

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to Richland County

Jocelyn J. Newman, Circuit Court Judge

\_\_\_\_\_  
RICHARD B. MOCK,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2020-000916

\_\_\_\_\_  
APPENDIX  
\_\_\_\_\_

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**Jan 13 2021**

S.C. SUPREME COURT

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1 State of South Carolina Court of General Sessions  
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5 State )  
6 )  
7 v. ) Transcript of Record  
8 Richard B. Mock, Jr. ) 14-GS-40-4831, 4832  
9 Defendant. ) 16-GS-40-4221 - 4225

10 July 28, 2016  
11 Columbia, South Carolina

12

13 B E F O R E:

14 The Honorable William P. Keesley, Judge.

15

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

17 Margaret F. Bodman, Assist. Solicitor  
18 Attorney for the State

19 Tracy E. Pinnock, Assist. Public Defender  
20 Attorney for the Defendant

21

22

23

24

25

Stacy L. Sheppard, RPR  
Circuit Court Reporter

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I N D E X

WITNESSES                    DIRECT   CROSS   REDIRECT   RECROSS

(There were no witnesses.)

E X H I B I T S

NO.                                    DESCRIPTION                                    ID.   EVD.

(There were no exhibits.)

1 (The following proceedings were held on July  
2 28, 2016.)

3 RICHARD B. MOCK, JR.,

4 having been duly sworn, testified as follows:

5 **THE COURT:** You're Richard B. Mock, Jr.?

6 **DEFENDANT:** Yes, sir.

7 **THE COURT:** I have an indictment that charges  
8 that in Richland County, on or about the dates or  
9 between the dates of January 24, 2011, and May 28 of  
10 2012, you, being over the age of 14, willfully and  
11 lewdly committed a lewd or lascivious act upon or  
12 with the body of a child less than 16 years of age,  
13 who is named in the indictment, with the intent of  
14 arousing, appealing to or gratifying the lust or  
15 passions or sexual desires of yourself or of the  
16 child.

17 Upon your arraignment on that charge of  
18 committing a lewd act on a minor, it appears that  
19 you wish to enter a plea of guilty; is that right?

20 **DEFENDANT:** Yes.

21 **THE COURT:** Another indictment charges that in  
22 Richland County, on or between the dates of January  
23 24, 2011, and May 28, 2012, you, being over the age  
24 of 14 years, did willfully and lewdly commit a lewd  
25 or lascivious act upon or with the body of a child

1 less than 16 years of age, who's named in the  
2 indictment, with the intent of arousing, appealing  
3 to or gratifying the lust or passions or sexual  
4 desires of yourself or the child.

5 Upon your arraignment, it appears you wish to  
6 enter a plea of guilty to committing a lewd act upon  
7 a child; is that correct?

8 **DEFENDANT:** Yes, sir.

9 **THE COURT:** Another indictment charges that in  
10 Richland County, on or about June 16, 2014, you  
11 possessed material containing a visual  
12 representation of a minor engaging in sexual  
13 activity and/or sexually explicit nudity while  
14 knowing the character or content of such material.

15 Upon your arraignment on that charge, it  
16 appears you wish to plead guilty to criminal --  
17 sexual exploitation of a minor in the third degree;  
18 is that correct?

19 **DEFENDANT:** Yes, sir.

20 **THE COURT:** I have an indictment that charges  
21 that in Richland County, on or about June 16, 2014,  
22 you possessed material that contained a visual  
23 representation of a minor engaging in sexual  
24 activity and/or explicit sexual nudity while knowing  
25 the character or content of that material.

1           Upon your arraignment, it appears you wish to  
2 plead guilty to sexual exploitation of a minor in  
3 the third degree; is that right?

4           **DEFENDANT:** Yes, sir.

5           **THE COURT:** Another indictment charges that in  
6 Richland County, on or about June 16, 2014, you  
7 possessed material that contained a visual  
8 representation of a minor engaging in sexual  
9 activity and/or sexually explicit nudity knowing the  
10 character or content of such material.

11           Upon your arraignment, it appears you wish to  
12 plead guilty to sexual exploitation of a minor in  
13 the third degree; is that right?

14           **DEFENDANT:** Yes, sir.

15           **THE COURT:** Another indictment charges that in  
16 Richland County, on or about June 16, 2014, you  
17 possessed material that contained a visual  
18 representation of a minor engaging in sexual  
19 activity and/or sexually explicit nudity knowing the  
20 character or content of that material.

21           Upon your arraignment, it appears you wish to  
22 plead guilty to sexual exploitation of a minor in  
23 the third degree; is that right?

24           **DEFENDANT:** Yes, sir.

25           **THE COURT:** And the last indictment I have

1 charges that in Richland County, on or about June  
2 16, 2014, you possessed material that contained a  
3 visual representation of a minor engaging in sexual  
4 activity and/or sexually explicit nudity knowing the  
5 character or content of that material.

6 Upon your arraignment, it appears you wish to  
7 plead guilty to sexual exploitation of a minor in  
8 the third degree; is that right?

9 **DEFENDANT:** Yes, sir.

10 **THE COURT:** Counsel, have you fully explained  
11 to your client the nature and elements of the  
12 offenses, the possible punishment and his  
13 constitutional rights, including trial by jury?

14 **MS. PINNOCK:** Yes, Your Honor, I have.

15 **THE COURT:** Are you satisfied there's a factual  
16 basis for each plea?

17 **MS. PINNOCK:** Yes, Your Honor.

18 **THE COURT:** Do you agree with his decision to  
19 enter these pleas?

20 **MS. PINNOCK:** I do, Your Honor.

21 **THE COURT:** Mr. Mock, today are you under the  
22 influence of any medicine, alcohol, drug or anything  
23 affecting your thinking?

24 **DEFENDANT:** No, sir..

25 **THE COURT:** Do you have any physical or mental

1 problems that affect your thinking today?

2 **DEFENDANT:** No, sir.

3 **THE COURT:** You're clearheaded? You know what  
4 you're doing?

5 **DEFENDANT:** Yes, sir.

6 **THE COURT:** When you plead guilty, you give up  
7 important rights, including your right to remain  
8 silent and your right to a jury trial. Do you  
9 understand that?

10 **DEFENDANT:** Yes, sir.

11 **THE COURT:** If you wanted a jury trial, you  
12 would be presumed to be innocent. The State has the  
13 entire burden of proof. And the State must prove to  
14 all 12 jurors that you are guilty in order for you  
15 to be convicted of anything, and the proof must be  
16 found by the jury to be beyond a reasonable doubt.  
17 You understand that?

18 **DEFENDANT:** Yes, sir.

19 **THE COURT:** In a jury trial setting, you get to  
20 see, hear and have your lawyer cross-examine every  
21 witness against you. You understand that?

22 **DEFENDANT:** Yes, sir.

23 **THE COURT:** If you wanted to testify, you  
24 certainly may testify in any trial or trials, but if  
25 you chose not to testify, the trial judge would tell

1 the jury that they could not hold your silence  
2 against you in any way at all. Do you understand  
3 that?

4 **DEFENDANT:** Yes, sir.

5 **THE COURT:** Now, if you have defenses in your  
6 case or any challenges you might raise to the  
7 evidence, those could be asserted in a jury trial.  
8 They can be raised to the judge and ruled upon. It  
9 might result in some evidence being excluded that  
10 the jury would never hear, might result in charges  
11 being dismissed, could have a major impact on how  
12 these charges proceed. But if you plead guilty, you  
13 give up all of those challenges. You understand  
14 that?

15 **DEFENDANT:** Yes, sir.

16 **THE COURT:** You give up any defenses you may  
17 have. You understand that?

18 **DEFENDANT:** Yes, sir.

19 **THE COURT:** If you plead guilty, you admit  
20 these charges are true. You understand that?

21 **DEFENDANT:** Yes, sir.

22 **THE COURT:** Do you want a jury trial on any of  
23 these cases?

24 **DEFENDANT:** No, sir.

25 **THE COURT:** I need you to listen to the

1 Solicitor, please.

2 **MS. BODMAN:** Thank you, Your Honor.

3 This occurred -- actually, the relationship  
4 between the defendant and the victim is it is his  
5 biological daughter. The victim initially disclosed  
6 when she was six years old. The parents had been  
7 divorced for a period of time and so they had  
8 separate -- there was custody arrangements.

9 The mom was bathing with her daughter and her  
10 daughter just sort of spontaneously disclosed  
11 something to the effect that her dad had used the  
12 soap or rubbed her with the soap. The victim was, I  
13 guess, doing some things in the bath that made her  
14 concerned about why she was rubbing herself. And  
15 they had a conversation. And she had also disclosed  
16 something to the effect of being licked by her dad.

17 The victim's mom contacted law enforcement,  
18 contacted her pediatrician. And, subsequently, the  
19 victim was interviewed at our child advocacy center,  
20 at the ARC.

21 In that first interview, she clearly discloses  
22 that she has special time with her dad, with the  
23 defendant, that the door is locked and closed during  
24 this special time, that he takes off her clothes and  
25 that they lie on the bed and the defendant rubs her

1 -- all over her body, but described him rubbing what  
2 she said was her nee-naw is what she called her  
3 vagina at the time.

4 After that interview, a decision was made by  
5 several individuals, including the people at the  
6 ARC, that a second interview needed to happen. And,  
7 essentially, in that second interview, the victim  
8 began to recant what she had said in the first  
9 interview. There was subsequently a third interview  
10 with the victim and she completely recanted all acts  
11 and the special time. At that point, a decision was  
12 made by law enforcement and our office that there  
13 was not probable cause to proceed on the  
14 allegations.

15 The victim's mom began a private action in  
16 family court to keep him from having custody, and  
17 that fight in family court went on for a significant  
18 period of time. Ultimately, in May of 2014 -- and  
19 this initial allegation came out in June of '12,  
20 2012. So in May of 2014, there was a full trial  
21 regarding the custody rights in family court.

22 Evidence was closed on that case and the  
23 parties were awaiting a final order from the family  
24 court judge as to what the decision was going to be  
25 made with custody. It was at that point while we're

1 waiting for this order that Investigator Scott Faust  
2 of the Richland County Sheriff's Department received  
3 a phone call from the FBI asking if there had been  
4 an investigation involving the defendant and sexual  
5 abuse on his daughter.

6 An undercover FBI agent in Virginia was  
7 undergoing an investigation completely unrelated to  
8 this defendant and he had a target with an e-mail by  
9 the name of Pen and Paper. He got, pursuant to  
10 search warrants and administrative subpoenas, the  
11 e-mails of Pen and Paper. And in going through  
12 those e-mails, uncovered about a five-month exchange  
13 between the defendant and Pen and Paper where the  
14 defendant said his daughter had made these  
15 allegations, that he was fighting it and various  
16 other information.

17 After reading those e-mails, the undercover FBI  
18 agent decided to reach out to the defendant and  
19 start talking. And so the FBI agent, assuming the  
20 identity of a female, a single mother of children,  
21 began communicating with the defendant and that  
22 communication went on for about six weeks or a  
23 month, something like that.

24 In those two communications with Pen and Paper  
25 and with this undercover FBI agent, the defendant

1       made several admissions and specific descriptions of  
2       the sexual acts that he had committed upon his  
3       daughter giving her name, giving the age that it  
4       started was five years old and giving a lot of other  
5       details that could be confirmed, information that we  
6       knew for sure was happening, that this family court  
7       battle was raging on and that he was going to be  
8       getting his daughter back.

9               Those e-mails were given to the sheriff's  
10       department. And in reading through all those  
11       e-mails, from his admissions, we were able to carve  
12       out approximately five CSC with a minors and the  
13       four lewd acts to charge him with.

14              Subsequent to his arrest, we did a search  
15       warrant on his electronic devices. And on an  
16       external hard drive of his, we found undeleted, it  
17       was still on his external hard drive, approximately  
18       five photographs of his daughter in various stages  
19       of exposing her genitals to wearing some opaque pink  
20       tights without any underwear on, some see-through  
21       tights that meet the definition of our sexual  
22       exploitation statute. And so he was subsequently  
23       charged with these five photographs.

24              And we are set for trial for next week. In  
25       preparing for trial, in speaking with the victim, we

1 have the lewd act that she initially describes in  
2 the first ARC interview. And then she remembers the  
3 incident or an incident where she had soap, she was  
4 showering or taking a bath, she had gotten some soap  
5 in her private areas, it started to burn and that  
6 she recalls him walking her into her bedroom and  
7 laying her down on the bed and licking her private  
8 parts to get the soap out. So those, essentially,  
9 are the two acts supporting the lewd acts that he's  
10 pleading guilty to. So those are, essentially, the  
11 facts of the case, Your Honor.

12 **THE COURT:** All right. Mr. Mock, you admit  
13 you're guilty of these charges in the indictments?

14 **DEFENDANT:** Yes.

15 **THE COURT:** Do you admit that they occurred  
16 during the timeframes that are alleged?

17 **DEFENDANT:** Yes.

18 **THE COURT:** What's your date of birth?

19 **DEFENDANT:** [REDACTED]

20 **THE COURT:** And what's your daughter's date of  
21 birth?

22 **DEFENDANT:** [REDACTED].

23 **THE COURT:** Has anyone forced you, threatened  
24 you, coerced you, exercised any type of undue  
25 influence over you to get you to waive your rights

1 and enter this plea -- these pleas?

2 **DEFENDANT:** No, sir.

3 **THE COURT:** Are you fully satisfied with your  
4 attorney?

5 **DEFENDANT:** Yes, sir.

6 **THE COURT:** Is there anything else you want  
7 your lawyers to do on the case that have not been  
8 done?

9 **DEFENDANT:** No, sir.

10 **THE COURT:** Do you have any complaint of any  
11 kind against any attorney, law enforcement official  
12 or anybody who's dealt with your case?

13 **DEFENDANT:** No, sir.

14 **THE COURT:** Have you had enough time to meet  
15 with your attorneys so that they can represent you  
16 properly?

17 **DEFENDANT:** Yes, sir.

18 **THE COURT:** Have you had enough time to make up  
19 your own mind about all of this?

20 **DEFENDANT:** Yes, sir.

21 **THE COURT:** Any plea agreements the State might  
22 have made with you, any agreements about dropping  
23 charges, reducing charges, recommending sentences,  
24 anything like that, those things have to be said to  
25 me in open court on the record or they have to be

1 part of a written plea agreement that's entered into  
2 the record or you lose whatever they have not  
3 informed me about. You understand that?

4 **DEFENDANT:** Yes, sir.

5 **THE COURT:** All right. So what's the plea  
6 agreement?

7 **MS. BODMAN:** Your Honor, on indictment  
8 2014-GS-40-04831 for the lewd act, he will be given  
9 a sentence, the maximum sentence of 15 years. This  
10 will run consecutive with 04832, which is a lewd  
11 act, and the maximum sentence of 15 years on that.  
12 For each of the sexual exploitations of a minor  
13 third degree, he will be given the 10-year maximum  
14 sentence, but those five sexual exploitations will  
15 run concurrent with each other. But the 10 years is  
16 going to run consecutive to the other two lewd acts.  
17 So it will be a 15-year sentence consecutive to 15  
18 years consecutive to 10, so total of 40 years.

19 **THE COURT:** And what else?

20 **MS. BODMAN:** He has agreed to waive appeal.  
21 And he has agreed to waive his parole eligibility,  
22 and he will not seek or request parole while he is  
23 confined in the department of corrections.

24 **THE COURT:** Anything else?

25 **MS. BODMAN:** We have also agreed to no contact

1 with Kara Addy, which is his ex-wife, the mother of  
2 the victim.

3 **THE COURT:** How do you spell Kara?

4 **MS. BODMAN:** K-a-r-a.

5 **THE COURT:** A-d-d-y?

6 **MS. BODMAN:** And it's A-d-d-y. Her husband,  
7 Mike Addy, to the victim, **Minor**, and there's  
8 a son, **M.M.**.

9 And that will include -- as we've written in  
10 the plea agreement, that would include their  
11 immediate family members, either present or future,  
12 so that one day if the children have children, he  
13 will not be attempting to contact them.

14 **THE COURT:** Anything else?

15 **MS. BODMAN:** We are dismissing, in exchange for  
16 this plea, the CSC with a minor charges against him  
17 and the remaining lewd acts. So it's a seven -- a  
18 total of seven indictments that will be dismissed in  
19 exchange.

20 It is also written into the plea agreement that  
21 either by appealing or seeking parole, that would be  
22 a violation of this plea bargain and we could bring  
23 back up those indictments that are dismissed in  
24 exchange for this plea agreement.

25 **THE COURT:** Anything else?

1           **MS. BODMAN:** Nothing else in exchange for the  
2 plea. I do want to make sure it's on the record  
3 that he understands he will have to register as a  
4 sex offender. He also is subject to mandatory GPS  
5 monitoring for life and that he has also been  
6 admonished as to potential SVP petitions and  
7 commitments in the future.

8           **THE COURT:** All right. Counsel, is that your  
9 understanding of the plea agreement?

10          **MS. PINNOCK:** Yes, Your Honor.

11          **THE COURT:** Mr. Mock, is that your  
12 understanding of the plea agreement?

13          **DEFENDANT:** Yes, sir.

14          **THE COURT:** They've handed me a written plea  
15 agreement which is three pages in length with an  
16 additional page with a certificate by your attorney  
17 and by the assistant solicitor which would be signed  
18 by me. Did you sign this document?

19          **DEFENDANT:** Yes, sir.

20          **THE COURT:** Do you understand it?

21          **DEFENDANT:** Yes, sir.

22          **THE COURT:** Do you have any question about it  
23 at all?

24          **DEFENDANT:** No, sir.

25          **THE COURT:** So other than what's on the record,

1 has anybody promised you anything or offered you any  
2 hope of reward to get you to plead?

3 **DEFENDANT:** No, sir.

4 **THE COURT:** Do you understand what they said  
5 about waiving your right to any appeal?

6 **DEFENDANT:** Yes, sir.

7 **THE COURT:** Do you understand the finality of  
8 that and the consequences of it?

9 **DEFENDANT:** Yes, sir, I do.

10 **THE COURT:** And are you in agreement that you  
11 will waive any right to maintain any appeal?

12 **DEFENDANT:** Yes, sir.

13 **THE COURT:** Do you understand that the law can  
14 change in the future and you're waiving your right  
15 to appeal?

16 **DEFENDANT:** Yes, sir.

17 **THE COURT:** They also indicate you're waiving  
18 your right for any type of consideration for parole  
19 eligibility. And they've handed me a proposed order  
20 where I would direct the Department of Probation,  
21 Parole and Pardon Services that you had waived your  
22 right to seek parole and you would not be considered  
23 for parole. You understand all of that?

24 **DEFENDANT:** Yes, sir.

25 **THE COURT:** And you're in agreement with that?

1           **DEFENDANT:** Yes, sir.

2           **THE COURT:** You understand parole laws can  
3 change as well?

4           **DEFENDANT:** Yes, sir.

5           **THE COURT:** And you'd be waiving any right to  
6 seek parole. You understand that?

7           **DEFENDANT:** Yes, sir.

8           **THE COURT:** Are all of those decisions made of  
9 your own free will?

10          **DEFENDANT:** Yes, sir.

11          **THE COURT:** Do you have any question about  
12 those decisions?

13          **DEFENDANT:** No, sir.

14          **THE COURT:** Bear with me a moment.

15                   (Pause.)

16          **THE COURT:** The statute y'all have on here has  
17 been repealed.

18          **MS. BODMAN:** It was repealed after this. So  
19 it's now as of June -- it was changed to CSC with a  
20 minor third degree after this happened. So the lewd  
21 act is what he committed at that time. This is what  
22 he would be charged with and convicted of is the law  
23 that existed at the time he committed these  
24 offenses.

25          **THE COURT:** I didn't bring my old stuff. Y'all

1 will have to tell me about all the penalties and all  
2 the consequences; I might miss something.

3 **MS. BODMAN:** They all remained the same. It is  
4 zero to 15. It is considered a violent offense and  
5 carries the mandatory GPS monitoring, lifetime  
6 monitoring.

7 I believe it was, yeah, June 1st of 2012 that  
8 it changed over from lewd act to CSC with a minor  
9 first -- or third, excuse me.

10 (Pause.)

11 **THE COURT:** Mr. Mock, do you understand that  
12 committing or attempting a lewd act upon a minor is  
13 a felony that carries up to 15 years in prison on  
14 each count?

15 **DEFENDANT:** Yes, sir.

