14 IT'S NOT RELEVANT.

15 MR. LOCKLAIR: YOU'VE ALLOWED THEM TO GO INTO
16 ALL THESE OTHER CASES.

17 THE COURT: OVERRULED.

18 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

19 Q (CONTINUING) BUT IN THE BANKING INDUSTRY IN
20 THESE BACK OFFICES OTHER BANKING COMPANIES WOULD GROUP
21 TOGETHER WHAT COULD BE CONSIDERED LESS THAN INTELLIGENT
22 LOANS TO MAKE THAT IN HINDSIGHT MOST PEOPLE IN YOUR
23 PROFESSION IN THE BANKING INDUSTRY WOULD AGREE PROBABLY
24 SHOULDN'T HAVE BEEN MADE AND THEY WOULD SELL THESE OFF,
25 CORRECT?

1 A ALL I CAN DO IS SPEAK ABOUT MY CLIENTS AND
2 TO MY KNOWLEDGE. I KNOW FOR A FACT I DON'T PERSONALLY DO
3 SUBPRIME MORTGAGE FORECLOSURES, AT LEAST NOT THAT I KNOW
4 OF, SO I CAN READ IN THE NEWSPAPER LIKE ANYBODY ELSE ABOUT
5 WHAT HAPPENED ON WALL STREET AND SO FORTH. TO MY KNOWLEDGE
6 THAT HASN'T AFFECTED ANY OF MY CASES.

7 Q DID YOU REPRESENT ANY OF THESE BANKS SUCH
8 AS WELLS FARGO WHERE IT'S BEEN SHOWN THAT THEY HAVE PEOPLE
9 SIGNING OFF ON FORECLOSURES WITH DATES AND NOT READING THE
10 DOCUMENTS AND ADMITTING THEY WEREN'T READING THE DOCUMENTS;
11 WERE YOU INVOLVED IN THOSE BANKS?

12 A YOUR HONOR, I'M RELUCTANT TO NAME MY
13 CLIENTS; IF THE COURT WANTS TO ORDER ME TO NAME CLIENTS I
14 CAN.

15 Q LET ME ASK, I CAN REPHRASE IT. WERE ANY OF
16 THOSE BANKS INVOLVED IN ANY OF THE CASES INVOLVING MR.
17 JOLLY?

18 A WERE THE BANKS THAT I REPRESENT INVOLVED IN
19 --

20 Q ANY OF THE BANKS THAT YOU, ANY OF THE BANKS
21 THAT YOU REPRESENTED AGAINST SUING MR. JOLLY ARE THEY ANY
22 OF THE BANKS SUCH AS WELLS FARGO OR THE OTHER BANKS THAT
23 HAVE ADMITTED THAT THEY HAVE HAD LESS THAN SCRUPULOUS
24 FORECLOSURE PRACTICES?

25 A NOW TO TELL YOU THE TRUTH I DON'T KNOW THAT

1 WELLS FARGO HAS ADMITTED THAT. I'M NOT SAYING THEY HAVE; I
2 DON'T KNOW.

3 Q OKAY.

4 A THE ONE THAT I REMEMBER IS NOT WELLS FARGO
5 AND THE ONE THAT I REMEMBER I DON'T THINK I REPRESENTED
6 AGAINST IN A CASE AGAINST MR. JOLLY BUT I DIDN'T BRING THE
7 NAME OF MY CLIENTS WITH MY LIST OF CASES.

8 Q OKAY, GOING BACK TO FILING YOUR LAWSUITS
9 BEFORE THE BANK ACTUALLY HAD THE ASSIGNMENTS THAT THEY
10 ACTUALLY OWNED THE NOTE, IF THEY NEVER GOT THE ASSIGNMENT
11 THEY WOULD NEVER HAVE STANDING TO SUE, CORRECT?

12 A IF THEY NEVER GOT IT, THAT'S RIGHT.

13 Q AND STANDING IS THE ABILITY TO COME INTO
14 COURT BECAUSE YOU'RE WHAT'S CALLED A REAL PARTY IN
15 INTEREST, CORRECT?

16 A THAT'S EXACTLY RIGHT, YES, SIR.

17 Q AND ARE YOU AWARE OF OTHER COURTS AROUND
18 THE COUNTRY THAT HAVE RULED DIFFERENTLY THAN SOUTH
19 CAROLINA?

20 A RIGHT, SOME HAVE. NOW SOUTH CAROLINA IS
21 WHAT WE CALL A JUDICIAL FORECLOSURE STATE. MOST STATES ARE
22 NON JUDICIAL FORECLOSURE WHICH MEANS THAT THE COURTS HANDLE
23 FORECLOSURES DIFFERENTLY IN STATES OTHER THAN, WE'VE GOT
24 THE SOUTH CAROLINA WAY, I'LL CALL IT, AND THEN THE
25 EVERYBODY ELSE WAY, AND THE MIX IS PROBABLY 20 JUDICIAL

1 FORECLOSURE STATES AND 30 NON JUDICIAL FORECLOSURE STATES.
2 SO WHEN I READ A DECISION BY A JUDGE, LET'S SAY IN OHIO OR
3 KENTUCKY OR CALIFORNIA, ONE OF THE FIRST THINGS I'D HAVE TO
4 LOOK AT TO SEE IF IT HELPS ME IS WHETHER THEY'RE A JUDICIAL
5 FORECLOSURE STATE LIKE SOUTH CAROLINA OR A NON JUDICIAL
6 FORECLOSURE STATE LIKE, FOR EXAMPLE, NORTH CAROLINA.

7 Q WELL STATES SIMILAR TO SOUTH CAROLINA ARE
8 THEY NORMALLY ALLOWING LAWSUITS TO BE FILED BEFORE
9 ASSIGNMENTS WHEN SOMEBODY WOULDN'T HAVE STANDING IN?

10 A THERE'S A TREND WHERE THEY DON'T ALLOW IT
11 ANYMORE AND, AND THAT'S THE TREND INVOLVES ME KIND OF
12 PREDICTING THE FUTURE WHICH I'M KIND OF BAD AT, BUT THAT'S
13 SOMETHING THAT MY LAW FIRM IS WATCHING CLOSELY AND, AND
14 THEN IT'S REALLY UP TO MY CLIENT IF THEY WANT US TO GO
15 AHEAD AND FILE SUIT NOW OR WAIT. I COULD EASILY SEE THE
16 LAW BECOMING THAT WE SHOULD WAIT. I COULD SEE THAT
17 BECOMING THE LAW.

18 Q AND WHY WOULD THESE, I GUESS I'M GOING TO
19 QUALIFY THEM AS RICH BANKS, YOU KNOW, THAT HIRE, CAN HIRE
20 EXPENSIVE LAWYERS, AND I DON'T THINK THERE'S TOO MANY BANKS
21 THAT ARE HURTING THAT BAD BUT, YOU KNOW, THEY GOT MONEY,
22 LET'S PUT IT THAT WAY, WHY WOULD THEY ---

23 A WELL, GO AHEAD, ASK YOUR QUESTION.

24 Q LET ME PUT IT THIS WAY. WHY WOULD A BANK
25 SUE BEFORE THEY GOT, BEFORE THEY ACTUALLY OWNED THE NOTE?

1 A ONE OF THE ISSUES IS WHEN DO THEY OWN THAT.
2 LET'S SAY THE GUYS AT THE BANK (A) SELL A LOAN OR A BUNCH
3 OF LOANS TO THE GUYS AT BANK (B); THEY DO IT IN A TELEPHONE
4 CALL OR AN EMAIL OR SOMETHING LIKE THAT AND LET'S SAY THEY
5 WIRE THE MONEY BACK AND FORTH. IN THE EYES OF THE LAW THE
6 EQUITABLE OWNER OF THAT LOAN WILL BE BANK (B), THE BUYER.
7 THE LEGAL OWNER MIGHT NOT BE BANK (B) UNTIL THE NOTE IS
8 ENDORSED OR THE MORTGAGE IS ASSIGNED, SO OWNER IN THE
9 CONTEXT OF THE LAW CAN DEPEND.

10 Q OKAY, AND ASSIGNING THE NOTE OR PUTTING
11 SOMETHING IN WRITING AND GIVING IT TO THE OTHER BANK WOULD
12 BE AS SIMPLE AS SOMEBODY EXECUTING A ONE OR TWO PAGE
13 DOCUMENT, MAYBE A TEN-PAGE DOCUMENT PUTTING IT IN FED EX
14 AND MAILING IT TO THE OTHER PARTY AND GETTING IT FILED WITH
15 THE COURT?

16 A WHEN YOU PUT IT THAT WAY THEORETICALLY IT
17 COULD BE EASY. I'M A LAWYER NOT A BUSINESS MAN, I'M NOT A
18 BANKER.

19 Q BUT REALISTICALLY NOT THEORETICALLY,
20 REALISTICALLY TO ASSIGNING A NOTE IS EASY?

21 A OH, ASSIGNING A NOTE YOU JUST ENDORSE IT,
22 WHAT YOU MEAN, I THINK THE WORD YOU'RE LOOKING FOR IS
23 ENDORSE ---

24 Q ENDORISING, OKAY?

25 A --- AND TO ENDORSE A NOTE YOU SIMPLY,

1 SIMPLY SIGN THE SELLER, THE GUY WHO OWNS THE NOTE SIGNS IT
2 AND ENDORSES IT TO THE NEW OWNER OF THE NOTE.

3 Q WELL I GUESS LET ME PUT IT THIS WAY. I'M A
4 BANK (A), YOU'RE BANK (B), I SELL YOU A LOAN. HOW LONG IS
5 IT GOING TO TAKE US TO GET THE PAPER WORK DONE IF WE GET ON
6 IT RIGHT AWAY?

7 A WELL IF WE GET ON IT RIGHT AWAY WE DO IT
8 RIGHT AWAY, IT JUST TAKES A SIGNATURE.

9 Q RIGHT, IT'S JUST A SIGNATURE?

10 A IT JUST TAKES A SIGNATURE, NOW THE BUSINESS
11 END OF IT I DON'T KNOW; IT DOES SEEM TO TAKE A LONG TIME.

12 Q SO IT'S FAIR TO SAY THE BANKS ARE MORE
13 WORRIED ABOUT GETTING THEIR MONEY IN THEIR POCKETS WITH
14 THESE THINGS THAN ACTUALLY GETTING SIGNATURES ON NOTES AND
15 --

16 A I DON'T KNOW ABOUT THE BANKS.

17 Q OKAY, YOU DON'T KNOW ABOUT THAT, OKAY, BUT
18 IT'S FAIR TO SAY IN YOUR EXPERIENCE THAT MOST OF THE BANKS
19 THAT YOU DEAL WITH FILE SOME SORT OF LAWSUITS, NOT ON EVERY
20 CASE, BUT THEY HAVE FILED CASES WHERE THEY DON'T HAVE THE
21 ASSIGNMENTS WHEN THEY FILE THE SUMMONS AND COMPLAINT?

22 A YOU SAID MOST OF THE BANKS AND IT'S NOT
23 UNCOMMON FOR MY LAW FIRM TO BE ASKED TO BRING A FORECLOSURE
24 SUIT BEFORE WE HAVE THE DOCUMENTATION IN OUR HANDS.

25 MR. LOCKLAIR: OKAY, THAT'S ALL I HAVE, THANK

1 YOU, YOUR HONOR, THANK YOU.

2 THE COURT: REDIRECT?

3 MR. MYRICK: NO, SIR.

4 THE COURT: ALL RIGHT, YOU MAY STEP DOWN. YOU
5 MAY CALL YOUR NEXT WITNESS.

6 MR. MYRICK: MAY I APPROACH?

7 THE COURT: YES, SIR.

8 (WHEREUPON, A BENCH CONFERENCE WAS HELD OFF THE
9 RECORD IN THE PRESENCE OF THE JURY, BUT OUT OF THE HEARING
10 OF THE JURY AND THE COURT REPORTER.)

11 MR. MYRICK: YOUR HONOR, THE STATE RESTS.

12 THE COURT: ALL RIGHT, ALL RIGHT, LADIES AND
13 GENTLEMEN, THE STATE HAS PRESENTED ALL THE EVIDENCE THEY'RE
14 GOING PRESENT IN THIS CASE AND IN THEIR CASE IN CHIEF AND
15 NOW IS THE TIME FOR ME TO TAKE UP SOME MATTERS OF LAW WITH
16 THE ATTORNEYS. I TOLD YOU EARLIER OFTEN WHEN WE DEAL WITH
17 THESE LEGAL ISSUES IT REQUIRES THE ATTORNEYS AND MYSELF TO
18 DISCUSS FACTUAL MATTERS AND WE DO NOT WANT YOU TO BE
19 INFLUENCED BY ANYTHING WE DISCUSS IN MAKING YOUR
20 DETERMINATION AS TO WHAT THE FACTS OF THIS CASE ARE, SO I'M
21 GOING TO EXCUSE YOU BACK TO THE JURY ROOM WHILE WE TAKE UP
22 THESE LEGAL MATTERS AND I'LL BRING BACK OUT IN JUST A
23 MINUTE. LEAVE YOUR PADS HERE AND DO NOT DISCUSS THE CASE.

24 (WHEREUPON, THE JURY RETIRED TO THE JURY ROOM AT
25 11:24 A.M.)

1 THE COURT: ALL RIGHT, MR. LOCKLAIR, MOTIONS?

2 MR. LOCKLAIR: YES, SIR, MAY IT PLEASE THE
3 COURT?

4 YOUR HONOR, AT THIS TIME THE DEFENSE WOULD LIKE
5 TO MAKE A MOTION FOR A DIRECTED VERDICT AS TO THE REMAINING
6 INDICTMENTS. OBVIOUSLY THE EASIEST ONE IS 2009-GS-26-
7 02949, THAT'S AN INDICTMENT FOR OBTAINING FALSE PRETENSES
8 AGAINST DARRIN STIMATZE. THERE'S BEEN NO EVIDENCE
9 PRESENTED WHATSOEVER IN THAT CASE. OBVIOUSLY THE JURY
10 CANNOT FIND THAT; THERE'S BEEN NO TESTIMONY, NO DOCUMENT,
11 NOTHING CONCERNING HIM, SO WE'D ASK FOR A DIRECTED VERDICT
12 AS TO THAT INDICTMENT.

13 THE COURT: ALL RIGHT, LET ME HEAR FROM YOU ON
14 THAT, MR. MYRICK?

15 MR. MYRICK: AS YOUR HONOR MAY REMEMBER I TOLD
16 THE COURT YESTERDAY THAT WE INTENDED TO DISMISS THAT
17 INDICTMENT. WE WANTED MR. STIMATZE HERE. WE TOLD HIM WE'D
18 LIKE TO HAVE HIM, HE LOST SOME MONEY. HE SAID HE'S
19 RELOCATED TO KANSAS, GOT A NEW JOB, HE'S GOT A NEW HOME,
20 GOT A NEW LIFE, AND HE'D MISS WORK AND LOSE MONEY IF HE
21 CAME. SO AGAIN, YOUR HONOR, THE STATE, HE BEAT ME TO THE
22 PUNCH, BUT WE INTEND TO DISMISS THAT INDICTMENT. WE
23 WOULDN'T HAVE ANY PROBLEM WITH THE COURT GO AHEAD AND GRANT
24 IT.

25 THE COURT: ALL RIGHT, I'LL GO AHEAD AND GRANT

1 YOUR DIRECTED VERDICT AS TO INDICTMENT NUMBER 2009-GS-26-
2 2949 FOR OBTAINING PROPERTY BY FALSE PRETENSES WHERE THE
3 ALLEGED VICTIM IS DARRIN STIMATZE, S-T-I-M-A-T-Z-E.

4 MR. LOCKLAIR: ALL RIGHT, YOUR HONOR, AND THE
5 SECOND INDICTMENT I'D LIKE TO DEAL WITH IS 2009-GS-26-2946,
6 THAT DEALS WITH ANNIE BELL MARTIN. FIRST OFF WE'D ARGUE
7 THAT THERE ISN'T EVIDENCE SUFFICIENT TO GO TO THE JURY TO
8 FIND US GUILTY BUT IF YOUR HONOR OVERRULES THAT WE WOULD
9 SAY THAT THE INDICTMENT ALLEGES THAT HE DID OBTAIN AN
10 AMOUNT GREATER THAN FIVE THOUSAND DOLLARS. MY RECOLLECTION
11 FROM MY NOTES AND HER TESTIMONY SHE SAID SHE PAID THE
12 DEFENDANT \$5,250 OF WHICH \$761 WAS SENT TO THE MORTGAGE
13 COMPANY TO SEE IF THEY WOULD COMPROMISE AND THAT MONEY WENT
14 DIRECTLY TO THE MORTGAGE COMPANY. SO THE \$5025 FIVE HUNDRED
15 TWO THOUSAND AND TWENTY FIVE DOLLARS MINUS \$761 FALLS BELOW
16 THE \$5,000. WE'D ASK THAT THAT INDICTMENT BE DISMISSED OR
17 ELSE THAT IT BE FORCED TO BE AMENDED TO FALL WITHIN THE
18 LOWER SUBSECTION OF 1,000 TO \$4,000 AND THAT STATUTE
19 BECAUSE THEY FAILED TO BE ABLE TO PROVE THE THRESHOLD
20 AMOUNT OF \$5,000 BEING OBTAINED FROM ANNIE BELL MARTIN.

21 THE COURT: ALL RIGHT, MR. MYRICK?

22 MR. MYRICK: YOUR HONOR, THE STANDARD IS IS
23 THERE ANY EVIDENCE; THERE'S AMPLE EVIDENCE. SHE TESTIFIED
24 GREATER THAN 5,000. IF THE DEFENSE COUNSEL WANTED TO
25 ENGAGE IN MATHEMATICAL GYMNASTICS TRYING TO LOWER THE

1 AMOUNT SHE LOST THE TIME TO DO IT WOULD HAVE BEEN HER CROSS
2 EXAMINATION WHEN MS. MARTIN WAS ON THE STAND. THERE'S
3 AMPLE EVIDENCE IT'S OVER \$5,000. WE GOT THE DOCUMENT;
4 WE'VE GOT THE TESTIMONY.

5 MR. LOCKLAIR: YOUR HONOR, I DIDN'T NEED TO INTO
6 MATHEMATICAL WHATEVER HE CALLS WITH HER BECAUSE SHE SAID I
7 PAID HIM (X) AMOUNT OF MONEY AND OF THAT \$761 WENT TO THE
8 MORTGAGE COMPANY SO SHE MADE IT PERFECTLY CLEAR. I PAID
9 HIM (X), HE DIDN'T GET THE \$761. SHE TESTIFIED TO THAT;
10 SHE TESTIFIED TO WHAT SHE PAID HIM SO IT'S JUST A SIMPLE
11 MATTER OF DOING THE SUBTRACTION. IT'S NOT ANY SORT OF HARD
12 MATH HERE; IT'S NOT CALCULUS GOING THROUGH THE EYES OF
13 NEWTON 520, YOU KNOW, 52, 25, WHATEVER. WHAT'S MINUS THE
14 761. IT'S LESS THAN \$5,000 AND SHE SAID THAT.

15 THE COURT: WELL I THINK SHE SAID SHE GAVE IT TO
16 HIM TO GO TO THE MORTGAGE COMPANY SO I'M GOING TO DENY YOUR
17 MOTION.

18 MR. LOCKLAIR: ALL RIGHT, THANK YOU, YOUR HONOR.

19 THE COURT: ALL RIGHT.

20 MR. LOCKLAIR: AND OBVIOUSLY WE HAVE A MOTION AS
21 TO 2009-GS-26-2186 WHICH INVOLVES PAULETTE HOLMES. WE
22 DON'T THINK THERE'S SUFFICIENT EVIDENCE FOR A JURY TO FIND
23 THE CLIENT GUILTY AND ASK THE COURT TO GRANT A DIRECTED
24 VERDICT ON THAT AS WELL.

25 THE COURT: ALL RIGHT, I'M GOING TO DENY YOUR

1 MOTION ON THAT.

2 MR. LOCKLAIR: AND ON THE UNAUTHORIZED PRACTICE
3 OF LAW 2009-GS-26-1786 WE'D ALSO GO AHEAD AND MAKE A MOTION
4 FOR A DIRECTED VERDICT CAUSE THERE IS NO SUFFICIENT
5 EVIDENCE FOR IT TO GO TO THE JURY AND FOR A JURY TO FIND
6 HIM GUILTY AND ASK THE COURT TO DISMISS THAT COUNT AS WELL.

7 THE COURT: ALL RIGHT, I'M GOING TO DENY YOUR
8 MOTION ON THAT, TOO.

9 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

10 THE COURT: ALL RIGHT, ANYTHING ELSE?

11 MR. MYRICK: IF MR. LOCKLAIR IS DONE I HAVE ONE
12 THING, YOUR HONOR.

13 MR. LOCKLAIR: NOT AS FAR AS ANY MOTIONS GO BUT
14 OBVIOUSLY I WANTED TO, YOU KNOW, LET THE COURT KNOW ABOUT
15 MY CLIENT TESTIFYING AND ALL THAT. WE CAN DO THAT AFTER
16 HE'S DONE.

17 THE COURT: OKAY, ALL RIGHT, YES, SIR?

18 MR. MYRICK: YOUR HONOR, AS THE TRIAL DEVELOPED
19 I REALIZED THAT MY INDICTMENT AND THE COURT HAVING STEERED
20 ME THIS WAY YESTERDAY IS PARTIALLY INARTFULLY DRAWN.
21 PURSUANT TO TITLE 17-19-100 THE STATE WOULD LIKE TO GO
22 AHEAD AND AMEND THE INDICTMENT TO COMPORT WITH THE EVIDENCE
23 AT TRIAL BUT IT DOESN'T CHANGE THE NATURE OF THE OFFENSE.

24 THE COURT: WHAT IS 17-19-100?

25 MR. MYRICK: IF THERE BE ANY DEFECT IN FORMING

1 AN INDICTMENT IT DOESN'T CHANGE THE NATURE OF THE
2 INDICTMENT THE COURT MAY AMEND THE INDICTMENT. DOES YOUR
3 HONOR TYPICALLY SEND THE INDICTMENTS BACK INTO THE JURY
4 ROOM?

5 THE COURT: YEAH.

6 MR. MYRICK: IF YOU DO, YOUR HONOR, WE'D LIKE TO
7 GO AHEAD AND RUN MY COPY OF THE STATUTE UP TO YOUR HONOR.

8 THE COURT: THAT'S FINE, THAT'S FINE. HOW DO
9 YOU WANT TO AMEND WHICH INDICTMENT AND HOW DO YOU WANT IT
10 AMENDED?

11 MR. MYRICK: JUST TO AMEND TO SAY ---

12 THE COURT: WHICH INDICTMENT?

13 MR. MYRICK: THE UNAUTHORIZED PRACTICE OF LAW
14 INDICTMENT.

15 THE COURT: ALL RIGHT.

16 MR. MYRICK: WHAT IT SAYS IS HE GAVE LEGAL
17 ADVICE REGARDING FORECLOSURES AND DRAFTED DOCUMENTS
18 PURPORTED TO BE DEEDS, ENTERED AND FILED DOCUMENTS WITHOUT
19 A QUITCLAIM DEED AND WE'D JUST LIKE TO SAY, YOUR HONOR, AND
20 ALSO APPEARED IN COURT AND IT DOESN'T CHANGE THE NATURE OF
21 THE OFFENSE WHATSOEVER.

22 THE LAW IN GENTRY AND MEANS IS THAT AN INDICTMENT
23 IS A NOTICE DOCUMENT AND THE PURPOSE OF THE NOTICE DOCUMENT
24 IS TO PUT HIM ON NOTICE OF WHAT CHARGES HE FACES AND WHAT
25 KIND OF SENTENCE HE'LL FACE IF CONVICTED AND AS INARTFULLY

1 AS I DREW IT, YOUR HONOR, IT STILL DOESN'T CHANGE THE
2 STATUTE. HE'S STILL CHARGED WITH UPL, THE TO WIT REALLY IS
3 JUST ---

4 THE COURT: WELL I THINK IT'S ADEQUATELY COVERED
5 WHERE YOU SAID DID GIVE LEGAL ADVICE. I THINK THAT
6 ENCOMPASSES THAT SUFFICIENTLY.

7 MR. MYRICK: THANK YOU, YOUR HONOR.

8 THE COURT: ALL RIGHT, I'M GOING TO DENY THAT
9 AND LET IT GO AS IT IS. ALL RIGHT, ANYTHING ELSE?

10 MR. MYRICK: NO, SIR, YOUR HONOR.

11 THE COURT: ALL RIGHT, ALL RIGHT, MR. JOLLY, IF
12 YOU'D, PLEASE, STAND, IF I COULD GET YOU TO RAISE YOUR
13 RIGHT HAND, PLEASE?

14 EXAMINATION OF DEFENDANT JOLLY REGARDING RIGHTS
15 BY THE COURT:

16 THE COURT: ALL RIGHT, HOLD FOR ONE SECOND, ALL
17 RIGHT, YOU'RE ROBERT STEVE JOLLY?

18 DEFENDANT JOLLY: YES, SIR.

19 THE COURT: ALL RIGHT, MR. JOLLY, AT THIS TIME
20 I'M GOING TO EXPLAIN TO YOU CERTAIN OF YOUR RIGHTS. IF YOU
21 DO NOT UNDERSTAND ANYTHING I SAY, PLEASE, LET ME KNOW. IF
22 YOU WANT ME TO EXPLAIN ANYTHING IN MORE DETAIL, PLEASE, LET
23 ME KNOW; DO YOU UNDERSTAND THAT?

24 DEFENDANT JOLLY: YES, SIR.

25 THE COURT: ALL RIGHT, IF YOU WANT TO SPEAK TO

1 YOUR ATTORNEY AT ANY POINT IN TIME, PLEASE, LET ME KNOW,
2 OKAY; DO YOU UNDERSTAND THAT?

3 DEFENDANT JOLLY: YES, SIR.

4 THE COURT: ALL RIGHT, AND WE'VE NOW REACHED THE
5 STAGE OF THE TRIAL WHERE YOU MAY PRESENT YOUR DEFENSE. YOU
6 HAVE THE RIGHT TO CLAIM THE PROTECTIONS GIVEN TO YOU BY THE
7 FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION. THIS
8 AMENDMENT STATES IN PART THAT NO PERSON SHALL BE COMPELLED
9 IN ANY CRIMINAL CASE TO BE A WITNESS AGAINST HIMSELF. THIS
10 MEANS THAT YOU CANNOT BE REQUIRED TO TESTIFY IN THIS CASE.
11 YOU HAVE THE RIGHT TO TESTIFY OF YOUR OWN, ON YOUR OWN
12 BEHALF, HOWEVER, NO ONE CAN MAKE YOU TESTIFY. THIS IS A
13 PERSONAL RIGHT AND NO ONE CAN WAIVE THIS RIGHT EXCEPT FOR
14 YOU.

15 IF YOU DECIDE TO TESTIFY YOU WILL BE SUBJECT TO
16 THE SAME RULES THAT GOVERN OTHER WITNESSES AND YOU MAY BE
17 EXAMINED AND CROSS EXAMINED ON ANY RELEVANT ISSUE IN THIS
18 CASE.

19 IN ADDITION IF YOU HAVE ANY CONVICTIONS INVOLVING
20 DISHONESTY OR FALSE STATEMENT OR FOR CRIMES PUNISHABLE BY
21 IMPRISONMENT FOR MORE THAN ONE YEAR AND THIS COURT
22 DETERMINES THAT THE PROBATIVE VALUE OF ADMITTING THE
23 EVIDENCE OUTWEIGHS ITS PREJUDICIAL EFFECT TO YOU THE STATE
24 WILL BE ABLE TO INTRODUCE YOUR RECORD TO ATTACK YOUR
25 CREDIBILITY.

1 IF YOU DECIDE TO TESTIFY THIS DECISION ON YOUR
2 PART MUST BE FREELY, VOLUNTARILY, AND INTELLIGENTLY MADE
3 WITH KNOWLEDGE OF THE PROTECTIONS GIVEN TO YOU BY THE FIFTH
4 AMENDMENT OF THE UNITED STATES CONSTITUTION AND THE
5 CONSEQUENCES OF YOUR DECISION TO TESTIFY.

6 IF YOU DECIDE NOT TO TESTIFY I WILL INSTRUCT THE
7 JURORS THAT THEY CANNOT GIVE THE FACT THAT YOU DID NOT
8 TESTIFY ANY CONSIDERATION WHATSOEVER, THAT THERE IS TO BE
9 ABSOLUTELY NO PREJUDICE TO YOU BECAUSE YOU DID NOT TESTIFY.
10 IT IS LEFT ENTIRELY UP TO YOU WHETHER OR NOT YOU TESTIFY.
11 YOU MAY TALK WITH YOUR ATTORNEY, YOUR FAMILY, AND FRIENDS,
12 OR ANYONE ELSE. THE FINAL DECISION WILL BE LEFT ENTIRELY
13 UP TO YOU; DO YOU UNDERSTAND THAT?

14 DEFENDANT JOLLY: YES, SIR.

15 THE COURT: ALL RIGHT, DO YOU HAVE ANY QUESTIONS
16 ABOUT WHAT I'VE EXPLAINED TO YOU?

17 DEFENDANT JOLLY: I THINK THAT WE HAD DISCUSSED
18 THAT THE ONLY THING THAT WOULD BE BROUGHT UP WAS
19 COUNTERFEITING AND THE GUN CHARGE, MY RECORD.

20 THE COURT: OKAY, I KNOW THE COUNTERFEITING. I
21 SAID THEY WOULD BE ABLE TO BRING UP THE COUNTERFEITING. I
22 DON'T KNOW IF THEY WOULD BE ABLE TO BRING UP THE GUN
23 CHARGE.

24 DEFENDANT JOLLY: BRING UP THE GUN CHARGE.

25 THE COURT: OKAY, WHAT WAS IT? I UNDERSTOOD

1 YA'LL WERE JUST GOING TO BE USING THE COUNTERFEITING
2 CHARGE; IS THAT CORRECT OR IS THAT INCORRECT?

3 MR. MYRICK: YES, SIR.

4 THE COURT: YEAH, SO IF YOU TAKE THE STAND AND
5 TESTIFY THEY WILL BE ABLE TO BRING OUT THE FACT THAT YOU
6 HAVE A CONVICTION FOR COUNTERFEITING; YOU UNDERSTAND THAT?

7 DEFENDANT JOLLY: YES, SIR, I UNDERSTAND THAT.

8 THE COURT: ALL RIGHT, DO YOU HAVE ANY OTHER
9 QUESTIONS?

10 DEFENDANT JOLLY: I'D JUST LIKE TO TALK TO MY
11 LAWYER FOR A FEW MINUTES.

12 THE COURT: ALL RIGHT, LET ME GIVE YOU ONE, WHAT
13 I'M GOING TO DO IS LET'S GO AHEAD AND TAKE A SHORT BREAK,
14 GIVE YOU AMPLE OPPORTUNITY TO SPEAK WITH YOUR ATTORNEY,
15 SPEAK WITH WHOEVER YOU WANT TO SPEAK WITH, BUT WHEN WE COME
16 BACK AFTER THIS BREAK I'M GOING TO ASK WHETHER OR NOT YOU
17 WISH TO TESTIFY IN THIS CASE.

18 DEFENDANT JOLLY: YES, SIR.

19 THE COURT: KEEPING IN MIND THAT YOU CAN TALK TO
20 YOUR ATTORNEY OR WHOEVER TO GET ADVICE BUT THE FINAL
21 DECISION HAS TO BE YOUR DECISION; DO YOU UNDERSTAND THAT?

22 DEFENDANT JOLLY: YES, SIR.

23 THE COURT: ALL RIGHT, LET'S TAKE ABOUT A TEN-
24 MINUTE BREAK, OKAY.

25 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

1 THE COURT: ALL RIGHT.

2 (WHEREUPON, A RECESS WAS TAKEN AND THE FOLLOWING
3 TAKES PLACE ON THE RECORD AFTER THE RECESS.)

4 (WHEREUPON, STATE'S EXHIBIT NUMBER 58 MARKED FOR
5 IDENTIFICATION.)

6 THE COURT: ALL RIGHT, MR. JOLLY, IF YOU'D,
7 PLEASE, STAND. HAVE YOU HAD AN OPPORTUNITY TO SPEAK WITH
8 YOUR ATTORNEY REGARDING YOUR RIGHT TO TESTIFY AS TO WHETHER
9 OR NOT YOU WISH TO TESTIFY IN THIS CASE?

10 DEFENDANT JOLLY: I WISH TO TESTIFY.

11 THE COURT: ALL RIGHT, YOU DO WISH TO TESTIFY?

12 DEFENDANT JOLLY: YES, SIR.

13 THE COURT: ALL RIGHT, DO YOU HAVE ANY QUESTIONS
14 ABOUT YOUR RIGHTS AS I'VE PREVIOUSLY EXPLAINED TO YOU?

15 DEFENDANT JOLLY: NO, SIR.

16 THE COURT: HAVE YOU HAD AMPLE OPPORTUNITY TO
17 DISCUSS THIS MATTER WITH YOUR ATTORNEY?

18 DEFENDANT JOLLY: YES, SIR.

19 THE COURT: HAVE YOU HAD AMPLE OPPORTUNITY TO
20 DISCUSS THIS MATTER WITH WHOMEVER YOU WANT TO TO DISCUSS IT
21 WITH?

22 DEFENDANT JOLLY: YES, SIR.

23 THE COURT: ALL RIGHT, ANYTHING ELSE I NEED TO
24 PUT ON THE RECORD ON BEHALF OF THE STATE?

25 MR. MYRICK: NO, SIR.

1 THE COURT: ALL RIGHT, MR. LOCKLAIR, DO YOU WANT
2 ME PUT ANYTHING ELSE ON THE RECORD?

3 MR. LOCKLAIR: NO, SIR.

4 THE COURT: ALL RIGHT, THANK YOU VERY MUCH, YOU
5 MAY BE SEATED. ARE WE READY TO GO INTO THE DEFENSE AT THIS
6 TIME?

7 MR. LOCKLAIR: YES, SIR.

8 THE COURT: OKAY, ALL RIGHT, ANYTHING FURTHER
9 FROM THE STATE BEFORE WE BRING THE JURY BACK IN?

10 MR. MYRICK: NO, SIR.

11 THE COURT: ANYTHING FROM THE DEFENSE?

12 MR. LOCKLAIR: NO, SIR.

13 THE COURT: ALL RIGHT, LET'S GO AHEAD AND BRING
14 THE JURY IN.

15 (WHEREUPON, THE JURY RETURNS TO THE COURTROOM AT
16 11:59 A.M.)

