

Man jailed for likeness to robber

Richard Jolly tries to move on after mix-up

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FBI photo

Surveillance photos from a Dec. 27, 2007, robbery of a BB& T Bank in Sumter show a suspect who bears resemblance to Richard Jolly. At the time, however, Jolly already was jailed at the Charleston County Detention Center, charged with robbing banks in Mount Pleasant and West Ashley on Oct. 25. Authorities have since dropped the charges and think the same man could have been responsible for at least a half dozen robberies in South Carolina.



Melissa Haneline
The Post and Courier

Richard Jolly is interviewed in his lawyer's office May 13. His sisters Linda Villeponteaux (center) and Debbie Melton, thinking Jolly was wrongly accused, researched other bank robberies in the region. They contacted law enforcement and finally got legal counsel that got Jolly released and the charges dropped.

Back in October, a friend called Richard Jolly to tell him he looked like the limping man who held up two local banks.

The friend had seen a newspaper story with surveillance photos of the suspect. Jolly grabbed a copy of the paper, but he wasn't impressed with the likeness, even if he did have a foot injury and shared some physical traits with the robber. So he didn't mind clearing things up when authorities got in touch with him later that day.

Clearing things up, it turns out, has cost Jolly thousands of dollars in legal fees and what he calls months of "living hell" in the Charleston County jail.

Early on, Jolly tried to convince a detective he wasn't guilty; he had visited two West Ashley businesses less than a half hour before the first robbery and had been talking on his cell phone during the very time they accused him of holding up the bank.

"I told him, 'Sir, I'll take a polygraph test, I'll do anything.' "

"They told me if I pleaded guilty, they'd buy me a steak."

Jolly was charged with robbing the First Federal Bank at 855 Savannah Highway in West Ashley around 12:30 p.m. Oct. 25, then with holding up the National Bank of South Carolina at Coleman Boulevard and Mill Street in Mount Pleasant about an hour later. Police said that in each case, the man demanded money from a teller but showed no weapon.

Suspicion

Jolly, who is 54, has spent most of his life in the Charleston area. A master carpenter, he has built local restaurants, and in 2004 he helped set up a temporary holiday skating rink in Marion Square. When times were good, he used to make \$75,000 to \$90,000 a year.

He said he was in between jobs on the day of the robberies, a Thursday. He went to a West Ashley Lowe's home improvement store around noon, then crossed the street to a McDonald's restaurant. A few minutes later, he said he called his ex-wife on his cell phone.

Although Jolly said he had done nothing wrong that afternoon, the law had reason to suspect him. His 26-year-old niece, with whom he hadn't been getting along, left police a tip identifying him as the man in the photos, the family said.

There was some resemblance, too. But police said the robber had "dirty" or "strawberry" blond hair showing from under a baseball cap, while Jolly's head at the time was shaved bald. The man on surveillance tape also appeared younger, taller and thinner.

Possibly contributing to suspicions were blotches on Jolly's criminal record, though he said some aren't as bad as they sound. Grand larceny charges during the past two years stemmed from buying two utility trailers with a price "too good to be true" when, he said, he should have known

they were stolen. He said a former partner on contracting jobs took out a breach-of-trust warrant against him last year after a business dispute.

The Highway Patrol also charged Jolly with felony driving under the influence in a March 2006 wreck on Bees Ferry Road that caused a Charleston County sheriff's deputy minor injuries, according to past news accounts. Troopers said a can of beer fell from the bed of Jolly's pickup after he crossed the center line and struck the deputy's cruiser. Jolly said he took his eyes off the road momentarily while reaching down to pick up a cell phone and that toxicology tests later came back negative for alcohol. The 9th Circuit Solicitor's Office said the charge is pending.

The same wreck injured Jolly's right foot, leaving him some trouble walking. The robber's limp, however, appeared to stem from a problem on his left side.

State Law Enforcement Division records also show convictions for fraudulent checks, marijuana possession and numerous traffic violations.

None of that, Jolly contends, meant he robbed the bank.

Representation

Mark Peper, a West Ashley attorney, took the case after Jolly's sisters approached him.

Jolly's older sister, Linda Villeponteaux, and his younger sister, Debbie Melton, had been researching the case for hours almost every day since his arrest. Nobody seemed to care that the siblings had unearthed what they considered unassailable proof of his innocence.

Melton, whose daughter had left police the tip, said she wondered at first, but was swayed when she looked into things herself. She tracked down the receipt from her brother's trip to Lowe's and tried unsuccessfully to get surveillance footage from the nearby McDonald's.

Villeponteaux never thought her brother robbed the banks, certain that he would have been too afraid of getting hurt. She surfed the Internet nightly, researching similar robberies and trying to track down anybody who might help free him.

"It was totally destroying us," Villeponteaux said. "We went faithfully every single Sunday to visit him in jail because he was our brother and we believed in him."

The sisters contacted Peper in February, feeling that the public defender's office wasn't acting on their information. They said he was the only person who listened. Peper said the public defenders are overworked and might not have had time.