16 **THE COURT:** So you have two counts, that's a  
17 total of 30 years possible punishment. You  
18 understand that?

19 **DEFENDANT:** Yes, sir.

20 **THE COURT:** You understand that it's classified  
21 by the Legislature as a violent crime?

22 **DEFENDANT:** Yes, sir.

23 **THE COURT:** Now, the general rule is that on a  
24 violent offense, you cannot be released from prison  
25 sooner than serving one-third of the time, but in

1 your particular plea agreement, you're waiving any  
2 right to seek parole. So, as I understand it,  
3 you're agreeing that you have to max out both of  
4 these sentences; is that right?

5 **DEFENDANT:** Yes, sir.

6 **THE COURT:** Do you understand what the  
7 Solicitor said, that it requires mandatory GPS  
8 monitoring?

9 **DEFENDANT:** Yes, sir.

10 **THE COURT:** Do you understand what she  
11 mentioned about that there's a civil process known  
12 as a Sexual Violent Predator Act?

13 **DEFENDANT:** Yes, sir.

14 **THE COURT:** And do you understand that if  
15 somebody commits certain offenses like the ones  
16 you're pleading to, that when that person becomes  
17 toward the end of the sentence, the Attorney  
18 General's Office, under the current version of the  
19 law, can bring a petition? And if that petition is  
20 brought and if everything goes against you, you can  
21 be declared to be a sexually violent predator and  
22 you can be housed for treatment for sex offenders  
23 against your will until such time as you are  
24 determined to be safe to release into the community.  
25 You understand that?

1           **DEFENDANT:** Yes, sir.

2           **THE COURT:** Theoretically, that can be the rest  
3 of your life. You understand?

4           **DEFENDANT:** Yes, sir.

5           **THE COURT:** Now, I'm assuming your attorney's  
6 covered all of this with you, but just to make sure:  
7 You understand it has consequences about foster  
8 care, adoption, child abuse registries, things like  
9 that?

10          **DEFENDANT:** Yes, sir.

11          **THE COURT:** And with these offenses, and I'm  
12 going to cover this in the sexual exploitation in a  
13 moment, you'll have to register as a sex offender.  
14 Do you understand that?

15          **DEFENDANT:** Yes, sir.

16          **THE COURT:** Sexual exploitation of a minor is a  
17 felony that carries up to ten years in prison. You  
18 understand that?

19          **DEFENDANT:** Yes, sir.

20          **THE COURT:** The monitoring is required, there's  
21 no foster care or adoption, you're required to  
22 register as a sex offender and it's a sexually  
23 violent offense that can trigger the matter that I  
24 mentioned a moment ago, the civil process; you  
25 understand?

1           **DEFENDANT:** Yes, sir.

2           **THE COURT:** Now, you have five of those. So,  
3 theoretically, you're facing another 50 years. You  
4 understand that?

5           **DEFENDANT:** Yes, sir.

6           **THE COURT:** You have to provide a DNA sample.  
7 Your DNA profile will be put in a central computer  
8 registry for both of these offenses. You understand  
9 that?

10          **DEFENDANT:** Yes, sir.

11          **THE COURT:** Do you have any questions about  
12 anything I've covered with you?

13          **DEFENDANT:** No, sir.

14          **THE COURT:** Are you sure you want to give up  
15 your rights and plead guilty?

16          **DEFENDANT:** Yes, sir.

17          **THE COURT:** That's your own decision, made of  
18 your own free will?

19          **DEFENDANT:** Yes, sir.

20          **THE COURT:** Mr. Mock, has made a free, knowing,  
21 voluntary and intelligent decision to waive his  
22 rights and plead guilty. He's done so upon the  
23 advice of counsel with whom he's fully satisfied.  
24 There's a factual basis for each plea.

25                 He understands that he is waiving any right to

1 appeal. He understands he's waiving any right to  
2 parole consideration. Those decisions also are  
3 free, knowing, voluntary and intelligent, made upon  
4 the advice of counsel with whom he's fully  
5 satisfied.

6 Does he have any prior record?

7 **MS. BODMAN:** From 2008, he has a harassment  
8 conviction.

9 **THE COURT:** All right. What would y'all like  
10 to me tell me about your client?

11 **MS. PINNOCK:** If it please the Court, Your  
12 Honor.

13 Your Honor, Richard was arrested in June of  
14 2014. And Ms. Bodman just mentioned that we were on  
15 the trial docket for next week. I can tell Your  
16 Honor that from the second that he was arrested, he  
17 told law enforcement that just because he was going  
18 to speak to an attorney did not mean that he was not  
19 going to cooperate with the State because he never  
20 wanted to put anybody through a trial. He never  
21 wanted to put his daughter, his son, Ms. Addy,  
22 Mr. Addy, he did not want to put anybody through  
23 that process.

24 And there's nothing we can say to anybody that  
25 would go back and change anything or make anything

1 right. This is all Richard can do to try to give  
2 everybody involved on both sides some sort of  
3 closure so everybody can move forward and,  
4 hopefully, you know, get everything in their lives  
5 the way that they would like them to, Your Honor.

6 He knows that these decisions and these actions  
7 have not only affected him, but it's affected so  
8 many other people involved in this, you know, his  
9 mother, he has a brother, you know, his son, his  
10 daughter, his ex-wife. Your Honor, he understands  
11 the severity of everything that has happened and how  
12 much it has affected everybody else's life.

13 Your Honor, prior -- you know, these incidents  
14 aside, you know, Richard was fairly successful. You  
15 know, he was a -- he's a builder. He was building  
16 custom homes. He owned his own business for about  
17 15 years. And he was very -- very successful in  
18 what he was doing.

19 He was active in the community. He built for  
20 Habitat for Humanities. He built for United Way.  
21 He did HUD developments, Judge. So he was an  
22 active, productive member of society. You know,  
23 this set of circumstances, these incidents aside,  
24 you know, he was what anybody would expect to see  
25 out of a productive member of society, Your Honor.

1           He put a lot of love and commitment into his  
2 family. You know, I know it's -- it's almost --  
3 it's a weird situation to be in, you know, when  
4 there is evidence of love and, you know, support  
5 with the family life, but then on the flip side, we  
6 have these, you know, these incidents happened.  
7 There's no explaining it. There's no justifying it.  
8 Like I said, there's nothing we can say to right  
9 that wrong. But, Your Honor, he is fully taking  
10 responsibility for his actions. Again, he never  
11 wanted to put anybody through the process of going  
12 to trial and having people have, you know, testify  
13 in court, that was never his desire.

14           Your Honor, I do believe this was a fair  
15 resolution to the case. I appreciate the State, you  
16 know, Ms. Bodman working with us to resolve this  
17 case and everybody that was involved in it.

18           Your Honor, I will say, for the record, he's  
19 been incarcerated for 773 days. He understands what  
20 the agreement means. He understands the  
21 possibilities if he did try to do something in the  
22 future as far as parole, that that would completely  
23 nullify, you know, what he's standing here accepting  
24 today, Your Honor. So all I can do is ask Your  
25 Honor to accept the negotiations. He understands

1           what his responsibilities are going to be, the  
2           possible consequences of, you know, any actions that  
3           he would take at a later date.

4           Your Honor, I do believe this was the right way  
5           to resolve this case for everybody's benefit, so we  
6           would just ask you to accept the negotiations.

7           **THE COURT:** Thank you.

8           Do you want to say anything, Mr. Mock?

9           **DEFENDANT:** No, Your Honor.

10          **THE COURT:** It's going to take me a while to  
11          write all of this. Y'all can just have a seat, if  
12          you would, please.

13                   (Pause.)

14          **THE COURT:** I need to ask y'all a question.  
15          The initial sentence that you had worked out is on  
16          indictment 4831 for 15 years on lewd act. So he'll  
17          get credit for the time he served on that. And then  
18          the next charge of lewd act on 4832 is 15 years  
19          consecutive, and then you want to run 10 years  
20          consecutive to that on one of the exploitation of a  
21          minor charges.

22          **MS. BODMAN:** On all five of them.

23          **THE COURT:** Why? Why can't I run -- why can't  
24          I run the other four concurrent?

25          **MS. BODMAN:** I mean, I guess it has the same

1 effect, but, essentially, the sentence that we want  
2 to give him is a 40-year sentence with those  
3 charges. And so how -- I guess, how the other  
4 four --

5 **THE COURT:** Well, if I try to run five charges  
6 together but consecutive, then I've got to write on  
7 this sentence sheet how they're concurrent and how  
8 they're consecutive which seems to be confusing.

9 Now, the other -- the thing is that he would  
10 get credit, if I run the other four concurrent on  
11 the exploitation of a minor charge, he gets credit  
12 for the time he served and it's running concurrent  
13 with the 15, the initial 15. So he'll finish those  
14 four and the 15 and then start another 15 and then  
15 start another 10. You'll have a 40-year sentence.

16 **MS. PINNOCK:** Yes, sir.

17 **MS. BODMAN:** I don't think it changes the  
18 effect of the 15, 15 and 10.

19 **THE COURT:** I just didn't want to mess anything  
20 up.

21 **MS. BODMAN:** I mean, how I have it typed out in  
22 the written plea bargain is, you know, that those --

23 **THE COURT:** I can read. I read it. I can  
24 understand that. I just want to make sure -- it  
25 makes a lot of difference in how I write the

1 sentence sheet. Now I'm going to have numbers all  
2 over the place if I try to say which one's running  
3 consecutive to which one and concurrent to the other  
4 and -- it's just a whole lot simpler for me to do  
5 what I said. He's got a 40-year sentence. He's got  
6 15, 15 and 10. It's just that four of those other  
7 charges are going to be running concurrent from the  
8 beginning.

9 It's to some benefit to him, I suppose, but I  
10 don't really see, as a practical matter, where it  
11 makes any difference because it's the same timeframe  
12 and it's the same conduct.

13 **MS. BODMAN:** Right. I think I want to go  
14 retype the plea bargain, though, so there's not a  
15 conflict between your paperwork and the written plea  
16 agreement and then DOC calls back and says, hey,  
17 these two things are written differently.

18 **THE COURT:** Whatever y'all want to do.

19 **MS. PINNOCK:** Well, Your Honor, if I may, I  
20 agree it's not going to change anything; if we can  
21 just amend it in here, just scratch it out and  
22 initial it.

23 **THE COURT:** I'll hand it to you and you decide  
24 what you want to do.

25 Mr. Mock, this is more of a situation, I'm just

1       trying not to make the paperwork more confusing than  
2       it needs to be. And if you got a 10-year sentence  
3       as the last sentence -- what I'm doing is putting  
4       the other 10-year sentences at the front so they  
5       will run with your initial 15, but you're still  
6       going to have one 10-year sentence at the end and  
7       you're going to have a 15 in the middle. So you're  
8       going to have a 15, 15 and 10. Have a seat over  
9       there for me, please.

10                   (Pause.)

11               **MS. BODMAN:** I think I need to go rewrite the  
12       paragraph on this plea agreement so that it's  
13       consistent with what the Court's doing. I have it  
14       on my computer, I can run up and type it.

15               **THE COURT:** Well, if they can tell me a better  
16       way to write it, I'll be happy to try to --

17               **MS. BODMAN:** Can you just refer it to them as  
18       the five sexual exploitation of a minor charges,  
19       indictments?

20               **THE COURT:** I've got to put on there that it's  
21       running consecutive to the two first 15s and  
22       concurrent to the other charges. It's just a whole  
23       lot of writing in a little bit of space. And, you  
24       know, they struggle to make the sentence sheet  
25       one-page long, so they don't give us a whole lot of

1 room to write a whole lot in.

2 I've got a blank that's two-and-a-half inches  
3 long that y'all ask me to write five, six, seven  
4 indictments into. And the practical effect is no  
5 different than if I just ran it concurrent, checked  
6 concurrent on the last four 10-year sentences.

7 **MS. BODMAN:** Right.

8 **THE COURT:** Talk to the department of  
9 corrections. If they've got a better suggestion,  
10 I'd be happy to entertain it.

11 **MS. BODMAN:** I'm saying that's fine. I just  
12 want this written plea agreement to reflect what  
13 you're doing and not something different. So I just  
14 want to go retype this out to be consistent with  
15 what you're doing.

16 **THE COURT:** But that's not what you asked me.  
17 You asked me if I could just refer to them as the  
18 other lewd act charge -- I mean, the other --

19 **MS. BODMAN:** I apologize. That was just in  
20 response to if I had another suggestion.

21 **THE COURT:** I don't want to upset the apple  
22 cart. I want to do whatever it is y'all have worked  
23 out. A negotiated sentence is a negotiated  
24 sentence; I can't modify it. So if -- I'm much more  
25 concerned about messing up if I do what you all are

1 saying than if I did what I was saying.

2 But you can talk to the department of  
3 corrections. If y'all can come up with some sort of  
4 resolution, I'd be happy to entertain it, okay?  
5 I'll just hold on to this.

6 Mr. Mock, do whatever security tells you to do  
7 right now, okay?

8 (Brief Recess.)

9 **THE COURT:** All right. Mr. Mock, you're still  
10 under oath. You understand?

11 **DEFENDANT:** Yes, sir.

12 **THE COURT:** And my understanding is that  
13 they've gone through a couple of different drafts  
14 and now they have presented one which you have  
15 signed. Did you sign this?

16 **DEFENDANT:** Yes, I did.

17 **THE COURT:** Plea agreement?

18 **DEFENDANT:** Yes, sir.

19 **THE COURT:** And you understand it?

20 **DEFENDANT:** I do.

21 **THE COURT:** Do you have any question about it  
22 at all?

23 **DEFENDANT:** No, sir.

24 **THE COURT:** The purpose for my asking the  
25 questions earlier and for this modification that you

1 all entered into was just to try to make it simpler.  
2 So it now basically provides that, if you go with  
3 the indictments in numerical order, the first one,  
4 the lewd act, is 15 years, it starts, and you get  
5 credit for time served. After that, it's a  
6 consecutive 15 years and then it's a consecutive 10  
7 years and then the other four sexual exploitation  
8 indictments would run concurrent. Do you understand  
9 that?

10 **DEFENDANT:** Yes, sir.

11 **THE COURT:** You're in agreement with that?

12 **DEFENDANT:** I am.

13 **THE COURT:** That's your own decision, made of  
14 your own free will?

15 **DEFENDANT:** Yes, sir.

16 **THE COURT:** In the interim, has anybody  
17 exercised any type of undue influence over you to  
18 get you to waive your rights and enter into this  
19 agreement?

20 **DEFENDANT:** No, sir.

21 **THE COURT:** Have you had any kind of medication  
22 or any kind of substance in the interim that would  
23 affect your ability to think clearly?

24 **DEFENDANT:** No, sir.

25 **THE COURT:** Are you still fully satisfied with

1 your attorney?

2 **DEFENDANT:** Yes, sir.

3 **THE COURT:** Do you need me to go back through  
4 any of the rights or any of the matters that I  
5 discussed with you?

6 **DEFENDANT:** No, sir.

7 **THE COURT:** I'm not really sure I covered this,  
8 so, out of an abundance of caution, I'm going to go  
9 back and ask you: You understand if you had a jury  
10 trial, you'd have the right to confront the  
11 witnesses against you; and you're presumed innocent;  
12 and the State has to prove you guilty beyond a  
13 reasonable doubt; and you get to see, hear and have  
14 your lawyer cross-examine every witness?

15 **DEFENDANT:** Yes, sir.

16 **THE COURT:** And you still wish to plead guilty?

17 **DEFENDANT:** Yes, sir.

18 **THE COURT:** All right. So is the full plea  
19 agreement on the record or incorporated into this  
20 written agreement, which will be made part of the  
21 record, Counsel?

22 **MS. BODMAN:** I believe so, Your Honor, yes.

23 **MS. PINNOCK:** Yes, Your Honor.

24 **MS. BODMAN:** I would also just like the Court  
25 to be aware that the victim's mom and stepdad and a

1 set of grandparents are here. She is in agreement  
2 with this resolution. We've had several meetings  
3 and talked about all of the different effect and  
4 ramifications and possibilities. So she is in  
5 agreement and she does not wish to speak.

6 **THE COURT:** Okay. All right. Well, the net  
7 effect of any of these changes is going to be, like  
8 I said, if it's any benefit, it seems like it will  
9 be a minor benefit to him.

10 But I've got just a couple more things to cover  
11 with you and then we'll wrap this up, Mr. Mock.  
12 They've handed up an advice of rights form that your  
13 lawyer and you appear to have executed which just  
14 explains to you various things. Did you sign this?

15 **DEFENDANT:** Yes, sir.

16 **THE COURT:** You understand it?

17 **DEFENDANT:** Yes, sir.

18 **THE COURT:** And I did not cover with you  
19 earlier that when you have a violent felony, a  
20 violent crime that's a felony, that South Carolina  
21 law prohibits you from possessing any type of  
22 firearm, ammunition, anything like that in the  
23 future. You can't possess it, receive it, transport  
24 it, ship it. You can't do anything with a firearm  
25 in the future. You understand that?

1           **DEFENDANT:** Yes, sir.

2           **THE COURT:** So the lewd act is going to affect  
3 your rights to have guns or ammunition. You  
4 understand?

5           **DEFENDANT:** Yes, sir.

6           **THE COURT:** Okay. Have you understood  
7 everything we've been over?

8           **DEFENDANT:** Yes.

9           **THE COURT:** Sure you want me to accept these  
10 pleas?

11          **DEFENDANT:** Yes, sir.

12          **THE COURT:** All right. The Court renews the  
13 findings and specifically finds that Mr. Mock has  
14 made a free, knowing, voluntary and intelligent  
15 decision to waive his rights and plead guilty. He's  
16 done so upon the advice of counsel with whom he's  
17 fully satisfied. There's a factual basis for each  
18 plea. The findings related to his waiver of rights  
19 to appeal and waiver of right to seek parole are  
20 also reaffirmed and incorporated into written  
21 orders.

22           All right. Mr. Mock, the sentence, accepting  
23 your pleas, on indictment 2014-GS-40-04831, which is  
24 committing a lewd act on a minor, is that you be  
25 committed to the South Carolina Department of

1 Corrections for 15 years, plus pay the costs and  
2 assessments. You're given credit for jail time  
3 under section 24-13-40. The department of  
4 corrections will calculate and apply that.

5 You're placed on the Central Registry for Child  
6 Abuse and Neglect under section 17-25-135.  
7 Restitution is deferred. You have mandatory GPS  
8 monitoring. You're to have no contact with Kara  
9 Addy, Mike Addy, **Minor** **M.M.**, any of  
10 their immediate family, present or future. Pay your  
11 court costs within one year of being released from  
12 prison, and you have to register as a sex offender.

13 I made a specific finding on the record and  
14 hereby make the finding that this offense is a  
15 felony and a violent crime and prevents you from  
16 having firearms or ammunition as I mentioned  
17 earlier.

18 Sentence on indictment 4832, lewd act, is 15  
19 years in the department of corrections, plus costs  
20 and assessments consecutive to 2014-GS-40-4831.  
21 You're placed on the Child Abuse Registry again.  
22 And the conditions I indicated earlier, the  
23 directives, are the same as indictment 4831.

24 Indictment 2016-4221, the sexual exploitation  
25 of a minor, the sentence is 10 years, plus costs and

1 assessments consecutive to 2014-GS-40-04831 and  
2 2014-GS-40-04832. Again, you're placed on the Child  
3 Abuse and Neglect Registry. And the conditions are  
4 the same as 4831, 2014-4831.

5 Indictment 2016-4222, sexual exploitation of a  
6 minor third degree, 10 years, plus costs and  
7 assessments concurrent. All the conditions are the  
8 same as on the other indictments.

9 4223, sexual exploitation of a minor third  
10 degree, 10 years concurrent, plus costs and  
11 assessments. Conditions are the same.

12 4224, sexual exploitation of a minor third  
13 degree, 10 years concurrent. Conditions are the  
14 same.

15 And 4225, sexual exploitation of a minor, 10  
16 years concurrent. The conditions are the same.

17 The intent of the Court is to follow the  
18 negotiated plea and to give Mr. Mock a sentence of  
19 15 years on the lewd act charge, then another 15  
20 years consecutive on the second lewd act charge, and  
21 then a 10-year sentence consecutive to both of those  
22 on one of the sexual exploitation of a minor charges  
23 with the other sexual exploitation of a minor  
24 charges running concurrently therewith.

25 You understand your sentence, sir?

1           **DEFENDANT:** Yes, sir.