17 THE COURT: LADIES AND GENTLEMEN, WELCOME BACK,
18 AS I TOLD YOU WHEN WE BREAK, TOOK A BREAK THE STATE HAS
19 CLOSED THEIR CASE IN CHIEF AND NOW IS THE TIME FOR THE
20 DEFENDANT TO PRESENT A DEFENSE SHOULD HE CHOOSE TO DO SO.
21 MR. LOCKLAIR, YOU CAN CALL YOUR FIRST WITNESS.

22 MR. LOCKLAIR: YOUR HONOR, THE DEFENSE WOULD
23 CALL ROBERT STEVE JOLLY TO THE STAND.

24 THE COURT: ALL RIGHT, MR. JOLLY, IF YOU'D COME
25 AROUND, PLEASE.

1 ROBERT STEVE JOLLY

2 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

3 MADAM CLERK: PLEASE STATE YOUR FULL NAME AND
4 SPELL YOUR LAST NAME.

5 THE WITNESS: ROBERT STEVE JOLLY, J-O-L-L-Y.

6 DIRECT EXAMINATION

7 BY MR. LOCKLAIR:

8 Q MR. JOLLY, HOW OLD ARE YOU?

9 A SIXTY-ONE.

10 Q BACK WHEN THE EVENTS THAT OCCURRED THAT ARE
11 THE SUBJECT OF THIS TRIAL WHERE WERE YOU EMPLOYED?

12 A FOR JOLLY AND ASSOCIATES.

13 Q OKAY, AND WHAT WAS THE NATURE OF YOUR
14 BUSINESS?

15 A MY ORIGINAL NATURE OF BUSINESS WAS
16 FINANCIAL CONSULTANT.

17 Q OKAY, AND WHAT EXACTLY WOULD YOU DO AS A
18 FINANCIAL CONSULTANT IN THAT BUSINESS?

19 A TELL PEOPLE WHAT TO DO WITH THEIR MONEY,
20 HOW TO STRAIGHTEN THEIR BILLS OUT AND STUFF LIKE THAT.

21 Q OKAY, AND DID THE BUSINESS EXPAND AT SOME
22 POINT?

23 A IT EXPANDED INTO THE, AT THE CHURCH WE KEPT
24 HAVING PEOPLE HOUSES FORECLOSED ON AND ME AND THE PREACHER
25 HAD A TALK AND IT WAS DECIDED THAT I WOULD HELP THEM IF I

1 COULD.

2 Q OKAY, AND HOW DID YOU DECIDE TO GO ABOUT
3 HELPING THE PEOPLE WHO HAD SOME PROBLEMS WITH THEIR HOMES?

4 A WELL I STARTED STUDYING THE BANKING LAWS
5 AND FOUND OUT THAT THE BANK, BANKS WERE DOING, RUNNING A
6 PONZI SCHEME.

7 Q EXPLAIN WHAT THAT IS?

8 A SOME PEOPLE CALLS IT JUNK BONDS, CMO'S,
9 YOU'VE HEARD ABOUT IT ON TELEVISION AND STUFF, AND I FOUND
10 OUT IN MY, EVERY CASE THAT I'VE GOT IN SOUTH CAROLINA EVERY
11 ONE OF THEM, EVEN WOOD'S, EVERYBODY, EVERY CASE WAS FILED
12 BEFORE THE ASSIGNMENT WAS, THEY OWNED THE ASSIGNMENT WHICH
13 MEANS THAT THEY DON'T HAVE THE, THEY DIDN'T OWN THE HOUSE
14 WHEN THEY FORECLOSED ON IT AND THE PEOPLE COULD GO BACK AND
15 GET THEIR HOUSES. IT'S A, IT'S A COMMON PRACTICE; THEY DO
16 IT SO MUCH THEY THINK IT HAS BECOME LAW BUT IT'S NOT LAW
17 AND THE JUDGE RULED ON IT BUT HE MADE AN ERROR WHEN HE DID
18 THAT, HE SAID HE COULD AMEND IT, YOU CAN'T AMEND SOMETHING
19 THAT'S ERROR IN LAW.

20 Q WELL AS FAR AS WHAT YOU'RE TALKING ABOUT
21 THE ASSIGNMENTS, WHAT WOULD BE BEING ASSIGNED, KIND OF
22 EXPLAIN WHAT AN ASSIGNMENT IS TO THE JURY?

23 A THE ASSIGNMENT IS WHERE ONE COMPANY,
24 COMPANY (A) LET'S SAY YOU BOUGHT YOUR HOUSE FROM WELLS
25 FARGO AND YOU THINK THAT YOUR HOUSE WAS AT WELLS FARGO AND

1 YOU'RE GETTING A LETTER FROM AMERICAN SERVICING COMPANY,
2 AMERICAN SERVICING COMPANY IS WELLS FARGO. IT'S THE SAME
3 COMPANY EXCEPT THEY'RE HIDING BEHIND IT. WHAT THEY'RE
4 DOING IS TAKING YOUR NOTE AND SELLING IT TO DEUTSCHE BANK
5 IN NEW YORK AND U.S. BANK NATIONAL AND PUTTING YOUR BOND,
6 PUTTING BONDS ON THE MARKET AND KITING YOUR PAYMENTS. IN
7 OTHER WORDS YOU'RE MAKING PAYMENTS, THEY'RE MAKING MONEY
8 OFF THE JUNKS AND IT'S WHAT'S RUINING OUR ECONOMY. THIS
9 HAPPENED AT 1929 AND IT'S HAPPENED AGAIN. THE PRESIDENT IS
10 TRYING TO STOP IT BUT THE ONLY WAY TO STOP IS STOP IT IS
11 STOP THEM FROM SELLING THE JUNK BONDS, SOME PEOPLE CALLS
12 THEM CMO'S. THEY'RE CALLED SEVERAL DIFFERENT THINGS, PONZI
13 SCHEMES, KITING, AND STUFF LIKE THAT AND I FOUND OUT THAT
14 THEY WERE DOING THIS.

15 I CALL IT STANDING OR SUBJECT MATTER JURISDICTION
16 WHEN I GO TO COURT AND THE LAWS HAS ALREADY BEEN CHANGED IN
17 OHIO, NEW YORK, NORTH CAROLINA, TEXAS, FLORIDA, AND THEY
18 WOULD HAVE BEEN CHANGED IN SOUTH CAROLINA HAD THEY NOT
19 LOCKED ME UP FOR CONTEMPT OF COURT BECAUSE IF I EVER TAKE
20 SOMEONE'S HOUSE, IF YOU DON'T OWN, OWN THE HOUSE YOU CANNOT
21 FILE A LAWSUIT. IF I BUY A CAR FROM YOU YOU CAN'T SELL ME
22 YOUR NEIGHBOR'S CAR UNTIL YOU GO BUY IT FROM HIM, AND
23 BASICALLY THAT'S WHAT THE HOMEOWNER, THE BANKERS ARE DOING
24 AND THE LAWYERS ARE HELPING THEM DO IT. SO I BACKLOGGED
25 THE COURTS. I WON EVERY CASE, LOST NO CASES TILL THEY TOOK

1 ME AND TOOK ME, GIVE ME SIX MONTHS WHERE I COULDN'T
2 REPRESENT THEM.

3 Q SO WHEN YOU WEREN'T ABLE TO REPRESENT
4 YOURSELF IN COURT YOU WEREN'T ABLE TO MAKE APPEARANCES,
5 CORRECT?

6 A EXACTLY.

7 Q OKAY, AND ON THE CASES WHERE YOU WERE GOING
8 TO COURT YOU WERE NAMED AS THE, WERE YOU NAMED IN THOSE
9 LAWSUITS?

10 A I EXPLAINED TO EACH OF MY CLIENTS AS THEY
11 COME [SIC] IN AND, THEY'RE NOT CLIENTS. IF THE PEOPLE COME
12 IN THAT I ONLY TAKE HOUSES THAT WAS IN FORECLOSURE AND THEY
13 WERE GOING TO LOSE. THERE WAS ONE EXCEPTION AND MS. DOBIE
14 [SIC] EXPLAINED THAT TO YOU BUT SHE ALSO EXPLAINED TO ME
15 THAT SHE WAS NOT GOING TO BE ABLE TO MAKE THE PAYMENTS AND
16 CONVINCED ME THAT SHE WAS GOING TO LOSE HER HOUSE IS THE
17 ONLY REASON I TOOK HER HOUSE. THAT WAY I KNEW IF I, IF I
18 LOST THE HOUSE IT WOULD BE NO, NO, NO BIG HASSLE OVER THE
19 THING BUT I HAD NO INTENTIONS OF LOSING THE HOUSE SINCE I
20 HAD NOT LOST ANY HOUSES.

21 Q WHEN SOMEBODY WOULD COME TO YOU ABOUT A
22 POTENTIAL FORECLOSURE ACTION COULD YOU, PLEASE, TELL THE
23 JURY WHAT YOU WOULD EXPLAIN YOU WOULD DO FOR THEM AND WHAT
24 YOUR INTENTIONS WERE?

25 A MY FIRST EXPLANATION IS I'D READ THEM A

1 CLAUSE THAT'S ON A PIECE OF PAPER WHICH THEY SIGN AND WHAT
2 IT, WHAT I TELL THEM IS I'M GOING TO MAKE A NOVATION TO THE
3 BANK. YOU WON'T FIND THAT WORD IN THE DICTIONARY BECAUSE
4 IT'S ONLY USED BY BANKERS; AND WHAT THAT MEANS IS THAT I'M
5 GOING TO TENDER AN OFFER FOR A LESS AMOUNT THAN IS OWED ON
6 THE HOUSE. I EXPLAIN THIS TO THEM FULLY THAT I WOULD
7 TENDER A FINAL PAYMENT AND SEND A CHECK TO'EM AND THEY DID
8 NOT HAVE TO TAKE THE CHECK. IF THEY DIDN'T TAKE THE CHECK
9 I COULDN'T HELP THEM.

10 Q LET ME INTERRUPT YOU REAL QUICK AND SHOW YOU
11 WHAT'S BEEN PREVIOUSLY ENTERED AS STATE'S EXHIBIT NUMBER
12 21, AND ASK YOU IF YOU RECOGNIZE THAT DOCUMENT?

13 A YES, I DO.

14 Q WHAT IS THAT DOCUMENT?

15 A THIS IS THE DOCUMENT I READ TO EACH ONE OF
16 THEM, WELL WHERE IT SAYS AGREEMENT, THAT'S, THAT'S THE PART
17 I READ TO EACH ONE OF THEM BECAUSE THE DOCUMENT EXPLAINS
18 WHAT THE BANKS HAS DONE ON KITING THEIR MONEY, HOW THEY GOT
19 THEIR MONEY AND THEY'RE CHEATING THE PEOPLE.

20 Q CAN YOU SAY JUST KIND OF SUMMARIZE WHAT
21 YOU'RE SAYING ABOUT THE BANKS KITING? WERE THEY SUING WHEN
22 THEY DIDN'T OWN THE NOTE?

23 A RIGHT, AND I PUT ALL THAT IN THIS ONE, ONE,
24 ONE PIECE OF PAPER WHICH IS 13 PAGES LONG.

25 Q COULD YOU, PLEASE, READ THE PARAGRAPH THAT

1 YOU WOULD READ TO YOUR CLIENTS ALOUD TO THE JURY?

2 A IT SAYS, "AGREEMENT, IN THE EVENT DEBT
3 COLLECTOR WISHES TO SETTLE DISPUTED ACCOUNT AND SETTLE IN
4 FULL APPELLANT TENDERS FINAL, FINAL PAYMENT IN \$725, AND
5 ANY AND ALL PREVIOUS PAYMENTS IN CONSIDERATION OF THIS
6 NOVATION OR IT IS NOT TO BE TAKEN AT ALL AND ANSWER THE
7 BILLING DISPUTE ERROR BY AFFIDAVIT, PRODUCE ORIGINAL
8 PROMISSORY NOTE FOR INSPECTION, AND LOAN ASSIGNMENT SHOWING
9 THAT THE LENDER IS INDEED THE LOANER," "IS THE OWNER OF THE
10 NOTE AND THE MORTGAGE UNLESS," THIS ONE HERE IS CARRINGTON
11 MORTGAGE. THIS IS ANNIE BELL MARTIN'S PAPER; AND I READ
12 HER THIS STATEMENT TO HER, "HEREAFTER DEBT COLLECTOR
13 PROVIDES ANNIE BELL MARTIN THE SECURITY PARTY AND PRINCIPAL
14 SETTLEMENT WHOLLY AND A VALID DEFENSE, I.E., WRITTEN
15 DISPUTE REJECTING THE ABOVE FINAL PAYMENT WITHIN TEN DAYS
16 AND RETURN THE ORIGINAL CHECK AND ACKNOWLEDGE BILLING
17 DISPUTE."

18 THE UNDERSIGNED SHALL ACCEPT YOUR TACTIC
19 AGREEMENT OF ALL THE BELOW DESCRIBED FACTS, TERMS, FOR
20 ACCEPTING THE FINAL PAYMENT CASHING OF CHECK BY OR
21 ACQUISITION AND ANY PREVIOUS ARBITRATION AGREEMENTS ARE
22 CANCELED AND RESCINDED AND THIS NEW AGREEMENT SUPERSEDES
23 ANY PREVIOUS AGREEMENTS. IN THE EVENT THE AFFIANT HAS WENT
24 TO WRONG ADDRESS OR PERSON, PLEASE FORWARD TO PROPER ENTITY
25 WITHIN 72 HOURS AND I WILL PAY MAILING COSTS BUT BY NO

1 MEANS CASH CHECK WITHOUT AGREEING TO SETTLE DISPUTE.
2 CASHED CHECK IS RELEASE OF ANY NOTE OR MORTGAGE." AND I
3 SENT THIS TO EACH ONE OF THE MORTGAGE HOLDERS, THE BANKS
4 WITH THE CHECK BY CERTIFIED MAIL RETURN THE RECEIPT TO ME
5 THAT THEY WOULD GET IT BACK AND IN EVERY CASE THEY CASHED
6 THE CHECK SAYING THAT THEY AGREED TO THE NOVATION, THAT I
7 WAS THE NEW MORTGAGE OWNER.

8 Q AND THAT PARTICULAR ONE WAS FOR ANNIE BELL
9 MARTIN?

10 A THIS IS, THIS IS ANNIE BELL MARTIN'S.

11 Q OKAY, AND DID YOU READ, YOU SAID YOU READ
12 THAT CLAUSE TO HER?

13 A I READ THAT CLAUSE TO HER AND EVERY PERSON.

14 Q DID YOU ALSO READ THAT CLAUSE TO PAULETTE
15 HOLMES?

16 A I DON'T KNOW WHETHER, SEE JOE GUERNSEY DID
17 SOME OF THEM SO, AND THAT WAS HIS JOB IF HE, IF HE, IF HE,
18 IF HE TALKED TO THEM HE READ THEM THAT CLAUSE.

19 Q OKAY, SO ON SOME ON THESE YOU CAN'T
20 REMEMBER WHO YOU SAT DOWN WITH DIRECTLY AND WHO JOE
21 GUERNSEY SAT DOWN WITH DIRECTLY?

22 A EXACTLY.

23 Q BUT WITH EVERY PERSON YOU SAT DOWN WITH
24 DIRECTLY DID YOU READ THEM THAT CLAUSE?

25 A YES, ABSOLUTELY.

1 Q NOW WAS IT THE POLICY IF JOE HAD SAT DOWN
2 FOR HIM TO READ THE CLAUSE?

3 A THAT WAS HIS JOB, YES.

4 Q BUT EVEN THOUGH YOU WOULDN'T HAVE BEEN
5 THERE IF HE HAD FOLLOWED POLICY HE WOULD HAVE READ IT TO
6 THEM, CORRECT?

7 A YES.

8 Q OKAY, WERE THE PEOPLE GIVEN AN OPPORTUNITY
9 TO LOOK AT THE DOCUMENT PRIOR TO SIGNING THEM?

10 A YES, THEY, THEY LOOKED, THEY LOOKED THROUGH
11 IT. I TOLD THEM THEY COULDN'T TAKE IT WITH THEM BECAUSE WE
12 WERE GOING TO FILE IT.

13 Q RIGHT, BUT THEY WERE GIVEN THE OPPORTUNITY
14 TO READ IT?

15 A THEY WERE GIVEN THE OPPORTUNITY TO LOOK AT
16 IT AND WE EVEN HAD A LAWYER ON RETAINER IF THEY WANTED TO
17 SPEAK TO A LAWYER.

18 Q OKAY, WOULD YOU HAVE ALLOWED THEM TO ASK
19 ANY QUESTIONS ON THOSE DOCUMENTS?

20 A DO WHAT?

21 Q YOU ALLOWED THEM TO ASK YOU ANY QUESTIONS
22 THEY MIGHT HAVE ABOUT THE DOCUMENTS?

23 A RIGHT.

24 Q ANY QUESTION WOULD YOU REFUSE TO ANSWER OR
25 WOULD YOU ANSWER IT?

1 A RIGHT, WE HAD ONE CLIENT THAT WENT AND USED
2 THE LAWYER THAT WE USED NAMED DOUG THORNTON BECAUSE I TOLD
3 THEM I CAN'T REPRESENT THEM AND THE REASON I HAD TO BE ON
4 THE DEED IS THE ONLY, I HAVE TO REPRESENT MYSELF. I CAN'T
5 REPRESENT THEM IN COURT, ONLY MYSELF. THAT'S WHY I WAS ON
6 THE QUITCLAIM DEED. WE HAD PEOPLE THAT DIDN'T PAY US LIKE
7 KIMBERLY BACK THERE, SHE DIDN'T PAY FOR A LONG TIME. WE
8 NEVER THREW HER OUT OF HER HOUSE. WE DIDN'T SELL HER
9 HOUSE. WE SOLD NONE OF THE HOUSES. WE BORROWED NO MONEY
10 AGAINST THE HOUSES OR ANYTHING LIKE THAT.

11 (DEFENDANT'S EXHIBITS NUMBERS 1, 2, 3, 4 AND 5
12 MARKED FOR IDENTIFICATION.)

13 MR. LOCKLAIR: (CONTINUING)

14 Q OKAY, I'M GOING TO SHOW YOU WHAT'S BEEN
15 MARKED AS A DEFENSE EXHIBIT NUMBER 4 AND ASK YOU IF YOU
16 RECOGNIZE THAT?

17 A THIS IS A CHECK TO CARRINGTON, I RECOGNIZE
18 IT, YES.

19 Q AND WHAT IS THAT?

20 A IT'S A CHECK TO CARRINGTON MORTGAGE
21 SERVICES LLC FOR ANNIE BELL MARTIN IN THE AMOUNT OF \$725.

22 Q WHO IS THAT CHECK FROM?

23 A IT'S FROM JOLLY AND ASSOCIATES. IT SAYS
24 SETTLEMENT AGREEMENT NOTE RELEASE UCC SECTION 3-311 BY A
25 COURT IN SATISFACTION OR IT'S NOT TO BE TAKEN AT ALL.

1 Q AND DID YOU MAIL THAT CHECK?

2 A I MAILED IT IN A CERTIFIED MAIL WITH THIS
3 THIRTEEN PAGE AGREEMENT WITH IT.

4 Q AND TO YOUR KNOWLEDGE WAS THAT CHECK
5 CASHED?

6 A IT'S CASHED HERE. THIS IS A COPY OF IT
7 CASHED FROM THE BANK WHERE IT WAS ACCEPTED.

8 MR. LOCKLAIR: YOUR HONOR, AT THIS TIME I'D
9 OFFER DEFENSE 4 INTO EVIDENCE.

10 THE COURT: ANY OBJECTION?

11 MR. MYRICK: MAY I SEE IT AGAIN?

12 THE COURT: YES, SIR.

13 MR. MYRICK: NO, SIR.

14 THE COURT: ALL RIGHT, DEFENDANT'S EXHIBIT
15 NUMBER 4 ADMITTED INTO EVIDENCE WITHOUT OBJECTION.

16 (DEFENDANT'S EXHIBIT NUMBER 4 ENTERED INTO
17 EVIDENCE.)

18 MR. LOCKLAIR: (CONTINUING)

19 Q I'M GOING TO SHOW YOU WHAT'S BEEN MARKED
20 PREVIOUSLY AND ADMITTED INTO EVIDENCE AS STATE'S EXHIBIT
21 NUMBER 5 AND ASK IF YOU RECOGNIZE THAT DOCUMENT?

22 A IT'S A QUITCLAIM DEED.

23 Q AND WHAT PROPERTY IS THAT QUITCLAIM DEED ON
24 OR WHO'S ---

25 A ANNIE BELL MARTIN.

1 Q --- THE GRANTOR, AND WHO'S THE GRANTEE?

2 A THE GRANTEE IS ME, ROBERT STEVE JOLLY.

3 Q OKAY, AND DID YOU PREPARE THAT DOCUMENT?

4 A NO, I DID NOT.

5 Q DID YOU TAKE THAT DOCUMENT TO THE
6 COURTHOUSE TO FILE IT?

7 A I DID NOT.

8 Q DID YOU HAVE ANYTHING TO DO WITH THE
9 DRAFTING OF THE DOCUMENT?

10 A NO, THAT WAS MR. GUERNSEY'S JOB.

11 Q OKAY, SO THERE WERE OTHER PEOPLE IN YOUR
12 BUSINESS WHO MIGHT HAVE PREPARED DEEDS FOR OTHER, FOR
13 PEOPLE BUT YOU WEREN'T INVOLVED IN ANY DEED PREPARATION?

14 A I WASN'T INVOLVED IN THAT, ALL I DID WAS GO
15 TO COURT.

16 Q OKAY, I WANT TO SHOW YOU WHAT'S BEEN MARKED
17 AS DEFENSE EXHIBIT NUMBER 5 AND ASK YOU IF YOU RECOGNIZE
18 THAT DOCUMENT?

19 A THAT'S A CHECK TO AMERICAN GENERAL FINANCE
20 IN THE AMOUNT OF \$600 FROM BETTY BUMGARDNER-JOLLY WHICH IS
21 ANOTHER COMPANY THAT I OWN.

22 Q OKAY, AND ---

23 A AND IT'S TO PAULETTE HOLMES, IT'S FOR
24 PAULETTE HOLMES.

25 Q FOR PAULETTE HOLMES, WERE YOU INVOLVED IN

1 SENDING THAT CHECK?

2 A I SENT THE CHECK.

3 Q AND MAILED IT?

4 A YES.

5 Q TO YOUR KNOWLEDGE WAS IT CASHED?

6 A IT WAS CASHED, THIS IS THE CHECK COPY OF
7 THE CASHED CHECK FROM THE BANK.

8 MR. LOCKLAIR: YOUR HONOR, AT THIS TIME WE'D
9 OFFER DEFENSE 5 INTO EVIDENCE, YOUR HONOR.

10 THE COURT: ANY OBJECTION?

11 MR. MYRICK: NO, SIR.

12 THE COURT: ALL RIGHT, DEFENDANT'S EXHIBIT
13 NUMBER 5 ADMITTED INTO EVIDENCE WITHOUT OBJECTION.

14 (DEFENDANT'S EXHIBIT NUMBER 5 ENTERED INTO
15 EVIDENCE.)

16 MR. LOCKLAIR: (CONTINUING)

17 Q I WANT TO SHOW YOU WHAT'S PREVIOUSLY BEEN
18 ADMITTED AS DEFENSE EXHIBIT NUMBER 1 AND ASK YOU IF YOU
19 RECOGNIZE THAT DOCUMENT?

20 A IT'S QUITCLAIM DEED FOR PAULETTE HOLMES
21 PROPERTY.

22 Q AND DID YOU PREPARE THAT DEED?

23 A NO, I DID NOT.

24 Q I'M GOING TO SHOW YOU WHAT'S PREVIOUSLY
25 BEEN ADMITTED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER 56

1 AND ASK YOU IF YOU RECOGNIZE THAT DOCUMENT?

2 A YES, I DO.

3 Q AND WHAT IS THAT?

4 A IT'S A QUITCLAIM DEED.

5 Q AND WHO'S THE GRANTOR ON THAT?

6 A THE GRANTOR IS LARRY C. REINHARDT AND
7 ESTHER M. REINHARDT.

8 Q OKAY, AND AT THE TOP WHO DOES IT SAY
9 PREPARED THAT DEED?

10 A MR. GUERNSEY DID.

11 Q I MEAN WHAT DOES IT SAY ON THERE?

12 A IT SAYS THAT I DID BUT I DIDN'T.

13 Q YOU DIDN'T PREPARE THAT DEED, MR. JOE
14 GUERNSEY DID?

15 A YEAH, THIS WAS WHEN HE WAS LEARNING AND HE
16 JUST PUT MY NAME ON THERE.

17 Q OKAY, AT ANY POINT DID YOU EVER PREPARE ANY
18 DEEDS OF REAL ESTATE?

19 A NO, I DID NOT.

20 Q AT ANY POINT DID YOU EVER APPEAR IN COURT
21 FOR SOMEBODY ACTING IN THE CAPACITY AS THEIR LAWYER?

22 A NO, I DID NOT.

23 Q WHAT WAS YOUR CAPACITY IN ALL THE COURT
24 CASES IN WHICH YOU APPEARED IN COURT?

25 A I APPEARED REPRESENTING MYSELF AS THE

1 PROPERTY OWNER.

2 Q OKAY, AND THERE WERE PEOPLE THAT YOU HAD
3 TRIED TO HELP WITH THEIR MORTGAGES THAT WOULD BE WHAT WE'D
4 CALL CODEFENDANT IN YOUR CASE, CORRECT, AT TIMES?

5 A WELL WHAT HAPPENED THERE IS THE DEEDS WENT
6 THROUGH BUT THEY NEVER REMOVED THEM OFF THE DOCKET. THEIR
7 NAME WAS TOOK OFF THE DEED BUT THEY WERE NOT TOOK OFF THE
8 DOCKET WHICH IS AN ERROR SOMETIMES. SOMETIMES THE COURT
9 DOES THAT BY ERROR. THEY JUST DON'T, IT'S THE BANK DOES
10 IT.

11 Q BASICALLY THE BANK, THE BANK WHEN THEY,
12 WHEN THEY DRAFT A LAWSUIT THEY ---

13 A MARGARET, MARGARET CURTIS' CASE, THAT'S
14 EXACTLY WHAT HAPPENED, THEY FORGOT TO TAKE HER NAME OFF.

15 Q SO THE BANK ACTUALLY DRAFTS THE LAWSUIT,
16 CORRECT?

17 A RIGHT, EXACTLY.

18 Q AND THEY CAN DECIDE WHO THEY'RE NAMING AS
19 PARTY DEFENDANTS?

20 A RIGHT.

21 Q IN ANY OF THE CASES THAT YOU WERE INVOLVED
22 IN HOW, OR HOW MANY OF THE CASES THAT YOU WERE INVOLVED HAD
23 PROPER NOTES AND ASSIGNMENTS AND PROPER DOCUMENTATION PRIOR
24 TO THE BANK FILING THE SUMMONS AND COMPLAINT TO SUE?

25 A NONE OF THEM WERE PROPER.

1 Q OKAY, WHEN YOU WERE, WHEN THESE PEOPLE
2 WOULD COME TO YOU AND TALK TO YOU ABOUT THE FORECLOSURE
3 ACTIONS THAT WERE ON THEIR HOME WAS YOUR INTENTION WHEN
4 THEY CAME TO YOU?

5 A TO SAVE THEIR HOME, TO SAVE IT FROM BEING
6 FORECLOSED ON.

7 Q OKAY, AND DID YOU EXPLAIN TO THEM FULLY
8 WHEN THEY WOULD COME IN AN EXECUTE A QUITCLAIM DEED IN YOUR
9 OPINION DID ANY OF THEM HAVE ANY QUESTION ABOUT WHAT THEY
10 WERE DOING?

11 A I EXPLAINED TO THEM THAT I HAD, I COULD
12 ONLY REPRESENT MYSELF IN COURT. I COULD NOT REPRESENT
13 THEM, AND I HAD TO BE ON THE DEED IN ORDER TO DO THAT.

14 Q OKAY, AND FOR EACH OF THE CLIENTS THAT YOU
15 REPRESENTED DID YOU SEND OUT A SIMILAR DOCUMENT AS TO WHAT
16 YOU READ FROM EARLIER IN REGARDS TO MS. MARTIN, THE
17 AGREEMENT TO THE BANK?

18 A YES, I DID.

19 Q AND IN EACH OF THOSE CASES DID YOU ALSO
20 TENDER A CHECK TO THE BANK TO TRY AND SETTLE THE CASE?

21 A YES, I DID.

22 Q AND IN EACH OF THOSE CASES WERE YOU PUT ON
23 AS A TITLE HOLDER SO YOU COULD GO INTO COURT AND DEFEND IF
24 THE BANKS DECIDED TO FIGHT THE CASE?

25 A YES, I WAS.

1 Q OKAY, WHENEVER YOU WOULD MEET WITH ANY OF
2 THESE PEOPLE DID ANY OF THEM RAISE ANY CONCERNS ABOUT
3 THINGS THAT THEY DIDN'T UNDERSTAND AND YOU FORCED THEM TO
4 SIGN SOMETHING WITHOUT UNDERSTANDING IT AT ALL?

5 A ABSOLUTELY NOT. LIKE I SAID WE HAD DOUG
6 THORNTON TO ANSWER ANY QUESTIONS IF THEY WANTED A LAWYER,
7 IF THEY WANTED A LAWYER, WHICH ONE DID, AND HE REPRESENTED
8 THE HOUSE AND LOST IT.

9 Q OKAY, AND THERE WAS NOTHING EVEN WITH YA'LL
10 PROVIDING A LAWYER THERE WAS NOTHING TO PRECLUDE ANYBODY
11 FROM GOING TO GET THEIR OWN INDEPENDENT COUNSEL IF THEY SO
12 CHOSE EITHER, WAS THERE?

13 A ABSOLUTELY NOT.

14 Q AT ANY POINT WHEN YOU ENTERED INTO THESE
15 AGREEMENTS WITH THESE PEOPLE DID YOU HAVE ANY INTENTION OF
16 DEFRAUDING THEM OF ANY OF THEIR MONEY?

17 A NONE WHATSOEVER. IN FACT I NEVER GOT ANY
18 OF THE MONEY. I NEVER RECEIVED ONE CHECK FROM THE COMPANY.

19 Q OKAY, SO WHERE, WHEN THEY WOULD PAY THE
20 MONTHLY PAYMENTS WHERE WOULD THOSE PAYMENTS GO TO?

21 A THE PAYMENTS WENT TO PAY THE HELP AND THE
22 BANK PAYMENTS AND THE OFFICE, OFFICE STUFF, AND MY OTHER
23 PARTNER.

24 Q BUT I'M SAYING THE PAYMENTS THEY SENT WERE
25 THEY SENT TO ROBERT JOLLY'S PERSONAL ACCOUNT OR WERE THEY

1 SENT TO JOLLY AND ASSOCIATES?

2 A THEY WERE ALL PUT IN JOLLY AND ASSOCIATES
3 ACCOUNT.

4 Q OKAY, SO BASICALLY PUT INTO A BUSINESS
5 ACCOUNT AND THE BUSINESS OPERATED OFF OF THOSE, THAT, THOSE
6 FUNDS?

7 A YES, SIR.

8 MR. LOCKLAIR: ALL RIGHT, THANK YOU, PLEASE
9 ANSWER ANY QUESTIONS MR. MYRICK MAY HAVE FOR YOU.

10 THE COURT: MR. MYRICK, CROSS EXAMINATION?

11 MR. MYRICK: THANK YOU, YOUR HONOR.

12 CROSS EXAMINATION

13 BY MR. MYRICK:

14 Q SO ANNIE BELL MARTIN SIGNED A QUITCLAIM
15 DEED TO YOU?

16 A YES, SIR.

17 Q AND YOU GOT HER HOUSE?

18 A YES, SIR.

19 Q YOU OWNED IT?

20 A IN A WORD OF SPEAKING, YES.

21 Q IN A WORD OF SPEAKING, AND SHE PAID YOU,
22 TOO, DIDN'T SHE? DID SHE PAY YOU?

23 A YES, SIR.

24 Q THAT'S ONE OF THE CHECKS, ISN'T IT, CHECK
25 NUMBER 6903. YOU CASHED THAT CHECK, DIDN'T YOU?

1 A YES, I DID.

2 Q THIS IS YOUR STATEMENT, ISN'T IT?

3 A THAT'S NOT THE ONE I SENT, NO.

4 Q OH, IT'S NOT, FROM THERE UP IS THAT THE ONE
5 YOU SENT?

6 A I CAN'T TELL, I DON'T HAVE THE ORIGINAL
7 WITH ME.

8 Q JOLLY AND ASSOCIATES, P. O. BOX
9 ISN'T THAT YOUR ADDRESS?

10 A I UNDERSTAND THAT BUT I, THAT'S NOT, THAT'S
11 NOT THE STATEMENT I SEND AND I CAN'T TELL WHETHER IT'S THE
12 EXACT OR NOT.