Peper checked into Jolly's story and found the sisters' evidence persuasive. But a nightmare scenario kept him awake: Would he have to tell an innocent man to plead guilty so he could avoid the risk of being sentenced to decades in prison?

Normally, Peper hires private investigators. But he figured he already had two on the case. Even if Jolly's sisters weren't professionals and had never done legal research before, they had been investigating for months already. "I figured I had the best PIs money could buy."

With his client short on funds, Peper paid for a polygraph out of his own pocket.

Jolly passed.

The robbery suspect couldn't afford to post his \$250,000 bail. Even if he did, he wouldn't have been able to leave jail because officials in Orangeburg suspected him in a Oct. 9 bank robbery and put a hold on him.

Jail

Confinement began to wear Jolly down. He detested the food. He said the starchy fare made it harder for him to control his diabetes, causing him to pass out frequently. He couldn't even spend much time reading because there weren't enough books to go around to all the inmates.

"You're whipped, mentally and physically whipped," he said. "You'll do anything to get out."

Almost anything. He didn't want to admit to a crime he didn't commit. At trial, he risked a sentence that could put him behind bars for the rest of his life. He said authorities offered him a five-year plea deal, meaning he could have been out in as little as 18 months.

"I was so tired; I was burnt out. But I couldn't do it," he said.

His sisters and his lawyer kept fighting for him on the outside.

Phone records showed Jolly had been talking to his ex-wife on his cell phone during the time of the first robbery, they said. His attorney also handed over the shirt he was wearing that day to show police it wasn't tainted by an exploding dye pack tellers put in the money.

Then, a potential break. While Jolly was locked up, a man who looked just like the local robber — down to the distinctive limp — continued a crime spree.

He hit banks in Aiken on Nov. 20, in Dothan, Ala., on Dec. 19, and in Sumter on Dec. 27.

Jolly's sisters notified authorities as soon as they noticed the pattern. But their brother still languished in jail.

The robber hit an Edgefield bank Jan. 3. The following month, the sisters, growing impatient, hired Peper.

The attorney, too, was surprised that Jolly remained a suspect, even as similar robberies continued. There was one in Augusta on March 10, another in Orangeburg a month later. And still Jolly remained locked up.

Charges dropped

Peper doesn't think police checked mounting evidence that excluded Jolly as a suspect. At least not early on. After the robber struck this spring, they began to take notice.

In late April, the defense attorney persuaded prosecutors to release Jolly on a personal recognizance bond. Police in Orangeburg also withdrew the hold for the October robbery with which they had planned to charge him.

The criminal charges remained until Peper met with 9th Circuit Solicitor Scarlett Wilson on May 8. Wilson agreed to drop the charge.

Wilson said her office acted at the request of Mount Pleasant and Charleston police.

"As soon as law enforcement realized there had been a mistaken identity, they let us know and we dismissed the charges," she said.

Jolly and his attorney wonder why it took six months.

A Mount Pleasant police detective said the evidence against Jolly was strong.

"Don't think that this was some sketchy, half-hearted identification," Sgt. Blair Martin said of the holdup at the Coleman Boulevard NBSC branch. "There's a whole lot of similarities between Mr. Jolly and the person who robbed that bank."

The detective said that Jolly's age, build and facial structure all matched the robber's and that both men had limps. A teller identified Jolly from a lineup. And there was Jolly's niece who left a tip identifying him as the man in the surveillance photos and, Martin said, another relative told police he had been driving on Savannah Highway around the time of the first robbery.

Plus, Martin said, Jolly's arrest record shows that he has "a long history of not telling the truth."

Charleston police declined numerous requests to comment on the case during the past two weeks.

Note to tellers

During a recent interview at Peper's office, Jolly was talkative and outgoing, eager to explain what happened to him. Sporting a yellow polo shirt with a pair of sunglasses dangling around his neck, he looked like he was ready for a round of golf.

Jolly said that for years he has been a customer of the West Ashley bank that was robbed.

"That's the bank I bank with," he said. "Why would I rob the bank I go to?"

He said he understands now why some people are reluctant to talk to police: "People won't talk to them because they're scared."

The robberies remain unsolved. A representative from the FBI's Columbia office said at least a half dozen holdups in South Carolina, plus others in Alabama and Georgia, are thought to be the work of the same person. Wearing a baseball hat and sunglasses, the middle-aged white man quietly slips a note to tellers.

"He's very calm, he's not erratic like the typical bank robber," said Denise Taiste, a public affairs specialist for the FBI in South Carolina.

The bureau declined to provide a complete list of related robberies. Taiste said agents think some of the robberies are related but that they aren't sure about all of them.

Now Jolly is free. But a stigma remains, like a ball and chain attached to his ankle.

He recalled going to a job interview shortly after leaving jail. A woman who had seen the mug shot that ran in the newspaper and on television after his arrest asked, "How'd you get out of jail?"

"That pretty much killed the interview right there."

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