2           **THE COURT:** Anything else need to be on the  
3 record?

4           **MS. BODMAN:** No, sir.

5           **THE COURT:** Anything else?

6           **MS. PINNOCK:** No.

7           **THE COURT:** Thank you very much. Sorry for all  
8 of the delay.

9           **MS. PINNOCK:** Thank you, Your Honor.

10          **MS. BODMAN:** Thank you, sir.

11

12

END OF PROCEEDINGS

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## C E R T I F I C A T E

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

I, the undersigned, Stacy L. Sheppard, Circuit Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned cause, relative to appeal in the Criminal Court for Richland County, South Carolina, on the 28th of July, 2016.

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

January 4, 2017

s/Stacy L. SheppardStacy L. Sheppard, RPR  
Circuit Court Reporter

FORM 5

STATE OF SOUTH CAROLINA )  
 )  
County of Richland )

2016 CP4007261  
IN THE COURT OF COMMON PLEAS

Richard B. Mock, Jr., # 369163 )  
Full name and prison number (if any) of Applicant )

v. )

State of South Carolina )

APPLICATION FOR  
POST-CONVICTION RELIEF

RICHLAND COUNTY  
FILED  
2016 DEC -8 AM 11:22  
JEANETTE W. McBRIDE  
C.C.P. & G.S.

**INSTRUCTIONS B READ CAREFULLY**

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

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

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

1. Place of detention Broad River Correctional Institution Mt. / Dorm 2080  
4460 Broad River Road, Columbia, South Carolina 29210
2. Name and location of Court which imposed sentence Richland County General  
Session Court Richland Co. Courthouse 1701 Main St. Columbia, SC 29201
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:  
(a) Two (2) Lewd Acts (2014-04831 / 2014-04832)

Sexual Exploitation (3rd Degree) Five Counts. (2016-04221) (2016-04222)

(c) (2016-04223) (2016-04224) (2016-04225).

5. The date upon which sentence was imposed and the terms of the sentence:

(a) June 28, 2016

(b) Forty (40) years non-violent.

(c)

6. Check whether a finding of guilty was made:

(a) after a plea of guilty \*

(b) after a plea of not guilty

(c) after a plea of nolo contendere

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

8. If you answered Ayes@ to (7), list:

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

i. N/A

ii.

iii.

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

i. N/A

ii.

iii.

(c) the date of each such result:

i. N/A

ii.

iii.

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

i. N/A

ii.

iii.

9. If you answered Ano@ to (7), state your reasons for not so appealing:

(a) Trial Counsel failed to file notice of appeal.

(b) White vs. State 263 SC 110 208 SE. 2d 35 (1975)

(c) \_\_\_\_\_

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

(a) The plea was involuntary.

(b) Trial Counsel ineffective assistance due to ill-advised for defendant to plea.

(c) \_\_\_\_\_

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

(a) Applicant reserved the rights to amend as pro se.

(b) White vs. State 263 SC 110 208 SE. 2d 35 (1975).

(c) \_\_\_\_\_

12. Prior to this application have you filed with respect to this conviction: No

(a) any petition in a State Court under South Carolina Law? \_\_\_\_\_

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? \_\_\_\_\_

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? \_\_\_\_\_

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

13. If you answered Ayes@ to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. N/A

ii. \_\_\_\_\_

iii. \_\_\_\_\_

iv. \_\_\_\_\_

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

i. N/A

ii. \_\_\_\_\_

iii. \_\_\_\_\_

iv. \_\_\_\_\_

(c) the disposition thereof:

i. N/A \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

iv. \_\_\_\_\_

(d) the date of each such disposition:

i. N/A \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

iv. \_\_\_\_\_

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

i. N/A \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

iv. \_\_\_\_\_

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

N/A

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. N/A \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

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

i. N/A \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

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

- (a) your arraignment and plea? Yes
- (b) your trial, if any? \_\_\_\_\_
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? \_\_\_\_\_
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? \_\_\_\_\_

18. If you answered Ayes@ to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
  - i. Tracy Pinnock Public Defender Office 1701 Main St. Columbia,  
South Carolina 29201
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
- (b) the proceedings at which each such attorney represented you:
  - i. Tracy Pinnock proceedings (a) and (c).
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_

19. State clearly the relief you seek in filing this application:

To go back for a direct appeal.

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

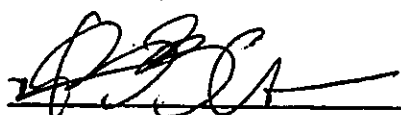
No

Revised 3/2003

STATE OF SOUTH CAROLINA )  
County of Richland )

VERIFICATION

I, Richard B. Mock Jr., # 369163, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.



SWORN to and subscribed before me this 2 day of December, 2016.

 (L.S.)  
Notary Public

My Commission Expires: 9/16/2018

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

I, Richard B. Mock Jr., # 369163, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

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

  
 \_\_\_\_\_  
 Applicant

SWORN or affirmed to and subscribed before me this 21 day of November, 2016.

  
 \_\_\_\_\_  
 Notary Public

My Commission Expires: 9/24/2020

RICHLAND COUNTY  
 FILED  
 2016 DEC -8 AM 11:42  
 JEANETTE W. MCBRIDE  
 C.C.P. & G.S.



The Applicant implores Court's indulgence upon respectfully eliciting the relation between Exhaustion and Procedural Bar Rules.

The Applicant is entitled to State relief, that which the Applicant has applied in compliance of §17-27-10, this generally provides that the Applicant must seek such relief before proceeding in Federal Court. See *Miller v. Harvey*, 566 F.2d 879 (4th Cir. 1977 Cert. denied) 439 U.S. 838 (1978); *Patterson v. Leeke*, 556 F.2d (4th Cir.) Cert. denied.

Date: 2/7/2017

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 7 DAY OF February 2017

NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: 9/16/2020

Richland County Clerk of Court  
1701 Main Street  
Columbia, South Carolina 29201

Respectfully submitted,



Richard B. Mock Jr., #369163  
BRCI MLR, Unit / Rm 1200  
4460 Broad River Road  
Columbia, SC 29210

cc

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF Richland )  
 )  
 Richard B. Mock Jr., #369163, )  
 Applicant, )  
 )  
 vs. )  
 )  
 State of South Carolina, )  
 Respondent, )  
 )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO: 2016-CP-40-07261

CERTIFICATE OF SERVICE

FILED  
 2017 FEB 16 PM 4:04  
 W. MORRISON  
 209 S.

The above name Applicant hereby certify that a Requested Amendment for Issues to Original PCR, Case NO; 2016-CP-40-07261, has been filed on this \_\_\_ day of \_\_\_\_\_ 2017, by deposit in the U.S. Mail, addressed at ERCI 4460 Broad River Road, Columbia, South Carolina 29210, and certify that all parties below has been served the same.

SWORN TO AND SUBSCRIBED BEFORE ME  
 THIS 17 DAY OF February 2017  
 \_\_\_\_\_  
 NOTARY PUBLIC FOR SOUTH CAROLINA  
 MY COMMISSION EXPIRES: 9/16/2020 6

Respectfully submitted,  
 \_\_\_\_\_  
 Richard B. Mock Jr., #369163  
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 Columbia, South Carolina 29210

ATTORNEY GENERAL OFFICE  
 P.O. Box 11549  
 Columbia, SC 29211-1549

Richland County Clerk of Court  
 1701 Main Street  
 Columbia, South Carolina 29201

THE GIESE LAW FIRM, LLC  
 Jonathan D. Waller  
 1315 Blanding Street  
 Columbia, South Carolina 29201

cc

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
Richard B. Mock, #369163,	)	Case No.: 2016-CP-40-7261
	)	
Applicant,	)	
	)	<b>RETURN</b>
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

---

Respondent, making its Return to the Application for Post-Conviction Relief (PCR) filed on December 8, 2016, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Richland County. Applicant was indicted at the August 2014 term of the Richland County Grand Jury for two counts of committing a lewd act on a minor (2014-GS-40-4831, -4832). He was again indicted at the July 2016 term of the Richland County Grand Jury for five counts of sexual exploitation of a minor in the third degree (2016-GS-40-4221, -4222, -4223, -4224, -4225). Applicant pled guilty as indicted on July 28, 2016 before the Honorable William P. Keesley. He was represented at the plea hearing by Tracy E. Pinnock, Esquire. Assistant Solicitor Margaret F. Bodman, Esquire prosecuted the case on behalf of the state. Applicant was sentenced to confinement for consecutive terms of fifteen years for each count of lewd act on a minor, another consecutive term of ten years for one of the sexual exploitation of a minor charges, and concurrent terms of ten years for the remaining sexual exploitation of a minor charges, to run concurrently to the consecutive sentences.

Attached herewith and incorporated herein by reference are the records of the Richland County Clerk of Court regarding the subject convictions, the transcript from Applicant's plea hearing, and Applicant's records from the South Carolina Department of Corrections. Respondent reserves the right to amend its return upon the receipt of other relevant records.

## II.

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

1. The plea was involuntary
  - a. Ineffective assistance of counsel due to ill-advised guilty plea.

Applicant also amended his application on or about February 17, 2017 to include

1. Trial Counsel ineffectiveness Pursuant to *Hill v. Lockhart*, due to ill-advised for Applicant to plea. The State did not have any evidence period, solid, or adequately to charge Applicant with crimes of five (5) CSC 1st. degree. The State used that tactic, to hold Applicant in Jail without bond, and threaten Applicant if he didn't plea to lesser offenses, sign away his rights to appeal, he would go to trial and he would get twenty five (25) to life without parole.

## III.

Applicant claims his plea was not entered voluntarily. To find a guilty plea is voluntarily and knowingly entered into, the record must establish the Applicant had a full understanding of the consequences of his plea and the charges against him. See *Boykin v. Alabama*, 395 U.S. 238, 243 (1969); *Dover v. State*, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence presented at the PCR hearing. See *Harris v. Leeke*, 282 S.C. 131, 134, 318 S.E.2d 360, 361 (1984).

The transcript reflects that the guilty plea was knowingly and voluntarily entered with a full understanding of the charges and consequences of the plea. Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. See Blackledge v. Allison, 431 U.S. 63, 73-74 (1977). Statements made during a guilty plea should be considered conclusively, unless an Applicant presents valid reasons why he should be allowed to depart from the truth of his statements. See Crawford v. U.S., 519 F.2d 347, 350 (4<sup>th</sup> Cir. 1975) (overruled on other grounds by U.S. v. Whitley, 759 F.2d 327 (4th Cir.1985)). The Applicant presented no reasons to show that he should be allowed to depart from the truth of the statements he made during his guilty plea hearing.

An Applicant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness, and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial instead. See Roscoe v. State, 345 S.C.16, 20, 546 S.E.2d 417, 419 (2001); see also Richardson v. State, 310 S.C. 360, 362, 426 S.E.2d 795, 797 (1993). Given an applicant's burden of proof and the analysis to be applied to this claim, a claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it will be treated as such.

#### IV.

Respondent, therefore, interprets Applicant's claim as alleging ineffective assistance of counsel, and submits that the allegation is without merit, along with the actual ineffective assistance of counsel claim. In a post-conviction relief proceeding, Applicant bears the burden of proving all allegations in their application. See Butler v. State, 286 S.C. 441, 442, 334 S.E.2d

813, 814 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, Applicant must prove that “counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result.” Strickland v. Washington, 466 U.S. 668, 686 (1984); See also Butler, 286 S.C. at 442, 334 S.E.2d at 814.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. See Strickland, 466 U.S. at 669. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Id. Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under professional norms.” Cherry, 300 S.C. at 117, 386 S.E.2d at 625, (citing Strickland, 466 U.S. at 688). Second, counsel's deficient performance must have prejudiced Applicant such that “there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. See Hill v. Lockhart, 474 U.S. 52, 52 (1985).

Respondent submits that Applicant cannot satisfy either the Strickland test or the requirement set forth in Lockhart. However, where an application for post-conviction relief alleges specific instances of ineffective assistance of counsel which are not conclusively refuted

by the record, a question of fact is raised which can only be resolved by an evidentiary hearing.

See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983).

V.

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a)-(b), SCRPC. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRPC. Pro se filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRPC.

Pursuant to § 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to Respondent.

VI.

WHEREFORE, having made its Return, Respondent requests that a hearing be held on the claim of ineffective assistance of counsel.

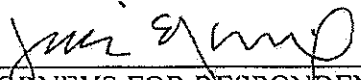
Respectfully submitted,

ALAN WILSON  
Attorney General

W. JEFFREY YOUNG  
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General

JESSICA E. KINARD  
Assistant Attorney General

By:   
ATTORNEYS FOR RESPONDENT

Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
Telephone: (803) 734-3737


August 9, 2017

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	
	)	2016-CP-40-7261
	)	
RICHARD B. MOCK, #369163,	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent,	)	
_____	)	

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

**Jonathan D. Waller, Esquire**  
**Giese Law Firm**  
**1315 Blanding Street**  
**Columbia, SC 29201**

DATED this the 9<sup>th</sup> day of August, 2017.

  
 Felicia V. Hayes, Legal Assistant  
 For Respondent

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STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

COURT OF COMMON PLEAS NONJURY

RICHARD B. MOCK,

APPLICANT,

vs.

STATE OF SOUTH CAROLINA,

RESPONDENT.

TRANSCRIPT

OF

RECORD

2016-CP-40-7261

December 4<sup>th</sup>, 2018  
Columbia, South Carolina

B E F O R E :

THE HONORABLE JOCELYN J. NEWMAN, Judge.

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

JONATHAN D. WALLER  
ESQ.  
Attorney for the Applicant

LINDSEY A. MCCALLISTER  
ASSISTANT ATTORNEY GENERAL  
Attorney for the State

Transcribed by Pamela E. Green, from  
DCRP, Digital Courtroom Recorder Project

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THE COURT: Oh, yes, ma'am.

MS. MCCALLISTER: May it please the Court, Your Honor.

This is Richard B. Mock versus the State of South Carolina. 2016-CP-40-7261.

Your Honor, Mr. Mock was indicted at the August, 2014 term of the Richland County Grand Jury for two counts of committing a lewd act on a minor. He was indicted again at the July, 2016 term for five counts of sexual exploitation of a minor in the third degree.

He pled -- pleaded guilty as indicted on July 28<sup>th</sup>, 2016, before Judge Keesley on the counts of -- the two counts of the lewd act, four counts of sexual exploitation of a minor, and he was sentenced to -- the top -- the sentencing is a little bit strange. So, let me make sure I look this up.

He was sentenced to confinement for consecutive terms of 15 years for each count of lewd act, and then an additional consecutive term of 10 years for one of the sexual exploitation of a minor charges, and then the remaining charges were concurrent terms of 10 years. So it's, it's a total of a 40 year sentence, Your Honor. He did not appeal that conviction or sentence.

There were also some additional charges that were

1 dismissed, Your Honor. There were five criminal sexual  
2 conduct charges that were dismissed in exchange for the  
3 plea.

4 He was represented on all of these charges by Tracy  
5 Pinnock, and he filed this Application for Post-Conviction  
6 Relief timely on December 8<sup>th</sup>, 2016. He is represented in  
7 this action by Mr. Waller, and both Mr. Waller and Mr. Mock  
8 are in the courtroom today. And, Your Honor, I would, I  
9 would just ask Mr. Waller to clarify on the record the, the  
10 allegations that are going forward this afternoon or this  
11 morning.

12 THE COURT: Mr. Waller.

13 MR. WALLER: Judge, Mr. Mock filed his Application  
14 alleging that his plea was involuntarily entered into as  
15 well as trial counsel, or excuse me, counsel was ineffective  
16 for advising, I guess, the advice given to him in order to  
17 plead guilty.

18 Judge, the state filed a return, did not file a motion  
19 for more definite statement. I, I think that Mr. Mock's  
20 grounds are involuntary guilty plea, and the ineffectiveness  
21 assistance of counsel that goes along with that. I don't  
22 know if that's enough clarification for Ms. McCallister.

23 MS. MCCALLISTER: Your Honor, I got -- he filed --  
24 there was an Amended Application that was filed alleging  
25 that the state did not have any evidence to charge him with

1 the CSC, and that they threatened him with 25 years to life  
2 if he didn't accept the plea.

3 And so I understand that that's probably part and  
4 parcel of the allegations of the, of the involuntary guilty  
5 plea. I just wanted to make sure that we're on the same  
6 page about that. Those, those are not necessarily separate  
7 allegations. It's just one.

8 MR. WALLER: It, it is all together, Your Honor. He,  
9 he obviously was not convicted of any of the CSC with a  
10 minor first degree. However, it, it did go into the -- you  
11 know, it was part of the representation, part of the  
12 negotiations for the sentence. And so it is, it is all one  
13 part. Not a separate allegation.

14 THE COURT: Okay. So that's sort of explaining the ill  
15 advice for the guilty plea?

16 MR. WALLER: Part of it I believe, Your Honor.

17 THE COURT: Okay. Understood.

18 All right. Ready to proceed?

19 MR. WALLER: Yes, Your Honor.

20 THE COURT: Call your first witness.

21 MR. WALLER: Call Richard Mock.

22 RICHARD MOCK, being first duly  
23 sworn, testified as follows:

24 THE CLERK: Thank you. Have a seat in the witness  
25 stand please.

Richard Mock - Direct examination  
by Mr. Waller

1 (WHEREUPON, the witness complies.)

2 THE CLERK: State your name for the record.

3 THE WITNESS: My name's Richard Bruce Mock, Junior.

4 DIRECT EXAMINATION

5 BY MR. WALLER:

6 Q Good morning, Mr. Mock.

7 How are you today?

8 A Doing well.

9 Q All right. Mr. Mock, I want to take you back to when  
10 you were first arrested.

11 Do you recall that?

12 A Yes, sir, I do.

13 Q When you were first arrested, what were you charged  
14 with?

15 A If I remember correctly, several counts of CSC and a  
16 couple of counts of lewd act.

17 Q Okay. How about -- were you arrested originally on any  
18 sex, sexual exploitation charges?

19 A No, sir, I was not.

20 Q Okay. Those came later on?

21 A They did.

22 Q Okay. When you were arrested, were you -- did you have  
23 a bond hearing?

24 A No, I was not.

25 Q Okay. Did you not have a hearing or was your bond

Richard Mock - Direct examination  
by Mr. Waller

1 denied?

2 A I never had a hearing.

3 Q Okay. How long after you were arrested did you, did  
4 you obtain counsel?

5 Did you get a lawyer?

6 A It was several months before I saw my attorney.

7 Q Okay. And who was your attorney?

8 A Tracy Pinnock.

9 Q Okay. She's with the Public Defender's Office?

10 A Yes.

11 Q Okay. Did you and Ms. Pinnock ever discuss a bond  
12 hearing?

13 A I had asked her several times were we gonna go up and  
14 why hadn't we, and she told me that there was no point in  
15 going up.

16 Q Okay. Did she expand on that at all?

17 A She told me that I wouldn't get one. So, it didn't  
18 matter.

19 Q Okay. What was your response to that?

20 A I didn't quite know -- it -- I didn't understand quite  
21 why. This is the first time I've been in this situation.  
22 So, there was a lot that I did not know about. The advice  
23 that I was trying to seek was to understand why that was  
24 because there were plenty of people that were up on various  
25 charges that I knew in the dorm I was in, everything under

Richard Mock - Direct examination  
by Mr. Waller

1 the sun, that were getting bonds for everything from murder  
2 to numerous armed robberies. So, why I wouldn't get one was  
3 beyond me.

4 Q Okay. But you never had the opportunity to have a  
5 judge make a decision.

6 A No, sir.

7 Q Is that right?

8 Okay. All right. When Ms. Pinnock was first appointed  
9 to represent you, at y'all's, y'all's first meeting, if you  
10 recall it, what did y'all talk about?

11 A Just basically the nature of the arrest, the nature of  
12 the charges. That was about the extent of it.

13 Q Okay.

14 A We, we talked but that -- that was Summer of 2014. But  
15 that was the extent of what she was there for.

16 Q Okay. Did y'all -- you said you were charged with a --  
17 CSCS and the lewd acts.

18 Okay. Did y'all ever talk about the, the warrants or  
19 anything contained in the warrants?

20 A I had questions about the warrants. There was a lot of  
21 information that I wanted to get to look at that I was never  
22 provided. The warrants were taken from me from what I  
23 remember. I didn't have anything to take with me into where  
24 I was held at.