13 Q ANNIE BELL, ANNIE BELL HAS ALREADY SIGNED
14 IT, DIDN'T SHE?

15 THE COURT: LET'S DON'T TALK AT THE SAME TIME.
16 WE GOT A COURT REPORTER. SO ONCE YOU ASK THE QUESTION AND
17 LET HIM ANSWER IT COMPLETELY AND THEN WAIT FOR HIM TO
18 FINISH ASKING THE QUESTION COMPLETELY. ALL RIGHT, GO
19 AHEAD.

20 MR. MYRICK: (CONTINUING)

21 Q LOOK AT NUMBER 10, MR. JOLLY?

22 A ALL RIGHT.

23 Q IS THAT YOUR STATEMENT?

24 A I CAN'T TELL, IT'S NOT THE ORIGINAL.

25 Q YOU CAN'T TELL, WHAT ABOUT NUMBER 11?

1 A IT'S NOT THE ORIGINAL. THE ORIGINALS ARE
2 IN COLOR. IT SAYS RANDY, IT SAYS ATTENTION RANDY ON IT,
3 RANDY WORKS FOR THE COMPANY.

4 Q SO YOU CAN'T TELL THAT ANY OF THESE
5 STATEMENTS ARE REAL OR NOT?

6 A THEY'RE NOT THE ORIGINALS, I CAN'T TELL
7 WHETHER THEY'RE, IT'S THE ORIGINALS OR NOT.

8 Q DON'T REMEMBER?

9 A NO, I DON'T REMEMBER AFTER TWO YEARS, NO,
10 SIR.

11 Q THIS IS YOUR CARD, ISN'T IT?

12 A YES, IT IS.

13 Q NO PROBLEMS, ONLY SOLUTIONS?

14 A THAT'S RIGHT.

15 Q WELL CAN YOU TELL ABOUT MS. MARTIN'S CHECKS
16 TO YOU; CAN YOU TELL ABOUT THOSE?

17 A I CAN'T TELL, IT'S A COPY.

18 Q YOU CAN'T TELL?

19 A BUT I'M SURE IF SHE MADE IT OUT TO US I
20 CASHED IT I'M SURE IF SHE SENT IT.

21 Q YOU'RE SURE IF SHE SENT IT YOU CASHED IT?

22 A IF SHE SENT THE CHECK I'M SURE THAT WE
23 CASHED IT, YES.

24 Q YOU CASHED ALL THE CHECKS, DIDN'T YOU?

25 A YES, SIR.

1 Q NOW DO YOU RECOGNIZE THIS AS STATE'S NUMBER
2 22?

3 A YES, I DO.

4 Q YOU DO, THAT'S WHERE PAULETTE HOLMES SIGNED
5 HER HOUSE OVER TO YOU, ISN'T IT?

6 A YES, IT IS.

7 Q SHE DIDN'T RESERVE ANY RIGHTS IN IT AT ALL,
8 DID SHE? IT WENT ALL TO YOU, WASN'T IT?

9 A THAT'S RIGHT.

10 Q NOW DO YOU RECOGNIZE ANY OF THOSE
11 STATEMENTS THAT WENT TO MS. HOLMES?

12 A THEY'RE ALL COPIES, I CAN'T TELL IF THEY'RE
13 THE ORIGINAL.

14 Q WELL LET ME ASK YOU, DO YOU RECOGNIZE YOUR
15 OWN HANDWRITING WHEN YOU SEE IT?

16 A SURE.

17 Q WHOSE HANDWRITING IS THAT?

18 A THAT'S MY HANDWRITING.

19 Q AND WHAT IS THAT, IS THAT YOUR RECEIPT?

20 A THAT'S A COPY OF THE RECEIPT.

21 Q TO MS. HOLMES?

22 A RIGHT.

23 Q SHE PAID YOU OVER \$5,000, DIDN'T SHE?

24 A I DON'T KNOW.

25 Q THAT'S A QUITCLAIM DEED FROM THE

1 REINHARDT'S, ISN'T IT?

2 A YES, IT IS.

3 Q IT SAYS IT WAS PREPARED BY YOU?

4 A THAT'S AN ERROR.

5 Q IT'S AN ERROR?

6 A YES.

7 Q ALL THESE QUITCLAIM DEEDS ARE IDENTICAL,
8 AREN'T THEY?

9 A RIGHT.

10 Q IDENTICAL WORD FOR WORD?

11 A NO, NO.

12 Q NO? HOW DO YOU KNOW?

13 A BECAUSE THE PROPERTY IS DIFFERENT ON EACH
14 ONE OF THEM.

15 Q THE PROPERTY IS DIFFERENT?

16 A EXACTLY.

17 Q YOU DIDN'T PREPARE ANY OF THOSE?

18 A NO, I DIDN'T.

19 Q SOME OTHER GUY?

20 A I CAN'T TYPE.

21 Q EVERYBODY THAT YOU HELPED SIGNED THEIR
22 HOUSE OVER TO YOU, DIDN'T THEY?

23 A YES, THEY DID.

24 Q I'M GOING TO HAND YOU STATE'S 58. THAT'S
25 MILT MARTIN'S PLEADING, ISN'T IT?

1 A AS FAR AS I CAN TELL, YES.

2 Q AS FAR AS YOU CAN TELL?

3 A UH-HUH.

4 Q IT'S GOT YOUR ADDRESS ON IT, DOESN'T IT?

5 A IT'S GOT THE POST OFFICE BOX WE USE FOR,

6 FOR PEOPLE.

7 Q THAT'S NOT MILTON'S ADDRESS, IS IT?

8 A NO, BUT IT'S THE ADDRESS WE USE TO GET MAIL

9 FOR THEM.

10 Q YOU WERE GETTING MAIL FOR THEM?

11 A YES.

12 Q SO YOU COULD BE IN TOUCH WITH THE BANK AND

13 NOT THEM?

14 A NO, IT'S JUST THAT WE, WE WANTED TO RECEIVE

15 IT IN TIME BECAUSE YOU'VE ONLY GOT SO MANY DAYS TO ANSWER

16 IT.

17 Q OKAY, AND THESE PEOPLE, DIDN'T YOU CALL

18 THEM YOUR CLIENTS, MR. LOCKLAIR, IS THAT WHAT YOU CALLED

19 THEM?

20 A THEY'RE NOT MY CLIENTS.

21 Q DIDN'T YOU SAY CLIENTS?

22 A IN ERROR, I SAID THEY'RE NOT MY CLIENTS.

23 Q WE CAN BACK UP THE TAPE AND LISTEN TO IT?

24 MR. LOCKLAIR: YOUR HONOR, I OBJECT, I THINK

25 HE'S MIS-REMEMBERING. I WAS THE ONE THAT CALLED THEM

1 CLIENTS.

2 THE COURT: ALL RIGHT, OVERRULED, I'LL ALLOW THE
3 QUESTION.

4 MR. MYRICK: (CONTINUING)

5 Q YOU DIDN'T SAY CLIENT?

6 A THEY'RE NOT CLIENTS OF MINE, I REPRESENTED
7 MYSELF.

8 Q ESTHER REINHARDT LOST HER HOME, DIDN'T SHE?

9 A NOT WHILE I WAS OUT AND FREE, NO.

10 Q AUDREY GODWIN?

11 MR. LOCKLAIR: YOUR HONOR, I'D OBJECT. I THINK
12 YOUR HONOR HAS ALREADY RULED ON THIS EVIDENCE COMING IN
13 EARLIER.

14 THE COURT: SUSTAINED.

15 MR. MYRICK: (CONTINUING)

16 Q DID YOU SAY YOU WON EVERY CASE?

17 A WHILE I WAS OUT AND NOT LOCKED UP ON A
18 CONTEMPT CHARGE, YES.

19 Q NOW THESE PEOPLE WHO CAME TO YOU FOR HELP
20 YOU GAVE THEM ADVICE, DIDN'T YOU?

21 A NO, I TOLD THEM I WOULD HAVE TO HAVE A
22 QUITCLAIM DEED BEFORE I COULD REPRESENT IT, THAT'S NOT
23 ADVICE.

24 Q SO YOU DIDN'T TELL THEM ANYTHING, THEY JUST
25 SHOWED UP AND WITH NO HELP FROM YOU DECIDED TO SIGN OVER

1 THEIR HOMES?

2 A NO, THEY DIDN'T JUST SHOW UP, THEY WERE
3 SENT TO ME.

4 Q NOW I'M GOING TO HAND YOU WHAT'S BEEN
5 MARKED AS STATE'S NUMBER 32; DO YOU RECOGNIZE THE
6 HANDWRITING THERE?

7 A UH-HUH.

8 Q IT'S YOURS, ISN'T IT?

9 A I KNOW ONE OF THEM IS.

10 Q ONE OF THEM IS, THAT'S A RECEIPT TO
11 PAULETTE HOLMES, ISN'T IT?

12 A UH-HUH.

13 THE COURT: EXCUSE ME, YOU NEED TO ANSWER YES OR
14 NO. THE COURT REPORTER CAN'T PICK UP UH-HUH.

15 A ONE OF THE HANDWRITING IS MINE, YES, THE
16 OTHER ONE IS NOT.

17 Q NOW YOU SAID MS. DOBIE?

18 A NOT DOBIE, GODWIN.

19 Q WERE YOU CONFUSED?

20 A OF COURSE.

21 Q YOU ALSO SAID WHEN I GO TO COURT SO YOU
22 DON'T DENY THAT YOU GO TO COURT?

23 A NO, I DO NOT.

24 Q AND WOULD YOU DENY THAT YOU SENT STATEMENTS
25 MONTHLY THAT LOOK JUST LIKE THAT?

1 A SIMILAR TO THAT, YES.
2 Q SIMILAR, WITH YOUR NAME?
3 A RIGHT.
4 Q AND THEIR NAME?
5 A RIGHT.
6 Q HOW MUCH THEY PAID YOU?
7 A RIGHT.
8 Q YOU'RE NOT SAYING THIS IS FALSE ---
9 A I'M SAYING I DON'T KNOW IF THAT'S CORRECT
10 OR NOT ---
11 Q --- OR DOCTORED?
12 A --- CAUSE IT'S A COPY, IT COULD HAVE BEEN
13 ALTERED.
14 Q NOW MS. HOLMES GAVE YOU A LOT OF MONEY,
15 DIDN'T SHE?
16 A I DON'T KNOW HOW MUCH SHE GAVE ME.
17 Q YOU DON'T KNOW, DID YOU GIVE HER ANY BACK?
18 A NO.
19 Q MS. ANNIE BELL MARTIN GAVE YOU A LOT OF
20 MONEY, DIDN'T SHE?
21 A YES.
22 Q DID YOU GIVE HER ANY BACK?
23 A NO.
24 Q MS. CURTIS ---
25 MR. LOCKLAIR: YOUR HONOR, I'D OBJECT OF HIM

1 GOING INTO MS. CURTIS AND OTHER PEOPLE WHO AREN'T CHARGED
2 IN THE INDICTMENTS.

3 THE COURT: SUSTAINED.

4 MR. MYRICK: (CONTINUING)

5 Q HOW MUCH MONEY DID YOU REFUND THEM WHILE
6 YOU WERE AT JOLLY AND ASSOCIATES?

7 A REFUND, A BUNCH.

8 Q OH, A BUNCH?

9 A I HAVE SLEWS OF REFUND CHECKS.

10 Q REALLY?

11 A YES, YOU HAVE THE BANKING STATEMENTS. WHY
12 DON'T YOU PRINT THEM OUT?

13 Q NOW DID YOU SAY SOMETHING ABOUT A BANK
14 EARLIER, THE DEUTSCHE BANK?

15 A YEAH.

16 Q WHAT BANK IS THAT?

17 A IT'S A BANK IN NEW YORK, IT'S GERMANY
18 REALLY.

19 Q DID YOU MEAN DEUTSCHE BANK MAYBE?

20 A YEAH.

21 Q LET ME ASK YOU, MR. JOLLY, THIS IS NOT YOUR
22 FIRST TIME IN THE COURTHOUSE, IS IT?

23 A IN THE COURTHOUSE, NO.

24 Q NOT YOUR FIRST TIME IN THE COURTHOUSE AS A
25 DEFENDANT, IS IT?

1 A NO.

2 Q DIDN'T YOU PLEAD GUILTY TO COUNTS ONE AND
3 SEVEN OF THE UNITED STATES DISTRICT COURT INDICTMENT ---

4 A YES, I DID.

5 Q --- IN 1998?

6 A YES, I DID.

7 Q WASN'T THAT FOR COUNTERFEITING?

8 A YES, IT WAS.

9 Q FEDERAL SECURITIES?

10 A YES.

11 MR. MYRICK: THANK YOU, YOUR HONOR.

12 THE COURT: ALL RIGHT, REDIRECT?

13 MR. LOCKLAIR: JUST BRIEFLY, YOUR HONOR.

14 **REDIRECT EXAMINATION**

15 **BY MR. LOCKLAIR:**

16 Q MR. MYRICK WAS ASKING YOU ABOUT SOME OF THE
17 STATEMENTS. I KNOW YOU CAN'T TELL WHETHER THOSE ARE
18 ORIGINALS OR THE SAME AS THE ORIGINALS BUT YOU DID SEND
19 STATEMENTS TO THE INDIVIDUALS YOU WERE WITH, CORRECT?

20 A ABSOLUTELY SENT STATEMENTS TO THEM.

21 Q AND YOU ACCOUNTED FOR EVERY MONTH AND EVERY
22 PENNY THEY GAVE YOU?

23 A EVERY PENNY SO THAT THEY WOULD KNOW EXACTLY
24 HOW MUCH THEY PAID.

25 Q AND YOU WERE OPEN AND OBVIOUS ABOUT SENDING

1 THESE STATEMENTS BACK TO THEM SO THEY COULD KNOW EXACTLY
2 WHAT THEY PAID AND EXACTLY WHAT THEY OWED?

3 A EVERY MONTH.

4 Q WOULD IT BE FAIR TO SAY BY SENDING THESE TO
5 EVERY SINGLE CLIENT YOU WEREN'T TRYING TO CONCEAL ANYTHING
6 ABOUT THE TRANSACTION?

7 A I WAS NOT TRYING TO CONCEAL OR TAKE ANY
8 MONEY FROM THEM.

9 Q AND ALL OF THE PAPER WORK THAT YOU HAD THEY
10 WERE ABLE TO GET COPIES OF, THEY MIGHT NOT HAVE BEEN SIGNED
11 COPIES, BUT THEY GOT COPIES OF WHAT THEY HAD SIGNED,
12 CORRECT?

13 A RIGHT.

14 Q AND IF ANY OF THEM EVER CALLED YOU AND SAID
15 I HAVE A QUESTION OR ANYTHING ABOUT THE SITUATION WOULD YOU
16 ANSWER THE QUESTION FOR THEM?

17 A ABSOLUTELY.

18 Q AND DID YOU HAVE ANY INTENTION AT ALL TO
19 CHEAT OR DEFRAUD THEM OUT OF ANY MONEY?

20 A ABSOLUTELY NOT.

21 Q WHAT WAS YOUR INTENTION WHEN YOU TOOK THESE
22 PEOPLE ON TO ASSIST THEM?

23 A TO HELP THEM STAY IN THEIR HOUSE.

24 MR. LOCKLAIR: THANK YOU, THAT'S ALL I HAVE,
25 YOUR HONOR.

1 THE COURT: ALL RIGHT, YOU MAY STEP DOWN. YOU
2 CAN CALL YOUR NEXT WITNESS.

3 MR. LOCKLAIR: THE DEFENSE WOULD REST AT THIS
4 TIME, YOUR HONOR.

5 THE COURT: ALL RIGHT, ALL RIGHT, LADIES AND
6 GENTLEMEN, THE DEFENSE HAS PRESENTED THEIR CASE. I THINK
7 IT'S A GOOD TIME, IT'S 12:20, FOR US TO GO AHEAD AND BREAK
8 FOR LUNCH SO I'M GOING TO EXCUSE YOU TO GO LUNCH ON YOUR
9 OWN TODAY. PLEASE BE BACK IN THE JURY ROOM AT 2:00, OKAY,
10 AND WE'LL TRY TO GET STARTED AS SOON AFTER TWO AS WE CAN.
11 DO NOT DISCUSS THE CASE EVEN AMONG YOURSELVES AT THIS POINT
12 IN TIME. IT'S STILL TOO EARLY FOR DELIBERATIONS. IF YOU
13 HAVE ANY PADS OR NOTES, PLEASE, LEAVE THEM IN THE JURY BOX.
14 I HOPE EVERYBODY HAS A GOOD LUNCH AND WE'LL SEE YOU BACK AT
15 2:00, THANK YOU VERY MUCH.

16 (WHEREUPON, THE JURY WAS EXCUSED FOR LUNCH AT
17 12:21 P.M.)

18 THE COURT: ALL RIGHT, ANY REPLY?

19 MR. MYRICK: NO, SIR.

20 THE COURT: OKAY, LET'S GO AHEAD AND LET'S GO TO
21 LUNCH THEN WHEN WE COME BACK WE'LL DO CLOSING ARGUMENTS,
22 JURY CHARGE, AND LET THEM START DELIBERATIONS.

23 MR. LOCKLAIR: WE'D RENEW OUR DIRECTED VERDICT
24 MOTIONS JUST FOR THE RECORD.

25 THE COURT: OKAY, ALL RIGHT, YOUR MOTIONS ARE

1 NOTED, I'M GOING TO DENY THOSE.

2 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

3 THE COURT: ALL RIGHT, ANYTHING FROM THE STATE
4 BEFORE WE BREAK FOR LUNCH?

5 MR. MYRICK: ONLY THIS, YOUR HONOR. I GAVE YOU
6 A COPY OF OUR PROPOSED CHARGE YESTERDAY.

7 THE COURT: YOU DID, OH, YEAH, YOU DID ON THAT,
8 OKAY, I'LL TAKE A LOOK AT THIS. I'LL TRY TO HAVE YA'LL A
9 COPY OF MY PROPOSED CHARGES WHEN YOU GET BACK AT 2:00,
10 OKAY, SO YOU CAN LOOK OVER THEM.

11 MR. MYRICK: AND, YOUR HONOR, I'LL JUST POINT
12 OUT THIS IS THE SAME CHARGE THAT'S BEEN GIVEN NUMEROUS
13 TIMES IN THE CIRCUIT COURT. SINCE IT'S SUCH AN UNUSUAL
14 CHARGE TYPICALLY THERE'S NOT A BENCH BOOK.

15 THE COURT: YEAH, THERE'S NOTHING IN THE BENCH
16 BOOK, EXCUSE ME, BENCH BOOK, BUT I DID FIND, I THINK I DID
17 TAKE SOME OF THE LANGUAGE FROM THIS STATE V. DESBAIN CASE.
18 LET ME GO AHEAD AND TELL YOU EXACTLY WHAT I HAD ON THE
19 UNAUTHORIZED PRACTICE OF LAW AND I'LL CERTAINLY ENTERTAIN
20 ANYTHING ELSE.

21 AND I'LL PRINT THIS OUT FOR YOU. I HAVE IN THIS
22 CASE "THE DEFENDANT HAS BEEN CHARGED WITH THE UNAUTHORIZED
23 PRACTICE OF LAW. THE LAW IN THIS STATE IS THAT NO PERSON
24 MAY EITHER PRACTICE LAW OR SOLICIT THE LEGAL CAUSE OF
25 ANOTHER PERSON OR ENTITY IN THIS STATE UNLESS HE IS

1 ENROLLED AS A MEMBER OF THE SOUTH CAROLINA BAR PURSUANT TO
2 APPLICABLE COURT RULES OR OTHERWISE AUTHORIZED TO PERFORM
3 PRESCRIBED LEGAL ACTIVITIES BY ACTION OF THE SUPREME COURT
4 OF SOUTH CAROLINA.

5 THE GENERALLY UNDERSTOOD DEFINITION OF PRACTICE
6 OF LAW EMBRACES PREPARATION OF PLEADINGS AND OTHER PAPERS
7 INCIDENT TO ACTIONS AND SPECIAL PROCEEDINGS AND MANAGEMENT
8 OF SUCH ACTIONS AND PROCEEDINGS ON BEHALF OF CLIENTS BEFORE
9 JUDGES AND COURTS.

10 PREPARATION OF LEGAL DOCUMENTS FOR OTHER
11 CONSTITUTES THE PRACTICE OF LAW WHEN SAID PREPARATION
12 INVOLVES GIVING OF ADVICE, CONSULTATION, EXPLANATION, OR
13 RECOMMENDATIONS ON MATTERS OF LAW. FURTHER INSTRUCTING
14 OTHER INDIVIDUALS IN THE MANNER IN WHICH TO PREPARE AND
15 EXECUTE SUCH DOCUMENTS IS ALSO THE PRACTICE OF LAW.

16 THE PRACTICE OF LAW IS NOT CONFINED TO LITIGATION
17 BUT IT STEMS TO ACTIVITIES IN OTHER FIELDS WHICH ENTAILS
18 SPECIALIZED LEGAL KNOWLEDGE AND ABILITY, HOWEVER, THE
19 UNAUTHORIZED PRACTICE OF LAW DOS NOT INCLUDE A NON LAWYERS
20 REPRESENTATION OR PERFORMANCE OF LEGAL SERVICES ON BEHALF
21 OF HIMSELF OR HERSELF." THAT'S THE WAY I DEFINED IT.

22 I HAVEN'T REALLY LOOKED AT YOUR CHARGES YET BUT
23 I'LL TAKE A LOOK AT THAT. I MAY ADD SOME, I MAY NOT, I'LL
24 TAKE A LOOK AND LET YOU KNOW WHEN WE COME BACK FROM LUNCH.

25 MR. MYRICK: THANK YOU, SIR, AND IN PARTICULAR

1 THE KEY CASE AND THE DESBAIN CASE TALKS ABOUT WHETHER YOU
2 WERE PAID FOR YOUR SERVICES OR NOT AND THAT IS IRRELEVANT.

3 THE COURT: OKAY.

4 MR. MYRICK: THANK YOU, YOUR HONOR.

5 THE COURT: ALL RIGHT, ANYTHING FROM THE DEFENSE
6 BEFORE WE BREAK FOR LUNCH?

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

8 THE COURT: ALL RIGHT, WE'LL STAND IN RECESS
9 UNTIL 2:00, THANK YOU.

10 (WHEREUPON, COURT WAS RECESSED FOR LUNCH AND THE
11 FOLLOWING TAKES PLACE ON THE RECORD AFTER THE RECESS.)

12 THE COURT: ANYTHING FROM THE STATE BEFORE WE
13 BRING THE JURY BACK IN?

14 MR. MYRICK: NO, SIR.

15 THE COURT: ANYTHING FROM THE DEFENSE?

16 MR. LOCKLAIR: YOU WANT US TO TALK ABOUT THE
17 JURY CHARGES NOW OR LATER?

18 THE COURT: IF YOU WANT TO DO IT NOW OR WHEN I
19 CHARGE IF YOU WANT TO RAISE IT THEN, HOWEVER YOU WANT TO
20 ADDRESS IT? IF YOU WANT TO GO AHEAD AND ---

21 MR. LOCKLAIR: WE CAN WAIT. IT'S JUST ABOUT THE
22 VERDICT FORM AND LESSER INCLUDED IS ALL. WE CAN WAIT.

23 THE COURT: ALL RIGHT, WHAT IS THE LESSER
24 INCLUDED YOU'RE LOOKING FOR?

25 MR. LOCKLAIR: JUST ON THE STATUTE AND THE VALUE

1 OF \$5,000 OR MORE CARRIES ONE PENALTY. IF IT'S \$1,000 TO
2 \$4,000 IT CARRIES ANOTHER PENALTY.

3 THE COURT: OKAY, NOW HOW DO I PUT THAT IN THERE
4 BECAUSE THEY'RE BOTH OBTAINING GOODS, PROPERTY BY FALSE
5 PRETENSE.

6 MR. LOCKLAIR: MY ONLY SUGGESTION IF YOU FIND
7 HIM GUILTY OF THIS OFFENSE YOU MUST FIND THE VALUE FOR
8 WHICH HE'S GUILTY OR SOMETHING ALONG THOSE LINES.

9 THE COURT: LET ME HEAR FROM YOU ON THAT, MR.
10 MYRICK?

11 MR. LOCKLAIR: CAUSE NORMALLY IN FEDERAL COURT
12 THEY HAVE TO DO THAT WITH DRUG WEIGHTS AND THAT'S NORMALLY
13 HOW THE VERDICT FORMS ARE FASHIONED, IF YOU FIND HIM GUILTY
14 YOU MUST FIND WAS IT THIS WEIGHT, THIS WEIGHT, THIS WEIGHT,
15 AND THEY GET LIKE FOUR CHOICES.

16 MR. MYRICK: WE WOULD OBJECT TO LESSER INCLUDED,
17 YOUR HONOR, FOR THIS REASON, I THINK THE RECORD IS CLEAR.
18 THE EVIDENCE IS IN THE FILES THAT MS. HOLMES AND MS. ANNIE
19 BELL MARTIN GAVE HIM OVER \$5,000 WHICH THEY WOULD NOT HAVE
20 GIVEN HIM BUT FOR THE FALSE STATEMENTS HE MADE TO THEM. SO
21 THE DEFENSE COUNSEL'S ARGUMENT FOR A LESSER INCLUDED AGAIN
22 IS BASED ON HIS INTERPRETATION OF THE MATH ---

23 THE COURT: WELL I THINK WHAT HE ---

24 MR. MYRICK: --- NOT ANYTHING THAT CAME FROM THE
25 WITNESS STAND.

1 THE COURT: I THINK WHAT HE'S SAYING AS I
2 UNDERSTAND I CAN'T REMEMBER, WAS IT MS. MARTIN?

3 MR. LOCKLAIR: MY NOTES, I MIGHT HAVE WRITTEN IT
4 DOWN WRONG, YOUR HONOR --

5 THE COURT: I CAN'T RECALL WHICH ONE IT WAS, ARE
6 YOU SAYING THAT THE \$700-AND SOMETHING DOLLARS WAS APPLIED
7 TO A MORTGAGE ON HER BEHALF.

8 MR. LOCKLAIR: AND WE GOT THAT CHECK FROM MR.
9 JOLLY TO THE MORTGAGE COMPANY ADMITTED INTO EVIDENCE
10 SHOWING THAT IT WAS SENT TO THE MORTGAGE COMPANY WHICH
11 MEANS HE DIDN'T GET THAT MONEY. THE MORTGAGE COMPANY GOT
12 IT AND SHE WOULD HAVE GOTTEN CREDIT FOR THAT WITH HER
13 MORTGAGE COMPANY.

14 MR. MYRICK: BUT OUR POSITION IS IT DOESN'T
15 MATTER WHAT HE DID WITH IT. HE COULD HAVE GIVEN IT TO THE
16 SPCA; HE COULD HAVE GIVEN IT TO THE POLICE BENEVOLENT
17 ASSOCIATION. HE GOT HIS HAND ON MORE THAN FIVE GRAND AND -
18 --

19 THE COURT: YEAH, BUT IT HAS TO, EXCUSE ME, IT
20 HAS TO BE WITH THE INTENT TO CHEAT OR DEFRAUD THE PERSON OF
21 THE PROPERTY SO IF HE TOOK THE PAYMENT AND PAID IT ON HER
22 MORTGAGE AND IT REDUCED HER MORTGAGE BY THE AMOUNT OF THE
23 PAYMENT.

24 MR. LOCKLAIR: AND THAT'S EXACTLY WHAT HE TOLD
25 HER HE WOULD DO WITH THAT PARTICULAR CHECK, WAS THIS CHECK

1 WILL GO TO YOUR MORTGAGE COMPANY AND THAT WAS IN THAT
2 DOCUMENT THAT WAS ADMITTED INTO EVIDENCE, TOO, THAT 13-PAGE
3 AGREEMENT.

4 THE COURT: OKAY, I'M GOING TO NEED TO PULL THAT
5 STATUTE AGAIN AND LET ME SEE HOW I WANT TO WORK IT.

6 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

7 THE COURT: AND THAT WAS WITH REGARD TO, LET ME
8 SEE WHAT YOU GOT THERE, THAT'S THE STATUTE?

9 MR. MYRICK: YES, SIR, SECTION TWO, I BELIEVE,
10 IS WHAT MR. LOCKLAIR IS TRYING TO GET CHARGED. IT'S
11 BETWEEN ONE AND 4,000 WHICH IS STILL A FELONY. IT CARRIES
12 ONLY UP TO FIVE AS OPPOSED TO UP TO TEN.

13 THE COURT: OKAY, AND THIS IS WITH REGARD TO MS.
14 MARTIN?

15 MR. LOCKLAIR: CORRECT.

16 THE COURT: OKAY.

17 MR. LOCKLAIR: I BELIEVE THE FACTS AND EVIDENCE
18 TO APPLY TO MS. HOLMES, I'M JUST ASKING ON MS. MARTIN.

19 THE COURT: YEAH, SO WHAT, I GUESS WHAT I WOULD
20 NEED TO DO, I GUESS WE WOULD NEED TO COME UP WITH A
21 SEPARATE VERDICT FORM FOR 2946. WE NEED TO FIND HIM GUILTY
22 -- AND IF YOU FIND HIM GUILTY YOU MUST DETERMINE THE AMOUNT
23 OF THE VALUE OF THE PROPERTY INVOLVED.

24 MR. LOCKLAIR: GUESS IT WOULD BE AMOUNT OF LOSS
25 BECAUSE IF YOU SAY THE AMOUNT OF THE PROPERTY INVOLVED THEY

1 MAY INTERPRET THAT TO MEAN THE PROPERTY OF THE HOUSE.

2 THE COURT: WELL IT WOULD BE ON THE VALUE OF THE
3 PROPERTY WHICH THE VICTIM WAS CHEATED OR DEFRAUDED.

4 MR. LOCKLAIR: YES, SIR, I MEAN I UNDERSTAND THE
5 STATUTE USES THE WORD PROPERTY THEN IT SAYS REAL OR
6 PERSONAL. I WAS THINKING COMMON PARLANCE FOR YOUR LAY
7 PERSON JUROR THAT PROPERTY THAT MEANS REAL PROPERTY NOT
8 PERSONAL PROPERTY AND BECAUSE WE'VE BEEN TALKING ABOUT REAL
9 PROPERTY I THINK THAT IT MIGHT BE MISLEADING TO THE JURY
10 AND I MEAN OBVIOUSLY NOT INTENTIONALLY BUT IT COULD CONFUSE
11 THE JURY BY USING JUST THE WORD PROPERTY. I'D PREFER THE
12 AMOUNT OF LOSS.

13 THE COURT: WELL HOW ABOUT IF I JUST PUT ON THE
14 INSTRUCTIONS THAT WITH REGARD TO INDICTMENT 2946 IF YOU
15 FIND THE DEFENDANT GUILTY THEN ONCE YOU WRITE IN THE
16 VERDICT YOU MUST ALSO SPECIFY THE AMOUNT OF LOSS.

17 MR. LOCKLAIR: YES, SIR, THAT WOULD BE FINE,
18 YOUR HONOR.

19 MR. MYRICK: YES, SIR, THAT'S FINE.

20 MR. LOCKLAIR: THANK YOU.

21 THE COURT: ALL RIGHT, AND I'LL ADD THAT IN, ALL
22 RIGHT, ANYTHING ELSE?

23 MR. LOCKLAIR: NO, SIR.

24 THE COURT: ALL RIGHT, IS THE STATE GOING TO
25 OPEN FIRST OR YOU WAIVE OPENING, I MEAN YOUR CLOSING

1 ARGUMENT?

2 MR. MYRICK: WE'RE GOING TO WAIVE OPENING ON THE
3 LAW, WE'RE GOING TO RELAX.

4 THE COURT: ALL RIGHT, ANYTHING FROM THE STATE
5 BEFORE WE BRING IN THE JURY?

6 MR. MYRICK: NO, SIR.

7 THE COURT: ANYTHING FROM THE DEFENSE?

8 MR. LOCKLAIR: NO, SIR.

9 THE COURT: ALL RIGHT, LET'S GO AHEAD AND BRING
10 THE JURY IN.

11 (WHEREUPON, THE JURY RETURNS TO THE COURTROOM AT
12 2:15 P.M.)

13 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN,
14 WELCOME BACK, I HOPE EVERYONE HAD A GOOD LUNCH. THE STATE
15 HAS PRESENTED THEIR CASE; THE DEFENSE HAS PRESENTED THEIR
16 DEFENSE, AND SO NOW IS THE TIME OF THE TRIAL WHERE THE
17 ATTORNEYS WILL MAKE THEIR CLOSING ARGUMENTS TO YOU. I WILL
18 THEN CHARGE YOU THE LAW TO BE APPLIED IN THIS CASE.

19 NOW THESE CLOSING ARGUMENTS ARE JUST LIKE THE
20 ATTORNEYS OPENING STATEMENTS. THESE CLOSING ARGUMENTS BY
21 THE ATTORNEYS ARE NOT THE EVIDENCE IN THIS CASE. IT IS
22 SIMPLY THE ATTORNEYS CONTENTION AS TO WHAT THE ISSUES IN
23 THIS CASE ARE AND WHAT THEY FEEL HAS BEEN PROVEN IN THIS
24 CASE. IF AN ATTORNEY IN THEIR CLOSING ARGUMENTS MAKES ANY
25 REFERENCE TO A FACTUAL ISSUE OR TO A LEGAL ISSUE AND THOSE

1 ISSUES ARE DIFFERENT THAN THE FACTS AS YOU FIND THEM TO BE
2 OR IS DIFFERENT FROM THE LAW AS I WILL INSTRUCT YOU ON THE
3 LAW THEN YOU'RE TO DISREGARD THE ATTORNEYS CLOSING
4 ARGUMENTS. ALL RIGHT, MR. LOCKLAIR?

5 MR. LOCKLAIR: THANK YOU, YOUR HONOR, MAY IT
6 PLEASE THE COURT?

7 THE COURT: YES, SIR.

8 CLOSING ARGUMENT

9 BY MR. LOCKLAIR:

10 LADIES AND GENTLEMEN OF THE JURY, I WANT TO THANK
11 YOU FOR YOUR JURY SERVICE ON BEHALF OF MYSELF AND ON BEHALF
12 OF MY CLIENT. OBVIOUSLY WE PAY ATTENTION TO YA'LL WHEN THE
13 TRIAL IS GOING ON AND I'VE NOTICED THAT YA'LL HAVE BEEN
14 VERY ATTENTIVE, A LOT OF YA'LL ARE TAKING NOTES, AND
15 OBVIOUSLY TRIAL IS IMPORTANT TO THE LITIGANTS WHO ARE
16 INVOLVED. THERE'S NO GREATER CIVIL DUTY THAT YOU CAN DO
17 FOR YOUR COUNTRY OBVIOUSLY OTHER THAN MILITARY SERVICE IN
18 TIME OF WAR, THAN JURY DUTY TO KEEP THE SYSTEM GOING AND
19 IT'S VERY IMPORTANT CAUSE OBVIOUSLY THERE'S A DISPUTE ABOUT
20 THE FACTS AND THE LAW IN THIS CASE.

21 NOW I'M GOING TO GO BACK THROUGH SOME OF THE
22 TESTIMONY IN A MINUTE BUT I WANT TO GO OVER SOME OF THE LAW
23 ON THE CASE THAT'S GOING TO APPLY. OBVIOUSLY AS WE TOLD
24 YA'LL EARLIER MR. JOLLY IS STILL PRESUMED INNOCENT AND THAT
25 CLOAK OF INNOCENCE SITS WITH HIM UNTIL AND ONLY IF THE

1 STATE CAN PROVE HIS GUILT BEYOND A REASONABLE DOUBT AND
2 THAT'S A VERY IMPORTANT TERM AND THE JUDGE IS GOING TO
3 DEFINE THAT FOR YOU. IT'S BASICALLY DOUBT WOULD MAKE A
4 REASONABLE PERSON HESITATE TO ACT.

5 OBVIOUSLY NOBODY COULD PROVE A CASE BY ALL
6 POSSIBLE DOUBT BUT THE JUDGE IS GOING TO GIVE YOU A LITTLE
7 IDEA OF WHAT REASONABLE DOUBT IS. IT'S THE HIGHEST STANDARD
8 IN OUR LEGAL SYSTEM.

9 IN CIVIL COURT THE STANDARD IS NORMALLY MORE
10 LIKELY THAN NOT. BASICALLY THE SCALES TIP EVER SO SLIGHT
11 SORT OF LIKE YOU'RE HALF WAY ACROSS THE ROOM. I LIKE TO
12 SAY THAT LEGAL DOUBT, BEYOND A REASONABLE DOUBT IS A DOUBT
13 ALMOST TO THE WALL NOT DEAD TO THE WALL BUT YOUR NOSE IS
14 ALMOST RIGHT UP AGAINST IT. IT'S THAT HIGH OF A STANDARD
15 AND IT'S A VERY IMPORTANT STANDARD BECAUSE THE STATE
16 CARRIES THE BURDEN OF PROOF THROUGHOUT THIS ENTIRE TRIAL.
17 THE DEFENSE DOESN'T HAVE TO PROVE ANYTHING TO YOU, HOWEVER
18 WE THINK THE EVIDENCE HAS SHOWN YOU MOST IMPORTANTLY THAT
19 THERE WAS NOT AN INTENT TO CHEAT OR DEFRAUD ANYBODY OUT OF
20 MONEY AND I'M GOING TO BACK THROUGH SOME OF THE TESTIMONY
21 AND TALK TO YOU ABOUT THAT BECAUSE THAT'S VERY IMPORTANT IN
22 THIS CASE.

23 OBVIOUSLY IT'S CLEAR THEY PAID MR. JOLLY MONEY,
24 HE RECEIVED MONEY. HIS TESTIMONY SAYS THAT, YOU KNOW, HE
25 MADE A PAYMENT TO THE BANK AND THEY SIGNED THIS AGREEMENT

1 AND WHETHER THAT IS LEGAL OR NOT LEGAL, IS RIGHT OR WRONG,
2 IS SOMETHING TO BE DECIDED IN A DIFFERENT COURT. FOR WHAT
3 PURPOSES OF THIS TRIAL YA'LL NEED TO LOOK AT HIS INTENT
4 WHEN HE ENTERED INTO THESE AGREEMENTS, WHAT WAS HE
5 INTENDING TO DO, WHAT WAS HE TRYING TO DO, AND THAT'S VERY
6 CRITICAL IN THIS CASE.

7 NOW YOU HEARD TESTIMONY OBVIOUSLY FROM SEVERAL OF
8 THE HOMEOWNERS, ONE OF THEM BEING ANNIE BELL MARTIN, AND
9 THROUGH HER ONE OF THE QUITCLAIM DEED THAT CAME IN AT THE
10 TOP YOU'LL SEE IT SAYS PREPARED BY ANNIE BELL MARTIN, AND
11 SHE SAYS SHE DIDN'T PREPARE THAT, AND OBVIOUSLY WE KNOW
12 THAT SHE DIDN'T PREPARE THAT DOCUMENT. BUT THE REASON I
13 BRING THAT UP IS BECAUSE I'M SURE THE STATE'S LIKELY TO
14 POINT OUT THAT ON THE REINHARDT'S DEED IT SAID PREPARED BY
15 ROBERT STEVE JOLLY.

16 NOW THE JUDGE IS GOING TO CHARGE YOU ON WHAT'S
17 THE UNAUTHORIZED PRACTICE OF LAW AND HE'S GOING TO TALK
18 ABOUT THE PREPARATION AND FILING AND EXECUTION OF DOCUMENTS
19 WHERE YOU GIVE LEGAL ADVICE. YOU HEARD MR. JOLLY TESTIFY
20 THAT THESE DEEDS WERE PREPARED BY SOMEBODY ELSE, NOT BY
21 HIM. EVEN THE ONE WITH THE REINHARDT'S HE DIDN'T KNOW THAT
22 HIS NAME WAS AT THE TOP OF THAT DEED. NOW I SUBMIT TO YOU
23 THAT IF SOMEBODY ELSE PREPARES THE DEED AND A PARTY
24 EXECUTES THAT DEED AND PUTS THE PROPERTY OVER TO MR. JOLLY
25 WHO'S ANOTHER PARTY WITH IT AS LONG AS HE'S NOT GIVING THEM

1 LEGAL ADVICE; AND THERE'S A DIFFERENCE BETWEEN ADVICE AND
2 LEGAL ADVICE, AND THE JUDGE IS GOING TO TALK TO YOU ABOUT
3 WHAT IS LEGAL ADVICE AND WHAT'S NOT.

4 THEY BROUGHT UP EARLIER THROUGH ONE OF THE
5 WITNESSES ABOUT HIM GIVING SOME ADVICE ABOUT CREDIT CARDS,
6 WELL THAT'S NOT NECESSARILY LEGAL ADVICE. THERE'S TONS OF
7 CREDIT COUNSELING AGENCIES OUT THERE THAT PEOPLE CAN CALL
8 THAT ARE IN TROUBLE THAT GIVE YOU ADVICE. THEY'RE NOT
9 LAWYERS; THEY'RE NOT ENGAGED IN THE UNAUTHORIZED PRACTICE
10 OF LAW. JUST BECAUSE THEY'RE GIVING ADVICE ABOUT A MATTER
11 THAT COULD POTENTIALLY HAVE LEGAL IMPLICATIONS DOES NOT
12 MAKE IT LEGAL ADVICE. IT WOULD BE CERTAINLY LIKE IF YOU
13 WERE TALKING TO A FRIEND WHO SAID IF YOU DON'T PAY YOUR
14 CREDIT CARDS THEY COULD SUE YOU BUT IF YOU DON'T HAVE
15 ANYTHING FOR THEM TO GET THEY CAN'T GET ANYTHING FROM YOU.
16 WELL THAT'S NOT NECESSARILY GIVING THEM LEGAL ADVICE;
17 YOU'RE GIVING ADVICE ABOUT A LEGAL ISSUE AND THAT'S JUST
18 SOMETHING I WANT YA'LL TO THINK ABOUT AS YOU DELIBERATE ON
19 THE UNAUTHORIZED PRACTICE OF LAW CHARGE IN THIS CASE CAUSE
20 WHY HE MAY HAVE GIVEN THEM ADVICE ABOUT THINGS IT DOES NOT
21 CONSTITUTE LEGAL ADVICE AND THEREFORE, DID NOT CONSTITUTE
22 THE UNAUTHORIZED PRACTICE OF LAW.

23 NOW THE OTHER CHARGE OTHER THAN THE UNAUTHORIZED
24 PRACTICE OF LAW THAT I'VE BEEN TALKING ABOUT WAS THE
25 OBTAINING PROPERTY BY FALSE PRETENSES AND ONCE AGAIN THE

1 JUDGE IS GOING TO CHARGE YOU WITH WHAT THAT LAW ACTUALLY
2 SAYS FROM THE SOUTH CAROLINA CODE OF LAWS AND AS I SAID
3 BEFORE THAT THERE'S A PART IN THERE THAT SAYS WITH THE
4 INTENT TO CHEAT OR DEFRAUD AND THERE'S GOING TO HAVE ALL
5 THE DOCUMENTS THAT WERE ADMITTED INTO EVIDENCE AND YOU'LL
6 BE ABLE TO SEE THE AGREEMENTS THAT HE SENT TO THE BANK.
7 THERE'S SEVERAL OF THEM THAT HAVE BEEN ADMITTED INTO
8 EVIDENCE THAT BASICALLY HAVE THE SAME LANGUAGE. YOU HEARD
9 THAT THAT PARAGRAPH ONE ON THE FIRST PAGE WAS ACTUALLY THE
10 AGREEMENT PART THAT MR. JOLLY SAYS THAT HE WOULD READ TO
11 EACH OF THE PEOPLE AND POINT OUT TO THEM AND THAT EXPLAINED
12 HOW HE WAS GOING TO TRY AND SETTLE THE CASE WITH THE BANK
13 BY SENDING THEM WHAT HE CALLED A TENDER OFFER, A NOVATION,
14 AND YOU'LL HAVE SOME OF THE CHECKS BACK THERE THAT HE SENT
15 ON MS. HOLMES AND MS. MARTIN TO THEIR RESPECTIVE MORTGAGE
16 COMPANIES.

17 MS. MARTIN EVEN SAID THAT SHE TESTIFIED TO THE
18 FACT THAT WHEN HE TALKED ABOUT HER THAT HE MENTIONED THAT
19 HE WAS GOING TO SEND THE MORTGAGE COMPANY A CHECK AND OFFER
20 A DEAL, I MEAN SHE AT LEAST ADMITTED THAT HE EXPLAINED THAT
21 OVER. SOME OF THE WITNESSES DIDN'T WANT TO TRY AND ADMIT
22 ANYTHING. YOU NOTICE FROM MS. HOLMES SAYING THAT, WHY I
23 CAN UNDERSTAND IF SHE DIDN'T SEE THE FIRST PAGE OF THE DEED
24 TRYING TO SAY THAT ONLY THE SIGNATURE LINE WAS THERE AND
25 THE REST OF THE STUFF WAS TYPED IN LATER, WHICH YOU'LL SEE

1 THE REST OF THE STUFF IS JUST A LINE FOR TWO WITNESSES TO
2 SIGN AND A LINE FOR A NOTARY TO SIGN. SO IF THAT HAD BEEN
3 BLANK I CAN UNDERSTAND HER SAYING IT DIDN'T EXIST ON THE
4 PAPER AND THEY TOOK THE ORIGINAL AND SOMEHOW REFILLED IT IN
5 ON THE COMPUTER. IT SOUNDS A LITTLE CONSPIRACY THEORY TO
6 ME AND I THINK THAT SHE JUST DIDN'T WANT TO ADMIT WHAT WAS
7 GOING ON, AND THE JUDGE IS GOING TO TALK TO YOU ABOUT THE
8 CREDIBILITY OF WITNESSES BECAUSE THAT'S IMPORTANT FOR YA'LL
9 TO DETERMINE WHO'S TELLING THE TRUTH AND WHO'S NOT TELLING
10 THE TRUTH AND CERTAINLY MOST PEOPLE AREN'T GOING TO COME
11 INTO COURT AND INTENTIONALLY LIE CAUSE THEY KNOW THERE'S
12 RAMIFICATIONS FOR THAT BUT PEOPLE'S EMOTIONS GET IN THE
13 WAY. THEY START THINKING WITH THEIR HEART INSTEAD OF THEIR
14 MIND. PEOPLE DON'T RECALL EVENTS A CERTAIN WAY ESPECIALLY
15 WHEN YOU'RE BEEN HARMED. IT'S BEEN SEVERAL YEARS AND SO
16 YOU COME IN WITH A CERTAIN MIND SET, WHICH I WILL ADMIT SHE
17 HAD, SO WHY SHE MIGHT HAVE BEEN UNINTENTIONALLY NOT BEING
18 FORTHRIGHT. I THINK IT'S FAIR TO SAY THAT YA'LL CAN TELL
19 THAT HER POSITION WAS VERY HOSTILE AND THAT WAS KIND OF HER
20 Demeanor AND I THINK YOU SHOULD LOOK AT HER TESTIMONY
21 CAREFULLY AND CONSIDER HER Demeanor AND HER ULTERIOR
22 MOTIVES THAT SHE MAY HAVE HAD WHEN SHE CAME IN AND
23 TESTIFIED; AND SHE MENTIONED THAT SHE NEVER SAW THE
24 QUITCLAIM DEED BUT YOU'LL SEE ON THE PROMISSORY NOTE THAT
25 SHE SIGNED THAT RIGHT ABOVE IT IN BIG BOLD BLOCK LETTERS IT

1 EVEN MENTIONS QUITCLAIM DEED. IT'S PROBABLY ABOUT TWO
2 INCHES DOWN BELOW. IT WAS OBVIOUS THAT SHE ADMITTED THAT
3 THAT STUFF WAS ON THE PAPER AT THE TIME.

4 NOW WHEN THE JUDGE CHARGES YOU ON THE LAW AS FAR
5 AS THE OBTAINING GOODS BY FALSE PRETENSES THERE'S GOING TO
6 BE SEPARATE VERDICTS FOR THE TWO DIFFERENT CASES. THE ONE
7 IS INDICTED UNDER FOR MS. HOLMES AND THE ONE THAT IS
8 INDICTED FOR MS. MARTIN. AS FAR AS THE ONE WITH MS. MARTIN
9 GOES IF FOR SOME REASON YOU WERE TO DECIDE THAT THE STATE
10 HAS PROVEN BEYOND ANY REASONABLE DOUBT WHATSOEVER THAT MR.
11 JOLLY HAD THE INTENT TO CHEAT AND DEFRAUD MS. MARTIN THERE
12 WILL BE TWO CHOICES TO MAKE AS WELL AS THE AMOUNT OF LOSS
13 THAT SHE SUFFERED IN THIS CASE. I WOULD SUBMIT TO YOU THAT
14 THE AMOUNT OF LOSS WAS ROUGHLY FORTY FOUR HUNDRED DOLLARS
15 AND IT'S YOUR JOB TO DETERMINE WHAT THIS IS AND YOU MUST
16 DETERMINE THE AMOUNT OF LOSS BEYOND A REASONABLE DOUBT JUST
17 LIKE EVERY OTHER ELEMENT OF THE CRIMES WHICH SHE HAD
18 TESTIFIED THAT SHE PAID HIM \$5,225 AND THAT \$761 OF THAT
19 WAS TO BE SENT TO THE BANK AND THERE'S A CHECK IN THERE ON
20 HER BEHALF SENT TO A BANK WITH THE BACK OF IT SHOWING WHERE
21 IT WAS CASHED FOR \$761 WHICH COMES OUT TO \$4,464 THAT SHE
22 HAD PAID MR. JOLLY THAT WAS NOT GIVEN TO HER MORTGAGE
23 COMPANY. AND WE SUBMIT ALL OF THE MONEY THAT WAS PAID TO
24 MR. JOLLY BY ALL THESE PEOPLE WAS LEGAL MONEY AT THE TIME
25 HE DID IT BECAUSE HE DID HAVE A LEGAL QUITCLAIM DEED AT THE

1 TIME ALONG WITH A PROMISSORY NOTE FOR THEM TO PAY HIM FOR
2 THE PROPERTY.

3 NOW THE STATE HASN'T PROVED ANYTHING ABOUT THE
4 WHOLE BANKING LAWS AND WHAT HE SENT AS FAR AS NOVATION AND
5 THINGS OF THAT NATURE, BUT IF YOU FIND THAT IN HIS MIND HE
6 THOUGHT THAT WAS A LEGAL ACTION TO TAKE AND HE WAS RIGHT IN
7 TAKING IT, HE DID NOT HAVE THE CRIMINAL INTENT, WHICH THE
8 JUDGE IS GOING TO TALK ABOUT. IT'S VERY IMPORTANT, THEY
9 HAVE TO PROVE THE CRIMINAL INTENT BEYOND A REASONABLE
10 DOUBT, BUT IT WAS NOT HIS INTENT TO CHEAT AND DEFRAUD THEM
11 THEN YOU HAVE TO FIND HIM NOT GUILTY, AND OBVIOUSLY THE
12 COMPANY MADE MONEY. YOU HEARD HIM TESTIFY THAT HE NEVER
13 RECEIVED A PENNY OF MONEY PERSONALLY AND THEY'VE NEVER
14 PROVEN THAT HE RECEIVED ANY MONEY PERSONALLY. THERE'S
15 NOTHING IN EVIDENCE TO SHOW THAT HE GOT A PENNY SO THE
16 COMPANY MIGHT HAVE DONE SOMETHING BUT THE WHOLE INTENTION
17 OF PAYING THE COMPANY WAS FOR THE COMPANY TO MAKE MONEY.
18 THAT'S WHY, YOU KNOW, IT'S NOT LIKE THIS WAS A NON PROFIT
19 ORGANIZATION SO, OF COURSE, THERE'S GOING TO BE MONEY
20 COMING IN TO BE MADE. BUT WAS IT HIS INTENT TO MAKE THAT
21 MONEY ILLEGALLY BY CHEATING AND DEFRAUDING PEOPLE AND I
22 SUBMIT TO YOU THE STATE HAS NOT PROVEN THAT BEYOND A
23 REASONABLE DOUBT.

24 NOW WHEN YOU GO BACK TO DELIBERATE YOU OBVIOUSLY
25 NEED TO CONSIDER ALL THE EVIDENCE VERY CAREFULLY BUT LIKE I

1 SAID, THE ONE THING I REALLY WANT YOU TO TRY AND FOCUS ON
2 IS THE INTENT OF WHAT WAS GOING ON HERE BECAUSE THAT'S VERY
3 IMPORTANT AS FAR AS THE OBTAINING GOODS BY FALSE PRETENSES
4 AND AS FAR AS THE UNAUTHORIZED PRACTICE OF LAW LOOK AT WAS
5 IT ACTUALLY LEGAL ADVICE? WAS IT THE PRACTICE OF LAW OR
6 WAS IT ADVICE OR ACTIONS WHEREBY HE WAS GIVING ADVICE ON
7 LEGAL MATTERS THAT DID NOT CONSTITUTE THE PRACTICE OF LAW?

8 NOW EACH OF YOU WHEN YOU GO BACK THERE HAS A VOTE
9 AND THIS IS PROBABLY THE MOST POWERFUL VOTE YOU'LL EVER
10 HAVE IN YOUR LIFE. IN A NATIONAL ELECTION YOU'RE ONE OF
11 MILLIONS, TENS OF MILLIONS OF PEOPLE, EVEN IN A LOCAL
12 ELECTION ONES OF 100s OR ONES OF 1000s, HERE YOU'RE ONE OF
13 12 PEOPLE. NOW EACH OF YOU HAVE TO ANALYZE THE EVIDENCE
14 SEPARATELY IN YOUR OWN MINDS BUT YOU MUST BE OPEN TO
15 DELIBERATIONS OF YOUR FELLOW JURORS BUT IF YOU DON'T
16 BELIEVE THEY'VE PROVEN HIS GUILT BEYOND A REASONABLE DOUBT
17 THAT EACH ELEMENT OF EACH CHARGE IT'S YOUR DUTY TO VOTE NOT
18 GUILTY.

19 NOW MR. MYRICK IS GOING TO HAVE THE LAST ARGUMENT
20 AND OBVIOUSLY THE PERSON WHO SPEAKS LAST TENDS TO STICK OUT
21 MORE IN YOUR MIND AND HE'S A GREAT LAWYER AND I'M SURE
22 HE'LL HAVE A GREAT CLOSING ARGUMENT AND WHAT WE SAY ISN'T
23 EVIDENCE, WHAT I'VE SAID ISN'T EVIDENCE. THAT'S UP FOR
24 YA'LL TO RECALL WHAT THE FACTS ARE, AND YA'LL TO DETERMINE
25 WHAT THE FACTS ARE, BUT WHEN HE GOES THROUGH HIS CLOSING

1 AND AFTER THE JUDGE GOES BACK TO THE LAW AND YOU'LL FINALLY
2 GET TO GO BACK TO DELIBERATE, I REALLY WANT YA'LL TO FOCUS
3 ON THE INTENT OF WHAT WAS GOING ON HERE.

4 THERE WAS NO CRIMINAL INTENT IN THIS CASE AND IF
5 THERE'S NO CRIMINAL INTENT YOU MUST FIND HIM NOT GUILTY AS
6 TO THOSE TWO INDICTMENTS.

7 FURTHERMORE, WHILE HE GAVE ADVICE ON ISSUES THAT
8 INVOLVED LEGAL MATTERS THERE WAS NO LEGAL ADVICE GIVEN.
9 THERE'S NO PROOF BEYOND A REASONABLE DOUBT OF HIM PREPARING
10 ANYTHING. NONE OF THESE DEEDS HAVE HAD SOMEBODY COME IN
11 AND SAY I SAW HIM PREPARE ANY OF THESE. HE'S TOLD ME HE
12 PREPARED THESE HIMSELF, NONE OF THAT. SO I THINK WHEN YOU
13 GET BACK THERE AND YOU REALLY START DELIBERATING HARD
14 YOU'RE GOING TO FIND THE STATE HAS FAILED TO MEET THEIR
15 BURDEN OF PROOF AND YOU'LL FIND MR. JOLLY NOT GUILTY AS TO
16 ALL THREE INDICTMENTS. THANK YOU.

17 THE COURT: MR. MYRICK?

18 MR. MYRICK: THANK YOU, YOUR HONOR, IF IT PLEASE
19 THE COURT?

20 THE COURT: YES, SIR.

21 CLOSING ARGUMENT

22 BY MR. MYRICK:

23 I TOLD YA'LL WHEN WE STARTED PART OF MY JOB WAS
24 TO PRESENT YA'LL THE EVIDENCE. THIS IS SOME OF IT AND A
25 LOT OF IT CAME FROM RIGHT THERE. NOW YOU GOT THREE

1 CHARGES, ONE IS THE UNAUTHORIZED PRACTICE OF LAW. THE
2 JUDGE IS GOING TO INSTRUCT YOU ON THE LAW. IF ANYTHING I
3 SAY IS DIFFERENT THAN WHAT HE SAYS DON'T GO WITH ME, GO
4 WITH HIS HONOR, THE JUDGE. BUT WHAT I THINK HE'S GOING TO
5 TELL YOU IS THIS, THAT ANY LEGAL ADVICE, ANY ADVICE GIVEN
6 IN MATTERS CONNECTED WITH THE LAW, THAT ANY COURT
7 APPEARANCES, ANY PLEADINGS, ALL CONSTITUTE THE PRACTICE OF
8 LAW IN SOUTH CAROLINA. IT'S WHAT IT IS, HE'S GOING TO TELL
9 YOU WHEN HE CHARGES YOU.

10 NOW WHAT EVIDENCE IS THERE THAT HE DID THAT?
11 WELL THIS MORNING YOU HEARD FROM MS. CURTIS WHO SAID, YEAH,
12 HE WENT TO COURT WITH ME, AND YOU HEARD FROM MS. HARDWICK,
13 AND BETWEEN THE TWO OF THEM WE KNOW HE WENT TO COURT A HALF
14 A DOZEN TIMES WITH THEM. HE TOLD THEM WHAT TO DO, WHEN TO
15 SPEAK, WHAT NOT TO SPEAK. HE GAVE THEM A LITTLE HAND
16 SIGNAL NOT TO SAY ANYTHING, AND HE WAS GIVING THEM ADVICE
17 ALL THE TIME.

18 NOW THIS IS ANNIE BELL MARTIN'S QUITCLAIM DEED
19 AND IN HERE ALSO YOU'RE GOING TO SEE A QUITCLAIM FOR MS.
20 REINHARDT. THEY ARE IDENTICAL BUT FOR THE NAME BUT FOR THE
21 ADDRESSES OF THE PROPERTY. MS. REINHARDT SAYS THIS
22 DOCUMENT PREPARED BY ROBERT STEVE JOLLY. IT SAYS IT RIGHT
23 THERE AS PLAIN AS DAY BUT I SUBMIT TO YOU PAULETTE HOLMES
24 SHOULD BE IN THERE, TOO, THAT MR. JOLLY GOT SMARTER AS HE
25 WENT ALONG AND MAYBE HE REALIZED THAT SOME OF HIS SCHEMES

1 COULD BE IMPROVED UPON SO HE CHANGED HIS TACTICS AS HE
2 MOVED FORWARD. HE WOULD DO THE SAME THING EVERY SINGLE
3 TIME BECAUSE WHAT HE REALLY WANTED WAS THE MONEY AND HE GOT
4 IT. YOU NEVER HEARD HIM DENY IT. HE SAID, OH, I DON'T
5 KNOW IF I REMEMBER IF THIS IS EXACTLY CORRECT OR NOT, YOU
6 KNOW THIS IS A COPY.

7 WELL YOU HEARD FROM PAULETTE HOLMES, YOU HEARD
8 FROM ANNIE BELL MARTIN, YOU HEARD FROM EVERYBODY THAT PAID
9 HIM. SORRY, YA'LL, I BELIEVE I'M MISSING SOMETHING, BUT
10 WE'LL FIND IT AND I'LL JUST TELL YOU YOU'RE GOING TO SEE IT
11 WHEN YOU'RE BACK THERE. IT IS THE REINHARDT'S QUITCLAIM
12 DEED AND IT SAYS PREPARED BY STEVE JOLLY AND I SUBMIT TO
13 YOU SOMEWHERE ALONG THE LINE HE MIGHT HAVE FIGURED OUT
14 MAYBE IT WASN'T SUCH A GOOD IDEA TO HAVE HIS NAME ON IT.
15 HE BLAMED IT ON THE VICTIM, THEY PREPARED THIS DEED, THEY
16 PREPARED THIS STATEMENT. YOU HEARD EVERYONE OF THOSE
17 PEOPLE, SOME ARE SITTING RIGHT THERE, SAY I DIDN'T WRITE
18 THAT, I DIDN'T WRITE THAT, FIRST TIME I EVER SAW IT WAS
19 WHEN STEVE JOLLY GAVE IT TO ME.

20 THE DRAFTING OF THE DEEDS, THE LEGAL ADVICE, THE
21 COURT APPEARANCES, ALL CONSTITUTE THE PRACTICE OF LAW, SO
22 WHAT DID HE SAY ON THE STAND. HE SAID, OH, YEAH, FOR MY
23 CLIENTS WHEN I WOULD GO TO COURT AND REPRESENT THEM, AND I
24 SAID, I'M SORRY, IS THAT WHAT YOU SAID, DID YOU SAY YOUR
25 CLIENTS. HE SAID, NO, NO, I DIDN'T SAY THAT, I'M SURE SOME

1 OF YA'LL HEARD IT, THOUGH. IT WAS A SLIP UP. HE SLIPPED
2 UP AND SAID WHAT HE REALLY THOUGHT. SO THEY WERE HIS
3 CLIENTS, AND HE ALSO SAID, WHAT DID HE SAY, OH, NOBODY LOST
4 THEIR HOUSE WHILE I WAS REPRESENTING THEM.

5 WELL YA'LL HEARD FROM PEOPLE WHO LOST HOUSES AND
6 THE JUDGE IS GOING TO INSTRUCT YOU ON CREDIBILITY SO YOU
7 GET TO DECIDE, NOBODY BUT YA'LL, YA'LL GOING TO BELIEVE
8 THEM, YOU GOING TO BELIEVE HIM. YOU GET TO DECIDE.

9 NOW OBTAINING GOODS OR PROPERTY BY FALSE
10 PRETENSES. WHAT I BELIEVE YOU HEARD MS. PAULETTE HOLMES
11 SAY WAS HAD I KNOWN WHAT I KNOW NOW I WOULD NOT HAVE GIVEN
12 THE MONEY. SHE ALL BUT SAID I WAS TRICKED AND YOU HEARD
13 THAT SAME THING MORE THAN ONCE. YOU HEARD THE EXACT SAME
14 THING FROM ANNIE BELL MARTIN, IF I HAD KNOWN THEN WHAT I
15 KNOW NOW I WOULDN'T HAVE WRITTEN THOSE CHECKS. THE FALSE
16 PRETENSES ARE WHAT HE TOLD THEM HE COULD DO.

17 NOW A COUPLE OF THINGS THERE, IF YOU OBTAIN THE
18 MONEY UNDER FALSE PRETENSES IT DOESN'T MATTER WHAT YOU DO
19 WITH IT. THE JUDGE IS GOING TO INSTRUCT YOU, LISTEN TO
20 THAT INSTRUCTION. IT DOESN'T MATTER IF HE OBTAINED THE
21 MONEY FOR THE PURPOSE OF BUILDING AN ORPHANAGE, HE STILL
22 GOT IT UNDER FALSE PRETENSES. SO THAT NONSENSE YOU HEARD
23 ABOUT WELL I DIDN'T GET ANY OF THE MONEY EVEN IF YOU
24 BELIEVE HIM IT DON'T MATTER, WE KNOW WHERE IT WENT. WE GOT
25 HIS STATEMENT AND EVERYBODY THAT TESTIFIED FOR THE STATE,

1 YEAH, THIS IS AN EXACT COPY OF WHAT HE SENT.

2 AND, SECONDLY, WHAT YOU ALSO HEARD AND YOU HEARD
3 IT STRAIGHT FROM MR. JOLLY, ONCE THESE QUITCLAIM DEEDS WERE
4 FILED I NOT ONLY HAD THEIR MONEY I HAD THEIR HOUSE, I HAD
5 THEIR HOUSE. WHAT'S SOMEBODY'S HOME WORTH, WHAT'S YOUR
6 HOME WORTH IF YOU'VE BEEN LIVING IN IT LIKE ANNIE BELL
7 MARTIN FOR YEARS? WHAT'S YOUR HOME WORTH, HOME WORTH IF
8 YOU'RE PAULETTE HOLMES? SO I WOULD URGE YOU AND SUBMIT TO
9 YOU THAT YOU SHOULD NOT GIVE ANY CREDIT TO THE DEFENSE
10 NOTION THAT YOU NEED TO GO BACK THERE AND ENGAGE IN
11 CALCULUS. HE OBTAINED MORE THAN \$5,000 FROM EACH OF THOSE
12 WOMEN.

13 NOW ALL THIS IS NEW TO YA'LL BUT WE KNOW FOR
14 SURE, IT'S INTO EVIDENCE, THAT HE GOT THE HOUSES AND WE
15 KNOW HE GOT THE MONEY AND WE KNOW HE WENT TO COURT AND HE
16 SLIPPED UP AGAIN ON THE STAND WHEN HE SAID, YEAH, I HAD
17 THAT COURT DOCKET BACKED UP, OR WORDS TO THAT AFFECT, AND
18 WHAT'S IN IT FOR HIM. I'M GOING TO SUBMIT TO YOU THAT THE
19 SCHEME WHEN YOU LOOK AT ALL THIS EVIDENCE TOGETHER ALL AT
20 THE SAME TIME HE WOULD GET THE HOUSE AND HE WOULD GET THE
21 MONEY.