25 But from my understanding of where I was -- from where

Richard Mock - Direct examination  
by Mr. Waller

1 I was with what I remembered at that time, before I got my  
2 discovery last year or year before last, the warrants that I  
3 had were not signed. They -- it wasn't properly signed by a  
4 judge. That was the last thing I understood. But I, I,  
5 I -- once again, I was told that none of that mattered.

6 Q Okay. Did y'all ever discuss that?

7 A See if I can remember. We had -- over the course of  
8 two and a half years, we probably met three times, four.  
9 I'm, I'm trying to remember exactly. If we discussed that  
10 specifically, I don't remember discussing that specifically.  
11 But I re -- it, it -- and if we did, it would of been early  
12 on.

13 Q Okay.

14 A That's something -- yeah.

15 Q Okay. The -- did y'all have discussion about, given  
16 the nature of the charges, what you would and would not be  
17 able to have with you in, in the detention center?

18 A Not really.

19 Q Okay.

20 A I mean I wanted to know some of the information myself  
21 because of what I, I would -- being under the impression of  
22 what I know now with some of the statements that favor me, I  
23 would like to have seen some of that. But I was told it  
24 would of, it would of been unadvisable to have that  
25 information with me in the jail.

Richard Mock - Direct examination  
by Mr. Waller

1 Q Okay. who told you that?

2 A Tracy.

3 Q Okay. why did she tell you that or did she explain why  
4 it wouldn't be advisable to have that---

5 A She just said---

6 Q ---in detention?

7 A ---she didn't think it would be necessary or safe to  
8 have.

9 Q Okay. was that statements only?  
10 was that everything?

11 A I, I, I was -- I didn't -- I never knew what was  
12 included in my discovery. So, I didn't know what there was  
13 and wasn't to request or ask for. I understand now a little  
14 bit of, of the purpose behind that. However, knowing that,  
15 during that time, I had someone in that dorm write a  
16 statement on me that was a lie, and she finds out about this  
17 later, knowing that, when that normally happens, they --  
18 before that happens, they remove someone out of the dorm for  
19 safekeeping to keep that from happening, tainting evidence.  
20 She never did, did that. I was in that dorm with that  
21 person for another year.

22 Q Okay. Did you ever have a chance to review all of the  
23 discovery in your case at anytime?

24 A No.

25 Q Okay. So, even, even when you were maybe brought up to

Richard Mock - Direct examination  
by Mr. waller

1 the courthouse or anything like that, you never had a chance  
2 to review -- go over it?

3 A No.

4 Q Okay. Did y'all discuss everything?

5 A Everything, no.

6 Q Okay.

7 A When, when you say everything --?

8 Q Did you, did you and Ms. Pinnock discuss your discovery  
9 to the point where you believed that y'all had gone over  
10 everything that was relevant to your case?

11 A No.

12 Q Okay.

13 A At all.

14 Q At some point you were indicted on all of the  
15 charges -- all the charges we've been discussing. But also  
16 some additional counts of exploitation of a minor.

17 A Right.

18 Q Is that right?

19 A Right.

20 Q Did you and Ms. Pinnock ever have a chance to talk  
21 about the Grand Jury process?

22 A No, I --.

23 Q Okay.

24 A From what I was made aware of with the Grand Jury  
25 process was that it was a closed door process done secretly,

Richard Mock - Direct examination  
by Mr. Waller

1 and that there was nothing that could be done about it. It  
2 was gonna happen anyways.

3 Q Okay. How about the indictments themselves and what  
4 was contained in the indictments?

5 Did y'all ever talk about any of that?

6 A No.

7 Q Okay. You testified a minute ago that you met with Ms.  
8 Pinnock three or maybe four times that you recall.

9 were y'all able to communicate other than the  
10 face-to-face meetings?

11 were you able to talk on the phone or correspond back  
12 and forth?

13 A With the exception of her coming down to the dorm to  
14 meet many people at, at -- while she was there, I would be  
15 one of them that she would meet on, on those occasions. I  
16 wrote her several times over the course of two and a half  
17 years. Never getting a respond -- a, a response from any of  
18 the questions that I had, and would bring up certain things  
19 about what I remembered about the case that I wanted to have  
20 investigated or looked at, and those things were never  
21 looked at.

22 Q Okay. Well, let me ask you about that.

23 what -- did you ever provide Ms. Pinnock with some  
24 information or any witnesses you, you wanted her to  
25 investigate or talk to witnesses?

Richard Mock - Direct examination  
by Mr. Waller

1 A Yes.

2 Q Okay. To your knowledge, did she do that?

3 A No.

4 Q Okay. Who did you, who did provide her names of?

5 A Everyone from my second wife to a person who was in  
6 charge of the, the woman who came in to be with me and my  
7 daughter when we would visit. I can't remember what --  
8 liaison of some sort. Numerous people --

9 Q Okay.

10 A -- and, and --.

11 Q Without telling me what anyone else said, what was your  
12 reasoning for asking Ms. Pinnock to talk to those people?

13 A Because these people would tell her that nothing had  
14 happened.

15 Q Okay. All right. And to -- you said, to the best of  
16 your knowledge, she never talked to any of these people?

17 A To the best of my knowledge, no.

18 Q Okay. Did you and Ms. Pinnock ever discuss going to  
19 trial?

20 A We did.

21 Q Okay. What did y'all talk about?

22 A Essentially I was told the last thing I wanted to do  
23 to -- was -- would, would be to go to trial because they  
24 would give me life.

25 Q Okay. What was your response to that?

Richard Mock - Direct examination  
by Mr. Waller

1 A I was not real happy with the thought of life. I'm 52  
2 already.

3 Q Okay. What -- did you want to go to trial?

4 A I would have liked to of if I felt like I had somebody  
5 fighting for me, and doing---

6 Q Okay.

7 A ---and doing what would of been necessary to---

8 Q Okay.

9 A ---help.

10 Q In your discussion about trial, you know, going to  
11 trial or, or just in general, did y'all ever discuss any  
12 potential defenses that you might have?

13 A When those things were brought up, I discussed with her  
14 numerous times of how I wanted the proceedings to happen.  
15 The type of trial -- I wanted to have -- put in the request  
16 for a bench trial. That was never put in. Other than that,  
17 we never had anytime except for three days before we had to  
18 make a decision on anything did, did we start even  
19 discussing the case.

20 Q Okay. When you, when you say y'all started discussing  
21 the case, what did y'all discuss?

22 A She came in with two or three other people that were  
23 supposed to be assisting her. They were there probably an  
24 hour and really we didn't discuss much of anything that had  
25 to do with the case. They would ask me questions. But it,

Richard Mock - Direct examination  
by Mr. Waller

1 it wasn't anything of any form of defense.

2 Q Okay. Had y'all ever -- did y'all ever discuss any  
3 defenses?

4 A I'm sorry?

5 Q Did y'all ever discuss any defenses that you might  
6 have?

7 A No.

8 Q Okay. Did you think you had some defenses?

9 A Quite a few.

10 Q Okay. Did you tell Ms. Pinnock that you thought you  
11 had some defenses?

12 A She knew that I had quite a few.

13 Q Okay. What was -- to your knowledge, did she do  
14 anything to investigate or prepare those defenses?

15 A I was always told that the underfunding of the Public  
16 Defender's office caused problems with getting all that done  
17 in a -- not only a timely manner, but getting it done at  
18 all.

19 Q Okay. Was there ever a time when you -- when Ms.  
20 Pinnock was out of the office, and you weren't able to talk  
21 to her?

22 A I, I was never able to call her personally.

23 Q Okay.

24 A Like I said, with the letters that I wrote, I probably  
25 wrote, wrote three letters, maybe four, with the course of

Richard Mock - Direct examination  
by Mr. Waller

1 the time I was in jail.

2 Q Okay.

3 A But, once again, with no response to those. There  
4 wasn't a whole lot of communication.

5 Q Was there ever a time that you became aware that she  
6 was out of the office?

7 A Well, I remember her telling me that she was gonna be  
8 out of the office and unavailable towards the end of I  
9 believe it was 2014, that she had to have some back surgery  
10 done, and she'd be unavailable for a while.

11 Q Okay. During that time, did y'all -- did, did anything  
12 come up that you needed to talk to your attorney or an  
13 attorney in, in general?

14 A Well, during that time, nothing really came up that I  
15 was aware of.

16 Q Okay. And you didn't plead guilty until July of 2016.  
17 Is that right?

18 A That's right.

19 Q Okay. All right. There were some statements made in  
20 your case by, by various people.

21 Is that right?

22 A Yes.

23 Q Did you and Ms. Pinnock have a chance to review all  
24 those statements?

25 A No.

Richard Mock - Direct examination  
by Mr. Waller

1 Q Okay. Did you ever see those statements?

2 A No.

3 Q Were there any recorded statements that were taken in  
4 this case?

5 A I assume there was. Only once did we go to look at  
6 some of -- a, a recorded statement. But we didn't even get  
7 through all of that.

8 Q Okay. What do you mean you didn't get through all of  
9 it?

10 A The recorded statement that we saw was a recorded  
11 statement to do with my son saying that -- basically he was  
12 being recorded saying he had no idea what was going on, and  
13 my son was not even involved in any---

14 MS. MCCALLISTER: Your Honor, I object to him  
15 testifying about what was said in a statement.

16 THE COURT: Sustained.

17 Q All right. Mr. Mock, you can't tell me what somebody  
18 else said.

19 A Okay. I apologize then.

20 Q The, the statement that you watched, did that have --  
21 did that pertain to the allegations against you?

22 A No.

23 Q Okay. Did you ever watch a statement or review any  
24 statements pertaining directly to the allegations against  
25 you?

Richard Mock - Direct examination  
by Mr. Waller

1 A No.

2 Q Okay. At some point you decided to plead guilty or you  
3 made the decision -- you came to the decision to plead  
4 guilty.

5 what conversations did you and Ms. Pinnock have about  
6 that decision to plead guilty?

7 A The conversation was that if I didn't do this that I  
8 was gonna get life, that if I didn't do this that I would be  
9 thrown under the bus, and that I would never see the light  
10 of day basically. I had -- I, I was told I really had no  
11 other choice or option.

12 Q Okay. You testified earlier that you wanted to go to  
13 trial.

14 A Yes.

15 Q Okay. As -- and also that you had some limited  
16 interaction with Ms. Pinnock.

17 why didn't you end up going to trial with Ms. Pinnock  
18 as your attorney?

19 A There was a time when I felt like Ms. Pinnock was  
20 trying to do something to help me. But when, when that --  
21 when it came down to time to go to trial, there was --  
22 seemed to have been a shift in how things were handled, and  
23 I don't even know how to put it except that you get this  
24 feeling that someone just isn't on your side anymore at all.  
25 Nothing was prepared. The whole tune and tone of everything

Richard Mock - Direct examination  
by Mr. Waller

1 changed, and I didn't even feel like I was speaking to  
2 anybody who wanted to even fight for my best interest.

3 Q Okay. Was there a trial scheduled in this case?

4 A I assume so.

5 Q Okay.

6 A I was, I was told there was.

7 Q Okay. When was it scheduled in relation to where --  
8 when you pled?

9 A I believe that it was, if I remember right, it was  
10 scheduled some time in August.

11 Q Okay. Okay. When did you make the decision to plead  
12 guilty?

13 A I believe somewhere around the end of July --

14 Q Okay.

15 A -- approximately.

16 Q You pled on the 28<sup>th</sup> of July?

17 A Okay.

18 Q Okay. Was it that day?

19 Was it several days before?

20 Do you recall?

21 A Okay. As far as I can recall, it would of been several  
22 days -- the, the trial was scheduled for maybe a few days,  
23 maybe a week before then that -- I don't remember exactly  
24 the date. I know it more than likely would of been  
25 somewhere around the first of August.

Richard Mock - Direct examination  
by Mr. Waller

1 Q A week after you pled?

2 A Approximately.

3 Q Okay.

4 A Like -- I don't remember. I, I was never told the  
5 exact date, but I don't know.

6 Q Okay. At that point had y'all prepared at all for a  
7 trial?

8 A Like I said, when she came in with the assistance that  
9 she had, it seemed like the information that, that -- the  
10 questions they were asking me, they were just then  
11 preparing.

12 Q Okay. Did y'all ever discuss the procedures of a  
13 trial, how a trial would go, just how it worked  
14 procedurally?

15 A No. No. And, and that's why it didn't seem like there  
16 was any preparation beforehand before even coming to see me  
17 about this.

18 Q Okay. Had you ever seen a trial before?

19 A I, I have been through numerous Family Court issues  
20 with my first wife. But as far as a Court trial in criminal  
21 proceedings, I've never been through that in my life.

22 Q Okay. You've never seen a jury trial and TV doesn't  
23 count?

24 A No.

25 Q Okay. All right. Did you and Ms. Pinnock ever discuss

Richard Mock - Direct examination  
by Mr. Waller

1 how witnesses would testify?

2 A No.

3 Q Did they ever -- did y'all ever discuss the special  
4 circumstances of a child testifying?

5 A No.

6 Q Okay.

7 A That -- you can't -- well, do -- the only thing I  
8 remember about that, I was told -- and I'm -- I, I will  
9 explain the best I can, and if I'm not allowed to say it, I  
10 apologize. I was told that -- the only thing that I was  
11 explained to about that was that my daughter probably would  
12 not ever testify because they were flying someone in from  
13 Minnesota to pay them a lot of money in order to say that --  
14 if she recanted or said something, that she would -- that  
15 they would say that she was lying. That was what was I told  
16 about anything that she might -- may possibly get to say.  
17 She would never be able to be on, on the stand.

18 Q Okay. When you say they were flying someone in, do you  
19 mean the defense or the, or the solicitor's office?

20 A Tracy explained to me, when I was questioning about my  
21 daughter testifying, Tracy explained to me that that would  
22 probably never happen because, number one, they wouldn't let  
23 her get on the stand, and if they -- if she did, they,  
24 would -- they were having somebody come in in order to say  
25 that she was lying.

Richard Mock - Direct examination  
by Mr. Waller

1 Q Okay. All right. We've discussed statements in your  
2 case, okay, and you testified, correct me if I'm wrong, that  
3 you never saw all the statements or never was able to have a  
4 chance to review those statements.

5 Were there statements that you did see?

6 A There were some that I had seen before that would of  
7 actually been before I was ever arrested.

8 Q Okay. Were -- those statements that you had seen, did  
9 you consider them helpful or hurtful to your case?

10 A I considered them helpful and continued to make that  
11 point to Tracy about those statements.

12 Q Okay. Did she, did she have a copy of those statements  
13 or have any chance to get them?

14 A That I do not know.

15 Q What information did you give her about those  
16 statements?

17 A Everything I knew about them since I knew about them  
18 before my arrest.

19 Q Okay. Did you, did you tell them who made them?

20 A Yes.

21 Q Did you tell them where she could start to, to locate  
22 them?

23 A Yes.

24 Q Okay. Did you give her contact information if you had  
25 any people that, that would of made them or had been?

Richard Mock - Direct examination  
by Mr. Waller

1 A Yes.

2 Q Okay. To your knowledge, did she ever obtain any of  
3 those statements?

4 A I can't say whether she did or not because I never saw  
5 them in her possession. She didn't show them to me. She---

6 Q Did y'all ever discuss them when she --?

7 A I did -- they were only discussed in me bringing them  
8 up saying why, why are we not using this or isn't this  
9 important.

10 Q Okay. When you pled guilty, you were -- you'd later  
11 been indicted with sexual, sexual exploitation of a minor.  
12 Several counts of that. During the plea, the Solicitor's  
13 Office seemed to have a, a number of years they were looking  
14 at to kind of work backwards on charges.

15 Did you and Ms. Pinnock ever discuss that?

16 A Yes, we did.

17 Q Okay. What -- what's your understanding of how that  
18 happened?

19 A I was explained -- how can I put this?

20 The indictment of those charges came around the same  
21 time that the trial was suppose to happen. I was told that  
22 they weren't sure of, of the nature of them or who took them  
23 or anything. But that's why they made it a third degree  
24 because that was the lowest, the lowest nature of, of, of  
25 a -- of exploitation. However---

Richard Mock - Direct examination  
by Mr. Waller

1 MS. MCCALLISTER: Your Honor, I'm sorry. I just -- he  
2 keeps saying they. So, I'm not sure if I should be  
3 objecting to this or not. But I -- if he's talking about  
4 Tracy, I think it's okay. But if he's talking about the  
5 solicitor's office or someone, then I would object to---

6 THE WITNESS: I'll clear---

7 MS. MCCALLISTER: ---to the hearsay.

8 THE WITNESS: I'll clear -- I'll clarify.

9 Tracy explained to me that the prosecutor's office was  
10 not sure of the nature of the photos as far as who took  
11 them, this, that and the other.

12 MS. MCCALLISTER: Right.

13 So, I object to that hearsay, Your Honor.

14 THE COURT: Overruled.

15 A And so, regardless of that, that's why they made it a  
16 third degree cause that's the lowest nature -- charge of an  
17 exploitation. I was told, at some point, that we were  
18 suppose to see these photographs, and that I could explain  
19 what they were, and look and see them. I never got that  
20 opportunity to see these photographs or even go --  
21 apparently we had to go somewhere outside of the jail.  
22 Never did that.

23 The photographs themselves, even though I've never seen  
24 them, don't know what they contain or look like, I was told  
25 that they were questionable meaning they could of gone

Richard Mock - Direct examination  
by Mr. Waller

1 either way. I'm not sure. I don't even know much about  
2 that. But what I do know is that they decided that they  
3 wanted to add a couple of extra on there in order to make  
4 the amount of time that they were going to give me add up to  
5 what made them happy.

6 MS. MCCALLISTER: Your Honor, I object to that. That's  
7 speculation about what the solicitor's office was doing.

8 THE WITNESS: It's not speculation. That's what I was  
9 told.

10 MR. WALLER: The---

11 THE COURT: But his counsel's speculation. I'll, I'll  
12 allow it.

13 Q All right. Mr. Mock, let me, let me ask you this  
14 question.

15 As far as the -- as far as the pictures -- you were  
16 accused of having some, some inappropriate pictures on your  
17 computer.

18 Is that right?

19 A Right.

20 Q Okay. Did you ever see any report or any forensic  
21 testing done of that computer?

22 A No.

23 Q Okay.

24 A I was told that it was done, but I never saw the  
25 report.

Richard Mock - Direct examination  
by Mr. Waller

1 Q Okay. You were, you were told that there was forensic  
2 testing done?

3 A Well, because, when we discussed the pictures, and, and  
4 the whole nature behind how it was going to pan out, yes.

5 Q Okay. All right. Did you and Ms. -- I guess getting  
6 back to your earlier point.

7 Did you and Ms. Pinnock ever discuss for a 40 year  
8 standpoint?

9 A The discussion I was told by Tracy was that she was  
10 told by the solicitor's Office was that that was the amount  
11 of time they wanted.

12 Q Okay. So, that was the offer you had was 40 years?

13 A That was it.

14 MR. WALLER: Okay. Beg the Court's indulgence.

15 THE COURT: Yes, sir.

16 (Pause.)

17 Q All right. Mr. Mock, after you pled guilty -- after  
18 you entered your plea, did you have a chance to talk to Ms.  
19 Pinnock any more after that?

20 A I did. Right afterwards.

21 Q Okay. Well, what, what did y'all talk about?

22 A The only thing that really I, I remember because I,  
23 when I got back downstairs, I was beside myself as to how I  
24 felt like everything went because, when I was in the  
25 courtroom, she and the prosecutor and the judge went behind

Richard Mock - Direct examination  
by Mr. Waller

1 closed doors for a long time to figure out what they were  
2 gonna do, which I don't understand. I was never told why  
3 they went back there, what the whole purpose behind that  
4 was.

5 I was told the whole time standing there just say yes,  
6 don't say anything but yes, only say yes. And when I got  
7 back downstairs, I came to the realization -- I was like  
8 what an idiot I, I am to, to listen to this when I'm told  
9 just to say yes, and I, right then, I said I, I changed  
10 my -- I changed my mind. I want right now to file a 10 day  
11 appeal, and I was told she can't do that.

12 Q Okay. As part of your plea you had waived your right  
13 to appeal.

14 Did you understand that at the time?

15 A I'm trying to remember if -- I don't know if I  
16 remember -- I don't know if I remember that specific as if I  
17 waived my right to an appeal.

18 Q Okay. Did you and Ms. Pinnock ever discuss trying to  
19 withdraw your plea or reconsider it?

20 A Well, when I went back down there and explained that to  
21 her, that was the discussion.

22 Q Okay. Did you ask Ms. Pinnock to file anything for  
23 you?

24 A Yes.

25 Q Okay.

Richard Mock - Direct examination  
by Mr. Waller

- 1 A I changed my mind.
- 2 Q Okay. To your knowledge, did anything ever get filed  
3 on your behalf?
- 4 A Apparently not.
- 5 Q Okay. All right. Mr. Mock, why did you not proceed to  
6 the trial that was scheduled this -- for the next week?
- 7 A I was terrified. I didn't feel like I had someone who  
8 had my best interest in mind. There was even a time when I  
9 had asked her if I -- if, if, if she would step down as my  
10 attorney, and she said she couldn't do that, the Courts  
11 wouldn't allow it.
- 12 Q Okay.
- 13 A I, I, I just --.
- 14 Q Did you think she was prepared?
- 15 A Not even close.
- 16 Q Okay.
- 17 A Not, not when I'm -- not when someone's coming in to  
18 see me a week beforehand or several days before trial, and  
19 they're just now asking me questions.
- 20 Q Okay.
- 21 A These were things that should of been asked months ago  
22 that I had never --.
- 23 Q Did that factor into your decision?
- 24 A Most definitely.
- 25 Q All right. If Ms. Pinnock had been prepared, would you

Richard Mock - Direct examination  
by Mr. Waller

1 have pled guilty or would you have gone to trial?

2 A No, if we had of gone all along with discussing game  
3 plans and, and strategies, and what's best for my interest  
4 in, in trial and things like that, I would of been ready to.

5 Q Ready to go to trial?

6 A To go to trial, yes.

7 Q Okay. Mr. Mock, I've asked you all the questions that  
8 I have for you.

9 Is there anything you think I've left out or neglected  
10 to ask you that you think that the judge needs to be aware  
11 of Ms. Pinnock's representation of you?

12 A You know, the only thing that I remember -- the only  
13 thing last I want to say was that there seemed to be a time  
14 when I thought that I was gonna have someone defending me.  
15 There was a time during the time in December that Tracy had  
16 to have surgery, and, after that, was taking medication for,  
17 for the pain in her back, and after that it seemed like  
18 everything changed.

19 I wasn't getting responses. I wasn't -- she wasn't  
20 coming to see me, and I certainly didn't feel like I had  
21 anybody who's ready to fight for me anymore. And I even  
22 have -- had questioned numerous times in my own mind if she  
23 was as lucid or aware of what was -- about my case as she  
24 was before this, before she went and had surgery.

25 So, I mean I can't point to one single thing that

Richard Mock - Direct examination  
by Mr. Waller

1 made -- that, that made me not want to have her defend me.  
2 There were numerous things. I just didn't know how to go  
3 about getting her -- I asked her to not represent me  
4 anymore, and she tells me that that can't happen. I felt --  
5 I was, I was hopeless. I had no help.

6 Q Did you -- I may of already asked this.

7 But did you reach out to Ms. Pinnock about the, the  
8 communication or, or visiting with you or preparing to try  
9 to contact you?

10 A Well, when I would finally see her in the dorm when she  
11 would come and visit me and numerous other men there, I  
12 asked her if she received the letter that, that she -- that  
13 I got. Sometimes she would say. Sometimes she -- we, we  
14 didn't discuss it at all. But there was never any response  
15 or follow-up from anything of the letters that I sent.

16 Q Okay. Just approximately, if you know, how many  
17 letters did you send to her?

18 A I'm gonna just -- if I remember right, approximately  
19 three.

20 Q Okay. Thank you, Mr. Mock. Please answer any  
21 questions Ms. McCallister has.

22 A Yes.

23 CROSS-EXAMINATION

24 BY MS. MCCALLISTER:

25 Q Okay. Mr. Mock, you -- you've testified that you, you

Richard Mock - Cross-examination  
by Ms. McCallister

1 had -- you wanted to go to trial. But you ended up taking  
2 this plea agreement essentially because you felt like your  
3 attorney wasn't ready for trial.

4 Is that -- is that fair?

5 A That is fair.

6 Q Okay. Do you recall the day that you actually did go  
7 in front of the judge, and, and give your plea?

8 Like not -- I'm not asking you if you know the date.

9 I mean just do you remember doing that?

10 A Yes, I do remember that.

11 Q Okay. And the judge would ask you some questions back  
12 and forth about the agreement, and about what was happening,  
13 correct?

14 A I remember being in the courtroom and being asked  
15 questions.

16 Q Okay. And you took -- do you remember telling the  
17 judge that you did not want a trial on any of these charges?

18 A I will tell you that there were some -- there were many  
19 questions asked. I could not tell you the exact wording  
20 from the judge. But I can tell you that every time, every  
21 time that I would respond, and I was always told to say yes.

22 Q Okay.

23 A As a matter of fact, I even mentioned and pulled Tracy  
24 away from the microphone to discuss this with her, and she  
25 said just say yes.

Richard Mock - Cross-examination  
by Ms. McCallister

1 Q well, what was that -- what was that in response to?

2 A I didn't---

3 Q what question was the judge asking you that you were  
4 hesitating on?

5 A Numerous questions. I, I don't remember the exact  
6 questions. I, I do -- the questions -- if, if you have the  
7 transcript or whatever the judge may of asked me, I couldn't  
8 argue with you whether he said it or not because I don't  
9 remember that much of it.

10 Q okay. So then if the transcript says that you told the  
11 judge you did not want a trial, you would agree that that's  
12 probably in the transcript?

13 A If that's in the transcript, then I'm not gonna argue  
14 with that.

15 Q Okay. And, and the fact that you told the judge that  
16 you were fully satisfied with your attorney, there was  
17 nothing else that, that you wanted her to do for you on this  
18 case?

19 A If it's in the transcript, I can't argue with it.

20 Q Okay. And you were under oath at that time?

21 A I assume I was.

22 Q Okay. You -- do you recall also the judge explaining  
23 to you that the plea agreement that you signed and were  
24 entering into waived your right to an appeal?

25 A Like I said, I do not remember that, but if I'm --.

Richard Mock - Cross-examination  
by Ms. McCallister

1 Q Okay. And the judge also specifically asked you if  
2 these decisions were being made of your own free will, and  
3 you answered that they were.

4 A Yeah, you know, when you're facing life, never been in  
5 that situation before, and your attorney tells you to just  
6 say yes to all the answers -- all the questions, you  
7 sometimes feel like you don't have a lot of choice.

8 Q Okay. But you never -- and you -- but you never  
9 brought that up?

10 You didn't mention that to the judge that you felt like  
11 you were being pressured into this?

12 A Like I said, if it's not in the transcript, then I  
13 can't argue with it.

14 Q Okay.

15 MS. MCCALLISTER: Begging the Court's indulgence, Your  
16 Honor.

17 THE COURT: Yes, ma'am.

18 (Pause.)

19 MS. MCCALLISTER: I think that's all the questions I  
20 have for Mr. Mock.

21 THE COURT: Anything else, Mr. Waller?

22 MR. WALLER: Just briefly, Your Honor.

23 REDIRECT EXAMINATION

24 BY MR. WALLER:

25 Q Mr. Mock, you were asked on cross-examination about the

Richard Mock - Redirect examination  
by Mr. Waller

1 plea agreement that you entered into.

2 Did you have a chance to go over that with Ms. Pinnock?

3 A I didn't really have a chance to go over it. If I  
4 remember correctly, she came me -- to me one night with me,  
5 told me I needed to sign it right then, or they were going  
6 to go to trial.

7 Q Okay. It was signed the day you pled guilty.

8 Is that---

9 A I---

10 Q Sound about right?

11 A That sounds about right.

12 Q Okay. We already talked about you waived your right to  
13 appeal as part of this plea agreement.

14 Did you and Ms. Pinnock have a chance to discuss that  
15 before you entered into it?

16 A Not a whole lot, no.

17 Q Okay. You waived your right to parole, and in waiving  
18 parole eligibility, did you and Ms. Pinnock have a chance to  
19 discuss that?

20 A We didn't discuss it much. But you can see why when I  
21 got back down and realized the situation, situation I was in  
22 why I wanted to have a reconsideration.

23 Q Okay. The plea agreement's two and only a third page  
24 long.

25 Did you have a chance to read the entire thing and

Richard Mock - Redirect examination  
by Mr. Waller

1 understand it before you signed it?

2 A Well, I can tell you this. I didn't read it word for  
3 word. I, I saw the parts that I was objecting --  
4 objectionable to. There wasn't a whole lot of discussion  
5 about it except that just sign it. It's in your best  
6 interest.

7 Q Okay. You said you had some parts you objected to.  
8 Do you recall what those were?

9 A The no parole and the no appeal being that I would  
10 think that my attorney would fight for me a little bit more  
11 when it came to that.

12 Q Okay. Did you have a chance to negotiate this?

13 A No.

14 Q Okay. It was here it is, sign it, take it or leave it?

15 A That was it.

16 Q Nothing further. Thank you, Mr. Mock.

17 THE COURT: Anything further, Ms. McCallister?

18 MS. MCCALLISTER: May I have a moment, Your Honor?

19 THE COURT: Yes.

20 (Pause.)

21 MS. MCCALLISTER: No, Your Honor. Nothing further.

22 THE COURT: Okay. Thank you, sir. You can step down  
23 and go back and sit next to your lawyer.

24 Sir, call your next witness.

25 MR. WALLER: Nothing further from the Applicant, Your

Tracy Pinnock - Direct examination  
by Ms. McCallister

1 Honor.

2 THE COURT: All right. Ms. McCallister.

3 MS. MCCALLISTER: Your Honor, may we take a break for a  
4 few minutes?

5 I have an exhibit that I thought I had but I need to  
6 get printed.

7 THE COURT: Okay. we'll take a 10 minute break.

8 MS. MCCALLISTER: Thank you.

9 (WHEREUPON, a short recess was taken at this time.)

10 MS. MCCALLISTER: Your Honor, Mr. Waller just stepped  
11 out to use the restroom.

12 (Pause.)

13 MR. WALLER: I apologize, Your Honor.

14 THE COURT: That's fine.

15 All right. Ms. McCallister.

16 MS. MCCALLISTER: Thank you.

17 Your Honor, the State calls Tracy Pinnock.

18 TRACY PINNOCK, being first duly  
19 sworn, testified as follows:

20 THE CLERK: Thank you. Have a seat in the witness  
21 stand please.

22 (WHEREUPON, the witness complies.)

23 THE CLERK: State your name for the record.

24 THE WITNESS: Tracy Pinnock.

25 DIRECT EXAMINATION

Tracy Pinnock - Direct examination  
by Ms. McCallister

1 BY MS. MCCALLISTER:

2 Q Ms. Pinnock, you were appointed to represent Mr. Mock  
3 on the charges that we're here on today, correct?

4 A Yes, I was.

5 Q Okay. Can you tell us a little bit about how the  
6 charges came to arose or came, came to be?

7 So, there were two separate sets of charges, correct?

8 A Yes. So, the first set are what he was initially  
9 charged with, the, the multiple CSC counts, and the lewd  
10 acts. I've not reviewed the whole file, but best, best I  
11 can remember, there was a unrelated federal investigation  
12 where an email address was later attached to Mr. Mock. The  
13 federal investigation involved, you know, their own target.

14 Once the emails between Mr. Mock and the target were  
15 gotten from a search warrant, the Federal Government then  
16 contacted Richland County. Richland County then brought the  
17 initial charges. The exploitation charges, those, those  
18 arose after a search warrant was done on electronics taken  
19 from the home.

20 Q Okay.

21 A And so five charges arose from images on the computer.

22 Q Okay. Okay. Did you -- how many times did you meet  
23 with Mr. Mock to discuss these charges?

24 A According to my notes, I met with him approximately 21  
25 times.

Tracy Pinnock - Direct examination  
by Ms. McCallister

1 Q Okay. And that was over the course of how long?  
2 How long were you appointed?

3 A He was arrested on June 16<sup>th</sup> of 2014. My initial  
4 meeting with him was June 20<sup>th</sup> of '14. So, between  
5 June 20<sup>th</sup> and the day he pled.

6 Q Okay. So, almost two, two years?

7 A Yes.

8 Q Okay. Okay. Did you -- you've heard Mr. Mock testify  
9 that he wanted a trial.

10 A Yeah.

11 Q Did you talk to him about that, about what that would  
12 mean and what you guys would need to do to get ready for  
13 that?

14 A Yes, we did. Through the majority of my representation  
15 of Mr. Mock trial was not what he wanted to do.

16 Q Okay.

17 A We were trying to see if we could resolve his case. I  
18 don't recall when we got notice for trial. But just  
19 reviewing, you know, the records that we had, it looks like  
20 we were scheduled in August.

21 Q Okay.

22 A But the initial goal was to try to find a resolution to  
23 everything. When it didn't seem like we were gonna be doing  
24 that, we did start preparing his case for trial. That's  
25 when I brought in the other attorneys to work on the case

Tracy Pinnock - Direct examination  
by MS. McCallister

1 with me. We never go to trial by ourselves. We always work  
2 in at least two, sometimes three, depending on the case.  
3 So, that's why the other attorneys got involved is because  
4 we were preparing to go to trial.

5 Q Okay. And how soon was that when you brought in those  
6 other attorneys?

7 Like what was the relation in time to the trial or to  
8 the plea -- when he ultimately ended up pleading?

9 Do you know?

10 A I don't have the, the date that I brought everybody in.  
11 What I typically do, when I have a case that looks like it's  
12 going to go to trial, is I prepare, you know, multiple  
13 copies of a file for those attorneys. I give it to them.  
14 They get a chance to go through everything. You know, we  
15 discuss the case as we're, you know, coming up with theories  
16 and everything.

17 So, I couldn't tell you exactly when I handed over a  
18 copy of the file. But they would of both had their own  
19 individual copy.

20 Q Okay. And did you meet with Mr. Mock to kind of  
21 discuss that and let him know what you were doing?

22 A Yes, I mean throughout my representation of him, you  
23 know, we talked about the -- it was an interesting legal  
24 case, in my opinion. So we discussed that a lot, you know,  
25 about the legalities for the CSC charges especially, and

Tracy Pinnock - Direct examination  
by Ms. McCallister

1 what we could possibly be arguing pretrial for those.

2 Q okay.

3 A And then we all met with him at the detention center to  
4 discuss, you know, for them -- for the other two attorneys  
5 to ask their own questions based on what we had already  
6 discussed, and, you know, follow up on things that I might  
7 not have covered, and just so they could, you know, meet him  
8 face-to-face and discuss, you know, any questions that they  
9 had at that point.

10 Q Okay. So, had he gone to trial, did you feel like you  
11 had some defenses that you could present to some of these  
12 charges?

13 A We did. The bulk of our legal arguments were going to  
14 be based on the CSC charges that were ultimately dismissed.  
15 The other one -- I mean the, the other charges was gonna be  
16 more of a credibility argument.

17 Q Okay.

18 A But yeah, I mean we were ready. We, we had all of  
19 our -- we had our witness lists. I had sent subpoenas out  
20 for pretrial, you know, ready to start doing pretrial  
21 arguments that Monday. So, I can say that we were ready to  
22 proceed to trial.

23 Q Okay. Okay. So then if you were, if you were ready  
24 for trial, how did the, how did the plea come about?

25 A So discussions about the plea, I don't, I don't have

Tracy Pinnock - Direct examination  
by Ms. McCallister

1 those exact dates either. But real discussions about, you  
2 know, making a deal for Mr. Mock came from a meeting that  
3 Ms. Goode and I had with Ms. Bodman. It was around the time  
4 that they had turned over the computer information, and then  
5 we start, you know -- at that point we had multiple  
6 conversations back and forward about if we could resolve his  
7 case, you know, what would each side be willing to do. So,  
8 it was an ongoing thing. It wasn't just one conversation.

9 Q Okay. Okay. So, throughout the life of this case,  
10 over the course of two years, were you getting discovery in  
11 kind of piece by piece?

12 A Yeah, it looks like I went over the, the initial  
13 discovery with Mr. Mock -- give me one second.

14 (Pause.)

15 A In August of 2014 is when we went over the initial  
16 discovery. It did take a while for the computer information  
17 to come in because that was sent off for processing. So, we  
18 didn't get that information until -- bear with me. I'm  
19 sorry.

20 (Pause.)

21 A It was quite some time after. But that was -- we were  
22 all waiting. I think it went to SLED and we were all just  
23 waiting on them.

24 Q Okay. And was Mr. Mock aware that that's what you were  
25 waiting on?

Tracy Pinnock - Direct examination  
by Ms. McCallister

1 A Yes.

2 Q Okay. And when it ultimately did come in, did you  
3 discuss that discovery with him?

4 A I discussed it with -- I told him we had received it.  
5 There was nothing on the computer other than those five  
6 images. I was not provided a copy of those images because  
7 the solicitor could not turn those over to me.

8 So, Ms. Goode and I went to view them, and then we went  
9 down to the detention center, and discussed -- I think I  
10 went down by myself and discussed those with Mr. Mock. My  
11 notes indicate, on that day, that he didn't want to see  
12 those, and we talked about where they could of come from,  
13 you know, what was found on the computer. But he indicated  
14 to me that he did not want to see those images.

15 Q Okay. Okay. So then, so then you get this computer  
16 information back, and you talk to the solicitors on multiple  
17 occasions about a plea again.

18 A Yes.

19 Q Is that right?

20 Okay. And so -- so then ultimately Mr. Mock decides to  
21 accept a plea, correct?

22 A Yes.

23 Q Okay. So, can you talk a little bit about how that  
24 came about?

25 A So, I went down to the, to the detention center, let's

Tracy Pinnock - Direct examination  
by Ms. McCallister

1 see, and he and I discussed -- he wanted me to go to the  
2 solicitor and propose a 30 year sentence suspended on 10 or  
3 15 years.

4 Q Okay.

5 A I went back and talked to the prosecutor about that.  
6 Ms. Bodman informed me that she was seeking a 20 year  
7 sentence. So, we got kind of creative with the charges  
8 because I -- Mr. Mock was adamant that any sort of offer or  
9 resolution that we came to did not include the, the CSC  
10 charges. So, that's how we kind of came up with the  
11 creative combination of the charges to reach that resolution  
12 point.

13 Q Okay.

14 A I went back down there. It was over a weekend, I think  
15 it was a Sunday, discussed it with him again. He, he told  
16 me that's what he wanted to do, and then before he came to  
17 court, I took the paperwork down to the detention center,  
18 and we went through everything, and he signed it at that  
19 point.

20 Q Okay. And, ultimately, the sentence that you came up  
21 with was a, a total, an aggregate sentence of 40 years,  
22 correct?

23 A Yes.

24 Q Okay. And did I -- I don't know if I misheard you  
25 earlier.

Tracy Pinnock - Direct examination  
by Ms. McCallister

- 1 Did you say the solicitor wanted a 20 year sentence?
- 2 A Yes.
- 3 Q Okay.
- 4 A She, she was seeking---
- 5 Q So -- sorry.
- 6 A Sorry.
- 7 Q Sorry.
- 8 Can you explain how we get to 40 years then?
- 9 A Yes.
- 10 Q Okay.
- 11 A So, she was seeking an active 20 year sentence.
- 12 Q Okay.
- 13 A None of the charges that we were able to negotiate
- 14 carried a 20 year sentence. So, in order to get the --
- 15 what's, what's classified as nonviolent time, that was the
- 16 only way to get a nonviolent 20 year sentence. Even though
- 17 it says 40 years on the paperwork, calculation wise, it was,
- 18 it was around what everybody was seeking to try to do.
- 19 Q Okay. And did you explain all of that to Mr. Mock?
- 20 A Yes, I did.
- 21 Q Okay. And on the day of the plea, I think you've been
- 22 in here, and you've heard the testimony, Mr. Mock has said
- 23 that you were kind of feeding him answers or telling him
- 24 what to say.
- 25 Did y'all discuss what was gonna be said in the plea or

Tracy Pinnock - Direct examination  
by Ms. McCallister

1 what questions the judge might be likely to ask?

2 A Before I go in -- go into Court for any plea, I go  
3 through the advice of rights, which is basically the same  
4 questions the judge asked before accepting somebody's plea.  
5 I would of gone through that sheet. We would of, you  
6 know -- I would of answered any questions he would of had.  
7 I don't typically stand in Court and tell people just to  
8 answer yes to the questions that are asked.