22 NOW WHEN HE FILED THE QUITCLAIM DEED WHERE DID
23 THE MAIL GO? THE MAIL WENT TO MR. JOLLY'S MAILBOX. SO MS.
24 MARTIN, MS. CURTIS, MS. HARDWICK, MS. REINHARDT, AND FOLKS
25 WHO ARE NOT HERE TODAY, THEY'RE NOT GETTING THE MAIL. THEY

1 THINK EVERYTHING IS HUNKY-DORY CAUSE THEY'RE LIVING IN
2 THEIR HOUSE, THEY'RE MAKING PAYMENTS, AND THEY'RE NOT
3 GETTING ANY MAIL FROM THE LAWYERS OF THE FORECLOSURE
4 COMPANY, RIGHT. WELL WHEN THE COURT COMPLETES THE
5 FORECLOSURE THE SHERIFF IS GOING TO COME PUT YOU OUT OF
6 THAT HOUSE AND WHEN THAT HAPPENS THE JIG IS UP. BUT AS
7 LONG AS THEY ARE IN THE HOUSE THAT MR. JOLLY OWNS PAYING
8 HIM THINKING EVERYTHING IS FINE THEY'RE GOING TO KEEP
9 SCRATCHING OUT THESE CHECKS EVERY MONTH JUST LIKE THESE
10 PAYMENTS SHOW. AS SOON AS THEY GET EVICTED FROM THEIR
11 HOMES THE JIG IS UP, RIGHT, SO WHAT DO YOU DO IF YOU'RE
12 THIS MAN, THIS WOLF, WHAT DO YOU DO? YOU SLOW DOWN THE
13 FORECLOSURE PROCESS. YOU FILE DOCUMENTS, YOU DRAG THINGS
14 OUT, GO TO COURT. YOU TELL ALL THESE PEOPLE, DON'T TALK TO
15 THE BANK CAUSE AS LONG AS THEY'RE IN THAT HOUSE AND YOU'RE
16 FRUSTRATING THE PROCEEDINGS IN THE COURT WITH THESE FILINGS
17 THAT YOU HEARD BOB WOOD DESCRIBE YOU ARE GETTING PAID EVERY
18 MONTH LIKE CLOCK WORK FROM PEOPLE WHO THINK THEY ARE PAYING
19 THEIR MORTGAGES.

20 NOW THERE'S HIS BUSINESS CARD, "NO PROBLEMS ONLY
21 SOLUTIONS," AND YOU HEARD ABOUT HIS OFFICE. IF YOU'VE EVER
22 BOUGHT A HOUSE AND GONE INTO SOMEBODY'S OFFICE AND DURING
23 THE CLOSING YOU GOT SOMEBODY PUSHING PAPERS AT YOU, SIGN
24 HERE, SIGN HERE, SIGN HERE. MY ARGUMENT IS THAT MAYBE ONE
25 PERSON IN 10,000 READS THESE DOCUMENTS WORD FOR WORD. ALL

1 THE PEOPLE YOU HEARD FROM WHO LOST MONEY TO MR. JOLLY ALL
2 SAID WE TRUSTED HIM, WE TRUSTED HIM. HE WAS SET UP TO
3 TRUST HIM. HE HAD AN OFFICE, HE HAD EMPLOYEES, HE HAD A
4 BUSINESS CARD THAT SAID NO PROBLEMS ONLY SOLUTIONS.

5 AND MS. MARTIN, AND MS. HOLMES, MS. HARDWICK, MS.
6 CURTIS, ALL SAID WE WERE IN TROUBLE. WE NEEDED HELP AND WE
7 BELIEVED HIM. HE DID IT. THE EVIDENCE SAYS IT PLAIN AS
8 DAY. HE MADE A FEW STATEMENTS ON THE WITNESS STAND THAT
9 SUPPORT OUR CASE A LOT MORE THAN HIM.

10 I'VE GOT AN 11-YEAR-OLD SON THAT PLAYS BASEBALL
11 AND THIS PAST WEEKEND HE WAS AT THE PLATE AND THE THIRD
12 STRIKE CAME IN THIS HIGH AND THIS CLOSE. HE DIDN'T SWING
13 THE BAT AND I WALKED OVER TO THE DUGOUT AT A BREAK AND I
14 SAID, SON, I SAID, YOU DON'T EVER TAKE A THIRD STRIKE.
15 HE'S BIG TOUGH KID BUT HE SAID, DADDY, HE SAID, WHY, WHY,
16 DADDY, WHY DID HE NOT DO THE RIGHT THING, AND I SAID, I
17 CAN'T TELL YOU. THESE PEOPLE HAVE NEVER RUN INTO SOMEONE
18 LIKE HIM IN THEIR LIVES WHO WASN'T GOING TO DO THE RIGHT
19 THING AND WHAT I TOLD HIM IS YOU'RE GOING TO RUN INTO
20 PEOPLE IN YOUR LIFE AT SOME TIME OR ANOTHER WHO ARE NOT
21 GOING TO DO THE RIGHT THING BUT WHAT YOU NEED TO DO AND
22 WHAT YOU NEED TO REMEMBER IS ONE DAY YOU WILL GET THE
23 CHANCE TO DO THE RIGHT THING. YA'LL'S CHANCE IS NOW, THANK
24 YOU.

25

JURY CHARGE

1 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN, ALL
2 OF THE TESTIMONY AND THE EVIDENCE HAS BEEN PRESENTED IN
3 THIS CASE. THE ATTORNEYS HAVE MADE THEIR CLOSING ARGUMENTS
4 AND NOW IS THE TIME FOR ME TO CHARGE YOU WITH THE LAW TO BE
5 APPLIED IN THIS CASE. I'LL REMIND YOU THAT THE FACT THAT
6 THE DEFENDANT WAS ARRESTED, CHARGED, AND INDICTED IN THIS
7 CASE IS NOT EVIDENCE IN THIS CASE AND CANNOT BE CONSIDERED
8 BY YOU AS EVIDENCE OF GUILT IN THIS CASE NOR DOES THE
9 ARREST, CHARGE, AND INDICTMENT OF THE DEFENDANT CREATE ANY
10 PRESUMPTION OR INFERENCE OF GUILT.

11 THE INDICTMENTS ARE SIMPLY THE FORMAL WRITTEN
12 INSTRUMENTS WHICH CONTAIN THE CHARGES MADE AGAINST THE
13 DEFENDANT. THEY ARE THE FORMAL DOCUMENTS BY WHICH THIS
14 CASE IS BROUGHT INTO THIS COURT.

15 THE INDICTMENTS IN THIS CASE ALLEGE SEVERAL
16 DIFFERENT OFFENSES AGAINST THE DEFENDANT. THE ALLEGED
17 OFFENSES OR CHARGES IN THIS CASE ARE ENGAGING IN THE
18 UNAUTHORIZED PRACTICE OF LAW AND TWO COUNTS OF OBTAINING
19 PROPERTY BY FALSE PRETENSES.

20 EACH INDICTMENT CHARGES A SEPARATE AND DISTINCT
21 OFFENSE. YOU MUST DECIDE EACH INDICTMENT SEPARATELY ON THE
22 EVIDENCE AND THE LAW APPLICABLE TO IT UNINFLUENCED BY YOUR
23 DECISION AS TO THE OTHER INDICTMENTS.

24 THE DEFENDANT MAY BE CONVICTED OR ACQUITTED ON
25 ONE, TWO, OR THREE OF THE OFFENSES CHARGED. YOU WILL BE

1 ASKED TO WRITE A SEPARATE VERDICT OF GUILTY OR NOT GUILTY
2 FOR EACH INDICTMENT.

3 NOW THE DEFENDANT HAS PLED NOT GUILTY TO THESE
4 INDICTMENTS AND THAT PLEA PUTS THE BURDEN ON THE STATE TO
5 PROVE THE DEFENDANT GUILTY. A PERSON CHARGED WITH
6 COMMITTED A CRIMINAL OFFENSE IN SOUTH CAROLINA IS NEVER
7 REQUIRED TO PROVE HIS INNOCENCE.

8 I CHARGE YOU THAT AN IMPORTANT RULE OF THE LAW IS
9 THAT THE DEFENDANT IN A CRIMINAL TRIAL NO MATTER WHAT THE
10 SERIOUSNESS OF THE CHARGE MAY BE WILL ALWAYS BE PRESUMED TO
11 BE INNOCENT OF THE CRIME FOR WHICH THE INDICTMENT WAS
12 ISSUED UNLESS GUILT HAS BEEN PROVEN BY EVIDENCE SATISFYING
13 YOU OF THAT GUILT BEYOND A REASONABLE DOUBT.

14 THE PRESUMPTION OF INNOCENCE DOES NOT END WHEN
15 YOU BEGIN YOUR DELIBERATIONS BUT IT ACCOMPANIES THE
16 DEFENDANT THROUGHOUT THE TRIAL UNTIL YOU REACH A VERDICT OF
17 GUILT BASED ON EVIDENCE SATISFYING YOU OF THAT GUILT BEYOND
18 A REASONABLE DOUBT.

19 THE PRESUMPTION OF INNOCENCE IS LIKE A ROBE OF
20 RIGHTEOUSNESS PLACED ABOUT THE SHOULDERS OF THE DEFENDANT
21 WHICH REMAINS WITH THE DEFENDANT UNTIL IT HAS BEEN STRIPPED
22 FROM THE DEFENDANT BY EVIDENCE SATISFYING YOU OF THE
23 DEFENDANT'S GUILT BEYOND A REASONABLE DOUBT.

24 THE PRESUMPTION OF INNOCENCE IS NOT A MERE LEGAL
25 THEORY. IT IS NOT JUST A LEGAL PHRASE. IT IS A SUBSTANTIAL

1 RIGHT TO WHICH EVERY DEFENDANT IS ENTITLED UNLESS YOU THE
2 JURY ARE SATISFIED BY THE EVIDENCE OF THE DEFENDANT'S GUILT
3 BEYOND A REASONABLE DOUBT.

4 NOW WHAT IS REASONABLE DOUBT IN THE LAW?
5 REASONABLE DOUBT IS THE KIND OF DOUBT THAT WOULD CAUSE A
6 REASONABLE DOUBT PERSON TO HESITATE TO ACT.

7 PROOF BEYOND A REASONABLE DOUBT IS PROOF THAT
8 LEAVES YOU FIRMLY CONVINCED OF THE DEFENDANT'S GUILT.

9 WE KNOW VERY FEW THINGS IN THIS WORLD WITH
10 ABSOLUTE CERTAINTY AND IN CRIMINAL CASES THE LAW DOES NOT
11 REQUIRE PROOF THAT OVERCOMES EVERY POSSIBLE DOUBT. IF
12 BASED ON YOUR CONSIDERATION OF THE EVIDENCE YOU ARE FIRMLY
13 CONVINCED THAT THE DEFENDANT IS GUILTY OF THE CRIME OR
14 CRIMES WITH WHICH HE HAS BEEN CHARGED YOU MUST FIND THE
15 DEFENDANT GUILTY.

16 IF ON THE OTHER HAND YOU THINK A REAL POSSIBILITY
17 EXISTS THAT THE DEFENDANT IS NOT GUILTY YOU MUST GIVE THE
18 DEFENDANT THE BENEFIT OF THE DOUBT AND FIND HIM NOT GUILTY.

19 DURING THIS TRIAL YOU AND I HAVE CERTAIN DUTIES
20 TO PERFORM. AS THE TRIAL JUDGE MY RESPONSIBILITY IS TO
21 PRESIDE OVER THE TRIAL OF THIS CASE. I ALSO HAVE THE DUTY
22 TO RULE ON THE ADMISSIBILITY OF THE EVIDENCE OFFERED DURING
23 THIS TRIAL. YOU ARE TO CONSIDER ONLY THE COMPETENT
24 EVIDENCE BEFORE YOU. IF ANY TESTIMONY WAS ORDERED STRICKEN
25 FROM THE RECORD IN THIS CASE DURING THIS TRIAL YOU MUST

1 DISREGARD THAT TESTIMONY.

2 YOU ARE TO CONSIDER ONLY THE TESTIMONY WHICH HAS
3 BEEN PRESENTED FROM THE WITNESS STAND, ANY EXHIBITS WHICH
4 HAVE BEEN MADE A PART OF THE RECORD IN THIS CASE, AND ANY
5 STIPULATIONS OF COUNSEL.

6 I HAVE THE ADDITIONAL DUTY TO CHARGE YOU THE LAW
7 APPLICABLE TO THIS CASE. AS THE PRESIDING JUDGE I AM THE
8 SOLE JUDGE OF THE LAW OF THIS CASE. YOUR DUTY AS JURORS IS
9 TO ACCEPT AND APPLY THE LAW AS I NOW STATE IT TO YOU. IF
10 YOU HAVE ANY IDEA AS TO WHAT THE LAW IS OR WHAT THE LAW
11 OUGHT TO BE AND YOUR IDEA DIFFERS FROM WHAT I NOW TELL YOU
12 THE LAW IS YOU MUST ABANDON YOUR IDEA OF WHAT THE LAW IS OR
13 OUGHT TO BE BECAUSE YOU ARE SWORN TO ACCEPT THE LAW AND
14 APPLY THE LAW EXACTLY AS I STATE IT TO YOU.

15 IN EVERY CASE TRIED IN THIS COURT BEFORE A JURY
16 THE JURY BECOMES THE SOLE AND EXCLUSIVE JUDGE OF THE FACTS
17 IN THE CASE. A TRIAL JUDGE CANNOT INTIMATE, STATE, COMMENT
18 ON, OR MAKE ANY STATEMENT TO A TRIAL JURY ABOUT THE FACTS
19 IN THE CASE.

20 SINCE YOU THE JURY ARE THE SOLE JUDGE OF THE
21 FACTS IN THIS YOU ARE NOT TO INFER FROM WHAT I HAVE SAID
22 DURING THE PROCESS OF THIS TRIAL IN RULING UPON THE
23 ADMISSIBILITY OF EVIDENCE OR OTHERWISE OR ANYTHING THAT I
24 SAY NOW DURING THE COURSE OF THESE INSTRUCTIONS TO YOU THAT
25 I HAVE ANY OPINION ABOUT THE FACTS IN THIS CASE. THE LAW

1 DOES NOT ALLOW ME TO HAVE AN OPINION ABOUT THE FACTS IN
2 THIS CASE. THIS IS A MATTER SOLELY FOR YOU THE JURY TO
3 DETERMINE.

4 AS JURORS YOUR DUTY IS TO DETERMINE THE AFFECT,
5 THE VALUE, THE WEIGHT, AND THE TRUTH OF THE EVIDENCE
6 PRESENTED DURING THE TRIAL. NECESSARILY YOU MUST DETERMINE
7 THE CREDIBILITY OF WITNESSES WHO HAVE TESTIFIED IN THIS
8 CASE.

9 CREDIBILITY SIMPLY MEANS BELIEVABILITY. YOUR
10 DUTY AS JURORS IS TO ANALYZE AND TO EVALUATE THE EVIDENCE
11 AND DETERMINE WHICH EVIDENCE CONVINCES YOU OF ITS TRUTH.

12 IN DETERMINING THE BELIEVABILITY OF WITNESSES WHO
13 HAVE TESTIFIED IN THIS CASE YOU MAY BELIEVE ONE WITNESS
14 OVER SEVERAL WITNESSES OR SEVERAL WITNESSES OVER ONE
15 WITNESS.

16 YOU MAY BELIEVE A PART OF THE TESTIMONY OF A
17 WITNESS AND REJECT THE REMAINING PART OF THE TESTIMONY OF
18 THAT SAME WITNESS.

19 YOU MAY BELIEVE THE TESTIMONY OF A WITNESS IN ITS
20 ENTIRETY OR REJECT THE TESTIMONY OF A WITNESS IN ITS
21 ENTIRETY.

22 YOU MAY CONSIDER WHETHER ANY WITNESS HAS
23 EXHIBITED TO YOU ANY INTEREST, BIAS, PREJUDICE, OR OTHER
24 MOTIVE IN THIS CASE.

25 YOU MAY ALSO CONSIDER THE APPEARANCE AND MANNER

1 OF THE WITNESS WHILE ON THE WITNESS STAND.

2 GENERALLY TWO TYPES OF EVIDENCE ARE PRESENTED
3 DURING A TRIAL, DIRECT EVIDENCE, AND CIRCUMSTANTIAL
4 EVIDENCE.

5 DIRECT EVIDENCE IS THE TESTIMONY OF A PERSON WHO
6 CLAIMS TO HAVE ACTUAL KNOWLEDGE OF A FACT SUCH AS AN
7 EYEWITNESS. IT IS EVIDENCE WHICH IMMEDIATELY ESTABLISHES
8 THE MAIN FACT SOUGHT TO BE PROVED.

9 CIRCUMSTANTIAL EVIDENCE IS PROOF OF A CHAIN OF
10 FACTS AND CIRCUMSTANCES INDICATING THE EXISTENCE OF A FACT.
11 IT IS EVIDENCE WHICH IMMEDIATELY ESTABLISHES COLLATERAL
12 FACTS FROM WHICH THE MAIN FACT MAY BE INFERRED.

13 CIRCUMSTANTIAL EVIDENCE IS BASED ON INFERENCE AND
14 NOT ON PERSONAL KNOWLEDGE OR OBSERVATION.

15 THE LAW MAKES ABSOLUTELY NO DISTINCTION BETWEEN
16 THE WEIGHT OR VALUE TO BE GIVEN TO EITHER DIRECT OR
17 CIRCUMSTANTIAL EVIDENCE NOR IS A GREATER DEGREE OF
18 CERTAINTY REQUIRED FOR CIRCUMSTANTIAL EVIDENCE THAN OF
19 DIRECT EVIDENCE. YOU SHOULD WEIGH ALL OF THE EVIDENCE IN
20 THIS CASE.

21 AFTER WEIGHING ALL OF THE EVIDENCE IF YOU ARE NOT
22 CONVINCED OF THE GUILT OF THE DEFENDANT BEYOND A REASONABLE
23 DOUBT YOU MUST FIND THE DEFENDANT NOT GUILTY.

24 ON THE OTHER HAND AFTER WEIGHING ALL OF THE
25 EVIDENCE IF YOU ARE CONVINCED OF THE GUILT OF THE DEFENDANT

1 BEYOND A REASONABLE DOUBT YOU SHOULD FIND THE DEFENDANT
2 GUILTY.

3 YOU HAVE HEARD EVIDENCE THAT THE DEFENDANT WAS
4 CONVICTED OF A CRIME OTHER THAN THE ONE FOR WHICH THE
5 DEFENDANT IS NOW ON TRIAL. THIS EVIDENCE MAY BE CONSIDERED
6 BY YOU IF YOU CONCLUDE IT IS TRUE ONLY IN DECIDING WHETHER
7 THE DEFENDANT'S TESTIMONY IS BELIEVABLE AND FOR NO OTHER
8 PURPOSE. YOU MUST NOT CONSIDER THE DEFENDANT'S PRIOR
9 RECORD AS ANY EVIDENCE OF THE DEFENDANT'S GUILT OF THE
10 CHARGES WE ARE TRYING TODAY.

11 IN ORDER TO ESTABLISH CRIMINAL LIABILITY CRIMINAL
12 INTENT IS REQUIRED. FOR EXAMPLE, THE MENTAL STATE REQUIRED
13 TO BE PROVEN BY THE STATE FOR A PARTICULAR CRIME MIGHT BE
14 PURPOSE, INTENT, KNOWLEDGE, RECKLESSNESS, OR CRIMINAL
15 NEGLIGENCE.

16 CRIMINAL INTENT MUST BE PROVEN BY THE STATE
17 BEYOND A REASONABLE DOUBT. CRIMINAL INTENT IS ALWAYS A
18 MATTER WHICH MUST BE DETERMINED BY THE JURY FROM THE
19 CIRCUMSTANCES SURROUNDING THE SITUATION.

20 THERE'S NO WAY TO PROVE INTENT TO A MATHEMATICAL
21 CERTAINTY. THERE'S NO WAY MEDICAL SCIENCE CAN DISSECT A
22 PERSONS BRAIN TO DETERMINE WHAT THE PERSON HAD IN MIND SO
23 THE LAW SAYS THAT CRIMINAL INTENT MAY BE INFERRED FROM THE
24 CIRCUMSTANCES SHOWN TO HAVE EXISTED. THIS IS HOW YOU MAKE
25 A DETERMINATION OF WHETHER OR NOT THE ELEMENT REQUIRING

1 INTENT WAS PRESENT.

2 IT IS NOT NECESSARY TO ESTABLISH INTENT BY DIRECT
3 AND POSITIVE EVIDENCE BUT INTENT MAY BE ESTABLISHED BY
4 INFERENCE IN THE SAME WAY AS ANY OTHER FACT LIKE TAKING
5 INTO CONSIDERATION THE ACTS OF THE PARTIES AND ALL OF THE
6 FACTS AND CIRCUMSTANCES OF THE CASE.

7 CRIMINAL INTENT IS A MENTAL STATE, A CONSCIOUS
8 WRONGDOING. IT IS UP TO YOU TO DETERMINE WHAT THE
9 DEFENDANT INTENDED TO DO BASED ON THE CIRCUMSTANCES SHOWN
10 TO HAVE EXISTED.

11 CRIMINAL INTENT CAN ARISE FROM ACTION OR A
12 FAILURE TO ACT. IT MAY ARISE FROM NEGLIGENCE,
13 RECKLESSNESS, OR THE INDIFFERENCE TO THE DUTY OR TO THE
14 CONSEQUENCES THAT IS CONSIDERED BY THE LAW TO BE THE
15 EQUIVALENT OF CRIMINAL INTENT.

16 IN THIS CASE THE DEFENDANT HAS BEEN CHARGED WITH
17 THE UNAUTHORIZED PRACTICE OF LAW. THE LAW IN THIS STATE IS
18 THAT NO PERSON MAY EITHER PRACTICE LAW OR SOLICIT THE LEGAL
19 CAUSE OF ANOTHER PERSON OR ENTITY IN THIS STATE UNLESS HE
20 IS ENROLLED AS A MEMBER OF THE SOUTH CAROLINA BAR PURSUANT
21 TO APPLICABLE COURT RULES OR OTHERWISE AUTHORIZED TO
22 PERFORM, PRESCRIBE LEGAL ACTIVITIES BY ACTION OF THE
23 SUPREME COURT OF SOUTH CAROLINA.

24 THE GENERALLY UNDERSTOOD DEFINITION THE PRACTICE
25 OF LAW EMBRACES PREPARATION OF PLEADINGS AND OTHER PAPERS

1 INCIDENT TO ACTIONS IN SPECIAL PROCEEDINGS, IN MANAGEMENT
2 OF SUCH ACTIONS AND PROCEEDINGS ON BEHALF OF CLIENTS BEFORE
3 JUDGES AND COURTS.

4 PREPARATION OF LEGAL DOCUMENTS FOR OTHERS
5 CONSTITUTES THE PRACTICE OF LAW WHEN SUCH PREPARATION
6 INVOLVES GIVING OF ADVICE, CONSULTATION, EXPLANATION, OR
7 RECOMMENDATIONS ON MATTERS OF LAW.

8 FURTHER, INSTRUCTING OTHER INDIVIDUALS IN THE
9 MANNER IN WHICH TO PREPARE AND EXECUTE SUCH DOCUMENTS IS
10 ALSO THE PRACTICE OF LAW.

11 THE PRACTICE OF LAW IS NOT CONFINED TO LITIGATION
12 BUT EXTENDS TO ACTIVITIES AND OTHER FIELDS WHICH ENTAIL
13 SPECIALIZED LEGAL KNOWLEDGE AND ABILITY.

14 ALSO WHETHER SOMEONE RECEIVES PAYMENT FOR
15 SERVICES IS NOT RELEVANT TO WHETHER OR NOT THEY ARE
16 ENGAGING IN THE UNAUTHORIZED PRACTICE OF LAW.

17 A PERSON WHO IS COMMITTING ACTS WITHOUT
18 COMPENSATION IS IN VIOLATION OF THIS LAW IF THEY ACT AS I
19 HAVE DESCRIBED, HOWEVER THE UNAUTHORIZED PRACTICE OF LAW
20 DOES NOT INCLUDE A NON LAWYERS REPRESENTATION OR
21 PERFORMANCE OF LEGAL SERVICES ON BEHALF OF HIMSELF OR
22 HERSELF.

23 THE DEFENDANT IS ALSO CHARGED WITH TWO COUNTS OF
24 OBTAINING PROPERTY BY FALSE PRETENSES. THE LAW IN THIS
25 STATE IS THAT A PERSON SHALL NOT BY FALSE PRETENSE OR

1 REPRESENTATION OBTAIN THE SIGNATURE OF A PERSON TO A
2 WRITTEN INSTRUMENT OR OBTAIN FROM ANOTHER PERSON ANY
3 CHATTEL, MONEY, VALUABLE SECURITY, OR OTHER PROPERTY REAL
4 OR PERSONAL WITH INTENT TO CHEAT AND DEFRAUD A PERSON OF
5 THAT PROPERTY.

6 NOW THERE ARE TWO POSSIBLE VERDICTS WHICH YOU MAY
7 FIND FOR EACH INDICTMENT IN THIS CASE. NO SIGNIFICANCE
8 WHATSOEVER IS TO BE GIVEN TO THE ORDER IN WHICH I STATE
9 THESE POSSIBLE VERDICTS TO YOU. I SIMPLY MUST STATE ONE
10 FIRST, ONE SECOND, AND SO FORTH.

11 AS TO THE INDICTMENT, EXCUSE ME, AS TO INDICTMENT
12 NUMBER 2009-GS-26-1786 FOR THE UNAUTHORIZED PRACTICE OF LAW
13 YOUR POSSIBLE VERDICTS ARE GUILTY OR NOT GUILTY.

14 LIKEWISE AS TO INDICTMENT NUMBER 2009-GS-26-2946
15 FOR OBTAINING PROPERTY BY FALSE PRETENSES YOUR POSSIBLE
16 VERDICTS ARE GUILTY OR NOT GUILTY.

17 AS TO THIS INDICTMENT IF YOU FIND THE DEFENDANT
18 GUILTY YOU MUST THEN DECIDE THE AMOUNT OF LOSS SUFFERED BY
19 THE ALLEGED VICTIM AS TO WHETHER OR NOT IT WAS MORE THAN OR
20 LESS THAN \$5,000.

21 AS TO INDICTMENT NUMBER 2009-GS-26-2950 FOR
22 OBTAINING PROPERTY BY FALSE PRETENSES YOUR POSSIBLE
23 VERDICTS ARE GUILTY OR NOT GUILTY.

24 LADIES AND GENTLEMEN, EACH OF YOUR VERDICTS MUST
25 BE A UNANIMOUS VERDICT.

1 MS. MCGEE, AS FOREPERSON WHEN THE VERDICT, WHEN
2 THE JURY REACHES A VERDICT ON EACH INDICTMENT YOU ARE TO
3 WRITE THAT VERDICT ON THE INDICTMENT BELOW THE PART WHERE
4 IT SAYS VERDICT, SIGN YOUR NAME AND DATE IT.

5 AS I STATED AS TO INDICTMENT 2009-GS-26-2946 YOU
6 ARE TO FIND EITHER GUILTY OR NOT GUILTY. IF YOU DECIDE
7 GUILTY THEN BELOW GUILTY VERDICT YOU MUST DECIDE WHETHER OR
8 NOT THE AMOUNT OF LOSS SUSTAINED BY THE ALLEGED VICTIM WAS
9 MORE THAN \$5,000 OR LESS THAN \$5,000, SO YOU CAN SIMPLY
10 WRITE MORE THAN \$5,000 OR LESS THAN \$5,000.

11 NOW ONCE YOU HAVE REACHED A VERDICT ON EACH
12 INDICTMENT AND HAVE COMPLETED THE INDICTMENTS YOU CAN THEN
13 KNOCK ON THE DOOR AND ADVISE THE BAILIFF THAT YOU HAVE
14 REACHED A VERDICT IN THESE CASES.

15 NOW I'M GOING TO EXCUSE YOU BACK TO THE JURY
16 ROOM, HOWEVER DO NOT BEGIN YOUR DELIBERATIONS AT THIS POINT
17 IN TIME. I HAVE TO CHECK WITH THE ATTORNEYS TO SEE IF THEY
18 HAVE ANY CHALLENGES OR ADDITIONAL CHARGES THAT I SHOULD
19 MAKE TO YOU. IF THEY DO AND I DEEM THOSE CHARGES
20 APPROPRIATE I'LL BRING YOU BACK IN FOR THE ADDITIONAL
21 CHARGES OR CLARIFICATION. ON THE OTHER HAND IF THERE ARE
22 NO ADDITIONAL CHARGES OR CLARIFICATIONS TO BE MADE WE WILL
23 SEND THE INDICTMENTS, ALL OF THE EXHIBITS BACK TO THE JURY
24 ROOM WITH YOU AND THE BAILIFF WILL INSTRUCT YOU THAT YOU
25 CAN BEGIN YOUR DELIBERATIONS, OKAY.

1 NOW YOU HAVE TAKEN NOTES, SOME OF YOU HAVE TAKEN
2 NOTES, YOU ARE ALLOWED TO TAKE YOUR NOTE PADS INTO THE JURY
3 ROOM WITH YOU. HOWEVER, PLEASE, KEEP IN MIND THAT THE
4 NOTES YOU HAVE TAKEN ARE PERSONAL TO YOU AND IT IS ONLY TO
5 REFRESH YOUR MEMORY AS TO WHAT YOU THINK IS IMPORTANT.
6 JUST BECAUSE A PERSON HAS TAKEN A NOTE ON A PARTICULAR
7 TESTIMONY DOES NOT MEAN THAT THAT PERSON RECALLED THE
8 TESTIMONY OR INTERPRETED THE TESTIMONY ANY BETTER THAN
9 SOMEONE WHO DID NOT TAKE A NOTE. THE PURPOSE OF YOUR NOTE
10 TAKING IS TO REFRESH YOUR MEMORY AS TO WHAT YOU FEEL IS
11 IMPORTANT IN THIS CASE. SO I'M GOING TO EXCUSE YOU BACK TO
12 THE JURY ROOM BUT, PLEASE, DO NOT BEGIN YOUR DELIBERATIONS
13 UNTIL YOU'RE TOLD TO DO SO, ALL RIGHT.

14 (WHEREUPON, THE JURY RETIRED TO THE JURY ROOM AT
15 2:56 P.M.)

16 THE COURT: ALL RIGHT, ANY EXCEPTIONS OR
17 CHALLENGES TO THE CHARGE BY THE STATE?

18 MR. MYRICK: NO, SIR.

19 THE COURT: ANY BY THE DEFENSE?

20 MR. LOCKLAIR: NO, YOUR HONOR.

21 THE COURT: ALL RIGHT, LET'S MAKE SURE WE'VE GOT
22 ALL OF THE EXHIBITS TOGETHER. HERE ARE THE INDICTMENTS.
23 YOU CAN TAKE THE EXHIBITS BACK TO THE JURY ROOM WITH THE
24 INDICTMENTS AND TELL THEM TO BEGIN THEIR DELIBERATIONS.

25 MR. MYRICK: YOUR HONOR?

1 THE COURT: YES?

2 MR. MYRICK: DURING PRETRIAL THIS GLOBAL ORDER
3 BY JUDGE BAXLEY GOT MARKED. MY UNDERSTANDING IT WAS PUT
4 INTO EVIDENCE AS A COURT'S EXHIBIT DURING PRETRIAL.

5 THE COURT: WHAT NUMBER IS THAT?

6 MR. MYRICK: IT IS NUMBER 3.

7 MADAM COURT REPORTER: HE'S CORRECT, YOUR HONOR,
8 THAT WAS A PRETRIAL EXHIBIT.

9 THE COURT: YEAH, OKAY.

10 MR. MYRICK: THIS ONE SHOULDN'T GO AND I
11 BELIEVE, YOUR HONOR, DURING PRETRIAL --

12 MR. LOCKLAIR: THAT WHOLE PACKET SHOULD NOT GO,
13 YOUR HONOR.

14 MR. MYRICK: RIGHT.

15 THE COURT: WHICH ONE IS THAT?

16 MR. MYRICK: WE HAD AN ISSUE, YOUR HONOR, IF YOU
17 REMEMBER PRETRIAL REGARDING WHETHER THE CONVICTION WAS
18 WITHIN TEN YEARS.

19 THE COURT: RIGHT.

20 MR. MYRICK: AND WE MARKED EVERYTHING AS ONE
21 PACKET INCLUDING JOLLY'S PLEAS, DOCKET SHEETS WITH THIS,
22 THIS FOUR- PAGE DOCUMENT IS THE ACTUAL COUNTERFEITING
23 JUDGMENT AND THIS MAKES IT CLEAR -- WELL I DON'T KNOW IF WE
24 SHOULD SEND THIS WHOLE PACKAGE BACK, YOUR HONOR?

25 MR. LOCKLAIR: MY IMPRESSION YOU WERE JUST

1 MEANING CONVICTION IN THIS PACKET WHEN IT AS ADMITTED

2 MR. MYRICK: AND THAT WAS MY INTENTION.

3 MR. LOCKLAIR: YEAH.

4 MR. MYRICK: WE CAN SEND IT BACK.

5 MR. LOCKLAIR: THERE'S A LOT MORE IN THAT THAT'S
6 PREJUDICIAL ESPECIALLY THE DOCKET SHEET TALKS ABOUT A
7 WITNESS -

8 THE COURT: YOU TALKING ABOUT DEFENDANT'S
9 EXHIBIT NUMBER 4?

10 MR. MYRICK: TALKING ABOUT STATE'S 4.

11 MR. LOCKLAIR: STATE'S 4.

12 THE COURT: WHEN DID THAT COME IN? I DON'T EVEN
13 HAVE STATE'S EXHIBIT NUMBER 4.

14 MADAM COURT REPORTER: IT CAME IN THE FIRST DAY
15 OF TRIAL, JUDGE.

16 THE COURT: THAT WAS IN THE MOTION TO SUPPRESS
17 PRIOR BAD ACTS.

18 MADAM COURT REPORTER: IT WAS IN PRETRIAL
19 MOTIONS.

20 MR. MYRICK: IT WAS IN A BIG FILE. I WANTED TO
21 CLARIFY WHAT, IF ANYTHING DID GO BACK.

22 THE COURT: I SEE IT HERE NUMBER 4 DOESN'T GO
23 BACK TO THE JURY. NONE OF IT GOES BACK IS WHAT I
24 UNDERSTAND.

25 ALL RIGHT, HAS EVERYBODY GONE OVER THE EXHIBITS

1 AND THEY'RE ALL RIGHT?

2 MR. MYRICK: YES, SIR, THEY ARE, YOUR HONOR.

3 MR. LOCKLAIR: YES, SIR, EVERYTHING IS OKAY,
4 YOUR HONOR.

5 THE COURT: ALL RIGHT, YOU CAN TAKE THE EXHIBITS
6 AND THE INDICTMENTS BACK TO THEM, TELL THEM THEY CAN BEGIN
7 THEIR DELIBERATIONS. IF YOU'D, PLEASE, BRING MS. SWOYER,
8 THE ALTERNATE, OUT?