9 Q Okay.

10 A They have to provide their answers when the judge asked  
11 them, and that's, that's what happens when we go to Court.

12 Q Okay. So, you did not direct Mr. Mock's answers to any  
13 of the questions that the judge---

14 A No.

15 Q ---was asking?

16 Okay. And whose decision was it to plead guilty?

17 A It was his.

18 Q Okay. And there was a -- actually a written -- the  
19 plea agreement was reduced to writing, correct --

20 A Yes.

21 Q -- during the plea?

22 And did you go over that plea agreement with Mr. Mock?

23 A I did. They're -- there's actually two -- three drafts  
24 of it. The first draft that was done was not taken down to  
25 the detention center because we had some amendments that Ms.

Tracy Pinnock - Direct examination  
by Ms. McCallister

1 Bodman changed before Mr. Mock signed it, and then I took it  
2 down to the, to the jail. He signed it there.

3 When we got to Court, the judge had a concern with how  
4 we had the plea agreement written versus what he had to  
5 write on the sentencing sheet. So, he told us to go back  
6 and amend it to reflect how he was gonna fill out the  
7 sentencing sheet just so both of them would, would be a  
8 mirror image of each other.

9 Q Okay.

10 A So, it just had to do with the, the space on the  
11 sentencing sheet and how he was gonna write the indictments.  
12 He just wanted us to go back and have the plea agreement  
13 reflect that.

14 Q Okay. So, did you do that with the solicitor?

15 A Yes.

16 Q Okay. And then did you explain those changes to  
17 Mr. Mock?

18 A Yes, and then he---

19 Q Before the plea proceeded?

20 A Well, that was actually done after.

21 Q Okay.

22 A We had gone through pretty much the entire plea.

23 Q Uh-huh. (Affirmative).

24 A Then the judge expressed his concerns. So we went back  
25 and redrafted it.

Tracy Pinnock - Direct examination  
by Ms. McCallister

1 Q Okay.

2 A And then Mr. Mock signed it again.

3 Q Okay.

4 A And then the judge continued on, and, I guess,  
5 finalized everything.

6 Q Okay. So, he re -- he signed the amended version of  
7 the plea agreement?

8 A Yes.

9 Q And the amended version of the plea agreement only  
10 changed the structure of the charges, not the actual terms  
11 of the agreement?

12 Is that---

13 A Right.

14 Q Okay.

15 A Just the structure of how the indictments were gonna be  
16 ran. Not---

17 Q In terms of consecutive---

18 A ---the substance of it.

19 Q ---or concurrent?

20 A Yes.

21 Q Okay. Did Mr. Mock understand that, that -- those  
22 changes when, when they were made?

23 A Yes.

24 Q Okay. And did you witness him sign the plea agreement?

25 A I did.

Tracy Pinnock - Direct examination  
by Ms. McCallister

1 MS. MCCALLISTER: May I approach the witness, Your  
2 Honor?

3 THE COURT: Yes.

4 Q Is that the plea agreement that you and Mr. Mock both  
5 signed?

6 A Yes, it is.

7 Q Okay.

8 MS. MCCALLISTER: Your Honor, I would ask to move that  
9 agreement into the record.

10 MR. WALLER: No objection, Your Honor.

11 THE COURT: It's admitted without objection.

12 (WHEREUPON, the plea agreement was marked as  
13 Defendant's Exhibit No. 1, and received into evidence at  
14 this time.)

15 MS. MCCALLISTER: Beg the Court's indulgence, Your  
16 Honor.

17 (Pause.)

18 Q Mr. Mock mentioned in his testimony that he gave you  
19 some names of potential witnesses, people that he wanted you  
20 to investigate.

21 Do you recall that, getting that information from him?

22 A He provided me the names of some people that I would  
23 classify as potential character witnesses. So, yes, he, he  
24 did give me the name of some people.

25 Q Okay.

Tracy Pinnock - Direct examination  
by Ms. McCallister

1 A The names of some people.

2 Q But they were not witnesses who could directly refute  
3 the, the allegations?

4 A No.

5 Q Okay.

6 A Nobody -- he never -- I say -- I take that back. He  
7 mentioned his then current wife. I did speak to her. But  
8 there was nothing she was willing to really get involved in.  
9 And then later on, in my representation of Mr. Mock, he  
10 asked me not to give her any details about anything. But my  
11 contact with her -- with, with his then current wife is very  
12 limited. She expressed, like I said, a kind of undesire to  
13 be involved. She did provide me a letter that was pretty  
14 much just talking about his character. But as far as the  
15 allegations go, she, she did not want to be involved.

16 Q Okay. And that was the only person who was potentially  
17 someone that was like a fact witness or everyone else---

18 A Yes.

19 Q ---was character?

20 A Everybody else---

21 Q Okay.

22 A ---as best of my memory can serve me was more of a  
23 character type witness.

24 Q Okay. Okay. I think you said earlier that this case  
25 kind of went back and forth, and that Mr. Mock initially did

Tracy Pinnock - Direct examination  
by Ms. McCallister

1 not want a trial?

2 A Right.

3 Q And it only came to the point of prepping for trial  
4 because there was no agreement -- there was really no plea  
5 agreement that had been worked out?

6 A Yeah, it didn't look like we were gonna be reaching any  
7 sort of resolution. So, you know, at that point, there's --  
8 if you -- if I feel like we're having wasted conversations,  
9 you know, with the prosecutors trying to resolve something,  
10 then we just, you know, proceed on and start preparing the  
11 case for trial.

12 Q Okay.

13 A We don't ever stop talking. There's always that open  
14 communication. So, even though we had, you know, started  
15 preparing his case, obviously we were still having those  
16 conversations with the Solicitor's Office to see if we could  
17 reach a resolution.

18 Q Okay. But you didn't start prepping for trial  
19 necessarily because he directed you I don't want to plead?

20 A Don't have anything in my notes --

21 Q Okay.

22 A -- saying that he directly said that.

23 Q Okay.

24 A No.

25 Q The plea agreement that he ultimately entered into

Tracy Pinnock - Direct examination  
by Ms. McCallister

1 required him to waive his right to a direct appeal.

2 A Yes.

3 Q Did you talk about that with him?

4 A We would have discussed that when I took the plea  
5 agreement down there to him.

6 Q Okay.

7 A I don't have anything in my notes saying that we had  
8 talked about it before that. But I would of discussed that  
9 with him when I went through the plea agreement.

10 Q Okay. And it also required him to waive his right to  
11 parole eligibility.

12 Did you talk to him about that?

13 A Same thing. I don't have anything saying that we  
14 discussed it beforehand.

15 Q Okay.

16 A But when we signed the plea agreement, we would of  
17 discussed it then.

18 Q Okay. Did he mention objecting to those terms?

19 A Not that I recall.

20 Q Okay.

21 A I don't have anything in my notes saying that.

22 Q All right. Do you recall a conversation with him after  
23 the plea about that?

24 A No.

25 Q Okay. You heard him testify that one took place,

Tracy Pinnock - Direct examination  
by Ms. McCallister

1 and -- but you, you don't recall that?

2 A I have absolutely no recollection of a, a request for  
3 an appeal or anything after Mr. Mock's plea was finished.

4 Q Okay.

5 A The only thing I -- the only note I have after we left  
6 the courtroom was about contacting his family, contacting  
7 his mother, and about some property.

8 Q Okay. In your mind, did -- when Mr. Mock went into the  
9 courtroom and entered into this plea agreement, did he  
10 realize what he was doing?

11 A I believe he did.

12 Q Did -- do you think that he fully understood the terms  
13 of the plea agreement?

14 A I believe that he did.

15 Q And how it would affect his rights potentially further  
16 down the line?

17 A Yes.

18 Q The -- do you think he understood the sentence that he  
19 was agreeing to?

20 A I believe that he did, yeah.

21 Q Okay. I think that's all the questions I have.

22 THE COURT: Mr. Waller.

23 MR. WALLER: Thank you, Your Honor.

24 Please the Court.

25 CROSS-EXAMINATION

Tracy Pinnock - Cross-examination  
by Mr. Waller

1 BY MR. WALLER:

2 Q Good morning, Ms. Pinnock.

3 A Good morning.

4 Q How are you?

5 All right. Ms. Pinnock, you testified a minute ago  
6 that, a few minutes ago, that there was some interesting  
7 legal questions on the CSC charges.

8 A Yes.

9 Q What do you mean by that?

10 A Well, when I started receiving the discovery and I  
11 realized that the charges were based on some emails, to me  
12 it raised an interesting legal issue because the initial  
13 discloser made in the case, as best I can remember, only  
14 included touching, and then there were multiple statements  
15 after that that were recanting the touching allegations.  
16 So, the CSC charges arose from emails that were sent from  
17 Mr. Mock's email address.

18 So, it was an interesting issue to me because I, I, I  
19 was kind of lining it up with the corpus delicti argument  
20 that you hear folks make with murder cases. You know, if  
21 there's no other evidence other than the person's word, then  
22 can you go -- really go forward on that person's word. So,  
23 it was an interesting legal issue based on that for those  
24 charges.

25 Q Okay. So, there was no disclosure or anything like

Tracy Pinnock - Cross-examination  
by Mr. Waller

1 that other than what came directly from Mr. Mock?

2 A Right, for those charges. Right.

3 Q Okay. And the lewd acts that he pled to were not --  
4 those were standalone charges?

5 They were not -- they weren't lesser includeds or  
6 anything like that?

7 A Correct.

8 Q Okay. So, those five C or the several CSC charges  
9 just -- were just dismissed?

10 A Correct.

11 Q Were those part of the negotiations for the plea?

12 A They, they were part of it. When we were talking about  
13 resolutions, you know, I made clear that those were gonna  
14 have to go if we were gonna reach any sort of resolution.  
15 That was a hard line for us.

16 So, I mean we discussed it with Ms. Bodman when we  
17 were, you know, discussing resolutions. But that was our  
18 hard line. Those were going to have to be dismissed if we  
19 were gonna find any sort of resolution.

20 Q Okay. I know it's difficult for predicting what would  
21 happen at trial.

22 A Right.

23 Q But those charges you just said you had a good legal  
24 argument to them.

25 Do you think there was a possibility you could have

Tracy Pinnock - Cross-examination  
by Mr. Waller

1 successfully defended them or have gotten them dismissed?

2 A That is kind of a loaded question because I think that  
3 the real danger proceeding to trial on those is when  
4 everything would, would of been taken into account. My  
5 concern with those would of been the jury hearing, you know,  
6 what the disclosure was, and then including the emails. I  
7 would be concerned that they wouldn't be able to separate  
8 the two.

9 Q Okay. Now, I wasn't trying to put you in a hard, a  
10 hard place.

11 But my question was -- is along the lines of were those  
12 charges realistic to be included in the negotiations?

13 A Yes, I mean I -- they could of gone forward on them in  
14 front of a jury.

15 Q Okay. All right. The exploitation charges, he was  
16 charged with five images?

17 A Yes.

18 Q Were those only five images or were there others that  
19 were uncharged?

20 A Those were the only -- as, as best that I, I can  
21 recall, those were the only images that were chargeable.

22 Q Okay.

23 A There were a number of other pictures, and videos, and  
24 things that didn't have anything wrong with them.

25 Q Okay. Have you -- you had this type of case before?

Tracy Pinnock - Cross-examination  
by Mr. Waller

1 A Yes.

2 Q Okay. In your experience, does a person charged with  
3 those only have five images?

4 A In my experience, it depends.

5 Q Okay. You testified a few minutes ago about the number  
6 of meetings you had with Mr. Mock.

7 A Yes.

8 Q Do you have a -- you have a breakdown?  
9 Were those full meetings?

10 Were they while you were already in the, the pod  
11 talking to some other -- you know, just a group of people or  
12 was it you and Mr. Mock sitting down going over things I  
13 think you testified 23 times?

14 A I mean a number of the meetings I -- you know, I  
15 purposely went down there to sit and chat with him. Some of  
16 them were I was in there seeing another client. He  
17 approached me and said he had some questions. So, I then,  
18 you know, talked to him about whatever questions he had.

19 You want me to, to count?

20 Q If---

21 A I can.

22 Q If you can quickly.

23 A Okay.

24 (Pause.)

25 A Sixteen of the 21 that I have record of were pretty

Tracy Pinnock - Cross-examination  
by Mr. Waller

1 lengthy meetings. The other ones, according to what I have  
2 written down, were either I went in there to pick up a file,  
3 drop something off, he stopped me and had a quick question.

4 Q Okay. Okay. So ones you might not of been prepared to  
5 go have a meeting with him, but you just happened to --

6 A Right.

7 Q -- just to see him?

8 Okay. All right. You testified about getting ready  
9 for trial, that y'all were on the, on the list at some point  
10 in August, and that you had subpoenaed witnesses.

11 Do you recall who you had issued subpoenas for?

12 A I mean I can -- you want me to grab my box over there?

13 Q If you can.

14 A Okay.

15 THE BAILIFF: I can grab it for you.

16 THE WITNESS: Yeah, that box. On the chair if you  
17 don't mind.

18 I'm sorry. It might be in the other box. I'm sorry.  
19 There's another one sitting back there. I apologize.

20 THE BAILIFF: No problem.

21 It's this one here?

22 THE WITNESS: No, it's sitting in the, in the rows in  
23 the back, and I apologize I made you walk for nothing.

24 I had my subpoenas.

25 THE BAILIFF: Just getting my cardio.

Tracy Pinnock - Cross-examination  
by Mr. Waller

1 THE WITNESS: Sorry. Thank you.

2 So I had subpoenas served on Sergeant Faust,  
3 Mrs. Benidetto, and Heather Smith for that Monday for  
4 pretrial, and those, those are the subpoenas that I sent --

5 Q Okay.

6 A -- for the start of everything.

7 Q Did you and Mr. Mock ever discuss any expert witnesses?

8 A We did. But I think -- it was not an ex -- I don't  
9 believe we, we were calling any expert. It would of been  
10 the State's expert.

11 Q Okay.

12 A They were planning on flying somebody in from somewhere  
13 to talk about the video, this ongoing issue that we have  
14 with them calling experts to bolster testimony. So, that  
15 was the expert's CV that they had provided me, and that's  
16 the only time I can think that we discussed experts.

17 Q Okay. Did you and Mr. Mock have a chance to review the  
18 indictments?

19 A We would of reviewed them at some point I would like to  
20 say.

21 Q Okay. The indictments for the lewd act charges, there  
22 was a window of about 15 to 16 months.

23 Did you have any concerns about that long of a window?

24 A I can't say specifically if we talked about that. But  
25 the, the issue with the timing with all the CSC cases and

Tracy Pinnock - Cross-examination  
by Mr. Waller

1 lewd acts that we get is we're never provided -- you know,  
2 on a, on a general level, we're never, we're never told, you  
3 know, on this day at this time. We're always given this  
4 window of, of time where something is alleged to have  
5 happened. So, that's just a, a normal issue that we deal  
6 with when we're dealing with these indictments on a regular  
7 basis.

8 Q Okay. Based on the discovery that was also provided,  
9 were you able to have enough specificity to put you on  
10 notice of what you were defending against?

11 A Yes. Yeah.

12 Q Okay. Did Mr. Mock ever have a bond hearing?

13 A No, we never moved for bond.

14 Q Okay. Did y'all ever discuss moving for bond?

15 A I know we discussed it when I first met him because he  
16 did not have a bond. What I typically -- you know, we, we  
17 did discuss it the first time we met, and he said the judge  
18 did not set him one.

19 Q Would that have been the magistrate judge?

20 A Yes, down at the detention center.

21 Q Okay.

22 A The only way to move for bond after that would be to  
23 file a motion in General Sessions. I don't recall if he  
24 ever asked me to file for one. But we never, we never moved  
25 for bond.

Tracy Pinnock - Cross-examination  
by Mr. Waller

1 Q Okay. Okay. All right. You mentioned that the  
2 solicitor wanted an active sentence of 20 years.

3 A Yes.

4 Q When you say that, you said there wasn't a charge that  
5 carried 20 years.

6 A Uh-huh. (Affirmative).

7 Q Okay. Okay. If there had been a charge that -- I'm  
8 trying to -- let me ask it this way.

9 If there had been a 20 year sentence available, would  
10 that have satisfied the solicitor?

11 A That I don't, I don't know.

12 Q Okay. When did y'all get into the discussion based on  
13 percentages of amount that he'll have to serve, parole  
14 eligibility, things like that?

15 How does that -- how does that even come into your  
16 negotiations with the solicitor?

17 A I think -- so, a lot of our argument back and forward  
18 again was our hard line was the CSC charges needed to go.  
19 That was something that I did not think was negotiable. I,  
20 didn't -- you know, my understanding from meeting with  
21 Mr. Mock was, again, any resolution was not going to include  
22 any level of CSC.

23 So, in order to get what we wanted as far as the  
24 charges, we had to try to find a creative way to, I guess,  
25 meet on common ground to get what we wanted charge wise, and

Tracy Pinnock - Cross-examination  
by Mr. Waller

1 also to try to get to where the solicitor was willing to go  
2 to.

3 Q Okay. What is your understanding of the amount of time  
4 a person, percentage wise, would have to serve on a CSC with  
5 a minor first degree?

6 A I mean it's 85 percent. So, minimum would be 85  
7 percent. No parole.

8 Q Okay. What about for a lewd act on a minor?

9 A Lewd act is classified -- I believe it's classified as  
10 violent, but it's -- or a strike. I, I can't remember. I,  
11 I have to look these things up all the time. But it's my  
12 understanding that it was 65 percent.

13 Q Okay. And how about the sexual exploitation charge?

14 A Sixty-five.

15 Q Okay. Twenty years at 85 percent still wouldn't be 20  
16 years, and I know that sounds silly for me to ask it that  
17 way.

18 What was your understanding of what the solicitor  
19 wanted in this case?

20 A She told me that she wanted an active 20 years. Not a  
21 20 year sentence, but an active 20 years.

22 Q Yeah.

23 She wanted him to be in jail for 20 years---

24 A Yes.

25 Q ---or prison for 20 years?

Tracy Pinnock - Cross-examination  
by Mr. Waller

1 A That is -- yes, that is the information that I was  
2 told.

3 Q Okay. At 65 percent, 40 years is more than that.

4 A Yeah.

5 Q Okay. Was there ever any discussion that a 30 year  
6 sentence would essentially satisfy what she was looking for?

7 A I don't have anything in my notes.

8 MR. WALLER: Okay. Beg the Court's indulgence one  
9 second.

10 THE COURT: Yes, sir.

11 (Pause.)

12 Q Thank you, Ms. Pinnock.

13 Nothing further.

14 THE COURT: Okay. Anything further, Ms. McCallister?

15 MS. MCCALLISTER: No, Your Honor.

16 THE COURT: All right. Do you have any additional  
17 witnesses, Ms. McCallister?

18 MS. MCCALLISTER: No, Your Honor.

19 THE COURT: All right. I'll hear from you, Mr. Waller.

20 MR. WALLER: Just, just briefly, Judge.

21 Mr. Mock and Ms. Pinnock testified that they were, were  
22 getting ready for trial. The trial was scheduled. I don't  
23 know exactly how clear it was, but within the next four  
24 weeks if we're assuming that, you know, some time in August.  
25 And so I think there was certainly an understanding that,

1 that a trial wanted to exist.

2 Judge, I, I think it's -- Mr. Mock testified he was 52  
3 years old when he took the plea for 40 years, and I think  
4 it's a, a slippery slope, and I think it's a -- I think it's  
5 a problem when the state and the defense lawyer starts  
6 getting into discussions of how much time a person's going  
7 to serve based on percentages cause that's a, a very moving  
8 target. SCDC certainly likes to adjust those as, as they  
9 can.

10 So, I think that that's -- I, I think that's an issue,  
11 Judge, and I think that's an issue. Mr. Mock testified  
12 that, that he -- the least he's gonna be there is for 40  
13 years, and he thinks that's a life sentence. If it's a life  
14 sentence, then, then it doesn't make sense to plead to that.

15 Based on, on some quick math, he will, he will have to  
16 do 26 years is, is the best I can come up with 65 percent.  
17 As I said, that's a moving target that I know Your Honor's  
18 aware of. It just doesn't make a whole lot of sense to me.

19 Mr. Mock testified that he did not know what was going  
20 on as far as his trial, that he felt that Ms. Pinnock was  
21 unprepared for trial. He testified that, that he knew she  
22 brought in some other attorneys. But I don't believe he  
23 ever testified he met with them or to get ready for trial.