9 THE BAILIFF: SWOYER?

10 THE COURT: SWOYER, S-W-O-Y-E-R, SWOYER.

11 (WHEREUPON, THE VERDICT FORMS AND EXHIBITS WERE
12 DELIVERED TO THE JURY ROOM AT 3:10 P.M. WITH INSTRUCTIONS
13 TO BEGIN DELIBERATIONS AND THE ALTERNATE WAS EXCUSED BY THE
14 COURT.)

15 (WHEREUPON, THE JURY KNOCKED WITH A QUESTION AT
16 3:30 P.M.)

17 THE COURT: ALL RIGHT, THE JURY SENT OUT A
18 REQUEST. IT SAYS "THE JURY IS REQUESTING EXPLANATION OR A
19 WRITTEN COPY OF THE LAW THAT DESCRIBES UNAUTHORIZED
20 PRACTICE OF LAW," MICHELLE MCGEE, WHO IS THE FOREPERSON.
21 WELL I JUST WENT BACK TO MY JURY INSTRUCTIONS. I'VE
22 PRINTED OUT MY CHARGE FOR THE UNAUTHORIZED PRACTICE OF LAW.
23 I WAS JUST GOING TO STAPLE THAT TO THEIR REQUEST AND SEND
24 IT BACK TO THEM. IT SAYS THEY WANT EXPLANATION OR A
25 WRITTEN COPY OF THE LAW THAT DESCRIBES IT.

1 MR. LOCKLAIR: FOR THE DEFENSE I'D PREFER THAT
2 YOU RECHARGE IT ORALLY AND NOT SEND BACK A WRITTEN COPY.
3 IF YOU'RE GOING TO SEND BACK PART OF THE INSTRUCTIONS I'D
4 PREFER I THINK THE WHOLE THING SHOULD GO BACK BUT I KNOW
5 THEY ASKED A SPECIFIC QUESTION, THAT'S WHY I'D PREFER IF
6 YOU DO IT ORALLY.

7 THE COURT: ALL RIGHT.

8 MR. LOCKLAIR: OBVIOUSLY I UNDERSTAND THAT'S AT
9 YOUR HONOR'S DISCRETION BUT I JUST WANTED TO NOTE THAT I --

10 THE COURT: ALL RIGHT, LET ME HEAR FROM THE
11 STATE. ANY POSITION ONE WAY OR THE OTHER?

12 MR. MYRICK: NO, SIR, YOUR PLAN SUITS ME FINE.

13 THE COURT: OKAY, ALL RIGHT, I'M GOING TO JUST
14 GO AHEAD AND DO IT THIS WAY. I'M GOING TO STAPLE THEIR
15 REQUEST TO THESE INSTRUCTIONS. LET'S MARK THIS AS COURT'S
16 EXHIBIT NUMBER 2. ALL RIGHT, AND JUST SEND IT BACK TO
17 THEM.

18 (WHEREUPON, COURT'S EXHIBIT NUMBER 2 MARKED FOR
19 IDENTIFICATION.)

20 (WHEREUPON, COURT'S EXHIBIT NUMBER 2 WITH
21 ATTACHED CHARGE ON UNAUTHORIZED PRACTICE OF LAW DELIVERED
22 TO THE JURY ROOM AT 3:37 P.M.)

23 THE COURT: ALL RIGHT, WE'LL STAND IN RECESS.

24 (WHEREUPON, THE JURY KNOCKED WITH A QUESTION AT
25 4:18 P.M.)

1 THE COURT: THE FORELADY JUST STEPPED OUT AND
2 NEEDED TO KNOW HOW TO FILL OUT THE VERDICT FORM, SO I DON'T
3 KNOW IF I NEED TO JUST WRITE THE INSTRUCTIONS DOWN OR JUST
4 BRING THEM BACK OUT AND EXPLAIN TO HER HOW SHE JUST WRITES
5 THE VERDICT DOWN.

6 I CAN JUST WRITE A NOTE SAYING AS TO INDICTMENT
7 2009-GS-26-2946 YOU WRITE EITHER GUILTY OR NOT GUILTY BELOW
8 THE VERDICT, SIGN YOUR NAME AND DATE IT.

9 NO, THAT'S ON 2009-GS-26-1786, YOU EITHER WRITE
10 GUILTY OR NOT GUILTY BELOW THE VERDICT, SIGN YOUR NAME AND
11 DATE IT.

12 2009-GS-26-2950 YOU WRITE EITHER GUILTY OR NOT
13 GUILTY, SIGN YOUR NAME AND THE DATE.

14 2009-GS-26-2946 YOU WRITE GUILTY OR NOT GUILTY.
15 IF YOU WRITE GUILTY THEN YOU WRITE GREATER THAN \$5,000. IF
16 THE LOSS IF MORE THAN 5,000 OR LESS THAN \$5,000, IF THE
17 LOSS IF LESS THAN 5,000, THEN DATE IT, AND SIGN YOUR NAME.

18 YA'LL THINK I SHOULD WRITE THAT OUT OR BRING THEM
19 BACK IN AND EXPLAIN IT TO THEM?

20 MR. MYRICK: I BELIEVE I GAVE YOUR HONOR A COPY
21 OF THE STATUTE.

22 THE COURT: RIGHT.

23 MR. MYRICK: UNDER A 1,000 IS A MISDEMEANOR BUT
24 THEY WOULD HAVE TO WRITE BETWEEN ONE AND FIVE OR LESS THAN
25 ONE.

1 THE COURT: I THOUGHT THE EVIDENCE WAS EITHER IT
2 WAS JUST THAT IT'S STATED THAT'S IT MORE THAN A 1,000.

3 MR. MYRICK: I THOUGHT SO, TOO, BUT --

4 THE COURT: THAT IF THEY FIND HIM GUILTY THEN
5 IT'S EITHER MORE THAN 5,000 OR LESS THAN 5,000.

6 MR. MYRICK: THAT MAKES SENSE.

7 MR. LOCKLAIR: YES, SIR. I MEAN THE EVIDENCE
8 THERE'S NO WAY IT WOULD FALL UNDER THE 1,000.

9 THE COURT: GREATER THAN 1,000, YEAH.

10 MR. LOCKLAIR: THAT WAS THE REQUEST. THAT'S WHY
11 I DIDN'T ASK BOTH OF THEM BECAUSE THERE WASN'T ANY EVIDENCE
12 THAT WOULD TEND TO PROVE IT WAS LESS THAN A 1,000 IF THEY
13 WOULD FIND HIM GUILTY

14 MR. MYRICK: THAT'S FINE, I JUST WANTED TO BE
15 CLEAR.

16 THE COURT: YEAH, OKAY, WELL LET ME, I'VE
17 WRITTEN OUT RE INDICTMENT NUMBER 2009-GS-26-1786 ON THE
18 LINE BELOW VERDICT WRITE GUILTY IF THE VERDICT IS GUILTY OR
19 NOT GUILTY IF THE VERDICT IS NOT GUILTY.

20 RE INDICTMENT NUMBER 2009-GS-26-2946 ON THE LINE
21 BELOW VERDICT WRITE GUILTY IF THE VERDICT IS GUILTY AND
22 LESS THAN \$5,000 OR MORE THAN \$5,000 TO SHOW THE LOSS
23 SUSTAINED BY THE ALLEGED VICTIM, OR NOT GUILTY IF THE
24 VERDICT IS NOT GUILTY.

25 RE INDICTMENT NUMBER 2009-GS-26-2950 ON THE LINE

1 BELOW VERDICT WRITE GUILTY IF THE VERDICT IS GUILTY OR NOT
2 GUILTY IF THE VERDICT IS NOT GUILTY. THE FOREPERSON THEN
3 SIGNS AND DATES EACH INDICTMENT.

4 MR. LOCKLAIR: THAT'S FINE FOR THE DEFENSE, YOUR
5 HONOR.

6 MR. MYRICK: THAT'S FINE.

7 THE COURT: ALL RIGHT, LET'S PUT THIS AS COURT'S
8 EXHIBIT NUMBER 3 AND JUST SEND IT BACK, OKAY.

9 (WHEREUPON, COURT'S EXHIBIT NUMBER 3 MARKED FOR
10 IDENTIFICATION AND DELIVERED BACK TO JURY ROOM AT 4:30
11 P.M.)

12 MR. LOCKLAIR: ARE WE IN RECESS, YOUR HONOR?

13 THE COURT: YEAH, WE'RE IN RECESS BUT IF THEY'RE
14 ASKING HOW TO FILL OUT THE VERDICT FORM I'M GOING TO ASSUME
15 IT WON'T BE TOO MUCH LONGER.

16 (WHEREUPON, THE JURY KNOCKED WITH A NOTE AT 4:41
17 P.M.)

18 THE COURT: ALL RIGHT, WE'VE GOT ANOTHER NOTE IN
19 FROM THE JURY, SAYS "ONE OF THE COUNTS THE JURY CAN'T ALL
20 AGREE. WE WANT TO KNOW WHAT OUR OPTIONS ARE. ONE
21 SUGGESTION CAME UP TO GO HOME, THINK ABOUT IT OVERNIGHT,
22 THEN COME BACK TOGETHER IN THE MORNING. THE JURORS HAVE
23 TALKED ABOUT THE CHARGE A GOOD BIT AND WE'RE NOT SURE WHAT
24 WE CAN DO FROM THIS POINT. EVEN WITH THE DESCRIPTION ABOUT
25 THE LAW SOME ARE INTERPRETING IT ONE WAY AND SOME ARE

1 INTERPRETING IT ANOTHER," MICHELLE MCGEE.

2 ALL I KNOW TO DO IS LET'S BRING THEM BACK IN, LET
3 ME GIVE THEM THE ALLEN CHARGE CAUSE IT'S ONLY QUARTER TO
4 FIVE. I SAY BRING THEM IN, GIVE THEM THE ALLEN CHARGE AND
5 SEND THEM BACK OUT TO DELIBERATE LONGER; WHAT DO YA'LL
6 THINK?

7 MR. LOCKLAIR: THAT'S FINE WITH THE DEFENSE,
8 YOUR HONOR, AND IF YOU WERE TO DECIDE TO SEND THEM HOME
9 OBVIOUSLY I WOULD WANT YOU TO INSTRUCT YOU THEY CAN'T THINK
10 ABOUT IT OVERNIGHT.

11 THE COURT: THEY CAN'T DELIBERATE, CAN'T
12 DELIBERATE OR ANYTHING OVERNIGHT.

13 MR. MYRICK: I'M THINKING, YOUR HONOR, ONE
14 MOMENT, THEY'VE ONLY HAD IT AN HOUR. I MEAN IS IT TIME FOR
15 AN ALLEN CHARGE ALREADY?

16 THE COURT: WELL THE FACT IS THAT THEY SAY THAT
17 WE CAN'T ALL AGREE SO ONCE A JURY COMES OUT AND SAYS WE
18 CAN'T ALL AGREE THEN I THINK THAT'S INCUMBENT ON ME TO SEND
19 AN ALLEN CHARGE BACK TO THEM.

20 MR. MYRICK: THAT'S FINE.

21 THE COURT: I AGREE IT HASN'T BEEN THAT LONG AND
22 I CERTAINLY WOULDN'T GIVE THEM AN ALLEN CHARGE ON MY OWN,
23 YOU KNOW, INSTANCE OF THIS THING, BUT WHEN THEY COME OUT
24 AND SAYS ON ONE COUNT THE JURY CAN'T AGREE I THINK THAT
25 MEANS I GIVE THEM A CHARGE, AN ALLEN CHARGE.

1 MR. MYRICK: THAT'S FINE, YOUR HONOR.

2 THE COURT: ALL RIGHT, LET'S GO AHEAD AND BRING
3 THE JURY IN.

4 (WHEREUPON, THE JURY RETURNS TO THE COURTROOM AT
5 4:45 P.M.)

6 THE COURT: ALL RIGHT, IF I UNDERSTAND, MS.
7 MCGEE, THAT THE JURY CANNOT REACH A VERDICT ON ONE OF THE
8 INDICTMENTS OR ONE OR MORE OF THE INDICTMENTS; IS THAT
9 CORRECT?

10 MADAM FORELADY: YES, SIR.

11 THE COURT: ALL RIGHT, ALL RIGHT, NOW YOU'VE
12 STATED THAT YOU'VE BEEN UNABLE TO AGREE ON THE VERDICT ON
13 ONE OR MORE OF THE INDICTMENTS AND AS I INSTRUCTED YOU
14 EARLIER THE VERDICT OF THE JURY MUST BE UNANIMOUS. WHEN A
15 MATTER IS IN DISPUTE IT ISN'T ALWAYS EASY FOR EVEN TWO
16 PEOPLE TO AGREE SO WHEN 12 PEOPLE MUST AGREE IT BECOMES
17 EVEN MORE DIFFICULT.

18 IN MOST CASES ABSOLUTE CERTAINTY CANNOT BE
19 REACHED OR EXPECTED, HOWEVER, YOU HAVE A DUTY TO MAKE EVERY
20 REASONABLE EFFORT TO REACH A UNANIMOUS VERDICT.

21 IN DOING THIS YOU SHOULD CONSULT WITH ONE
22 ANOTHER, EXPRESS YOUR OWN VIEWS, AND LISTEN TO THE OPINIONS
23 OF YOUR FELLOW JURORS, TELL EACH OTHER HOW YOU FEEL AND WHY
24 YOU FEEL THAT WAY, DISCUSS YOUR DIFFERENCES WITH OPEN
25 MINDS.

1 ALTHOUGH THE VERDICT OF THE JURY MUST BE
2 UNANIMOUS EVERY ONE OF YOU HAS THE RIGHT TO YOUR OWN
3 OPINION. THE VERDICT THAT YOU AGREE TO MUST BE YOUR OWN
4 VERDICT, THE RESULT OF YOUR OWN CONVICTIONS, AND YOU SHOULD
5 NOT GIVE UP YOUR FIRMLY HELD BELIEFS MERELY TO BE IN
6 AGREEMENT WITH YOUR FELLOW JURORS.

7 THE MAJORITY SHOULD CONSIDER THE MINORITY'S
8 POSITION AND THE MINORITY SHOULD CONSIDER THE MAJORITY'S
9 POSITION. YOU SHOULD CAREFULLY CONSIDER AND RESPECT THE
10 OPINIONS OF EACH OTHER AND RE-EVALUATE YOUR POSITION FOR
11 REASONABLENESS, CORRECTNESS, AND IMPARTIALITY.

12 YOU MUST LAY ASIDE ALL THE OUTSIDE MATTERS AND
13 RE-EXAMINE THE QUESTION BEFORE YOU BASED ON THE LAW AND THE
14 EVIDENCE IN THIS CASE.

15 IF YOU DO NOT AGREE ON A VERDICT ON ONE OR MORE
16 OF THE INDICTMENTS I MUST DECLARE A MISTRIAL AS TO THOSE
17 INDICTMENTS. IN THAT CASE IT DOES NOT MEAN ANYBODY WINS;
18 IT JUST MEANS THAT AT SOME FUTURE TIME I WILL TRY THIS CASE
19 WITH SOME OTHER JURY SITTING IN THE SAME POSITION WHERE YOU
20 NOW SEAT, THE SAME PARTICIPANTS WILL COME IN AND WILL BE
21 ASKED THE SAME QUESTIONS BY THE SAME LAWYERS WHO WILL GET
22 BASICALLY THE SAME ANSWERS AND WE'LL GO THROUGH THE WHOLE
23 PROCESS AGAIN.

24 YOU WERE SELECTED IN THE SAME MANNER AND FROM THE
25 SAME SOURCE AS ANY FUTURE JURY WILL BE AND THERE'S NO

1 REASON FOR ME TO SUPPOSE THAT THE CASE WILL EVER BE
2 SUBMITTED TO TWELVE MORE INTELLIGENT, IMPARTIAL,
3 CONSCIENTIOUS, OR COMPETENT JURORS THAN YOU, OR THAT MORE
4 OR CLEARER EVIDENCE WILL BE PRODUCED ON ONE SIDE OR THE
5 OTHER.

6 NOW YOU REALLY HAVE NOT BEEN DELIBERATING THAT
7 LONG SO I AM GOING TO SEND YOU BACK INTO THE JURY ROOM AND
8 LET YOU CONTINUE YOUR DELIBERATIONS TO SEE IF YOU CAN REACH
9 A UNANIMOUS VERDICT ON THE INDICTMENTS, OKAY, SO MY
10 INSTRUCTION TO YOU IS TO KEEP DELIBERATING AT THIS POINT TO
11 SEE IF ALL TWELVE OF YOU CAN REACH A UNANIMOUS VERDICT, ALL
12 RIGHT.

13 MADAM FORELADY: THANK YOU.

14 THE COURT: THANK YOU.

15 (WHEREUPON, AT 4:49 P.M. THE JURY AGAIN RETIRED
16 TO THE JURY ROOM AND RESUMED THEIR DELIBERATIONS.)

17 THE COURT: ANY CHALLENGES OR EXCEPTIONS TO THE
18 ALLEN CHARGE BY THE STATE?

19 MR. MYRICK: NO, SIR.

20 THE COURT: ANY BY THE DEFENSE?

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

22 THE COURT: ALL RIGHT, WE WILL STAND IN RECESS
23 UNLESS AND UNTIL WE HEAR SOMETHING.

24 (WHEREUPON, COURT'S EXHIBIT NUMBER 4 MARKED FOR
25 IDENTIFICATION,)

1 (WHEREUPON, THE JURY KNOCKED WITH A QUESTION AT
2 5:08 P.M.)

3 THE COURT: ALL RIGHT, GOT ANOTHER REQUEST FROM
4 THE JURY, "COULD WE, PLEASE, HAVE WEBSTERS DEFINITION OF
5 SOLICIT AND INTENT." ALL RIGHT, I'M NOT GOING TO GIVE THEM
6 WEBSTERS DEFINITION FOR INTENT, I'M JUST GOING TO CHARGE
7 THEM A CRIMINAL INTENT IS A NORMAL STATE OF CONSCIOUS
8 WRONGDOING CAUSE I THINK THAT'S WHAT INTENT MEANS UNDER THE
9 LAW IT IS A MENTAL STATE OF A CONSCIOUS WRONGDOING.

10 SOLICIT, I COULDN'T FIND ANY LAW THAT DEFINES
11 SOLICIT BUT I DID GO TO WEBSTERS DICTIONARY ON THE COMPUTER
12 WHICH SAYS "TO MAKE PETITION TO, TO APPROACH WITH A REQUEST
13 OR PLEA, TO URGE, TO ENTICE OR LURE, TO PROPOSITION, TO TRY
14 TO OBTAIN BY USUALLY AN URGENT REQUEST OR PLEAS."

15 ALL RIGHT, WHAT'S THE STATE'S POSITION?

16 MR. MYRICK: WITH RESPECT TO THE FIRST QUESTION?

17 THE COURT: RIGHT?

18 MR. MYRICK: WE'D ASK THAT THE JUDGE, YOUR HONOR
19 RECHARGE THEM ON INTENT.

20 THE COURT: OKAY.

21 MR. MYRICK: THE SAME CHARGE YOU GAVE THEM THE
22 FIRST TIME.

23 THE COURT: THAT PROBABLY WOULD BE A GOOD IDEA.

24 MR. MYRICK: AND WITH RESPECT TO THE SECOND, WHY
25 DON'T DEFENSE COUNSEL AND I COME UP WITH SOMETHING THAT

1 MAYBE IS AGREEABLE AND PRESENT IT TO THE COURT. I DON'T
2 KNOW, YOUR HONOR, SOLICIT, PROSECUTORS ARE SOLICITORS.
3 THEY'RE PEOPLE WHO WORK IN THE COURT. TRADITIONALLY THE
4 WORD SOLICIT WHEN USED IN A COURTROOM SETTING MEANS SOMEONE
5 WHO REPRESENTS A PARTY. I THINK WE NEED MORE LEGAL
6 DEFINITION THAN A WEBSTER.

7 THE COURT: WELL IF YOU GIVE ME A LEGAL
8 DEFINITION I'LL USE IT CAUSE I THINK WHAT THEY'RE PROBABLY
9 GOING ON IS IN THE UNAUTHORIZED PRACTICE OF LAW WHERE IT
10 SAYS NO PERSON MAY EITHER PRACTICE LAW OR SOLICIT LEGAL
11 CAUSE OF ANOTHER PERSON.

12 MR. MYRICK: MAYBE IF YOU GIVE THEM A SYNONYM OR
13 TWO, JUDGE.

14 THE COURT: WELL I MEAN I DON'T KNOW WHAT
15 SYNONYM, I MEAN, THE WAY I READ THIS "SOLICIT THE LEGAL
16 CAUSE OF ANOTHER MEANS TO MAKE A PETITION TO THE LEGAL
17 CAUSE OF ANOTHER, TO APPROACH WITH A REQUEST OR A PLEA." I
18 MEAN I DON'T ---

19 MR. LOCKLAIR: HOW ABOUT ADVOCATE, JUDGE?

20 THE COURT: WELL I THINK IT REQUIRES MORE THAN
21 ADVOCATE.

22 MR. LOCKLAIR: AM I READING IT YOU HAVE TO GO
23 OUT AND BASICALLY SOLICIT ---

24 THE COURT: ALL OF YOUR WITNESSES CAME IN AND
25 ADVOCATED YOUR POSITION TODAY. ALL THE DEFENSE WITNESSES

1 ADVOCATE THE DEFENSE WITNESSES BUT THAT DOESN'T MEAN THAT
2 THEY'RE -- I MEAN I DO TEND TO AGREE WITH MR. MYRICK ON THE
3 REQUEST FOR INTENT IS FOR ME TO JUST CHARGE THEM ON THE LAW
4 WITH INTENT.

5 MR. LOCKLAIR: YES, SIR, I AGREE WITH THAT AS
6 WELL, YOUR HONOR.

7 THE COURT: OKAY.

8 MR. LOCKLAIR: BUT SOLICIT I THINK THERE SHOULD
9 BE SOME PLAIN COMMON LANGUAGE MEANING CAUSE THAT'S WHAT IT
10 IS FROM THE READING OF THE STATUTE GO OUT AND SEEK PEOPLE
11 FOR LEGAL CAUSE.

12 MR. MYRICK: YOUR HONOR, I WOULD SUGGEST THAT
13 SOLICIT MEANS TO ADVOCATE ON BEHALF OF ANOTHER IN A LEGAL
14 SETTING OR MATTER. I DON'T THINK THAT'S ---

15 THE COURT: I DON'T THINK THAT'S IT. I MEAN,
16 YOUR WITNESSES ADVOCATED ON BEHALF OF THE STATE TODAY IN A
17 LEGAL SETTING. THAT DOESN'T MEAN THAT THEY ARE ENGAGED,
18 AND I THINK WHAT THEY WANTED TO KNOW IS WHAT DOES SOLICIT
19 MEAN IN THE UNAUTHORIZED PRACTICE OF LAW.

20 MR. MYRICK: I'M SORRY, YOUR HONOR, WOULD YOU
21 READ YOUR PROPOSED DEFINITION AGAIN?

22 THE COURT: "TO MAKE PETITION TO, TO APPROACH
23 WITH A REQUEST OR PLEA, TO URGE STRONGLY, TO ENTIRE OR
24 LURE," THIS SAYS ESPECIALLY INTO EVIL. I WAS JUST GOING TO
25 PUT TO ENTICE OR LURE, TO PROPOSITION, TO TRY TO OBTAIN BY

1 USUALLY URGENT REQUEST OR PLEAS.

2 MR. MYRICK: YES, SIR, THE STATE WOULD OBJECT TO
3 ENTICE OR LURE. IN A COURTROOM SETTING IN THIS STATUTE OR
4 IN A LEGAL SETTING I DON'T THINK THERE'S ANY ENTICING OR
5 LURING INTENDED IN THE LANGUAGE OF THE STATUTE.

6 MR. LOCKLAIR: I AGREE THAT IT'S THE OPPOSITE
7 WAY TO ENTICE OR LURE SOMEBODY INTO LEGAL CAUSE WOULD BE TO
8 SOLICIT THEM TO LEGAL CAUSE.

9 THE COURT: WELL, NO. I THINK I'M JUST GOING TO
10 -- WELL ALL I CAN IS AS IT STATES IN THE UNAUTHORIZED
11 PRACTICE OF LAW THAT NO PERSON MAY EITHER PRACTICE LAW OR
12 SOLICIT THE LEGAL CAUSE OF ANOTHER PERSON OR ENTITY IN THIS
13 STATE UNLESS HE'S ENROLLED AS A MEMBER. THERE'S NO, I HAVE
14 NOT FOUND ANYTHING THAT DEFINES SOLICIT SO I'M JUST GOING
15 TO USE THE STRAIGHT DICTIONARY DEFINITION WHICH MEANS TO
16 MAKE PETITION TO, TO APPROACH WITH A REQUEST OR A PLEA, TO
17 URGE, TO ENTICE OR LURE, TO TRY TO OBTAIN BY USUALLY URGENT
18 REQUESTS OR PLEAS. UNLESS WE'VE GOT A LEGAL DEFINITION
19 THAT SAYS THAT THE WEBSTER DEFINITION IS SOMETHING
20 DIFFERENT THEN I'M GOING TO GO WITH THAT.

21 MR. LOCKLAIR: I'M STILL OPEN, YOUR HONOR, I'D
22 LIKE TO CHECK THE BLACK'S LAW DICTIONARY WHICH I DON'T HAVE
23 A COPY OF AND IF I COULD GET ON IN THE NEXT FIVE MINUTES I
24 WOULD URGE THE COURT TO ADOPT THAT DEFINITION OR IN THE
25 ALTERNATIVE JUST TO RECHARGE AND SAY THERE IS NO OTHER

1 LEGAL DEFINITION AVAILABLE AND THE WEBSTER DICTIONARY
2 DEFINITION IS INAPPROPRIATE.

3 THE COURT: WELL I DON'T KNOW THAT IT IS
4 INAPPROPRIATE. TELL ME WHY YOU THINK IT IS INAPPROPRIATE?

5 MR. MYRICK: IT JUST DOESN'T SOUND RIGHT TO ME,
6 YOUR HONOR, TO SAY SOLICIT IS TO ENTICE OR LURE. SOLICIT
7 IN SOUTH CAROLINA IN LEGAL PROCEEDINGS MEANS DO WHAT THE
8 SOLICITOR DOES WHICH IS TO ADVOCATE IN PRESENTING HIMSELF
9 AS A ---

10 THE COURT: WELL I THINK ---

11 MR. MYRICK: --- AS A PARTY.

12 THE COURT: I MEAN SOLICITATION DOESN'T MEAN TO
13 DO WHAT A PROSECUTOR DOES.

14 MR. LOCKLAIR: SOLICITATION OF A MINOR HAS
15 NOTHING TO DO WITH REPRESENTING A MINOR. THAT'S A CLEAR
16 LEGAL LAW, THE NAME OF THE LAW, SOLICITATION OF A MINOR HAS
17 NOTHING TO DO WITH THE PRODUCTION OF THE LEGAL CAUSE.

18 MR. MYRICK: I'LL SEE IF I CAN GET A BETTER
19 DEFINITION.

20 THE COURT: WELL, NO, I THINK I'M GOING TO GO
21 AHEAD AND DO THIS BECAUSE THERE'S NOTHING, I DID A QUICK
22 WORD SEARCH IN PREMISE AND IT DIDN'T COME UP, ESPECIALLY
23 I'M ALMOST POSITIVE THERE IS NO LEGAL DEFINITION OF SOLICIT
24 AS IT'S USED IN THE UNAUTHORIZED PRACTICE OF LAW AND SO,
25 THEREFORE, I'VE GOT TO BELIEVE THAT THE TERM SOLICIT IN THE

1 UNAUTHORIZED PRACTICE OF LAW MEANS WHAT THE COMMON
2 DEFINITION IS WHICH MEANS TO APPROACH WITH A REQUEST, TO
3 ENGAGE IN THE LEGAL SERVICES OR TO MAKE A PETITION TO
4 REPRESENT THEM.

5 MR. LOCKLAIR: THE OTHER PROBLEM I'D HAVE, YOUR
6 HONOR, WITH USING THE DICTIONARY DEFINITION I DON'T KNOW OF
7 ANY LEGAL AUTHORITY ON OR AGAINST IT BUT IT JUST SEEMS TO
8 ME THAT, YOU KNOW, THEY COULD START ASKING FOR DEFINITIONS
9 OF EVERYTHING AND ---

10 THE COURT: AND I KNOW.

11 MR. LOCKLAIR: --- I WOULD JUST ASK THE COURT TO
12 CHARGE THEM, YOU KNOW, YOU SHOULD USE SOLICIT IN ITS EVERY
13 DAY COMMON DEFINITION YOU THE JURY DECIDES WHAT, YOU KNOW,
14 WHAT IT MEANS. EVERYBODY KNOWS THEY HAVE SOMEBODY COME
15 SOLICIT AT THEIR HOUSE.

16 THE COURT: YEAH, ALL RIGHT, LET'S GO AHEAD AND
17 BRING THE JURY IN, I'M GOING TO GO AHEAD AND CHARGE. I
18 DON'T KNOW IF IT'S RIGHT OR WRONG, BUT THAT'S ALL I'VE GOT
19 TO GO ON.

20 MR. LOCKLAIR: YES, SIR.

21 THE COURT: SO WE'RE GO AHEAD AND GO WITH THAT.
22 ALL RIGHT, LET'S BRING THE JURY IN.

23 (WHEREUPON, THE JURY RETURNS TO THE COURTROOM AT
24 5:25 P.M.)

25 THE COURT: MS. MCGEE, I UNDERSTAND THAT THE

1 JURY REQUESTS THE LEGAL DEFINITION OR REQUESTS WEBSTERS
2 DEFINITION FOR SOLICIT AND INTENT?

3 MADAM FORELADY: YEAH, I THINK LEGAL WOULD BE A
4 BETTER WORD.

5 THE COURT: OKAY, WELL WHAT I'M GOING TO DO IS
6 GIVE YOU THE COMMON EVERY DAY DEFINITION OF SOLICIT WHICH
7 MEANS ONE OF THE MORE, ONE OR MORE OF THE FOLLOWING
8 DEFINITIONS.

9 IT MEANS MAKE PETITION TO, TO APPROACH WITH A
10 REQUEST OR A PLEA, TO URGE STRONGLY, TO ENTICE OR LURE, TO
11 PROPOSITION, TO TRY TO OBTAIN BY USUALLY URGENT REQUESTS
12 FOR PLEAS. SOLICIT MEANS ALL OF THOSE THINGS.

13 NOW WHAT I NEED TO DO WITH REGARD TO INTENT IS
14 GIVE YOU THE CHARGE AGAIN ON THE LEGAL DEFINITION, AND THE
15 LEGAL CHARGE FOR INTENT AND I'M JUST GOING TO GO OVER THAT
16 WITH YOU AGAIN.

17 IN ORDER TO ESTABLISH CRIMINAL LIABILITY CRIMINAL
18 INTENT IS REQUIRED. FOR EXAMPLE, THE MENTAL STATE REQUIRED
19 TO BE PROVEN BY THE STATE FOR A PARTICULAR CRIME MIGHT BE
20 PURPOSE, INTENT, KNOWLEDGE, RECKLESSNESS, OR CRIMINAL
21 NEGLIGENCE.

22 CRIMINAL INTENT MUST BE PROVEN BY THE STATE
23 BEYOND A REASONABLE DOUBT.

24 CRIMINAL INTENT IS ALWAYS A MATTER THAT MUST BE
25 DETERMINED BY THE JURY FROM THE CIRCUMSTANCES SURROUNDING

1 THE SITUATION.

2 THERE'S NO WAY TO PROVE INTENT TO A MATHMETICAL
3 CERTAINTY. THERE'S NO WAY MEDICAL SCIENCE CAN DISSECT A
4 PERSONS BRAIN AND DETERMINE WHAT THE PERSON HAD IN MIND SO
5 THE LAW SAYS THAT CRIMINAL INTENT MAY BE INFERRED FROM THE
6 CIRCUMSTANCES SHOWN TO HAVE EXISTED. THIS IS HOW YOU MAKE
7 A DETERMINATION OF WHETHER OR NOT THE ELEMENT REQUIRING
8 INTENT WAS PRESENT.

9 IT IS NOT NECESSARY TO ESTABLISH INTENT BY DIRECT
10 AND POSITIVE EVIDENCE BUT INTENT MAY BE ESTABLISHED BY
11 INFERENCE IN THE SAME WAY AS ANY OTHER FACT BY TAKING INTO
12 CONSIDERATION THE ACTS OF THE PARTIES AND ALL THE FACTS AND
13 CIRCUMSTANCES OF THE CASE.

14 CRIMINAL INTENT IS A MENTAL STATE, A CONSCIOUS
15 WRONGDOING. IT IS UP TO YOU TO DETERMINE WHAT THE
16 DEFENDANT INTENDED TO DO BASED ON THE CIRCUMSTANCES SHOWN
17 TO HAVE EXISTED.