24 Ms. Pinnock had subpoenaed some witnesses certainly.  
25 And so it seems, it seems to me that everybody was

1 proceeding to trial when all of a sudden they stopped. And  
2 I, I think that, based on Mr. Mock's testimony, he didn't  
3 understand -- he felt threatened by receiving a life  
4 sentence, which Ms. Pinnock certainly testified was, was a  
5 possibility if the case had gone to a jury because you never  
6 know what a jury is going to do. However, she also felt  
7 that there were some very, very strong defenses to that.

8 So, I don't, I don't know how viable those CSC charges  
9 were in the negotiations. I don't know how likely it was  
10 that they would of made it past the directed verdict stage.  
11 And so I'm speculating on that. But Mr. Mock seemed to  
12 certainly think if he proceeded to trial with his lawyer  
13 being unprepared, as he felt that she was, that he would  
14 have received a life sentence.

15 That's an impossible position to be in, Judge. We, we  
16 see it too often and I think that, based on the testimony of  
17 both witnesses, Mr. Mock did not have a clear understanding  
18 of, of what he was doing.

19 Thank you.

20 THE COURT: Ms. McCallister.

21 MS. MCCALLISTER: Thank you, Your Honor.

22 I think Ms. Pinnock explained, you, you know, how we  
23 got to this point pretty well, that there were kind of  
24 ongoing discussions, and she was, you know, essentially  
25 doing what she was suppose to do by making sure she was

1 prepared for trial, but also continuing to engage in plea  
2 negotiations.

3 She testified that Mr. Mock had always kind of directed  
4 her that he, that that's what he wanted, that they wanted to  
5 try to resolve it, and get -- particularly to get those CSC  
6 charges out of there, which she accomplished.

7 You know, I mean this issue with 65 percent, 85  
8 percent, and the solicitor having a certain number, Your  
9 Honor, I mean the State wants what they want, and, you know,  
10 they -- the Defendant had a choice whether to enter into  
11 that agreement, and I think it's clear, from the record and  
12 from the plea agreement itself, what he was entering into.  
13 It was very clear on the record at the plea how they were  
14 trying to structure this agreement in order to get to a  
15 certain amount of time. So, Mr. Mock certainly knew what he  
16 was doing when he chose to enter into that.

17 There's been -- you know, Mr. Mock takes issue with the  
18 CSC charges. But he didn't plead to those. There's been no  
19 issue about whether there was a factual basis for these  
20 other charges. That has not been challenged.

21 So, I think Mr. Mock clearly made a choice. It's, it's  
22 not a great choice. Nobody wants to have to choose between,  
23 you know, 40 years and life, but it is a choice, and he made  
24 it knowingly and voluntarily.

25 THE COURT: All right. Yeah, the Application for

1 Post-Conviction Relief is respectfully denied.

2 Please prepare an Order for me, Ms. McCallister.

3 MR. WALLER: Thank you, Your Honor.

4 MS. MCCALLISTER: Thank you.

5 THE COURT: Yes, ma'am.

6

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8 \* \* \*END OF REQUESTED TRANSCRIPT OF RECORD\* \* \*

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## C E R T I F I C A T E

1  
2  
3 I, Pamela E. Green, Official Court Reporter for the  
4 State of South Carolina, do hereby certify that the  
5 foregoing is a true, accurate and complete Transcript of  
6 Record of the proceedings had and evidence introduced in the  
7 trial of the captioned case, relative to appeal, in the  
8 Court of Common Pleas Nonjury for Richland County, South  
9 Carolina, on the 4<sup>th</sup> day of December, 2018.

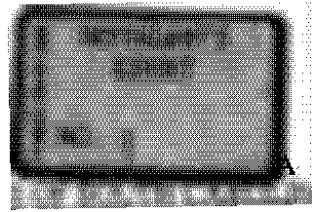
10 I do further certify that I am neither of kin, counsel  
11 nor interest to any party hereto.

12  
13  
14

15 September 27<sup>th</sup>, 2020  
16  
17  
18

19 \_\_\_\_\_  
20 PAMELA E. GREEN, Court Reporter  
21  
22  
23  
24  
25

16  
4221



STATI ) IN THE COURT OF GENERAL SESSIONS  
 ) FIFTH JUDICIAL CIRCUIT  
 COUNTY OF RICHLAND )  
 ) PLEA AGREEMENT  
 The State )  
 v. ) INDICTMENT NUMBER(S):  
 ) 2014-GS-40-04831 - 39  
 ) 2016-GS-40-04221 - 04225  
 RICHARD B. MOCK, JR )  
 )  
 DEFENDANT )

2016 JUL 28 PM 1:09

I, Richard B. Mock, Jr. the defendant in this Criminal Action do hereby enter a plea of guilty to the following charges:

- 2014-GS-40-04831 Lewd Act on a Minor Child *20149400660660*
- 2014-GS-40-04832 Lewd Act on a Minor Child
- 2016-GS-40-04221 Sexual Exploitation of a Minor – third degree
- 2016-GS-40-04222 Sexual Exploitation of a Minor – third degree
- 2016-GS-40-04223 Sexual Exploitation of a Minor – third degree
- 2016-GS-40-04224 Sexual Exploitation of a Minor – third degree
- 2016-GS-40-04225 Sexual Exploitation of a Minor – third degree

In exchange for my plea of guilty to the charges indicated above and the waiver of my appellate rights as well as my waiver of my parole eligibility, I understand that the Solicitor will allow me to plea to a negotiated sentence of 15 years for Lewd Act To a Child in 2014-GS-40-04831, 15 years for Lewd Act to a Child in 2014-GS-40-04832, and 10 years to each for Sexual Exploitation of a Minor – third degree in 2016-GS-40-04221, 04222, 04223, 04224, and 04225.

2014-GS-40-04831, and 2014-GS-40-04832 and 2016-GS-40-04221 will run consecutive to each other in order to reflect the intended sentence of forty (40) years, 15 years (2014-GS-40-04831) consecutive to 15 years (2014-GS-40-04832), consecutive to 10 years (2016-GS-40-04221). All other indictments (2016-GS-40-04222, 04223, 04224, 04225) shall run concurrent.

It is further agreed upon that the defendant, Richard B. Mock, shall have no contact, either direct or indirect with Mike Addy, Kara Addy, **M.M.**, or **Minor** and their present and future family members.

I understand that in exchange for accepting this plea negotiation and pleading guilty to the above charges, the State has agreed to dismiss the other pending indictments against me, 2014-GS-40-04833, 04834, 04835, 04836, 04837, 04838, 04839.

I understand all terms, conditions, obligations, duties, and rights that are listed below and that the sentencing court is incorporating by reference this complete plea agreement as part of the sentencing order imposed by the court.

I understand that if the Court accepts the plea as indicated above, I give up my right to trial by jury, at which I would have the following rights: (a) The right to have a jury determine my guilt or innocence; (b) The right to see and hear witnesses testify and to have my lawyer question them for me; (c) The right to subpoena witnesses in my behalf and present items of evidence in my defense; (d) The right to testify or remain silent; (e) The right to have the prosecution prove my guilt beyond a reasonable doubt, before I can be found guilty.

I have read the information in this case, or have had it read to me, and I understand the charges to which I enter my pleas of guilty. My lawyer has explained to me the maximum penalty for the charges, the essential elements of the crimes, and possible defenses to the crimes, and I understand these things.

I have read every word of this written plea or have had it read to me. I have discussed this plea with my attorney and I fully understand it. I have been told what evidence the State has to present to a jury, and my attorney has advised me as to what defenses, if any, I may be able to assert in my own behalf. I am fully satisfied with the way my attorney has handled this case. She has effectively assisted me in all aspects of my defense.

I further understand that by accepting this plea agreement I give up my right to appeal all matters. I agree to waive any and all appeals of this guilty plea and sentence.

I understand that if I request an appeal it would constitute a breach of this agreement. I understand that if I breach this agreement it will nullify the negotiation of the agreed sentence and the State can pursue the maximum sentence allowed by law and can pursue prosecution of the indictments that were dismissed in consideration of this agreement and guilty pleas.

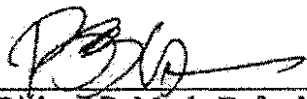
I further understand that by accepting this plea agreement I give up my right to parole eligibility and my right to seek and request parole. I agree to waive my parole eligibility and my right to seek and request parole.

I understand that if I seek and request parole that it would constitute a breach of this agreement. I understand that if I breach this agreement it will nullify the negotiation of the agreed sentence and the State can pursue the maximum sentence allowed by law and can pursue prosecution of the indictments that were dismissed in consideration of this agreement and guilty pleas.

No one has threatened me to make me enter the plea. I am entering the plea because I am guilty, and I believe it is in my own best interest.

I enter the plea voluntarily of my own free will.

SWORN TO AND FILED in open Court in the presence of Defense Counsel, the State,  
and Judge on this 28 day of July, 2016.




Richard B. Mock, Defendant



Tracy Pinnock, Attorney for Defendant  
Richland County Public Defender's Office

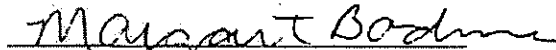
CERTIFICATE OF DEFENDANT'S ATTORNEY

I, Defendant's Counsel of Record, certify that: I have discussed this case with the Defendant, including the nature of the charges, essential elements of each, the evidence against him of which I am aware, the possible defenses he has, the maximum penalty of the charges and his waiver of the right to appeal and his waiver of the right to parole eligibility and waiver to seek and request parole. No promises have been made to the defendant other than as set forth in this plea or on the record. I believe he fully understands this written plea, the consequences of entering it, and that the Defendant does so of his own free will. I have reviewed the Discovery in this case and have discussed the evidence in this case with the Defendant, I believe this plea is in my client's best interest.

  
 Tracy Pinneock,  
 Attorney for the Defendant

CERTIFICATE OF SOLICITOR

This plea agreement represents the total agreement between the defendant, Richard B. Mock, and the State of South Carolina. There are no promises made by anyone other than those contained in this agreement.

  
 Margaret Bodman,  
 Assistant Solicitor, Fifth Judicial Circuit

This plea is entered by the Defendant and accepted by the undersigned this 28<sup>th</sup> day of July, 2016.

  
 Honorable William P. Keesley  
 Circuit Court Judge

STATE OF SOUTH CAROLINA  
 COUNTY OF RICHLAND  
 Richard B. Mock (SCDC #369163),  
 Applicant,  
 v.  
 State of South Carolina,  
 Respondent.

IN THE COURT OF COMMON PLEAS  
 FOR THE FIFTH JUDICIAL CIRCUIT  
 Civil Action No. 2016CP4007261

ORDER OF DISMISSAL

RICHLAND COUNTY  
 FILED  
 2020 JUN -5 AM 11:51  
 JEANETTE E. VA. RICHLAND  
 C. CLERK, G.S., & F.C.

This matter came before the Court upon Application for Post-Conviction Relief ("PCR") filed by Applicant Richard B. Mock on December 8, 2016. Respondent filed its Return on February 17, 2017. An evidentiary hearing was conducted at the Richland County Judicial Center on December 4, 2018. Applicant appeared along with his counsel, Jonathan D. Waller, Esquire; and Respondent was represented by Assistant Attorney General Lindsey A. McCallister, Esquire.

For the reasons set forth below, the PCR Application is DENIED, and this matter is DISMISSED WITH PREJUDICE.

**PROCEDURAL BACKGROUND**

Applicant is currently confined at the South Carolina Department of Corrections ("SCDC") pursuant to orders of commitment of the Richland County Clerk of Court. He was indicted by the Richland County Grand Jury for four counts of Committing a Lewd Act on a Minor<sup>1</sup> and five counts of Criminal Sexual Conduct ("CSC") with a Minor in the First Degree<sup>2</sup> during its August 2014 term. During the July 2016 term, the Richland County Grand Jury also indicted Applicant

<sup>1</sup> Indictments 2014GS4004831, 4832, 4833 and 4834

<sup>2</sup> Indictments 2014GS4004835, 4836, 4837, 4838 and 4839

for five counts of Sexual Exploitation of a Minor in the Third Degree.<sup>3</sup> Applicant was represented by Tracy E. Pinnock, Esquire ("Plea Counsel") on all charges.

On July 28, 2016, Applicant pled guilty to two counts of Committing a Lewd Act on a Minor and five counts of Sexual Exploitation of a Minor in the Third Degree. Pursuant to negotiations with the State, Applicant was sentenced by the Honorable William P. Keesley to forty years' imprisonment. Specifically, he received consecutive fifteen-year sentences on each count of Committing a Lewd Act on a Minor, a consecutive ten-year sentence for one count of Sexual Exploitation of a Minor, and concurrent ten-year sentences on the four counts of Sexual Exploitation of a Minor. In exchange for Applicant's guilty plea, the State *nolle prossed* five counts of CSC with a Minor and the remaining two counts of Committing a Lewd Act on a Minor. Pursuant to the terms of his plea agreement, Applicant did not file a direct appeal of his conviction.

On December 8, 2016, Applicant filed his PCR Application in which he alleges "ineffective assistance of counsel." Specifically, he contends that his guilty plea was involuntary and that he was "ill-advised" by Plea Counsel to plead guilty. By document filed on March 16, 2017, Applicant amended his PCR Application to include the following allegation:

The State did not have any evidence period, solid, or adequately to charge Applicant with crimes of five (5) CSC 1st. degree. The State used that tactic to hold Applicant in Jail without bond, and threaten Applicant if he didn't plea to lesser offenses, sign away his rights to appeal, he would go to trial and he would get twenty five (25) to life without parole.

The Court has had the opportunity to review the record in its entirety (including the guilty plea transcript, records from the Richland County Clerk of Court, and records from the South Carolina Department of Corrections) and has heard the testimony and arguments presented at the

<sup>3</sup> Indictments 2016GS4004221, 4222, 4223, 4224 and 4225

evidentiary hearing. The Court has also had the opportunity to observe each witness who testified at the evidentiary hearing, to closely pass upon their credibility, and to weigh their testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. CODE ANN. §17-27-80 (2003).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Sixth and Fourteenth Amendments to the United States Constitution guarantee criminal defendants the right to the effective assistance of counsel. *Strickland v. Washington*, 466 U.S. 668 (1984). Where a PCR Application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." *Id.* at 686; *see also Butler v. State*, 286 S.C. 441 (1985). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. *Strickland*, 466 U.S. at 691. An applicant must overcome this presumption in order to receive relief. *Bell v. State*, 321 S.C. 238 (1996); *see also Cherry v. State*, 300 S.C. 238 (1989); Rule 71.1(e), SCRPC.

The court applies a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." *Cherry*, 300 S.C. at 117 (citing *Strickland*, 466 U.S. at 688). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 117-18. Specifically, where an applicant has pled guilty, he must prove that

counsel's representation was below the standard of reasonableness and that, but for counsel's unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 58-59 (1985); *Roscoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

#### I. Involuntary Guilty Plea

Applicant alleges that his guilty plea was not knowingly and intelligently made. Specifically, he contends that Plea Counsel was deficient in her representation by failing to employ an investigator to assist in his defense, to interview witnesses, and to follow up on leads which could support his defense to the charges. According to Applicant, this lack of preparation on the part of Plea Counsel prejudiced him in that he felt forced to plead guilty instead of proceeding to trial. The Court disagrees that any of this rendered Applicant's guilty plea involuntary.

A defendant who pleads guilty on the advice of counsel may collaterally attack the voluntariness of the plea only by showing that (1) counsel's performance was deficient, and (2) there is a reasonable probability that, but for counsel's errors, the defendant would not have pled guilty. *Johnson v. Catoe*, 336 S.C. 354, 520 S.E.2d 617 (1999); *Wolfe v. State*, 326 S.C. 158, 485 S.E.2d 367 (1997); *Satterwhite v. State*, 325 S.C. 254, 481 S.E.2d 709 (1997). In addition,

[I]n many guilty plea cases, the "prejudice" inquiry will closely resemble the inquiry engaged in by courts reviewing ineffective-assistance challenges to convictions obtained through a trial. For example, where the alleged error of counsel is a failure to investigate or discover potentially exculpatory evidence, the determination whether the error "prejudiced" the defendant by causing him to plead guilty rather than go to trial will depend on the likelihood that discovery of the evidence would have led counsel to change his recommendation as to the plea. This assessment, in turn, will depend in large part on a prediction whether the evidence likely would have changed the outcome of a trial.

*Stalk v. State*, 383 S.C. 559, 562, 681 S.E.2d 592, 594 (2009) (citing *Hill*, 474 U.S. at 52).

Similarly, “[W]here counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel.” *Watson v. State*, 370 S.C. 68, 72, 634 S.E.2d 642, 644 (2006) (citing *Stokes v. State*, 308 S.C. 546, 419 S.E.2d 778 (1992)). “Counsel’s performance is accorded a favorable presumption, and a reviewing court proceeds from the rebuttable presumption that counsel ‘rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.’” *Smith v. State*, 386 S.C. 562, 567, 689 S.E.2d 629, 632 (2010) (quoting *Strickland*, 466 U.S. at 690). “Accordingly, when counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel.” *Id.* (citing *Caprood v. State*, 338 S.C. 103, 110, 525 S.E.2d 514, 517 (2000)). “Courts must be wary of second-guessing counsel’s trial tactics; and where counsel articulates a valid reason for employing certain strategy, such conduct will not be deemed ineffective assistance of counsel. *Whitehead v. State*, 308 S.C. 119, 417 S.E.2d 529 (1992) (citing *Goodson v. U.S.*, 564 F.2d 1071 (4th Cir. 1977)).

During the evidentiary hearing, Applicant testified that he only met with Plea Counsel a few times. During those meetings, which began in the summer of 2014, they reviewed some of the discovery in his case; however, according to Applicant, Plea Counsel would not give him copies of the witnesses’ statements, telling him that it wasn’t a good idea for him to have them in jail. He testified that they never reviewed all of the discovery – only some – and that Plea Counsel neither investigated his defense to the charges nor discussed defenses with him. In fact, Applicant stated that he provided Plea Counsel with the names of several witnesses who could be favorable to him, but Plea Counsel never hired an investigator to interview them, blaming lack of funding to do so. He also testified that Plea Counsel never discussed with him the procedure for a potential jury trial and that she barely reviewed the plea agreement with him.

In response, Plea Counsel testified that she met with Applicant on at least twenty-one occasions, the first being four days after his arrest. During those meetings, they discussed the potential for trial (although Applicant was not interested in that option), they discussed pre-trial arguments that she could make on his behalf, and they reviewed discovery. According to Plea Counsel, she was absolutely prepared for trial, which had been scheduled for August 2016, even involving additional attorneys to assist in the trial preparation and issuing witness subpoenas. She also engaged in continuing plea negotiations with the State, eventually negotiating a forty-year, nonviolent sentence for Applicant so that he would only have to serve about twenty years in prison. Plea Counsel also reviewed with Applicant the written plea agreement and an "Advice of Rights" form, both of which Applicant signed, and she discussed with him the agreement to waive any appeals and parole eligibility. Applicant seemed to understand all aspects of the plea and, in the end, it was Applicant's decision to accept the negotiated plea.

Based on the foregoing, Applicant is unable to demonstrate that Plea Counsel was ineffective. Although Applicant now disputes it, based on the record and the credible testimony offered by Plea Counsel, the Court finds that Applicant had a full understanding of both the charges against him and the consequences of his plea. *See, e.g., Boykin v. Alabama*, 395 U.S. 238, 243-44 (1969) (accused must have "a full understanding of what the plea connotes and of its consequence"); *Crawford v. U.S.*, 519 F.2d 347 (4th Cir. 1975) (statements made during a guilty plea should be considered conclusive unless there is a valid reason why an applicant should be allowed to depart from the truth of his statements). To the extent that Plea Counsel may have overlooked some detail, the plea court completely and thoroughly reviewed all aspects of the plea with Applicant.

In addition, although Applicant claims that he only pled guilty because Plea Counsel was

not prepared for trial, this is not supported by the evidence. Applicant's uninformed belief that Plea Counsel was not ready for trial is insufficient to sustain his burden of proof. Plea Counsel thoroughly investigated and prepared for trial and presented her progress to Applicant over the course of many meetings. Applicant understood the adversities and options that he faced and made an informed, voluntary decision to plead guilty. Finally, while Applicant relies on the alleged threat of a life sentence if he didn't plead guilty, the Court finds no credible evidence that that conversation occurred. However, even if it did, it was accurate -- if convicted on all charges, Applicant could have been imprisoned for eighty years.

Applicant cannot demonstrate that Plea Counsel was deficient in any manner. Moreover, there is a complete lack of evidence as to any prejudice alleged suffered by Applicant as a result of the actions of Plea Counsel. Because Applicant has been unable to sustain his burden of proof, this allegation must be denied and dismissed with prejudice.

## II. Actual Innocence

Applicant also alleges that he is entitled to post-conviction relief because he is not guilty of the allegations to which he pled guilty. Specifically, he contends that the State "did not have any evidence, period, solid, or adequately to charge [him]" with the crimes. The Court denies the PCR Application on that basis.

"Where a defendant voluntarily, intelligently and understandingly enters a plea of guilty, this makes it unnecessary for the State to offer evidence to prove the offense charged in the warrant or indictment." *State v. Allen*, 261 S.C. 448, 451, 200 S.E.2d 684, 686 (1973). "A plea of guilty is an admission or a confession of guilt, and is as conclusive as the verdict of a jury; it admits all matter of fact averments of the accusation." *Id.* (citing *State v. Fuller*, 254 S.C. 260, 174 S.E.2d 774 (1970)). A guilty plea waives any defenses, including challenges to the sufficiency of the

evidence. *See, e.g., Whetsell v. State*, 276 S.C. 295 (1981). Therefore, a claim of actual innocence or lack of evidence is not a valid PCR allegation.

Consistent with the Court's finding that Applicant's guilty plea was not involuntary, the Court must also find that Applicant cannot made a valid challenge to the sufficiency of the evidence against him. When he pled guilty, Applicant admitted the truth of the allegations against him, irrespective of whether the State had evidence to support those allegations. Therefore, this allegation is denied and dismissed with prejudice.

#### CONCLUSION


Based on the foregoing, the Court finds that Applicant has failed to establish any constitutional violations or deprivations that would require this Court to grant the requested relief. Therefore, the Application for Post-Conviction Relief is denied.

The Court notes that Applicant must file and serve a notice of appeal within thirty (30) days from receipt of written notice of entry of judgment to secure the appropriate appellate review. *See* Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g) of the South Carolina Rules of Civil Procedure provides that if Applicant wishes to seek appellate review, his post-conviction relief attorney must serve and file a notice of appeal on Applicant's behalf. Applicant and his attorney are directed to Rule 243 of the South Carolina Appellate Court Rules for appropriate procedures for appeal.

IT IS, THEREFORE, ORDERED that the Application for Post-Conviction Relief is DENIED and DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that Applicant be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED.

  
\_\_\_\_\_  
JOCELYN T. NEWMAN  
Presiding Judge

June 3, 2020  
Columbia, South Carolina.

WITNESSES

(S) Stephen Faust  
- Richland County Sheriff

ARREST WARRANT NUMBER

2014A4010600660

ACTION OF GRAND JURY

**TRUE BILL**

Foreperson of Grand Jury

Date:

AUG 13 2014

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2014-GS-40-04831

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

AUGUST TERM 2014

92

THE STATE  
vs.

RICHARD B MOCK JR

Indictment for  
LEWD ACT ON MINOR CHILD

SC Code: 16-15-0140

CDR Code: 2468

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.

CERTIFIED TRUE COPY  
OF ORIGINAL FILED,  
*Jeannette WMSBride*  
C.C.C.P&G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA

**SCANNED**

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

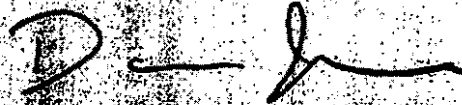
INDICTMENT

At a Court of General Sessions, convened on AUGUST 13, 2014,  
the Grand Jurors of Richland County present upon their oath:

LEWD ACT ON A MINOR CHILD

That RICHARD B MOCK JR, being over fourteen years of age did in  
Richland County on or between JANUARY 24, 2011 AND MAY 28, 2012,  
willfully and lewdly commit a lewd or lascivious act upon or with the body of  
a child, less than sixteen (16) years of age, to wit: **Minor**, with  
the intent of arousing, appealing to, or gratifying the lust or passions or  
sexual desires of said defendant or of the victim, in violation of Section 16-  
15-0140, S. C. Code of Laws, 1976, as amended

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



DAN JOHNSON, SOLICITOR

WITNESSES

(S) Stephen Faust  
- Richland County Sheriff

ARREST WARRANT NUMBER

2014A4010600661

ACTION OF GRAND JURY

**TRUE BILL**

Foreperson of Grand Jury  
Date:

AUG 13 2014

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO 2014-GS-40-04832

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

AUGUST TERM 2014

92

THE STATE  
VS.

RICHARD B MOCK JR

Indictment for  
LEWD ACT ON MINOR CHILD

SC Code: 16-15-0140  
CDR Code: 2468

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.

**SCANNED**

CERTIFIED TRUE COPY  
OF ORIGINAL FILED,  
*Jacquette W. M. B. B. B.*  
C.C.C.P.&G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

INDICTMENT

At a Court of General Sessions, convened on AUGUST 13, 2014,  
the Grand Jurors of Richland County present upon their oath:

LEWD ACT ON A MINOR CHILD

That RICHARD B MOCK JR, being over fourteen years of age did in  
Richland County on or between JANUARY 24, 2011 AND MAY 28, 2012,  
willfully and lewdly commit a lewd or lascivious act upon or with the body of  
a child, less than sixteen (16) years of age, to wit: **Minor** with  
the intent of arousing, appealing to, or gratifying the lust or passions or  
sexual desires of said defendant or of the victim in violation of Section 16-  
15-0140, S. C. Code of Laws, 1976, as amended

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



DAN JOHNSON, SOLICITOR

REC-1011



WITNESSES

(s) SCOTT FAUST, RCSD

ARREST WARRANT NUMBER

DP -

16165

ACTION OF GRAND JURY  
**TRUE BILL**

*Lang A. Rice*

Foreperson of Grand Jury  
Date:

JUL 21 2016

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2016-GS-40- 04221

The State of South Carolina  
County of Richland

COURT OF GENERAL SESSIONS

JULY TERM 2016

02

THE STATE  
vs.

RICHARD MOCK

Indictment for  
**SEXUAL EXPLOITATION OF A MINOR**  
3<sup>RD</sup> DEGREE  
SC Code: 16-15-0410(A)  
GDR Code: 0381  
Class: FEL-F

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.

**SCANNED**

CERTIFIED TRUE COPY  
OF ORIGINAL FILED,  
*Jeanette W. McBride*  
C.C.C.P.&G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

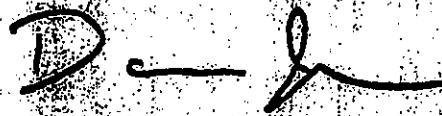
INDICTMENT

At a Court of General Sessions, convened on JULY 20, 2016, the Grand Jurors of Richland County present upon their oath:

**SEXUAL EXPLOITATION OF A MINOR 3<sup>rd</sup> DEGREE**

That RICHARD MOCK did in Richland County on or about JUNE 16, 2014, possess material that contains a visual representation of a minor engaging in sexual activity and/or sexually explicit nudity while knowing the character or content of such material all in violation of SC Code of Laws § 16-15-410.

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



DAN JOHNSON, SOLICITOR

WITNESSES

(3) SCOTT FAUST, RCSD

ARREST WARRANT NUMBER

DP 16166

ACTION OF GRAND JURY  
TRUE BILL

*James A. Rice*

Foreperson of Grand Jury  
Date: Jul 21 2016

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2016-GS-40-04222

The State of South Carolina  
County of Richland

COURT OF GENERAL SESSIONS

JULY TERM 2016

92

THE STATE  
vs.

RICHARD MOCK

Indictment for

SEXUAL EXPLOITATION OF A MINOR  
3<sup>RD</sup> DEGREE

SC Code: 16-15-0410(A)

CDR Code: 0381

Class: FEL-F

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

Defendant

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.

SCANNED

CERTIFIED TRUE COPY  
OF ORIGINAL FILED,  
*Jeanette W. M. B. B. B.*  
C.C.C.P.&G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

INDICTMENT

At a Court of General Sessions, convened on JULY 20, 2016, the Grand Jurors of Richland County present upon their oath:

**SEXUAL EXPLOITATION OF A MINOR 3<sup>rd</sup> DEGREE**

That RICHARD MOCK did in Richland County on or about JUNE 16, 2014, possess material that contains a visual representation of a minor engaging in sexual activity and/or sexually explicit nudity while knowing the character or content of such material all in violation of SC Code of Laws § 16-15-410.

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



DAN JOHNSON, SOLICITOR

WITNESSES

(s) SCOTT FAUST, RCSD

ARREST WARRANT NUMBER

DP 16167

ACTION OF GRAND JURY  
TRUE BILL

*Yancy A. Quin*

For person of Grand Jury  
Date:

JUL 21 2016

VERDICT

For person of Petit Jury  
Date:

DOCKET NO. 2016-GS-40- 04223

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JULY TERM 2016

92

THE STATE  
VS.

RICHARD MOCK

Indictment for

SEXUAL EXPLOITATION OF A MINOR  
3<sup>RD</sup> DEGREE

SC Code 16-15-0410(A)

CDR Code 0381

Class FEL-F

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.

SCANNED

CERTIFIED TRUE COPY  
OF ORIGINAL FILED,  
*Yancy A. Quin*  
C.C.C.P.&G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA



WITNESSES

(s) SCOTT FAUST, RCSD

ARREST WARRANT NUMBER

DP

16168

ACTION OF GRAND JURY

TRUE BILL

*Scott Faust*

Foreperson of Grand Jury  
Date:

JUL 2 1 2016

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2016-GS-40-04224

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JULY TERM 2016

92

THE STATE  
vs.

RICHARD MOCK

Indictment for  
SEXUAL EXPLOITATION OF A MINOR  
3<sup>RD</sup> DEGREE  
SC Code: 16-15-0410(A)  
CDR Code: 0381  
Class: FEL-F

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.

SCANNED

CERTIFIED TRUE COPY  
OF ORIGINAL FILED,  
*Jessette W. McBride*  
C.C.C.P.&G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

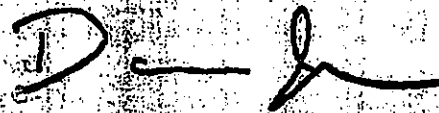
INDICTMENT

At a Court of General Sessions, convened on JULY 20, 2016, the Grand Jurors of Richland County present upon their oath:

**SEXUAL EXPLOITATION OF A MINOR 3<sup>rd</sup> DEGREE**

That RICHARD MOCK did in Richland County on or about JUNE 16, 2014, possess material that contains a visual representation of a minor engaging in sexual activity and/or sexually explicit nudity while knowing the character or content of such material all in violation of SC Code of Laws § 16-15-410.

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



DAN JOHNSON, SOLICITOR

WITNESSES

(6) SCOTT FAUST, RCSD

ARREST WARRANT NUMBER

DP 16 169

ACTION OF GRAND JURY  
TRUE BILL

*James A. Quail*

Foreperson of Grand Jury  
Date: JUL 21 2016

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2016-GS-40- 04225

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JULY TERM 2016

92

THE STATE  
vs.

RICHARD MOCK

Indictment for

SEXUAL EXPLOITATION OF A MINOR

3<sup>RD</sup> DEGREE

SC Code: 16-15-0410(A)

CDR Code: 0381

Class FEL-F

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.

SCANNED

CERTIFIED TRUE COPY  
OF ORIGINAL FILED,  
*Jeannette Williams*  
C.C.C.P&G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA





154 OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland VS. STATE

INDICTMENT/CASE#: 2014GS4004832

A/W#: 2014A4010600661

Date of Offense: 1/24/2011 - 5/28/2012

S.C. Code § : 16-15-0140

CDR Code #: 2468

Richard B Mock Jr

AKA:

Race: WHITE Sex: M Age: 49

DOB: SS#:

Address:

City, State, Zip:

SID#:

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

SENTENCE SHEET

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Margaret Bodman 70937 Defendant; Attorney for Defendant 77518 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 15 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2014-GS-40-04831

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP CERTIFIED TRUE COPY FILED Obtain GED Attend Voc. Rehab. or Job Corp. C.C.P.&G.S. May serve W/E beginning RICHLAND COUNTY Substance Abuse Course SOUTH CAROLINA

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$

TOTAL \$

Clerk of Court/ Deputy Clerk: Jannette McBratton; Court Reporter: [Signature]; SCCA/217 (07/2016)

Presiding Judge: William P. [Signature]; Judge Code: 2050; Sentence Date: July 28, 2016

ORIGINAL

SCANNED

COUNTY OF Richland
STATE VS.
RICHARD MOCK
AKA:
Race: WHITE Sex: M Age: 49
DOB: SS#:

INDICTMENT/CASE#: 2016GS4004221
A/W#: DP16165
Date of Offense: 6/16/2014
S.C. Code § : 16-15-0410(A)
CDR Code #: 0381

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Sex / Sexual exploitation of a minor, Third degree

CONVICTED OF or PLEADS

in violation of § 16-15-0410(A) of the S.C. Code of Laws, bearing CDR Code # 0381
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Margaret Bodman 70937 Defendant
Bodman, Margaret Fent SC Bar# Defendant
Attorney for Defendant 77518 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2014-GS-40-04831 & 2014-GS-40-04832
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

PTUP
days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$
\$ paid to Public Defender Fund
Other: SAME AS 2014-GS-40-04831

CERTIFIED TRUE COPY
OF ORIGINAL FILED
J. C. P. & G. S.
RICHLAND COUNTY
SOUTH CAROLINA

Table with columns for description, amount, and total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (DUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$

TOTAL \$

SCANNED
Appointed PD or appointed other court
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/ Deputy Clerk
Court Reporter:
SCCA/217 (07/2016)

Presiding Judge William P. ...
Judge Code: 2050
Sentence Date: July 28, 2016

ORIGINAL

156  
COUNTY OF Richland  
STATE VS.  
RICHARD MOCK  
AKA:  
Race: WHITE Sex: M Age: 49  
DOB: [REDACTED] SS#: [REDACTED]

INDICTMENT/CASE#: 2016GS4004222  
A/W#: DP16166  
Date of Offense: 6/16/2014  
S.C. Code § : 16-15-0410(A)  
CDR Code #: 0381

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
In disposition of the said indictment comes now the Defendant who was  
TO: Sex / Sexual exploitation of a minor, Third degree

CONVICTED OF or  PLEADS

in violation of § 16-15-0410(A) of the S.C. Code of Laws, bearing CDR Code # 0381  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC w/minor 1st or Lewd Act)  §17-25-45

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (defendant's initials)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:  
Margaret Bodman 70937 Defendant  
Bodman, Margaret Fent SC Bar# 77518  
Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 10 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of  
probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on:  
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied  
by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.  
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic  
Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_

PTUP \_\_\_\_\_  
\_\_\_\_\_ days/hours Public Service Employment  
Obtain GED   
Attend Voc. Rehab. or Job Com. \_\_\_\_\_  
May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling \_\_\_\_\_  
Random Drug/Alcohol testing \_\_\_\_\_  
Fine may be pd. in equal, consecutive weekly \_\_\_\_\_  
pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund  
Other: SAME AS 2014-GS-40-04831

CERTIFIED TRUE COPY  
OF ORIGINAL FILED  
15 JUL 2016  
C.C.C.P.&G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA

Recipient: \_\_\_\_\_

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 61.6 (Public Def/Probation)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$

TOTAL \$ \_\_\_\_\_

Clerk of Court/ Deputy Clerk: *Stephanie Mc Bride*  
Court Reporter: *Sheppard*  
SCCA/217 (07/2016)

Presiding Judge: *William P. Clardy*  
Judge Code: 2050  
Sentence Date: July 28, 2016

SCANNED

COUNTY OF Richland  
STATE VS.

RICHARD MOCK

AKA: \_\_\_\_\_

Race: WHITE Sex: M Age: 49

INDICTMENT/CASE#: 2016GS4004223

A/W#: DP16167

Date of Offense: 6/16/2014

S.C. Code § : 16-15-0410(A)

CDR Code #: 0381

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was  
TO: Sex / Sexual exploitation of a minor, Third degree

CONVICTED OF or  PLEADS

in violation of § 16-15-0410(A) of the S.C. Code of Laws, bearing CDR Code # 0381

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC  §17-25-45  
w/minor 1st or Lewd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: Margaret Bodman 70937 X.P. [Signature] 77518  
Bodman, Margaret Feut SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,

for a determinate term of 10 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

months/years and subject to ~~South Carolina Department of Probation, Pardon and Parole Services standard conditions of  
probation, which are incorporated by reference~~

CONCURRENT or  CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied  
by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic  
Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$

TOTAL \$ \_\_\_\_\_

PTUP \_\_\_\_\_

\_\_\_\_\_ days/hours Public Service Employment

Obtain GED  **VERIFIED TRUE COPY**

Attend Voc. Rehab. or Job Corp.  **(SEE ORIGINAL FILED,**

May serve W/E beginning \_\_\_\_\_ **Signature: [Signature]**

Substance Abuse Counseling  **C.O.C.P.&G.S.**

Random Drug/Alcohol testing  **RICHLAND COUNTY**

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_ **SOUTH CAROLINA**

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: SAME AS 2014-GS-40-04831

Appointed PD or appointed other counsel  
Proviso 61.6 requires \$500 be paid to Clerk  
during probation and shall be collected before  
any other fees. **PAID**

Clerk of Court/ Deputy Clerk

Court Reporter: [Signature]

SCCA/217 (07/2016)

Presiding Judge William P. [Signature]

Judge Code: 2050

Sentence Date: July 28, 2016

158 COUNTY OF STATE Richland VS. RICHARD MOCK AKA: Race: WHITE Sex: M Age: 49

INDICTMENT/CASE#: 2016GS4004224 A/W#: DP16168 Date of Offense: 6/16/2014 S.C. Code §: 16-15-0410(A) CDR Code #: 0381

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No In disposition of the said indictment comes now the Defendant who was TO: Sex / Sexual exploitation of a minor, Third degree

CONVICTED OF or PLEADS

in violation of § 16-15-0410(A) of the S.C. Code of Laws, bearing CDR Code # 0381 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Margaret Bodin 70937 SC Bar# Defendant Attorney for Defendant 77518 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP Total: \$ plus 20% fee: \$ Payment Terms: Set by SCDPPPS

days/hours Public Service Employment Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol testing Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund Other: SAME AS 2014 GS 40-04831

CERTIFIED TRUE COPY OF ORIGINAL FILED JENNIFER WILSON O.C.C.P.&G.S. HIGHLAND COUNTY SOUTH CAROLINA

Table with columns for Recipient, \*Fine, and various assessment codes (e.g., § 14-1-206, § 14-1-211(A)(1), § 14-1-211(A)(2), § 56-5-2995, § 56-1-286, Proviso 61.6, § 14-1-212, § 14-1-213, § 50-21-114, § 56-5-2942(J)) and their corresponding amounts.

TOTAL \$

Clerk of Court/ Deputy Clerk Court Reporter SCCA/217 (07/2016)

Appointed PD or appointed counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees. Presiding Judge Judge Code: 2050 Sentence Date: July 28, 2016

ORIGINAL

COUNTY OF Richland
STATE VS.
RICHARD MOCK
AKA:
Race: WHITE Sex: M Age: 49

INDICTMENT/CASE#: 2016GS4004225
A/W#: DP16169
Date of Offense: 6/16/2016
S.C. Code § : 16-15-0410(A)
CDR Code #: 0381

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Sex / Sexual exploitation of a minor, Third degree

CONVICTED OF or PLEADS

in violation of § 16-15-0410(A) of the S.C. Code of Laws, bearing CDR Code # 0381
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Margaret Bodman 70937 Defendant
Bodman, Margaret Fent SC Bar#
Attorney for Defendant 77518 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed years.
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

PTUP
days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$
paid to Public Defender
Other: SAME AS 2014-GS-40-04831

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$

TOTAL \$

Clerk of Court/ Deputy Clerk
Court Reporter:
SCCA/217 (07/2016)

Presiding Judge William P. ...
Judge Code: 205D
Sentence Date: July 28, 2016

ORIGINAL

IDENTIFIED TRUE COPY
OF ORIGINAL FILED
JAN 12 2016
C.C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

Appointed PD or appointed attorney counsel.
Proviso 61.6 requires \$500 be paid for ...
during probation and shall be collected for ...
any other fees.