18 CRIMINAL INTENT CAN ARISE FROM ACTION OR A
19 FAILURE TO ACT. IT MAY ARISE FROM NEGLIGENCE,
20 RECKLESSNESS, OR THE INDIFFERENCE TO DUTY, OR TO
21 CONSEQUENCES THAT IS CONSIDERED BY THE LAW TO BE THE
22 EQUIVALENT OF CRIMINAL INTENT. ALL RIGHT, SO BASICALLY
23 CRIMINAL INTENT IS A CONSCIOUS WRONGDOING.

24 ALL RIGHT, I'M GOING TO SEND YOU BACK INTO THE
25 JURY ROOM TO CONTINUE YOUR DELIBERATIONS. ALL RIGHT, THANK

1 YOU VERY MUCH.

2 (WHEREUPON, THE JURY RETIRED TO THE JURY ROOM AT
3 5:29 P.M. AND RESUMED THEIR DELIBERATIONS.)

4 THE COURT: ALL RIGHT, THIS WILL BE COURT'S
5 EXHIBIT NUMBER 5, OKAY.

6 (WHEREUPON, COURT'S EXHIBIT NUMBER 5 MARKED FOR
7 IDENTIFICATION.

8 THE COURT: ALL RIGHT, WE'LL STAND IN RECESS
9 TILL WE GET A VERDICT OR ANOTHER QUESTION.

10 (WHEREUPON, THE JURY KNOCKED WITH A QUESTION AT
11 5:57 P.M.)

12 THE COURT: ANOTHER QUESTION, "CAN A QUITCLAIM
13 DEED BE DRAWN UP BY SOMEONE OTHER THAN AN ATTORNEY AND
14 REGISTERED IN THE COURTHOUSE." MY INCLINATION IS THAT A
15 PERSON CAN DRAW UP, A NON LAWYER CAN PREPARE AND FILE HIS
16 OWN QUITCLAIM DEED FOR HIS OWN BENEFIT. A NON LAWYER
17 CANNOT PREPARE A QUITCLAIM DEED FOR SOMEONE ELSE, THAT'S A
18 LEGAL DOCUMENT. I'M THINKING THAT'S --

19 MR. MYRICK: AND I BELIEVE THE RECORDING
20 STATUTE, YOUR HONOR, SAYS IT CAN ONLY BE RECORDED IF IT'S
21 PROPERLY DRAWN, THAT SEEMS TO BE PART OF THEIR QUESTION.

22 THE COURT: NO, THEY WANT TO DO IS WHETHER OR
23 NOT MR. JOLLY CAN PREPARE A QUITCLAIM DEED AND FILE IT.

24 MR. MYRICK: IF IT'S PROPERLY DRAWN.

25 THE COURT: NO, EVEN IF IT'S PROPERLY DRAWN HE

1 CAN'T DO IT FOR SOMEONE ELSE BUT EVEN IF IT'S IMPROPERLY
2 DRAWN HE CAN DO IT AT HIS OWN PERIL FOR HIS OWN SELF, MY
3 UNDERSTANDING. I MEAN IT'S JUST LIKE FIXING YOUR CAR YOU
4 DON'T HAVE TO HAVE A MECHANIC TO FIX YOUR OWN CAR.

5 MR. LOCKLAIR: MY UNDERSTANDING OF THE LAW IS
6 LIKE YOU SAID, YOU CAN DO IT FOR YOUR OWN BENEFIT BUT I
7 DON'T KNOW ENOUGH ABOUT THE LAW TO GO INTO THE RECORDING
8 PART. I MEAN OBVIOUSLY THEY'RE NOT ASKING ABOUT RECORDING
9 BUT --

10 THE COURT: LET ME, PREPARATION, GENERALLY, THE
11 GENERALLY UNDERSTOOD DEFINITION OF PRACTICE OF LAW EMBRACES
12 PREPARATION OF PLEADINGS AND OTHER PAPERS INCIDENT TO
13 ACTIONS IN SPECIAL PROCEEDINGS IN MANAGEMENT OF SUCH
14 ACTIONS AND PROCEEDINGS ON BEHALF OF CLIENTS.

15 PREPARATION OF LEGAL DOCUMENTS FOR OTHERS
16 CONSTITUTES THE PRACTICE OF LAW WHEN SUCH PREPARATION
17 INVOLVES GIVING OF ADVICE, CONSULTATION, EXPLANATION, OR
18 RECOMMENDATIONS ON MATTERS OF LAW.

19 FURTHER, INSTRUCTING OTHER INDIVIDUALS IN THE
20 MANNER IN WHICH TO PREPARE AND EXECUTE SUCH DOCUMENTS IS
21 ALSO THE PRACTICE OF LAW, HOWEVER, THE UNAUTHORIZED
22 PRACTICE OF LAW DOES NOT INCLUDE A NON LAWYERS
23 REPRESENTATION OR PERFORMANCE OF LEGAL SERVICES ON BEHALF
24 OF HIMSELF OR HERSELF.

25 MR. MYRICK: CAN YOU RECHARGE THEM ON THAT AS

1 WELL, YOUR HONOR?

2 THE COURT: YEAH, I THINK THAT'S WHAT I'M GOING
3 TO DO. I'M JUST GOING TO BRING THEM IN AND SAY IN RESPONSE
4 TO YOUR QUESTION I CAN TELL YOU THAT THE PREPARATION OF
5 LEGAL DOCUMENTS FOR OTHERS CONSTITUTES THE PRACTICE OF LAW
6 WHEN SUCH PREPARATION INVOLVES GIVING OF ADVICE,
7 CONSULTATION, EXPLANATION, OR RECOMMENDATIONS ON MATTERS OF
8 LAW.

9 FURTHER INSTRUCTING OTHER INDIVIDUALS IN A MANNER
10 IN WHICH TO PREPARE AND EXECUTE SUCH DOCUMENTS IS THE
11 PRACTICE OF LAW, HOWEVER, THE UNAUTHORIZED PRACTICE OF LAW
12 DOES NOT INCLUDE A NON LAWYERS REPRESENTATION OR PERFORMANCE
13 OF LEGAL SERVICES ON BEHALF OF HIMSELF OR HERSELF; HOW DOES
14 THAT SOUND?

15 MR. MYRICK: THAT'S FINE.

16 THE COURT: ALL RIGHT.

17 MR. LOCKLAIR: THAT SOUNDS FINE, BUT DIDN'T
18 THEIR QUESTION ASK ABOUT HIM BEING ABLE TO PREPARE STUFF
19 FOR HIMSELF?

20 THE COURT: I THINK THIS SAYS CAN A QUITCLAIM
21 DEED BE DRAWN UP BY SOMEONE OTHER THAN AN ATTORNEY.

22 MR. LOCKLAIR: OKAY, THAT'S GOOD, YOUR HONOR.

23 THE COURT: I THINK IT CAN BE. IN OTHER WORDS A
24 NON LAWYER CAN DRAW ONE FOR THEMSELVES BUT THEY CAN'T
25 PREPARE IT AS A LEGAL DOCUMENT FOR SOMEONE ELSE. THE

1 THEORY BEING SOMEBODY CAN ALWAYS REPRESENT HIMSELF OR
2 HERSELF WITHOUT AN ATTORNEY BUT ONCE IT GOES BEYOND THAT
3 SCOPE THEN IT'S THE PRACTICE OF LAW.

4 ALL RIGHT, BRING THE JURY IN.

5 MR. LOCKLAIR: I BELIEVE YOU SAID IT TOOK AN
6 HOUR TO ORDER DINNER, WHEN ARE YOU GOING TO ADDRESS THAT
7 WITH THEM?

8 THE COURT: WELL I'M WONDERING IF IT'S NOT A
9 GOOD IDEA TO GO AHEAD AND DO IT NOW.

10 MR. LOCKLAIR: I WOULD SUGGEST THAT, DO IT LIKE
11 THAT IF YOU COULD. WE COULD AT LEAST GET A TIME FRAME TO
12 KNOW WHAT THEY'RE GOING TO DO.

13 THE COURT: YEAH, AND I'LL JUST SEND THEM WHEN
14 THEY GO OUT AND DELIBERATE AND LET US KNOW WHETHER YOU WANT
15 US TO ORDER DINNER OR DO YOU WANT TO BREAK FOR THE EVENING
16 OR WHETHER YOU WANT TO JUST CONTINUE YOUR DELIBERATIONS AS
17 IS.

18 MR. MYRICK: CAN I ASK THE COURT, IN THE EVENT
19 WE GET A VERDICT FOR THE STATE, MANY OF THE PARTICPANTS ARE
20 HERE, I'VE GOT SOME CRIPPLED PEOPLE OUT THERE WAITING.

21 THE COURT: WE'LL SEE.

22 MR. MYRICK: THAT WAY THEY COULD GO HOME AND
23 COME BACK AND BE HEARD.

24 THE COURT: OKAY, LET ME THINK ON THAT.

25 MR. MYRICK: MS. REINHARDT'S HUSBAND IS IN A

1 WHEELCHAIR. HE'S ALSO GOT ALZHEIMERS AND HE'S HOME, I
2 THINK HE'S BY HIMSELF.

3 THE COURT: GOT YOU, OKAY.

4 (WHEREUPON, THE JURY RETURNS TO THE COURTROOM AT
5 6:06 P.M.)

6 THE COURT: LADIES AND GENTLEMEN, WELCOME BACK.
7 I UNDERSTAND YOU HAVE ANOTHER QUESTION THAT SAYS, CAN A
8 QUITCLAIM DEED BE DRAWN UP BY SOMEONE OTHER THAN AN
9 ATTORNEY OR REGISTERED IN THE COURTHOUSE, THAT'S YOUR
10 QUESTION; IS THAT CORRECT?

11 ALL RIGHT, THE BEST WAY FOR ME TO ANSWER THAT IS
12 TO GIVE YOU OR CHARGE YOU ON THE LAW AS OUR SUPREME COURT
13 HAS STATED WHICH SAYS THAT THE PREPARATION OF LEGAL
14 DOCUMENTS FOR OTHERS CONSTITUTES THE PRACTICE OF LAW WHEN
15 SUCH PREPARATION INVOLVES GIVING OF ADVICE, CONSULTATION,
16 EXPLANATION, OR RECOMMENDATIONS ON MATTERS OF LAW.

17 FURTHER, INSTRUCTING OTHER INDIVIDUALS IN THE MANNER
18 IN WHICH TO PREPARE AND EXECUTE SUCH DOCUMENTS IS ALSO THE
19 PRACTICE OF LAW, HOWEVER, THE UNAUTHORIZED PRACTICE OF LAW
20 DOES NOT INCLUDE A NON LAWYERS REPRESENTATION OR
21 PERFORMANCE OF LEGAL SERVICES ON BEHALF OF HIMSELF OR
22 HERSELF.

23 ALL RIGHT, SO IT WOULD BE THE UNAUTHORIZED
24 PRACTICE OF LAW FOR A NON LAWYER TO PREPARE LEGAL DOCUMENTS
25 FOR SOMEONE ELSE. IT WOULD NOT BE THE UNAUTHORIZED

1 PRACTICE OF LAW FOR A NON LAWYER TO PREPARE LEGAL DOCUMENTS
2 FOR HIMSELF OR HERSELF, OKAY.

3 ALL RIGHT, I'M GOING TO SEND YOU BACK OUT TO
4 CONTINUE YOUR DELIBERATIONS, HOWEVER, AT THIS POINT IN TIME
5 IT'S TEN AFTER SIX AND I WILL DO WHATEVER YOU WANT TO DO.
6 IN OTHER WORDS YOU HAVE SEVERAL OPTIONS THAT I'D LIKE FOR
7 YOU TO LET THE BAILIFF KNOW WHICH YOU WOULD WANT TO
8 DO.

9 NUMBER ONE, IF YOU WANT US TO ORDER YOU DINNER WE
10 CAN ORDER YOU DINNER AND YOU CAN CONTINUE YOUR
11 DELIBERATIONS. IT WILL TAKE ABOUT AN HOUR FOR DINNER TO
12 GET HERE.

13 IF YOU WANT TO CONTINUE YOUR DELIBERATIONS
14 WITHOUT ORDERING DINNER I'LL ALLOW YOU TO CONTINUE YOUR
15 DELIBERATIONS.

16 IF YOU WANT TO BREAK FOR THE EVENING WE CAN BREAK
17 FOR THE EVENING AND THEN COME BACK TOMORROW MORNING AND
18 RESUME YOUR DELIBERATIONS. SO I'LL LEAVE IT UP TO YOU AS
19 TO WHETHER OR NOT YOU WANT TO CONTINUE, IN OTHER WORDS
20 DEPENDING ON HOW LONG YOU THINK IT WILL TAKE IF YOU
21 CONTINUE. IF YOU THINK YOU WILL BE DELIBERATING FOR MORE
22 THAN AN HOUR WE CAN ORDER YOU DINNER OR IF YOU WANT TO
23 BREAK FOR THE EVENING AND COME BACK TOMORROW MORNING WE CAN
24 DO THAT AND I'LL LET YOU DECIDE AND JUST LET THE BAILIFF
25 KNOW WHICH ONE YOU WANT TO DO, OKAY. ALL RIGHT, THANK YOU

1 VERY MUCH.

2 (WHEREUPON, AT 6:10 P.M. THE JURY AGAIN RETIRED
3 TO THE JURY ROOM AND RESUMED THEIR DELIBERATIONS.)

4 THE COURT: ALL RIGHT, HOPEFULLY THEY'LL HAVE US
5 AN ANSWER AS TO WHAT THEY WANT TO DO HERE SHORTLY AND I CAN
6 LET YOU KNOW WHAT THEY'RE GOING TO DO. LET'S JUST SIT
7 TIGHT AND LET'S SEE WHAT THEY'RE GOING TO DO.

8 ALL RIGHT, I'M GOING TO MARK THIS AS COURT'S
9 EXHIBIT 6.

10 (WHEREUPON, COURT'S EXHIBIT NUMBER 6 MARKED FOR
11 IDENTIFICATION.)

12 (WHEREUPON, THE JURY KNOCKED WITH A NOTE AT 6:20
13 P.M.)

14 THE COURT: ALL RIGHT, ANOTHER NOTE, "THE JURY
15 WOULD LIKE TO GO HOME FOR THE EVENING TO THINK OVER THE
16 MATTERS BUT WOULD GREATLY APPRECIATE IF YOU WOULD REPEAT
17 WHAT YOU JUST SHARED WITH US AND THE LAW'S DESCRIPTION AS
18 TO WHAT CONSTITUTES UNLAWFUL PRACTICE OF LAW OR NOT IN
19 SIMPLE TERMS." SO I THINK WHAT I'M GOING TO DO IS JUST
20 BRING THEM IN, TELL THEM TO STOP THEIR DELIBERATIONS, WE'LL
21 GO HOME FOR THE EVENING, WE'LL COME BACK TOMORROW, DON'T
22 DISCUSS THE CASE. YOU CAN ONLY DELIBERATE WITH EVERYBODY
23 PRESENT SO DON'T DISCUSS THE CASE AND I'LL RECHARGE THEM ON
24 THE UNLAWFUL PRACTICE OF LAW TOMORROW WHEN THEY COME BEFORE
25 THEY RESUME THEIR DELIBERATIONS; HOW DOES THAT SOUND?

1 MR. MYRICK: THAT'S FINE WITH THE STATE, YOUR
2 HONOR.

3 MR. LOCKLAIR: THAT'S FINE WITH THE DEFENSE,
4 YOUR HONOR.

5 THE COURT: ALL RIGHT, ALL RIGHT, LET'S GO AHEAD
6 AND BRING THE JURY IN. GO AHEAD AND MARK COURT'S EXHIBIT
7 NUMBER 7.

8 (WHEREUPON, COURT'S EXHIBIT NUMBER 7 MARKED FOR
9 IDENTIFICATION.)

10 (WHEREUPON, THE JURY RETURNS TO THE COURTROOM AT
11 6:24 P.M.)

12 THE COURT: ALL RIGHT, MS. MCGEE, I UNDERSTAND
13 THE JURY WANTS TO TAKE A BREAK FOR THE EVENING; IS THAT
14 CORRECT?

15 MADAM FORELADY: YES, SIR.

16 THE COURT: ALL RIGHT, AND I UNDERSTAND THAT YOU
17 WANTED SOME ADDITIONAL CHARGES ON THE LAW WITH REGARD TO
18 THE UNAUTHORIZED PRACTICE OF LAW SO I THINK WHAT WE'RE
19 GOING TO DO IS GO AHEAD AND BREAK FOR THE EVENING. STOP
20 YOUR DELIBERATIONS AT THIS POINT IN TIME, DO NOT DISCUSS
21 THE CASE WITH ANYONE, DO NOT EVEN DISCUSS IT AMONG
22 YOURSELVES AT THIS POINT IN TIME. WHAT WE'LL DO IS WE'LL
23 BREAK FOR THE EVENING.

24 WHEN YOU COME BACK TOMORROW MORNING I'LL RECHARGE
25 YOU ON THE UNAUTHORIZED PRACTICE OF LAW AND I'LL TELL YOU

1 WHEN YOU CAN RESUME YOUR DELIBERATIONS, BUT THE LAW
2 REQUIRES THAT WHEN A JURY IS DELIBERATING A CASE YOU HAVE
3 TO ALL DELIBERATE AT ONE TIME OR NO ONE CAN DELIBERATE. SO
4 I'M TELLING YOU TO STOP YOUR DELIBERATIONS FROM THIS POINT
5 FORWARD AND DO NOT RESUME THEM UNTIL I DIRECT YOU TO RESUME
6 YOUR DELIBERATIONS.

7 I'M GOING TO EXCUSE YOU FOR THE EVENING. PLEASE
8 BE BACK IN THE JURY ROOM AT 9:30 TOMORROW MORNING. WE'LL
9 TRY TO GET STARTED RIGHT AT 9:30 TOMORROW MORNING. DO NOT
10 CONDUCT ANY INDEPENDENT INVESTIGATIONS, DON'T TRY TO GO ON
11 THE INTERNET OR FIND OUT ANYTHING ABOUT THE CASE OR TRY TO
12 DO ANY LEGAL RESEARCH OR ANYTHING OF THAT NATURE. I HOPE
13 EVERYBODY HAS A GOOD EVENING AND WE'LL SEE YOU BACK AT 9:30
14 TOMORROW MORNING.

15 ALSO I'LL NEED THE BAILIFF TO GO IN AND GET
16 EVERYONE'S PADS AND WE'LL GIVE THEM BACK OUT TO THEM
17 TOMORROW MORNING WHEN THEY RESUME THEIR DELIBERATIONS,
18 OKAY. ALL RIGHT, THANK YOU VERY MUCH, HOPE EVERYONE HAS A
19 GOOD EVENING.

20 (WHEREUPON, THE JURY WAS EXCUSED FOR THE EVENING
21 AT 6:30 P.M.)

22 THE BAILIFF: WHAT ABOUT THE NOTEBOOKS?

23 THE COURT: HOLD ON TO THEM UNTIL TOMORROW
24 MORNING, OKAY? ALL RIGHT, WE'LL STAND IN RECESS UNTIL 9:30
25 TOMORROW MORNING, OKAY.

1 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

2 MR. MYRICK: THANK YOU, YOUR HONOR.

3 THE COURT: ALL RIGHT, THANK YOU.

4 (WHEREUPON, COURT WAS ADJOURNED FOR THE EVENING.)

5 (WHEREUPON, COURT RESUMES AT 9:30 A.M.)

6 THE COURT: WHEN WE RECESSED YESTERDAY THAT WAS
7 KIND OF A REQUEST FOR THE JURY, I THINK THEY WANTED TO GO
8 SLEEP ON IT AT NIGHT. I INSTRUCTED THEM TO STOP THEIR
9 DELIBERATIONS AND I BELIEVE THE DECISION WAS WE BRING THEM
10 BACK THIS MORNING, I WOULD RECHARGE THEM ON THE
11 UNAUTHORIZED PRACTICE OF LAW AND THEN LET THEM RESUME THEIR
12 DELIBERATIONS; IS THAT CORRECT?

13 MR. MYRICK: YES, SIR, YOUR HONOR.

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

15 THE COURT: ALL RIGHT, ANYTHING FROM THE STATE
16 BEFORE WE BRING THE JURY BACK IN?

17 MR. MYRICK: YES, SIR, THE STATE PROPOSES THAT
18 THE COURT REVISE THE CHARGE.

19 THE COURT: OKAY.

20 MR. MYRICK: TO MAYBE IF WE HAVE NO WAY OF
21 KNOWING WHAT'S GOING ON IN THE JURY ROOM, BUT MAYBE A MORE
22 COMPLETE STATEMENT OR A MORE EXPANSIVE STATEMENT OF THE LAW
23 WOULD HELP THEM IN THEIR DELIBERATION.

24 THE COURT: ALL RIGHT, WHAT YOU WANT TO SAY?

25 MR. MYRICK: YOUR HONOR, I'VE GOT THREE CASES

1 HERE. ONE WAS AG V. WELLS WHICH SAYS THAT ALL ADVICE TO
2 CLIENTS AND ALL ACTIONS TAKEN FOR THEM IN MATTERS CONNECTED
3 WITH THE LAW CONSTITUTE THE PRACTICE OF LAW; AS WELL AS IN
4 RE DUNCAN WHICH SAYS ESSENTIALLY THE SAME THING.

5 THE COURT: WHAT DOES IT SAY?

6 MR. MYRICK: IN RE DUNCAN?

7 THE COURT: NO, WHATEVER, TELL ME WHAT YOU WANT
8 ME TO CHARGE THE JURY; WHAT DO YOU WANT ME TO SAY TO THEM?

9 MR. MYRICK: I WOULD LIKE YOU TO, JUDGE, SAY IF
10 YOU FIND THAT THE DEFENDANT GAVE LEGAL ADVICE OR APPEARED
11 IN COURT ON BEHALF OF OTHERS OR FILED PLEADINGS IN COURT ON
12 BEHALF OF OTHERS OR PREPARED LEGAL INSTRUMENTS OR TOOK ANY
13 ACTION FOR THEM IN MATTERS CONNECTED WITH THE LAW BEYOND A
14 REASONABLE DOUBT THEN YOU MUST FIND THE DEFENDANT GUILTY OF
15 UPL.

16 THE SECOND PROPOSED REVISION IS IT IS NOT
17 NECESSARY THAT THE DEFENDANT DID ALL OF THESE THINGS BUT
18 ONLY THAT HE DID ANY ONE OF THESE THINGS IN ORDER TO BE
19 ENGAGED IN THE PRACTICE OF LAW.

20 AND THE THIRD ONE, YOUR HONOR, IS THIS STATEMENT
21 OF THE LAW AND NOT THE LANGUAGE OF THE INDICTMENT SHOULD BE
22 YOUR GUIDE DURING YOUR DELIBERATIONS.

23 THE COURT: OKAY, LET ME HEAR FROM YOU ON THAT?

24 MR. LOCKLAIR: I WOULD PREFER, YOUR HONOR, TO
25 KEEP THE CHARGE YOU HAVE. I THINK THAT GETS TOO CONFUSING

1 AND THERE'S SEVERAL OTHER PROBLEMS WITH IT THAT, YOU KNOW,
2 WHERE HE SAYS IF YOU FIND THIS YOU MUST FIND HIM GUILTY,
3 OBVIOUSLY THAT'S A PREJUDICIAL LANGUAGE VERSUS A GENERAL
4 STATEMENT.

5 AT THE END I MEAN, WHILE THE LAW IS THEIR GUIDE
6 THE LANGUAGE OF THE INDICTMENT IS ALSO THEIR GUIDE BECAUSE
7 YOU MUST BE FOUND GUILTY OF WHAT'S CHARGED IN THE
8 INDICTMENT AND I THINK FROM WHAT YOU'VE GIVEN THEM SO FAR
9 GOES INTO ENOUGH SPECIFICITY ABOUT WHAT CONSTITUTES THE
10 UNAUTHORIZED PRACTICE OF LAW. I THINK WHEN WE START
11 GETTING INTO MORE CHARGES IT'S GOING TO START CONFUSING THE
12 JURY. I MEAN YOUR HONOR HAS TALKED ABOUT PREPARATION,
13 GIVING ADVICE, CONSULTATION, EXPLANATION, RECOMMENDATIONS,
14 PREPARATION OF DOCUMENTS, PREPARING AND GIVING PEOPLE
15 ADVICE, AND PREPARING AND EXECUTING THE DOCUMENTS.

16 THE COURT: ALL RIGHT, LET ME, THOSE, WHERE DID
17 YOU GET THAT LANGUAGE FROM ON THOSE?

18 MR. MYRICK: THESE FOUR CASES, YOUR HONOR.

19 THE COURT: ALL RIGHT, LET ME SEE THOSE FOUR
20 CASES.

21 MR. MYRICK: I'LL BRING THEM UP, YOUR HONOR. IF
22 I MAY APPROACH?

23 THE COURT: ALL RIGHT.

24 MR. MYRICK: THESE CASES ARE CASES FROM MY
25 WORKING FILE, I APOLOGIZE FOR THEIR CONDITION. SOME ARE

1 HIGH LIGHTED

2 MR. LOCKLAIR: ONE OTHER THING ABOUT HIS
3 REQUEST, JUDGE. I KNOW HE CITED THE ONE CASE TALKING ABOUT
4 CLIENTS, I MEANS THAT'S MISLEADING TO THE JURY BECAUSE HE'S
5 TRYING TO MAKE IT SEEM IF SOMEBODY HAS CLIENTS THEY'RE
6 PRACTICING LAW. WELL I HAVE A FAMILY DOCTOR AND HE HAS,
7 YOU KNOW, CLIENTS. I THINK HE CALLS THEM PATIENTS BUT
8 THEY'RE HIS CLIENTS, I MEAN ADVERTISING TO HAVE CLIENTS.

9 THE COURT: WELL WHAT IF I JUST SAY OTHERS?

10 MR. LOCKLAIR: YEAH, I JUST WOULDN'T LIKE THE
11 WORD CLIENTS OBVIOUSLY USED BUT I WOULD PREFER, WE'D OBJECT
12 TO USING THAT CHARGE AND LIKE THE COURT TO KEEP THE
13 ORIGINAL CHARGE.

14 THE COURT: WELL NOW, NOW THIS RIGHT HERE, THIS
15 IS THE EXACT LANGUAGE THAT I TOOK, I'VE ALREADY, THIS IS IN
16 MY CHARGE, THIS FIRST ONE WHERE YOU CITE, THIS IS FROM
17 LACONEY, YEAH. THAT IS THE EXACT LANGUAGE THAT I'VE GOT IN
18 MY ORIGINAL CHARGE.

19 NOW, I'VE GOT THIS MCLAUREN THEY QUOTE SECTION
20 40-5-310 AND IT DIFFERS FROM MINE BUT I TOOK THE ---

21 MR. MYRICK: THAT'S THE OLD STATUTE, YOUR HONOR.

22 THE COURT: YEAH, OKAY, CAUSE I TOOK THE EXACT
23 LANGUAGE FROM THE PRESENT STATUTE AND PUT IT IN MY CHARGE.
24 OKAY, SAME, OKAY, I SEE WHAT'S HAPPENED, DESBAIN THAT'S THE
25 EXACT LANGUAGE THAT I'VE GOT IN HERE WHICH THEY'RE QUOTING

1 FROM THE DUNCAN CASE. SO DUNCAN, DESBAIN, AND LACONEY,
2 LACONEY AND DESBAIN ARE QUOTING FROM DUNCAN AND SO I'VE GOT
3 THAT EXACT LANGUAGE FROM THOSE THREE CASES IN MY CHARGE.
4 OKAY, SAME THING WITH DANIELS, THAT'S USING THE SAME EXACT
5 LANGUAGE SO I DON'T, I THINK WHAT YOU HANDED UP IS THE
6 EXACT THING THAT I CHARGED.

7 MR. MYRICK: YES, SIR, I WOULD AGREE.

8 THE COURT: OKAY.

9 MR. MYRICK: I DON'T THINK THERE'S ANYTHING
10 OMITTED FROM YOUR FIRST CHARGE, WHAT I WAS PROPOSING, YOUR
11 HONOR, IS A RESTATEMENT OF IT. I HAVE CHILDREN, AND I CAN
12 TELL THEM SOMETHING AND THEY LOOK AT ME IN TOTAL CONFUSION
13 AND I TELL THEM AGAIN IN THE SAME LANGUAGE AND I GET THE
14 SAME RESPONSE, BUT A RESTATEMENT SIMPLY USING DIFFERENT
15 WORDS SOMETIMES WILL HELP THEM MAKE THE LEAP TO
16 UNDERSTANDING AND THAT'S WHAT I'M PROPOSING, IT'S THE SAME
17 LAW.

18 THE COURT: WELL LET ME, LET ME HEAR WHAT YOU'RE
19 SAYING BECAUSE I THINK WHAT YOU WERE TELLING ME, THE WAY
20 YOU SAID IT IS THE EXACT SAME WAY THAT I HAVE IT.

21 MR. MYRICK: YES, SIR.

22 MR. LOCKLAIR: YOUR HONOR ---

23 MR. MYRICK: THE ONLY CHANGE, THE ONLY
24 SUBSTANTIVE CHANGE REALLY, YOUR HONOR, WOULD BE MY PROPOSED
25 PARAGRAPH TWO WHICH IS THIS, THAT THEY DON'T HAVE TO FIND

1 HIM GUILTY OF EACH OF THESE THINGS ONLY ONE OF THOSE THINGS
2 BECAUSE THEY KEEP ASKING ABOUT THE QUITCLAIM DEED, YOUR
3 HONOR, WHEN THERE'S AMPLE EVIDENCE AS WELL ABOUT COURT
4 APPEARANCES, PLEADINGS, AND INSTRUMENTS. THEY MAY BE
5 CONFUSED AND BELIEVE THAT ONLY IF THEY FIND HIM GUILTY OF
6 ALL OF THESE THINGS CAN THEY FIND HIM GUILTY, SO MAYBE IF
7 THEY WERE TO RECEIVE AN INSTRUCTION FROM THE COURT THAT
8 THEY CAN FIND HIM GUILTY IN THE DISJUNCTIVE AND NOT THE
9 CONJUNCTIVE THAT ONE IS ADEQUATE IT MAY HELP THEM, AND I'M
10 PROPOSING THIS, YOUR HONOR, ONLY BECAUSE FOR THIS REASON,
11 THEY'RE CONTINUING TO ASK QUESTIONS. I THINK THEY'RE
12 TRYING TO UNDERSTAND, AND TO BE HONEST I DON'T HOLD OUT A
13 LOT OF HOPE UNLESS THERE'S A REVISED CHARGE THAT THEY'RE
14 GOING TO BE ABLE TO REACH AN AGREEMENT.

15 THE COURT: OKAY, ALL RIGHT, LET'S GO AHEAD.
16 I'M GOING TO GIVE THEM THE BENEFIT OF THE DOUBT AND JUST
17 CHARGE THEM, RECHARGE THEM AGAIN AS I DID THE FIRST TIME
18 AND SEE, SEE WHAT HAPPENS BECAUSE I THINK, I THINK JUST THE
19 NIGHTS REST IT'S, IT'S GOING TO DO SOME GOOD.

20 MR. MYRICK: AND, YOUR HONOR, MAY I PROPOSE A
21 THIRD SENTENCE THAT THIS STATEMENT OF THE LAW THAT I HAVE
22 GIVEN YOU AND NOT THE LANGUAGE OF THE INDICTMENT SHOULD BE
23 YOUR GUIDE DURING YOUR DELIBERATIONS.

24 THE COURT: ALL RIGHT, NOW WHAT IS THAT FROM?

25 MR. MYRICK: WELL YOUR HONOR IS THE JUDGE OF THE

1 LAW. THAT INDICTMENT, HOWEVER INARTFULLY DRAWN, IS A
2 STATEMENT BY ESSENTIALLY THE STATE AND THAT MAY BE
3 CONFUSING TO THEM AS WELL. YOU KNOW I THOUGHT LAST NIGHT
4 ABOUT WHAT WAS CONFUSING THEM BACK THERE AND IT MIGHT BE ME
5 AND IF IT WAS CLARIFIED FOR THEM AGAIN THAT YOU ARE THE
6 JUDGE OF THE LAW AND NOT THE INDICTMENT.

7 THE COURT: ALL RIGHT, I'M JUST GOING TO GO WITH
8 WHAT WE'VE GOT RIGHT HERE. ALL RIGHT, ANYTHING ELSE BEFORE
9 WE BRING THE JURY IN?

10 MR. MYRICK: NO, SIR.

11 MR. LOCKLAIR: NO, SIR.

12 THE COURT: ALL RIGHT, LET'S GO AHEAD AND BRING
13 JURY IN.

14 (WHEREUPON, THE JURY RETURNS TO THE COURTROOM AT
15 9:43 A.M.)

16 THE COURT: WELCOME BACK, LADIES AND GENTLEMEN,
17 I HOPE EVERYONE A NICE RESTFUL EVENING. WE'RE NOW READY TO
18 RESUME IN THE TRIAL OF THIS CASE OR LET YOUR CONTINUE WITH
19 YOUR DELIBERATIONS. BUT WHEN WE RECESSED YESTERDAY YOU
20 STATED THAT YOU DID WANT TO RECESS FOR THE EVENING AND COME
21 BACK THIS MORNING, WHICH I THINK IS A GOOD THING. ALSO YOU
22 ASKED FOR ME TO SHARE WITH YOU THE LAW'S DESCRIPTION OF
23 WHAT CONSTITUTES THE UNLAWFUL PRACTICE, EXCUSE ME, YEAH,
24 THE UNLAWFUL PRACTICE OF LAW, SO WHAT I HAVE DECIDED TO DO
25 IS JUST RECHARGE YOU ON THE UNAUTHORIZED PRACTICE OF LAW

1 AND I ASK THAT YOU LISTEN CAREFULLY TO THE LAW AS I CHARGE
2 IT TO YOU.

3 IN THIS CASE THE DEFENDANT HAS BEEN CHARGED WITH
4 THE UNAUTHORIZED PRACTICE OF LAW. THE LAW OF THIS STATE IS
5 THAT NO PERSON MAY EITHER PRACTICE LAW OR SOLICIT LEGAL
6 CAUSE OF ANOTHER PERSON OR ENTITY IN THIS STATE UNLESS HE
7 IS ENROLLED AS A MEMBER OF THE SOUTH CAROLINA BAR PURSUANT
8 TO APPLICABLE COURT RULES OR OTHERWISE AUTHORIZED TO
9 PERFORM, PRESCRIBE LEGAL ACTIVITIES BY ACTION OF THE
10 SUPREME COURT OF SOUTH CAROLINA.

11 THE GENERALLY UNDERSTOOD DEFINITION OF PRACTICE
12 OF LAW EMBRACES PREPARATION OF PLEADINGS AND OTHER PAPERS
13 INCIDENT TO ACTIONS AND SPECIAL PROCEEDINGS, AND MANAGEMENT
14 OF SUCH PROCEEDINGS ON BEHALF OF CLIENTS BEFORE JUDGES AND
15 COURTS.

16 PREPARATION OF LEGAL DOCUMENTS FOR OTHERS
17 CONSTITUTES THE PRACTICE OF LAW WHEN SUCH PREPARATION
18 INVOLVES GIVING OF ADVICE, CONSULTATION, EXPLANATION, OR
19 RECOMMENDATIONS ON MATTERS OF LAW.

20 FURTHER, INSTRUCTING OTHER INDIVIDUALS IN THE
21 MANNER IN WHICH TO PREPARE AND EXECUTE SUCH DOCUMENTS IS
22 ALSO THE PRACTICE OF LAW.

23 THE PRACTICE OF LAW IS NOT CONFINED TO LITIGATION
24 BUT EXTENDS TO ACTIVITIES IN OTHER FIELDS WHICH ENTAIL
25 SPECIALIZED LEGAL KNOWLEDGE AND ABILITY.

1 ALSO WHETHER SOMEONE RECEIVES PAYMENT FOR
2 SERVICES IS NOT RELEVANT TO WHETHER OR NOT THEY ARE
3 ENGAGING IN THE UNAUTHORIZED PRACTICE OF LAW.

4 A PERSON WHO IS COMMITTING ACTS WITHOUT
5 COMPENSATION IS IN VIOLATION OF THIS LAW IF THEY ACT AS I
6 HAVE PREVIOUSLY DESCRIBED, HOWEVER, THE UNAUTHORIZED
7 PRACTICE OF LAW DOES NOT INCLUDE A NON LAWYER'S
8 REPRESENTATION OR PERFORMANCE OF LEGAL SERVICES ON BEHALF
9 OF HIMSELF OR HERSELF.

10 ALL RIGHT, SO I'M GOING TO SEND YOU BACK TO THE
11 JURY ROOM, LET YOU CONTINUE YOUR DELIBERATIONS, YOU MAY NOW
12 RESUME YOUR DELIBERATIONS, OKAY, AND NOW IS THE TIME WHEN
13 YOU CAN RESUME YOUR DELIBERATIONS.

14 LET'S GO AHEAD, THOSE ARE THE INDICTMENTS FOR
15 THEM TO TAKE BACK WITH THEM.

16 (WHEREUPON, AT 9:46 A.M. THE JURY AGAIN RETIRED
17 TO THE JURY ROOM AND RESUMED THEIR DELIBERATIONS.)

18 THE COURT: ALL RIGHT, WE'LL STAND IN RECESS BUT
19 AS I WAS READING OVER THIS ONE REASON, WAIT A MINUTE, I
20 THINK I MADE THE RIGHT DECISION BECAUSE WHEN I READ OVER
21 THIS WHEN YOU SAID JUST ONE OF THEM CONSTITUTES THE
22 UNAUTHORIZED PRACTICE OF LAW AS I WAS READING HERE, AND I
23 THINK THIS MIGHT BE WHAT THEY'RE HUNG UP ON, THE
24 PREPARATION OF LEGAL DOCUMENTS FOR OTHERS CONSTITUTES THE
25 PRACTICE OF LAW WHEN SUCH PREPARATION INVOLVES GIVING OF

1 ADVICE, CONSULTATION, EXPLANATION, OR RECOMMENDATION ON
2 MATTERS OF LAW. THIS TAKEN STRAIGHT FROM THOSE CASES
3 ALMOST MAKES IT SOUND LIKE IF YOU JUST PREPARE A LEGAL
4 DOCUMENT THAT'S NOT THE UNAUTHORIZED PRACTICE OF LAW UNLESS
5 YOU GIVE THEM ADVICE, CONSULTATION, EXPLAIN, OR
6 RECOMMENDATIONS, BECAUSE THAT'S TAKEN STRAIGHT FROM THE
7 CASE LAW. PREPARATION OF LEGAL DOCUMENTS FOR OTHERS
8 CONSTITUTES THE PRACTICE OF LAW WHEN SUCH PREPARATION
9 INVOLVES GIVING OF ADVICE, CONSULTATION, EXPLANATION, OR
10 RECOMMENDATIONS ON MATTERS OF LAW.

11 FURTHER, INSTRUCTING OTHERS IN THE MANNER IN
12 WHICH TO PREPARE AND EXECUTE SUCH DOCUMENT IS ALSO THE
13 PRACTICE OF LAW. IN OTHER WORDS YOU DON'T HAVE TO PREPARE
14 THE DOCUMENT BUT IF YOU ADVISE THEM ON HOW TO EXECUTE IT IT
15 COULD BE, SO IN OTHER WORDS I DON'T THINK JUST PREPARING A
16 QUITCLAIM DEED IS THE UNAUTHORIZED PRACTICE OF LAW. I
17 THINK IF YOU PREPARE IT FOR SOMEBODY ELSE YOU ADVISE THEM
18 HOW TO EXECUTE IT, YOU EXPLAIN WHAT IT MEANS, AND THINGS OF
19 THAT NATURE THAT'S THE UNAUTHORIZED PRACTICE OF LAW, THE
20 WAY I READ THIS.

21 MR. MYRICK: YOU'RE EXACTLY RIGHT, YOUR HONOR.
22 IN STATE V. DESBAIN THERE IS A FOOTNOTE, FOOTNOTE TWO AND
23 FROM WHAT FOOTNOTE TWO SAYS IS, FOR EXAMPLE --

24 THE COURT: THAT'S THE LEGAL SOFTWARE CASE.

25 MR. MYRICK: EXACTLY, WELL THE SOFTWARE CASE IS

1 CALLED QUICKBOOKS.

2 THE COURT: OKAY.

3 MR. MYRICK: BUT STATE V. DESBAIN SAYS THE SALE
4 OF COMPUTERIZED PLEADINGS WHETHER IT'S A WILL OR A POWER OF
5 ATTORNEY OR VERBAL POWER OF ATTORNEY OR WHATEVER IT IS DOES
6 NOT CONSTITUTE THE UNAUTHORIZED PRACTICE OF LAW AND ACTING
7 AS A MERE SCRIVENER AND HELPING SOMEONE FILL IN THE BLANKS
8 IS NOT THE PRACTICE OF LAW, AND YOUR HONOR'S CHARGE IS
9 CORRECT, BUT THAT'S WHAT THEY'RE HUNG UP ON, EITHER THAT OR
10 THE LANGUAGE BY INDICTMENT WHICH DOESN'T APPEAR TO BE
11 COMPLETELY CONSISTENT WITH YOUR HONOR'S CHARGE ON THE LAW.

12 THE COURT: WELL I DIDN'T REALLY THINK, YOU
13 KNOW, I DIDN'T KNOW WHAT WAS HOLDING THEM UP WHEN I FIRST
14 STARTED BUT WHEN I WENT BACK AND JUST, IT JUST DAWNED ON ME
15 WHEN I WAS RECHARGING THEM, I THINK THAT MIGHT BE THE
16 ISSUE, BUT I DON'T KNOW, LET'S CHECK AND SEE WHAT THEY SAY,
17 ALL RIGHT.

18 MR. MYRICK: THEY MAY JUST NOT LIKE LAWYERS.

19 THE COURT: THEY MAY NOT, MAY NOT, ALL RIGHT,
20 THANK YOU.

21 MR. MYRICK: THANK YOU.

22 MR. LOCKLAIR: YOUR HONOR, I HAVE A CASE ---

23 (WHEREUPON, THE JURY KNOCKED WITH A NOTE AT 10:45
24 A.M.)

25 THE COURT: ALL RIGHT, GOT A NOTE BACK FROM THE

1 JURY THAT SAYS, "THE JURY HAS COME TO A UNANIMOUS DECISION
2 ON TWO OF THE THREE COUNTS BUT CANNOT COME TO AN AGREEMENT
3 ON THE THIRD COUNT." THEN IT GOES ON AND SAYS IT GIVES THE
4 BREAK DOWN, IF YA'LL WANT TO READ IT YOU CAN, I DON'T KNOW,
5 WELL THEY SENT THE NOTE OUT, I'M GOING TO MAKE IT A COURT'S
6 EXHIBIT.

7 "THE JURY HAS COME TO A UNANIMOUS DECISION ON TWO
8 OF THE THREE COUNTS BUT CANNOT COME TO AN AGREEMENT ON THE
9 THIRD COUNT IN WHICH NINE OF THE JURORS FIND THE DEFENDANT
10 GUILTY AND THREE FIND THE DEFENDANT NOT GUILTY. WE'RE
11 HAVING A DIFFICULT TIME, CANNOT COME TO AN AGREEMENT,
12 COMING TO A UNANIMOUS AGREEMENT ON THE COUNT OF
13 UNAUTHORIZED PRACTICE OF LAW, WE'RE DEADLOCKED NINE TO
14 THREE."

15 I'M JUST GOING TO DECLARE A MISTRIAL ON THE
16 UNAUTHORIZED PRACTICE OF LAW AND TAKE THEIR VERDICT ON THE
17 OTHER TWO INDICTMENTS, OKAY.

18 MR. LOCKLAIR: YES, SIR.

19 THE COURT: ALL RIGHT, ANYTHING FROM THE STATE
20 BEFORE WE BRING THE JURY IN?

21 MR. MYRICK: NO, SIR.

22 THE COURT: ANYTHING FROM THE DEFENSE?

23 MR. LOCKLAIR: NO, SIR.

24 (WHEREUPON, COURT'S EXHIBIT NUMBER 8 MARKED FOR
25 IDENTIFICATION.)

1 THE COURT: ALL RIGHT, LET'S BRING THE JURY IN.
2 (WHEREUPON, THE JURY ENTERED THE COURTROOM AT
3 10:58 A.M. TO DELIVER ITS VERDICT AS TO DEFENDANT ROBERT
4 STEVE JOLLY.)

5 THE COURT: LADIES AND GENTLEMEN, WELCOME BACK,
6 MS. MCGEE, I UNDERSTAND THE JURY HAS REACHED A VERDICT ON
7 TWO OF THE INDICTMENTS; IS THAT CORRECT?

8 MADAM FORELADY: YES, SIR.

9 THE COURT: ALL RIGHT, HAVE YOU FILLED IN THE
10 INDICTMENTS WITH THE JURY'S VERDICT, SIGNED YOUR NAME, AND
11 DATED IT?

12 MADAM FORELADY: YES, SIR.

13 THE COURT: ALL RIGHT, AND I UNDERSTAND THAT YOU
14 HAVE NOT BEEN ABLE TO REACH A DECISION ON THE UNAUTHORIZED
15 PRACTICE OF LAW; IS THAT CORRECT?

16 MADAM FORELADY: YES, SIR.

17 THE COURT: ALL RIGHT, IF YOU'D, PLEASE, HAND
18 THE INDICTMENTS, ALL RIGHT, I'M GOING TO ASK THE CLERK IF
19 SHE WILL, PLEASE, PUBLISH THE INDICTMENTS 2009-GS-26-2946
20 AND 2950.

21 MADAM CLERK: INDICTMENT NUMBER 2009-GS-26-2946
22 THE STATE OF SOUTH CAROLINA V. ROBERT STEVE JOLLY ON THE
23 CHARGE OF OBTAINING PROPERTY BY FALSE PRETENSES WE THE JURY
24 UNANIMOUSLY FIND THE DEFENDANT GUILTY MORE THAN FIVE
25 THOUSAND.

1 INDICTMENT NUMBER 2009-GS-26-2950 THE STATE OF
2 SOUTH CAROLINA V. ROBERT STEVE JOLLY ON THE CHARGE OF
3 OBTAINING PROPERTY BY FALSE PRETENSES WE THE JURY
4 UNANIMOUSLY FIND THE DEFENDANT GUILTY MORE THAN FIVE
5 THOUSAND, SIGNED BY FOREPERSON MICHELLE MCGEE, JUROR NUMBER
6 229.

7 LADIES AND GENTLEMEN OF THE JURY, IF THIS IS YOUR
8 VERDICT SO SIGNIFY BY RAISING YOUR RIGHT HAND.

9 (WHEREUPON, ALL JURORS RESPONDED AFFIRMATIVELY.)

10 MADAM CLERK: THANK YOU.

11 THE COURT: THANK YOU VERY MUCH, ANY POLLING OF
12 THE JURY BY THE DEFENSE?

13 MR. LOCKLAIR: YES, PLEASE, YOUR HONOR.

14 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN, THE
15 DEFENSE REQUESTS THAT WE POLL THE JURY WHICH MEANS THAT AS
16 YOUR NAME IS CALLED IF YOU WOULD, PLEASE, STAND AND THE
17 CLERK IS GOING TO ASK YOU TWO QUESTIONS. THE FIRST
18 QUESTION IS GOING TO BE IS THIS YOUR VERDICT AND THE SECOND
19 QUESTION IS GOING TO BE IS THIS STILL YOUR VERDICT, SO
20 PLEASE RESPOND TO THE QUESTIONS WHEN THE CLERK CALLS YOUR
21 NAME, AND I ASK YOU TO STAND.

22 MADAM CLERK: 229, MICHELLE MCGEE, IS THIS YOUR
23 VERDICT?

24 JURY MEMBER: YES, MA'AM.

25 MADAM CLERK: IS THIS STILL YOUR VERDICT?

1 JURY MEMBER: YOU'RE ASKING ABOUT THE ONES THAT
2 YOU JUST READ?

3 MADAM CLERK: YES, MA'AM?

4 JURY MEMBER: YES, MA'AM, THAT IS MY VERDICT.

5 MADAM CLERK: THANK YOU, JUROR NUMBER 184,
6 NORMANDE KALBERER, IS THIS YOUR VERDICT?

7 JURY MEMBER: YES.

8 MADAM CLERK: IS THIS STILL YOUR VERDICT?

9 JURY MEMBER: YES.

10 MADAM CLERK: THANK YOU, 384, MICHAEL
11 WHITESIDES, IS THIS YOUR VERDICT?

12 JURY MEMBER: YES, MA'AM.

13 MADAM CLERK: IS THIS STILL YOUR VERDICT?

14 JURY MEMBER: YES, MA'AM.

15 MADAM CLERK: THANK YOU, 365, SANDRA VANDERLAAN,
16 IS THERE YOUR VERDICT?

17 JURY MEMBER: YEAH.

18 MADAM CLERK: IS THIS STILL YOUR VERDICT?

19 JURY MEMBER: YEAH.

20 MADAM CLERK: THANK YOU, 202, JOANIE LEWIS, IS
21 THIS YOUR VERDICT?

22 JURY MEMBER: YES.

23 MADAM CLERK: IS THIS STILL YOUR VERDICT?

24 JURY MEMBER: YES.

25 MADAM CLERK: THANK YOU, 200, FRANK LEO, IS THIS

1 YOUR VERDICT?

2 JURY MEMBER: YES.

3 MADAM CLERK: IS THIS STILL YOUR VERDICT?

4 JURY MEMBER: YES.

5 MADAM CLERK: THANK YOU, 186, DONNA KELLER, IS

6 THIS YOUR VERDICT?

7 JURY MEMBER: YES.

8 MADAM CLERK: IS THIS STILL YOUR VERDICT?

9 JURY MEMBER: YES.

10 MADAM CLERK: 143, NANCY GUINTO, IS THIS YOUR

11 VERDICT?

12 JURY MEMBER: YES.

13 MADAM CLERK: IS THIS STILL YOUR VERDICT?

14 JURY MEMBER: YES.

15 MADAM CLERK: THANK YOU, 340, CECIL STROUD, IS

16 THIS YOUR VERDICT?

17 JURY MEMBER: YES.

18 MADAM CLERK: IS THIS STILL YOUR VERDICT?

19 JURY MEMBER: YES.

20 MADAM CLERK: THANK YOU, 66, JULIE CHESTNUT, IS

21 THIS YOUR VERDICT?

22 JURY MEMBER: YES.

23 MADAM CLERK: IS THIS STILL YOUR VERDICT?

24 JURY MEMBER: YES.

25 MADAM CLERK: THANK YOU, 83, SHARON CROMIE, IS

1 THIS YOUR VERDICT?

2 JURY MEMBER: YES.

3 MADAM CLERK: IS THIS STILL YOUR VERDICT?

4 JURY MEMBER: YES.

5 MADAM CLERK: THANK YOU, 87, SHARI DAVIDSON, IS

6 THIS YOUR VERDICT?

7 JURY MEMBER: YES.

8 MADAM CLERK: IS THIS STILL YOUR VERDICT?

9 JURY MEMBER: YES.

10 MADAM CLERK: THANK YOU.

11 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN,

12 THAT CONCLUDES YOUR SERVICES AS JURORS IN THIS CASE. IT

13 ALSO CONCLUDES YOUR SERVICES AS JURORS FOR THIS WEEK. YOU

14 ARE NOW DISQUALIFIED FROM SERVING ON THE JURY FOR A YEAR

15 AND YOU HAVE A THREE EXEMPTION. I HOPE YOU DO NOT EXERCISE

16 YOUR EXEMPTION BECAUSE WE DO NEED JURORS AND I WANT TO

17 THANK EVERYBODY FOR YOUR WORK ON THIS CASE AND FOR YOUR

18 WORK THIS WEEK. AS I SAID NOT ONLY IN THIS CASE DID YOU

19 BRING BACK A VERDICT ON TWO OF THESE INDICTMENTS BUT YOU

20 BROUGHT ABOUT THE RESOLUTION OF A GREAT MANY CASES JUST

21 BECAUSE YOU ARE HERE READY AND WILLING TO SERVE AS JURORS

22 AND WE NEED PEOPLE LIKE YOU AND I WANT TO THANK YOU FOR

23 YOUR SERVICE.

24 YOU'RE FREE TO GO FOR THE REMAINDER OF THE DAY,

25 LIKEWISE THAT CONCLUDES YOUR SERVICES FOR THE WEEK. I HOPE

1 EVERYONE HAS A GOOD WEEK AND ONCE AGAIN ON BEHALF OF ME AND
2 THE CITIZENS OF HORRY COUNTY I DO WANT TO THANK YOU FOR
3 YOUR SERVICE IN THIS CASE. YOU'RE FREE TO GO AND THANK YOU
4 VERY MUCH.

5 (WHEREUPON, THE JURY WAS EXCUSED AT 11:04 A.M.)

6 THE COURT: ANY POST TRIAL MOTIONS AT THIS POINT
7 IN TIME?

8 MR. LOCKLAIR: NONE FROM THE DEFENSE, YOUR
9 HONOR.

10 THE COURT: ALL RIGHT, ANY REASON AS TO WHY WE
11 DO NOT GO AHEAD AND IMPOSE SENTENCE AT THIS TIME?

12 MR. LOCKLAIR: NONE FROM THE DEFENSE, YOUR
13 HONOR.

14 THE COURT: ALL RIGHT, ALL RIGHT, MR. JOLLY, IF
15 YOU'D, PLEASE, STAND? MR. LOCKLAIR, ANYTHING IN
16 MITIGATION?

17 MR. LOCKLAIR: YOUR HONOR, I'D JUST LIKE TO SAY
18 MR. JOLLY IS 61 YEARS OLD; HE'S FROM NORTH CAROLINA. WHILE
19 YOU HEARD A LOT OF TESTIMONY ABOUT A LOT OF DIFFERENT
20 INCIDENTS I KNOW THE ATTORNEY GENERAL IS PROBABLY GOING TO
21 ASK FOR CONSECUTIVE SENTENCES BUT I'D ASK THE COURT TO
22 REMEMBER THAT HIS TWO INSTANCES OF OBTAINING GOODS BY FALSE
23 PRETENSE WHERE THE ULTIMATE VALUE OF LOSS IS JUST OVER TEN
24 THOUSAND DOLLARS, AND MAYBE ELEVEN THOUSAND DOLLARS,
25 BETWEEN THE TWO DEFENDANTS, I MEAN BETWEEN THE TWO VICTIMS

1 IN THIS CASE, AND WHILE IT WAS AN EMOTIONAL WAY TO HAVE
2 YOUR MONEY BE INVOLVED I'M SURE FOR THESE VICTIMS IT STILL
3 BOILS DOWN TO THERE WAS NOT A TON OF LOSS IN THESE CASES.
4 THEY BOTH, I THINK BOTH THESE WOMEN KEPT THEIR HOMES, HE'S
5 DONE TWO YEARS IN JAIL ALREADY.

6 HE IS SIXTY ONE YEARS OF AGE, YOUR HONOR, I WOULD
7 ASK THE COURT TO CONSIDER A PROBATIONARY SENTENCE WITH
8 RESTITUTION BECAUSE THAT WOULD HELP MAKE THE VICTIMS WHOLE.
9 ANY SUBSTANTIAL SENTENCE IS GOING TO PUT HIM, YOU KNOW,
10 PAST ANY WORKING YEARS, THEY WOULD NEVER GET RESTITUTION.
11 LIKE I SAID HE'S DONE ENOUGH TIME IN JAIL ALREADY TO HAVE
12 THE PUNITIVE FACTOR AND I THINK TRYING TO MAKE THE VICTIMS
13 WHOLE WOULD BE IN THE BEST INTEREST OF JUSTICE BUT I'D ASK
14 THE COURT TO CONSIDER PROBATION, HOWEVER IF THE COURT DOES
15 DEEM IT NECESSARY TO SENTENCE HIM TO A TERM OF
16 INCARCERATION I CERTAINLY THINK THAT A SMALLER SENTENCE IN
17 AROUND A THREE YEAR, FOUR YEAR RANGE WOULD BE MUCH MORE
18 APPROPRIATE THAN MAXING HIM OUT ON THIS.

19 OBVIOUSLY THE LEGISLATURE SET A RANGE OF ZERO TO
20 TEN FOR, YOU KNOW, THE PURPOSE OF THE JUDICIARY HAVING
21 DISCRETION IN WHERE TO SENTENCE PEOPLE AND OBVIOUSLY
22 THERE'S CASES A LOT WORSE THAN THIS. THERE'S A LOT MORE
23 DAMAGES; THERE'S A LOT MORE LOSS, AND THINGS OF THAT
24 NATURE, SO I WOULD CERTAINLY THINK THAT IF THE COURT DOES
25 DECIDE INCARCERATION IS APPROPRIATE THAT I WOULD ASK THE

1 COURT TO CONSIDER A LIGHTER SENTENCE, HOWEVER I THINK BASED
2 ON ALL OF THE FACTORS IN THE BEST INTEREST OF JUSTICE THAT
3 A PROBATIONARY SENTENCE WOULD BE APPROPRIATE IN THIS CASE.

4 THE COURT: ALL RIGHT, MR. JOLLY, ANYTHING YOU
5 WANT TO SAY?

6 DEFENDANT JOLLY: NO, SIR, YOUR HONOR.

7 THE COURT: ALL RIGHT, DO THE VICTIMS WISH TO
8 SPEAK?

9 MR. MYRICK: YES, SIR, I'M SURE THEY DO, YOUR
10 HONOR.

11 THE COURT: ALL RIGHT, THEY NEED TO COME FORWARD
12 AND GIVE THE COURT THEIR NAMES.

13 MR. MYRICK: YOUR HONOR, I'VE PREPARED A
14 SENTENCING SHEET.

15 THE COURT: OKAY, THAT'S GOOD, THANK YOU, THANK
16 YOU, SIR. YES, MA'AM, GIVE THE COURT REPORTER YOUR NAME,
17 PLEASE?

18 MS. MARTIN: MY NAME IS ANNIE BELL MARTIN.

19 THE COURT: ALL RIGHT, MS. MARTIN, LET ME HEAR
20 FROM YOU?

21 MS. MARTIN: I WANT TO THANK THE COURTS FOR
22 THEIR TIME AND FOR THE VERDICT AND I WOULD APPRECIATE IT IF
23 THEY WOULD SEE FIT TO PUT HIM IN PRISON SO HE CANNOT DO
24 THIS TO ANYONE ELSE.

25 THE COURT: OKAY, THANK YOU, MA'AM. ANYONE

1 ELSE? GIVE THE COURT REPORTER YOUR NAME, PLEASE?

2 MS. HOLMES: PAULETTE HOLMES.

3 THE COURT: ALL RIGHT, MS. HOLMES?

4 MS. HOLMES: I WOULD LIKE FOR MR. JOLLY TO SPEND
5 SOME TIME IN JAIL AND THINKING ABOUT HOW HE HURT FAMILIES.
6 WE WERE WOMEN STRUGGLING TO KEEP OUR HOMES, HAVE A PLACE
7 FOR OUR FAMILY IF WE PASS ON, BUT HE TRIED TO TAKE IT, AND
8 THAT IS NOT FAIR, JUDGE, PLEASE THINK ABOUT IT.

9 THE COURT: THANK YOU, MA'AM, ALL RIGHT, ANY
10 PRIOR RECORD?

11 MR. MYRICK: YES, SIR, YOUR HONOR, IN 1971 HE
12 WAS CONVICTED OF POSSESSION OF HEROIN AND THE SALE OF
13 HEROIN.

14 IN 1977 HE WAS CONVICTED OF RECEIVING STOLEN
15 PROPERTY AND CONVICTED OF CONSPIRACY TO COMMIT A FELONY,
16 THAT FELONY WAS MURDER, YOUR HONOR.

17 IN 1977 HE WAS CONVICTED AGAIN FOR THE POSSESSION
18 OF MARIJUANA, HEROIN, AND COCAINE.

19 IN 1983 HE WAS CONVICTED OF A FELON IN POSSESSION
20 OF A FIREARM.

21 IN 1998 AS THE COURT KNOWS HE WAS CONVICTED OF
22 COUNTERFEITING.

23 IN 2001 HE WAS CONVICTED OF THREATENING THE
24 WITNESS, I'M SORRY, YOUR HONOR, HE WAS CHARGED WITH
25 COUNTERFEITING IN 1998, HE WAS CONVICTED IN 2001, AND IN

1 2003 HE WAS AGAIN CONVICTED OF A FELON IN POSSESSION OF A
2 FIREARM. HE'S A CAREER CRIMINAL, YOUR HONOR.

3 THE COURT: ALL RIGHT.

4 MR. MYRICK: ANYTHING OTHER THAN A SUBSTANTIAL
5 CONSECUTIVE SENTENCE IS GOING TO ALLOW HIM TO COME OUT AND
6 CHOOSE A NEW CRIME AND A NEW SET OF VICTIMS. I'D ALSO
7 POINT OUT TO THE COURT THAT THE LOSS AS MR. LOCKLAIR SAID
8 WAS RELATIVELY MINOR IN TERMS OF THE DOLLAR FIGURES THAT WE
9 READ ABOUT IN THE NEWSPAPER EVERY DAY, THE COURT HEARD WHAT
10 ANNIE BELL MARTIN BRINGS HOME IN HER PAYCHECK. FIVE
11 THOUSAND DOLLARS WAS ALMOST HALF A YEARS TAKE HOME PAY FOR
12 HER.

13 MS. HOLMES IS A WIDOW ON A FIXED INCOME AND WORKS
14 IN THE SERVICE INDUSTRY AT THE BEACH. THESE WERE
15 SUBSTANTIAL, SUBSTANTIAL LOSSES FOR THESE WOMEN,

16 THE COURT: ALL RIGHT.

17 MR. LOCKLAIR: YOUR HONOR, I WOULD JUST NOTE MY
18 CLIENT TELLS ME THAT CONSPIRACY CHARGE WAS ULTIMATELY
19 DISMISSED, WAS NOT A CONVICTION BUT I DON'T HAVE HIS RAP
20 SHEET WITH ME.

21 THE COURT: ALL RIGHT, NOW I'M SEEING ON THE
22 SENTENCING SHEET, IS THIS A, IS THIS A NON VIOLENT, I MEAN
23 OR SERIOUS?

24 MR. MYRICK: NO, SIR, IT'S NEITHER.

25 THE COURT: IT'S WHAT NOW?

1 MR. MYRICK: IT'S NEITHER. IF THE COURT WOULD
2 INDULGE ME ONE MORE TIME I HAVE ONE MORE THING I'D LIKE TO
3 PUT ON THE RECORD?

4 THE COURT: ALL RIGHT, GO AHEAD.

5 MR. MYRICK: YOUR HONOR, THE DEFENDANT HAS SHOWN
6 NO REMORSE AND THERE HAS BEEN NO EFFORT TO RESTITUTION.
7 THE FEDERAL GOVERNMENT IS CURRENTLY INVESTIGATING THIS CASE
8 AND I'VE BEEN INFORMED BY THE SPECIAL AGENT OF THE U. S.
9 POSTAL INSPECTORS OFFICE THAT THE DEFENDANT HAS SUBSTANTIAL
10 ASSETS FROM WHICH RESTITUTION COULD BE PAID WHICH HE'S
11 ENGAGED IN AN EFFORT TO HIDE BY SIGNING THEM OVER TO HIS
12 FAMILY. HE COULD MAKE RESTITUTION, HE'S CHOSEN NOT TO.

13 MR. LOCKLAIR: WELL, YOUR HONOR, I WOULD JUST
14 SAY IN HIS DEFENSE THAT AS HIS LAWYER I STRONGLY ADVISED
15 HIM AGAINST ANY CONTACT WITH ANY VICTIM OR ANYTHING THAT
16 WOULD PURPORT TO CONFESS GUILT SO PAYING RESTITUTION WOULD
17 NOT HAVE BEEN IN THE BEST INTEREST PRIOR TO TRIAL.

18 THE COURT: ALL RIGHT, THANK YOU.

19 SENTENCING

20 THE COURT: ALL RIGHT, AS TO INDICTMENT 2009-GS-
21 26-0186 THE STATE OF SOUTH CAROLINA V. ROBERT STEVE JOLLY
22 ON UNAUTHORIZED PRACTICE OF LAW I AM DECLARING A MISTRIAL
23 IN THAT CHARGE, ON THAT INDICTMENT.

24 AS TO INDICTMENTS 2009-GS-26-2946 FOR OBTAINING
25 PROPERTY BY FALSE PRETENSES, 2009-GS-26-2950 OBTAINING

1 PROPERTY BY FALSE PRETENSES, THE SENTENCE OF THE COURT IS
2 THAT THE DEFENDANT BE CONFINED TO THE STATE DEPARTMENT OF
3 CORRECTIONS FOR TEN YEARS AND PAY A FINE OF FIVE HUNDRED
4 DOLLARS. THE SENTENCES WILL RUN CONCURRENTLY AND HE WILL
5 BE GIVEN CREDIT FOR ANY TIME SERVED THUSFAR, ALL RIGHT.

6 MR. LOCKLAIR: THANK YOU, YOUR HONOR.

7 THE COURT: ALL RIGHT. ANYTHING ELSE FROM THE
8 EITHER THE STATE OR DEFENSE?

9 MR. LOCKLAIR: NO, SIR.

10 MR. MYRICK: NO, SIR, YOUR HONOR.

11 THE COURT: ALL RIGHT, THE COURT IS ADJOURNED.

12 END OF REQUESTED TRANSCRIPT - - - -
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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED BRENDA R. BABB, OFFICIAL COURT REPORTER THE SOUTH CAROLINA COURT ADMINISTRATION, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE, AND COMPLETE TRANSCRIPT OF RECORD OF ALL PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE HEARING OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE COURT OF GENERAL SESSIONS FOR HORRY COUNTY, SOUTH CAROLINA.

I DO FURTHER CERTIFY THAT I AM NEITHER KIN, COUNSEL NOR INTEREST TO ANY PARTY HERETO.

September 9, 2011

Brenda R. Babb
BRENDA R. BABB, CVR

OFFICIAL REPORTER

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

WITNESSES

Inv. Larry Huffstetler

ARREST WARRANT NUMBER

Direct Presentment

CDR 0531

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

JUL 30 2009

VERDICT

Guilty more than \$5,000

Foreperson of Petit Jury

Date: 4/14/11

Docket Number 2009-GS-26-02946

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

WITNESSES

Inv. Larry Huffstetler

ARREST WARRANT NUMBER

Direct Presentment

CDR 0531

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: JUL 30 2009

VERDICT

Guilty more than \$5,000

Foreperson of Petit Jury
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:

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:

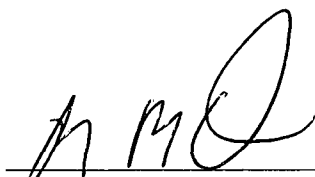
C.C.C. Pls. And G.S.

ORIGINAL

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the 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."

August 27th, 2012



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT