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Apr 06 2023

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County

Honorable Daniel D. Hall, Circuit Court Judge

BOBBY GOODE,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2022-001484

APPENDIX

KATHRINE H. HUDGINS
Appellate Defender

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Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA)	IN THE COURT OF
)	GENERAL SESSIONS
COUNTY OF SPARTANBURG)	OF THE SEVENTH
)	JUDICIAL CIRCUIT
)	
THE STATE OF SOUTH CAROLINA,)	
Plaintiff,)	TRANSCRIPT OF RECORD
)	2015-GS-42-01294
vs.)	
BOBBY DEWAYNE GOODE,)	
)	
Defendant.)	

September 10, 2021
Spartanburg, South Carolina

B E F O R E:
HONORABLE J. MARK HAYES, II, Judge.

A P P E A R A N C E S
T.J. SULLIVAN,
 Probation Agent For The State
BRENDAN DELANEY, ESQUIRE
 For Defendant

Julie A. Cendroski,
Circuit Court Reporter III
Seventh Judicial Circuit

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EXHIBITS

MARKED ENTERED

NO EXHIBITS PROFFERED

1 THE STATE VS. BOBBY DEWAYNE GOODE

2 THE COURT: Okay. I've got The State versus
3 Bobby Dewayne Goode.

4 MR. DELANEY: Brendan Delaney, Your Honor. I
5 represent Bobby Goode.

6 THE COURT: Okay.

7 MR. SULLIVAN: I'm T.J. Sullivan, Your Honor.
8 I'm Bobby Goode's probation officer.

9 THE COURT: Okay. You're Mr. Goode?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Okay. Give me just a moment, sir, so
12 I can review something. I'll be right back with you.

13 Okay. I've reviewed the -- Mr. Goode, if you
14 would, I've got to administer an oath to you. Please
15 raise your right hand. Mr. Goode, please raise your
16 right -- (complies.)

17 Do you solemnly swear that the testimony that
18 you're about to give the Court will be the truth, the
19 whole truth, and nothing but the truth?

20 THE DEFENDANT: (Inaudible.)

21 THE COURT: Mr. Goode, you're gonna have to step
22 forward. I can't hear you.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Okay. Thank you, Mr. Goode. All
25 right. Now, Mr. Delaney, I've reviewed the paperwork

1 concerning your client. Does he contest the violations?

2 MR. DELANEY: He does, Your Honor.

3 THE COURT: Be more than happy to hear from you.
4 Yes, sir.

5 MR. DELANEY: Thank you, Judge. Bobby Goode is
6 44 years old. He works 40 hours a week. He told us the
7 last he works, he works Monday through Friday for 40
8 hours a week. For his conviction, Mr. Goode spent five
9 years in the Department of Corrections. He was released
10 in September of 2020, one year ago.

11 On October 3rd of 2020, he got this job at Colors
12 for Plastics and he's been there ever since. He's
13 actually received two pay raises since he's been there.

14 Well, there's three allegations of violations
15 here, two stemming from an April 22nd, '21 encounter
16 with probation. At that point Mr. Goode admitted to
17 probation he had smoked marijuana about two weeks ago.
18 At that point, probation administered a drug test on Mr.
19 Goode and he passed that drug test.

20 There was also an allegation from that April '21
21 incident about a cellphone. At that time, Mr. Goode was
22 living at the Carolina Inn and Suites. He purchased a
23 phone from a gentleman that lived two or three rooms
24 down from him, and he was using that telephone that he
25 purchased from that gentleman as his means of

1 communication.

2 Probation seized that phone and did a search for
3 it and found all these illegal searches that Mr. Goode
4 was forbidden from taking for banking. Mr. Goode tells
5 me that he didn't do it, that this was just on the phone
6 that he happened to purchase from the gentleman down the
7 hall from him.

8 Mr. Goode tells me he could pass a drug test
9 today. He appears to be doing well. Again, he's
10 working. He's current on his monetary obligations.
11 He's making his payments. There might be a small
12 arrearage. He's prepared to catch any arrearage up to
13 date. Again, he's working 40-hours a week making good
14 money.

15 The third allegation of violation encountered
16 with probation, they did a home search. At that time he
17 was still at the Carolina Inn and Suites. He's moved
18 now. He's living at 527 Penbrook Road in Cowpens. From
19 that May incident, they found some meth in his room.
20 Mr. Goode informs me that he had friends there at the
21 Carolina Inn and Suites and one of them was a female who
22 was married and living there with her husband.

23 He tells me that she was a known drug user, that
24 she tried to keep it hidden from her husband, and that
25 she put her dope in his room because she didn't want her

1 husband to find out about it.

2 Well, probation finds it in his room, in his --
3 you know, within his control. They administered a drug
4 test on him that day and he passes. So, to me this
5 story adds up, but then again I'm his lawyer.

6 I don't think Mr. Goode should be sent back to
7 jail, Judge. He's working. He's passing drug tests.
8 He's found himself in some unfortunate situations with
9 some of the folks living in close proximity to him. He
10 has now moved. He doesn't have that problem anymore.
11 So we respectfully deny the allegations, Judge.

12 And we'd ask -- Mr. Goode has attended three
13 classes that he's required to attend monthly -- I'm
14 sorry, every Monday in Greer. He's got to do 78, he's
15 done 30. He's on track to complete that. He's doing
16 what he's supposed to do. So we would ask you, Judge,
17 to continue him on his probation. Thank you.

18 THE COURT: Anything from probation beyond that
19 which is in the report?

20 AGENT SULLIVAN: Yes, Your Honor. Further
21 probation conditions is that he signs whether the phone,
22 meth, whatnot are in fact his, if they're in his
23 possession, he's held responsible for it because it was
24 in his possession. But after the third administrative
25 hearing we recommended 90 days, but due to the fact that

1 I found meth in his room and he told me that somebody
2 planted it, and tried to use that story, I believe a
3 revocation, a full revocation is -- I believe a full
4 revocation is necessary for Mr. Goode because he did
5 sign the conditions and he should be held accountable.
6 He needs to choose his friends a little bit better,
7 people he hangs out with.

8 THE COURT: Mr. Goode? Mr. Goode? Mr. Goode, do
9 you agree with what your lawyer told me?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Is there anything else you would like
12 to say?

13 THE DEFENDANT: What, sir?

14 THE COURT: Is there anything else you would want
15 to say to me or would want me to consider? Anything
16 else you want me to know?

17 THE DEFENDANT: I'm sorry, you broke up. I
18 didn't understand you.

19 THE COURT: Yes, sir, anything else you would
20 like for me to know?

21 THE DEFENDANT: Yes, sir. Just that, like I
22 said, ever since I was released, I've done my very best
23 to get right. I do everything I'm supposed to do. I do
24 go to all of my classes. I pay any monies that I need
25 to. I'm working every day. I don't feel like I've done

1 anything worth going back to jail for. Nothing I've
2 done is, you know, worthy of sending me back to jail. I
3 feel I'm doing real good.

4 I have five children, four grandchildren. I'm
5 spending time with them. I just don't see any reason
6 for me to go back to jail. I will pay anything that
7 needs to be paid, but thank you.

8 THE COURT: Thank you, Mr. Goode. Mr. Goode, I
9 understand that when we started the process you raised
10 your hand, you promised to tell me the truth. Do you
11 remember that?

12 THE DEFENDANT: Uh-huh.

13 THE COURT: So you're obligated to tell me the
14 truth, right?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: If I gave you a drug test today and
17 that drug test goes back 30 days, what's that drug test
18 gonna show if I give it to you today?

19 THE DEFENDANT: It's gonna be negative for
20 anything.

21 THE COURT: No marijuana?

22 THE DEFENDANT: No, sir.

23 THE COURT: No meth?

24 THE DEFENDANT: No, sir.

25 THE COURT: What about fentanyl?

1 THE DEFENDANT: No, sir.

2 THE COURT: What about cocaine?

3 THE DEFENDANT: No, sir.

4 THE COURT: What about prescription medication
5 that would require a prescription that you've taken that
6 you don't have a prescription for?

7 THE DEFENDANT: No, sir.

8 THE COURT: Okay. Now, Mr. Goode, why in the
9 world are you hanging out with people, allowing people
10 to have access to you, who have meth or other drugs?
11 Why are you even associating with those people? Because
12 the reason I ask that question, Mr. Goode, is you say
13 you've done nothing wrong, but you're out there making
14 purposeful, intentional, and willful decisions to be in
15 the lives of people who can send you to prison.

16 THE DEFENDANT: Yes, sir. I understand what
17 you're saying, but the place I was at was Carolina Inn.
18 That's a motel. I wasn't out looking for these friends
19 or anything, I just, I was there by myself and we get to
20 talking, you know, sometimes and apparently judge of
21 character is not -- I can't delve into their
22 backgrounds, you know, like knowing everything that they
23 do or don't do. I don't. Just at night we would talk
24 occasionally. And she was in my room every now and
25 again.

1 Actually, I helped her out a few times. You
2 know, she would be hungry and ask me for something to
3 eat or drink, whatever. So it wasn't anything all going
4 or nothing. She just -- it was just someone there that
5 I spoke with now and again. Knowing that she does the
6 drugs, but other than that I never knew it immediately.
7 But, you know, of course I found out later, but I
8 haven't spoke with her since the incident, since she
9 told me she was putting it in my bag. I stopped
10 associating with her altogether because I realized then
11 that I could go back to prison for her actions.

12 THE COURT: I will leave that up between you and
13 your lawyer and maybe a good psychologist to explain to
14 you why that, what you just told me, is so wrong.

15 THE DEFENDANT: Huh.

16 AGENT SULLIVAN: And, Judge, can I add something
17 for just a second?

18 THE COURT: If you come over to the microphone,
19 because I can't hear you if you're not on the
20 microphone. We just lost you for a second.

21 AGENT SULLIVAN: Can you hear me now, Judge?

22 THE COURT: Yes, sir. Yes, sir.

23 AGENT SULLIVAN: The drug test that I
24 administered to Mr. Goode did not come back negative,
25 per se, it came back invalid, meaning there were no

1 results.

2 THE COURT: All right. When did you -- all
3 right. Mr. Goode, we're gonna take a pause and I've got
4 a lot of other things to do. I'm gonna ask that a drug
5 test be administered. We'll get you back just shortly,
6 okay?

7 THE DEFENDANT: I couldn't hear.

8 THE COURT: Okay. We're gonna -- I'm gonna ask
9 that probation administer a drug test and we'll get you
10 back just shortly, Mr. Goode.

11 THE DEFENDANT: Thank you.

12 (A recess was had from 9:31 a.m. - 9:48 a.m.)

13 THE COURT: Okay. Let's go back on the record in
14 the Goode case. Agent Sullivan, do you have the test
15 results?

16 AGENT SULLIVAN: I do have the test results, Your
17 Honor. He failed for meth and amphetamines.

18 THE COURT: Okay. Mr. Goode, Mr. Delaney,
19 anything else y'all would like to share with me?

20 MR. DELANEY: Your Honor, we would ask for the
21 sample to be submitted for more intensive testing. I've
22 had colleagues of mine inform me of several instances
23 where home detention failed the drug tests, it showed
24 positive results, but when they were sent for regional,
25 for further examination, they actually came back

1 negative. My client maintains the fact that he has not
2 used meth in the recent history that would show a
3 positive drug test, Judge.

4 THE COURT: Mr. Goode, do you agree with the
5 statements just made by your lawyer?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Anything else that you would like to
8 say or would want me to know or consider?

9 THE DEFENDANT: No, sir.

10 THE COURT: Okay, thank you.

11 All right. I'm gonna find that there's a willful
12 violation of the terms and conditions of his probation,
13 as outlined in the report. I'm gonna do a full
14 revocation. I do, I think the drugs tests, as they
15 currently stand, are reliable to me.

16 If counsel wants to do further review of them,
17 you can obtain the drug test and ask that they be
18 reviewed. And if they come back in a way that supports
19 counsel's position, I would reconsider the sentence that
20 I have made. But I would need more information than a
21 mere suspicion that the drug tests were inappropriate or
22 inaccurate.

23 Let the time that he's gonna serve satisfy all
24 monetary obligations that it can and then we can
25 terminate the case. Good luck to you, Mr. Goode.

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(Hearing concluded at 9:48 a.m.)

--- THIS ENDS TRANSCRIPT REQUEST ---

1 COURT REPORTER CERTIFICATE

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I, the undersigned Julie A. Cendroski, Court Reporter for the Seventh Judicial Circuit Court of the State of South Carolina, do hereby certify that to the best of my ability the foregoing is a true, accurate, and complete transcript of record of all the proceedings and evidence introduced in the hearing and/or trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 10th day of September, 2021.

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

s/Julie A Cendroski
Julie A. Cendroski
Circuit Court Reporter III
Seventh Judicial Circuit

WITNESSES

Spartanburg County Sheriff's Office

[Handwritten signature]

ARREST WARRANT NUMBER

2014A4210103746

ACTION OF GRAND JURY

True Bill

MAR 12 2015

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 13-GS-42-1294

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAR 16 2015

TERM

THE STATE
vs.

Bobby Goode

Indictment for
CRIMINAL SEXUAL CONDUCT WITH A
MINOR THIRD DEGREE

SC Code:16-3-0655(c)
CDR Code: 3661
Class FEL/D

GENERAL
MAR 18 2015

2015 MAR 18 PM 4:01
M. HOPE BRANTLEY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

MAR 12 2015


At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, THIRD DEGREE

That Bobby Dewayne Goode, did in Spartanburg County, on or between the dates of January 1, 2008 and October 23, 2013, he being over the age of fourteen (14) years, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of one **Minor** ██████████, a minor under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child in violation of §16-3-655(C), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


 Assistant Solicitor *Megan Monicle*

COUNTY OF SPARTANBURG
STATE VS. Bobby Dewayne Goode
AKA:
Race: WHITE Sex: M Age: 39
DOB:
Address: Pebble Rock Circle
City, State, Zip: Spartanburg, SC
DL#: SID#:

INDICTMENT/CASE#: 2015GS4201294
A/W#: 2014A4210103746
Date of Offense: 10/1/2012
S.C. Code §: 16-03-0655(C)
CDR Code #: 3661

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
TO: Criminal sexual conduct with minor, 3rd degree - Commit/Attempt Lewd act (victim under 16 yrs & actnr over 14 yrs)

in violation of § 16-03-0655(C) of the S.C. Code of Laws, bearing CDR Code # 3661
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: MORICIE, MEGAN L. 100922 SC Bar# Defendant Attorney for Defendant 66326 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 10 days/months/years and/or payment
of \$ 100 ; plus costs and assessments as applicable*; the balance is suspended with probation for 5

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 (Criminal
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

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge), § 14-1-211(A)(2) (DUI Surcharge), etc.

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:
Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk
Court Reporter:
SCCA/217 (03/2011)

Presiding Judge
Judge Code:
Sentence Date:

Form 16.1 - Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-160
March 15, 1978

Probation
ARREST WARRANT
Indictment Number: 15-GS-42-01294
Warrant Number: W-42-21-0358
State Identification No. (SID) 01285916

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF SPARTANBURG, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that BOBBY DEWAYNE GOODE, did on the 24 day of May, 2021 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

The offender has violated conditions 7, 9, 10, Special Conditions of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated December 15, 2015. This warrant or citation is issued pursuant to section 24-21-450 or 300.

Now, therefore, you are empowered and directed to arrest the said defendant and bring BOBBY DEWAYNE GOODE before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at SPARTANBURG, S. C. this 24 day of May, 2021.



Signature of Probation and Parole Agent (L.S.)

County of SPARTANBURG

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Mark Helling, who, first being duly sworn, deposes and says that BOBBY DEWAYNE GOODE did within this County and State on the 24 day of May, 2021, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

The offender has violated conditions 7, 9, 10, Special Conditions of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated December 15, 2015. This warrant or citation is issued pursuant to section 24-21-450 or 300.

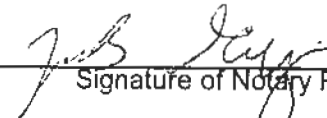
The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

Failure to refrain from the use of controlled substances. Per Home Visit conducted on 05/20/2021, during the course of a search the subject's hotel room, Agent found a pipe and a white rock, along with some white substance, inside of a small baggy. Agent inquired into why he is in possession of what appears to be Meth, the subject further stated that it is not his and that someone at work must have planted it inside his lunch box. After the conclusion of the home visit, the Agent got in touch with the Spartanburg County Sheriff's Office to have deputies come out to the property and test the drugs that were found. After being field tested by Spartanburg County Deputies, the drugs found by the Agent tested positive for Methamphetamine. Failure to pay Court Ordered Fines by being \$80.00 in arrears at the issuance of this warrant and, by reporting full-time work, having the means to pay.
Such actions constitute violation of conditions 7, 9, 10, Special Conditions.

Sworn to and Subscribed before me
this 24 day of May, 2021.



Affiant



Signature of Notary Public (L.S.)
1-7-24

My Commission Expires

Address: 160 COMMERCE ST.
SPARTANBURG, SC 29306

(864) 596-2582

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

SPARTANBURG

THE STATE

against

BOBBY DEWAYNE GOODE

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 5/24/2021

Officer and Agency: SC Department of Probation, Parole and Pardon Services

Mark Helling

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT

Name BOBBY DEWAYNE GOODE

Address 810 HOSPITALITY DR ROOM 247

SPARTANBURG, SC 29303

Phone (864) 398-0847

Sex Male Race White Height

Weight Birth date

Social Security Number

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant.

Decision

BAIL

Date Set

Magistrate

Amount

Surety

A copy of this Arrest Warrant was delivered by me to the following defendant:

on the 24 day of May, 2021.

Constable or Law Enforcement Officer

This Warrant is certified for service in [County of warrant Certification] County. The accused is to be arrested and brought before me to dealt with according to law.

(L.S.)

Signature of Judge

Form 14-1- Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-160
March 15, 1978

Probation
ARREST WARRANT
Indictment Number: 15-GS-42-01294
Warrant Number: W-42-21-0326
State Identification No. (SID) 01285916

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

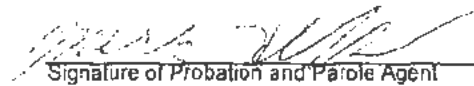
TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF SPARTANBURG, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT

It appearing from the attached affidavit that there are reasonable grounds to believe that BOBBY DEWAYNE GOODE, did on the 4 day of May, 2021 violate the criminal laws of the State of South Carolina as set forth below.

DESCRIPTION OF OFFENSE:

The offender has violated conditions 7, 9, 10, Special Conditions of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated December 15, 2015. This warrant or citation is issued pursuant to section 24-21-450 or 300.

Now, therefore, you are empowered and directed to arrest the said defendant and bring BOBBY DEWAYNE GOODE before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at SPARTANBURG, S. C. this 4 day of May, 2021.



(L.S.)

Signature of Probation and Parole Agent

County of SPARTANBURG

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Mark Helling, who, first being duly sworn, deposes and says that BOBBY DEWAYNE GOODE did within this County and State on the 4 day of May, 2021, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

The offender has violated conditions 7, 9, 10, Special Conditions of the standard Department conditions associated with Section 24-21-430. The offender has also violated special conditions imposed by the General Sessions Court per order dated December 15, 2015. This warrant or citation is issued pursuant to section 24-21-450 or 300.

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

Failure to refrain from the use of controlled substances. Per Home Visit conducted on 4/22/2021, while in the process of being issued a drug test, subject admitted to smoking Marijuana "about two weeks ago". Failure to refrain from the use of social media in that, during a search of Mr. Goode's cell phone, there were multiple Facebook and Facebook Messenger searches. Also, per results of a Forensic Examination from the seizure of Mr. Goode's cell phone, there were web searches for a "Celebrityjihad" where nude photos of celebrities were searched. Failure to pay Court Ordered Fines by being \$80.00 in arrears at the issuance of this warrant and, by reporting employment, having the means to pay. Failure to follow advice and instructions the supervising Agent. Such actions constitute violation of conditions 7, 9, 10, Special Conditions.

Sworn to and Subscribed before me
this 4 day of May, 2021



Affiant

Address: 160 COMMERCE ST.
SC 29306

(864) 596-2582

Signature of Notary Public

(L.S.)

My Commission Expires

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

SPARTANBURG

THE STATE

against

BOBBY DEWAYNE GOODE

INFORMATION ON DEFENDANT

Name BOBBY DEWAYNE GOODE

Address 810 HOSPITALITY DR
ROOM 247

SPARTANBURG, SC 29303

Phone (864) 398-0847

Sex Male Race White Height

Weight Birth d

Social Security Number

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant.

Decision

BAIL

Date Set

Magistrate

Amount

Surety

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 5/4/2021

Officer and Agency: SC Department of Probation,
Parole and Pardon Services

Mark Helling

Disposition

Sentence

Co-Defendants

A copy of this Arrest Warrant was delivered by me to the following defendant:

Constable or Law Enforcement Officer

on the 5 day of 4, 2021.

Constable or Law Enforcement Officer

This Warrant is certified for service in [County of warrant Certification] County. The accused is to be arrested and brought before me to dealt with according to law.

Signature of Judge

(L.S.)

(AMENDED)

STATE OF SOUTH CAROLINA
 County of Spartanburg
 STATE VS.
Bobby Dwayne Goode
 AKA:
 Race: White Sex: Male
 DOB: [REDACTED]
 SSN: [REDACTED]
 SID# 01285416

IN THE COURT OF GENERAL SESSIONS

Indictment Number:
15 - GS - 42 - 01294
 Probation C/W#: W-42-21-0358
W-42-21-0326
 Name of Original Offense: 1st Degree
 Original A/W#: 2017A42-1013746
 Date of Original Offense: 10/21/2012
 Conviction S.C. Code §: 16-03-0655 (c)
 Conviction CDR Code #: 3 1 6 1 6 1 1
 Original Sentence: 15 years SS 10 years and 5 years Probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 12/1/15/15 in the Court of General Sessions of Spartanburg County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on _____, as set forth in the attached warrant(s) or citation(s) dated 5/24/21 5/24/21. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)
7. 10/21/21 SC Conditions

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 5 months/years, the remainder of the original sentence, and/or pay \$ _____.
- the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies: Department fees (arrearage) Civil judgment: Department fees
 Fines and other fees (arrearage / balance) Fines and other fees
 Restitution (and 20%) (arrearage / balance) Restitution (and 20%)

Additional Conditions ordered by the Court:
Full Revocation. Terminate case.

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 2021

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for pre-trial detention time served (N/A if defendant has served prior SCDC time).
- The defendant has served _____ days/months/years of prior revocations and/or initial SCDC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 25th day of October 2021
Spartanburg, SC

Residing Judge
Hon. Judge Black Hayes 1st Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature _____ Witnessed by _____
 Signed this _____ day of _____ at _____ SC
 Day Month Year City

STATE OF SOUTH CAROLINA

County of Spartanburg

STATE VS.

AKA: Bobby Dewayne Gaudin

Race: White Sex: Male

DOB: [REDACTED]

SSN: [REDACTED]

SID# 0128596

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

15 - GS - 42 - 01294

Probation C/W#s: W-42-21-0358
W-42-21-0326

Name of Original Offense: CSC 3rd Degree

Original A/W#: 20144210103746

Date of Original Offense: 10/01/2012

Conviction S.C. Code §: 16-03-0655 (c)

Conviction CDR Code #: 3 1 0 1 6 1 1

Original Sentence: 15 years 95 10 years, C/A, and 5 years probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 12 / 15 / 15 in the Court of General Sessions of Spartanburg County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 5/24/21, as set forth in the attached warrant(s) or citation(s) dated 5/14/21. After hearing the evidence and being duly advised, in the presence of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

To 9, 10, + SC conditions

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve 15 months/years the remainder of the original sentence, and/or pay \$ _____
- the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
 - Department fees (arrearage)
 - Fines and other fees (arrearage / balance)
 - Restitution (and 20%) (arrearage / balance)
- Civil judgment:
 - Department fees
 - Fines and other fees
 - Restitution (and 20%)

Additional Conditions ordered by the Court:

Full Revocation. Terminate case

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for pretrial detention time served (N/A if defendant has served prior SCDC time).
- The defendant has served 10 days/months/years of prior revocations and/or initial SCDC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 10 day of September, 2021 at Spartanburg, SC

[Signature]
Presiding Judge
Judge D. Mark Taylor 1st Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature

Witnessed by

Signed this _____ day of _____ at Spartanburg, SC

FORM 5

STATE OF SOUTH CAROLINA)
)
 County of Spartanburg)
)
Bobby Dewayne Goode)
 Full name and prison number (if any) of Applicant)
)
 v.)
)
 State of South Carolina)
)
)
)

IN THE COURT OF COMMON PLEAS

2022-CP-42-00839

APPLICATION FOR
 POST-CONVICTION RELIEF

INSTRUCTIONS - 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 Perry Correctional Institution
2. Name and location of Court which imposed sentence General Sessions
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) 2015-GS-420-1294 (CSC 3rd Degree)
 - (b) _____

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 CLERK OF COURT
 SPARTANBURG COUNTY
 03/22/22 11:44:35 AM

- (e) _____
- 5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) 12-15-2015 (15 years) _____
 - (b) _____
 - (c) _____
- 6. Check whether a finding of guilty was made:
 - (a) after a plea of guilty X _____
 - (b) after a plea of not guilty N/A _____
 - (c) after a plea of nolo contendere N/A _____
- 7. Did you appeal from the judgment of conviction or the imposition of sentence?
 N/A _____
- 8. If you answered "yes" 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 "no" to (7), state your reasons for not so appealing:
 - (a) N/A _____
 - (b) _____

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- (e) _____
- 10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
 - (a) Sentence Modification
 - (b) _____
 - (c) _____
- 11. State concisely and in the same order the facts which support each of the grounds set out in (10):
 - (a) See Attachments
 - (b) _____
 - (c) _____
- 12. Prior to this application have you filed with respect to this conviction:
 - (a) any petition in a State Court under South Carolina Law? N/A
 - (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? N/A
 - (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? N/A
 - (d) any other petitions, motions or applications in this or any other Court? N/A
- 13. If you answered "yes" 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. _____

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(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. _____

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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
REVISED 3/2003
MAR 11 2003

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) Add 375 sentencing credit for electronic monitoring
- (b) Add 375 days of sentecing credit
- (c) _____

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

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

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

- (a) the name and address of each attorney who represented you:
 - i. Brendon Delaney, Spartanburg County Public Defender
Office
 - ii. _____
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. Revocation hearing
 - ii. _____
 - iii. _____

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19. State clearly the relief you seek in filing this application:
Add 375 days of sentencing credit for electronic monitoring

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

STATE OF SOUTH CAROLINA)
)
County of Spartanburg)

VERIFICATION

I, Bobby Goode, 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.

x Bobby Goode

SWORN to and subscribed before me this 8th
day of March, 2022.

Jamarc Conwell (L.S.)
Notary Public

My Commission Expires: September 25, 2023

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MAY 11 2022
CLERK OF COURT
Revised 1/2003

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

I, Bobby Goode, 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.

X Bobby Goode
Applicant

SWORN or affirmed to and subscribed before me this

8th day of March, 2022.

Tamara Conwell
Notary Public

My Commission Expires: September 25, 2023
My Commission Expires

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Revised 3/2001
CIT 114

11(A)(1) The Applicant respectfully moves this court to add 375 days of sentencing credit for electronic monitoring of house arrest that the revocation judge the Honorable Mark Hayes did not apply at Applicant's revocation hearing for probation violation and sentencing. The 375 days of electronic monitoring was a condition and part of the Applicant's original sentence and conviction by the circuit court.

S.C Code Ann.§24-13-40 provides: The computation of the time served by prisoners under sentences imposed by the courts of this State must be calculated from the date of the imposition of the sentence. However, when (a) a prisoner shall have given notice of intention to appeal, (b) the commencement of the service of the sentence follows the revocation of probation, or (c) the court shall have designated a specific time for the commencement of the service of the sentence, the computation of the time served must be calculated from the date of the commencement of the service of the sentence. In every case in computing the time served by a prisoner, full credit against the sentence must be given for any time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest.....

The PCR statute allows an inmate to file an application when he claims his sentence has expired and he is being unlawfully held in custody. S.C. Code Ann.§17-27-20 (5)(2014).

Furthermore, the Applicant insist that his original sentence would run over the expired time in September 1,2022, without the 375 days of electronic monitoring that Applicant has spent

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SOUTH CAROLINA

in home detention as part of his original sentence and conviction. "The requirement that a prisoner receive credit for time served is mandatory." Hayes v. State, 413 S.C. 553,559 777 S.E.2d 6,10 (Ct. App. 2015). Because the language of the statute mandating that the defendant receive credit for time they served prior to trial unless one of the two exceptions exist is mandatory, a judge cannot deny the defendant credit for time served prior to trial unless one of the two exceptions applies. State v. Boggs, (S.C. App. 2010) 388 S.C. 314,696 S.E.2d 597.

Additionally, Applicant's counsel at the revocation hearing failed to advise the court about the 375 days that Applicant did complete on electronic monitoring, pursuant to the sentence and conviction.

"Conclusion"

Therefore, the Applicant respectfully ask this court to modify the Applicant's sentence and add the 375 days, that Applicant did complete on home detention as part of his sentence.

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CLERK OF COURT
COURT HOUSE
COLUMBIA, SOUTH CAROLINA

I am filing this application
and would like a Clock Stamped
copy for my records please.
Thank You for your attention
to this matter.

Sincerely,
Bobby Lode

PM 2:35

MAR 11 AM 2:35

CLERK OF COURTS
SHERMAN COUNTY
ASTORIA, ORE.

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Bobby Goode, #366501,
Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

Case No. 2022-CP-42-00839

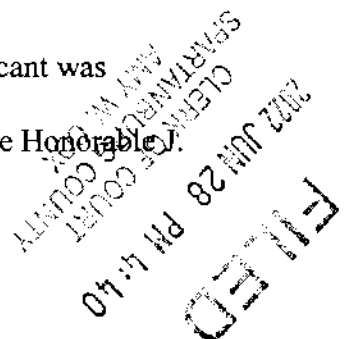
**RETURN AND PARTIAL
MOTION TO DISMISS**

NOW COMES Respondent, moving for a more definite statement and making its return to the post-conviction relief (hereafter “PCR”) application filed on March 11, 2022, by Bobby Goode (hereafter “Applicant”). Respondent respectfully offers the following in support of its return:

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Spartanburg County Clerk of Court. During its March 2015 term, the Spartanburg County Grand Jury indicted Applicant for third degree criminal sexual conduct (2015-GS-42-01294). Applicant was represented by Michael Sarratt, Esquire. Assistant Solicitor Megan Moricle of the Seventh Circuit Solicitor’s Office prosecuted the case. On December 15, 2015, Applicant appeared before the Honorable J. Derham Cole, circuit court judge, and pled guilty. Judge Cole sentenced Applicant to fifteen years’ imprisonment, provided that upon service of ten years’ imprisonment, the rest be suspended, followed by five years’ imprisonment. Applicant did not pursue a direct appeal.

On September 10, 2021, a probation violation hearing was held. Applicant was represented by Mr. Brendan Delaney, Esquire. The hearing occurred before the Honorable J.



Mark Hayes, II, circuit court judge. Applicant contested the allegations, which comprised of:

1. Applicant admitted to probation he smoked marijuana on April 22, 2021. However, a drug test was administered, which Applicant passed.
2. Also on April 22, 2021, Applicant was caught in possession of a cell phone he purchased from a gentleman. Upon searching the phone, probation discovered illegal searches on the phone. Applicant claimed these searches were conducted by the prior owner of the phone.
3. The following month, probations searched Applicant's bedroom and found methamphetamine. Applicant claimed it belonged to a female friend, who was a known drug dealer and was over at the residence at some point.

A drug test was issued during the probation hearing, and methamphetamine was found in Applicant's system. (Tr. 12). Counsel requested the sample be sent for more intensive testing, in the event a false positive was reflected by the test. (Tr. 12-13). The Court found a willful violation of the terms and conditions of his probation and revoked the probation in full. (Tr. 13).

II. Current Action before the Court

In his *pro se* PCR application, Applicant alleges he is detained unlawfully for the following reasons:

1. Sentencing Modification.
 - a. Applicant requests the Court add 375 days of sentencing credit for electronic monitoring of house arrest.
 - i. Judge Mark Hayes did not apply at Applicant's revocation hearing for probation violation and sentencing. The 375 days of electronic monitoring was a condition and part of the Applicant's original sentence and conviction by the circuit court.

Attached to and incorporated herein are Applicant's Spartanburg County Clerk of Court Records, Applicant's South Carolina Department of Corrections Records, the probation violation transcript, and the current PCR application. Respondent reserves the right to amend this return upon receipt of additional relevant information.

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 SPARTANBURG COUNTY
 100 W. COX
 SPARTANBURG, SC 29301
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III. Partial Motion to Dismiss

Ineffective Assistance of Plea Counsel

Respondent submits that all allegations beyond ineffective assistance of probation counsel should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act, S.C. Code Ann. § 17-27-10 to -160. Specifically, the Act requires as follows:

An application for relief . . . must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision on appeal, whichever is later.

S.C. Code Ann. § 17-27-45(A).

The South Carolina Supreme Court has held the statute of limitations applies to all applications filed after July 1, 1996. *Peloquin v. State*, 321 S.C. 468, 469 S.E.2d 606 (1996). A motion for summary judgment may be used to raise the statute of limitations defense. *McDonnell v. Consolidated School District of Aiken*, 315 S.C. 487, 445 S.E.2d 638 (1994). Additionally, South Carolina Code Annotated Section 17-27-70(c) authorizes this Court to “grant a motion by either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.”

Applicant pled guilty to all charges on December 15, 2015, and Applicant did not file a direct appeal from that plea. An application alleging ineffective assistance of plea counsel was therefore due on December 16, 2016. This application was filed on March 11, 2022, well beyond the statutory filing period. Therefore, all allegations beyond those alleging ineffective assistance of probation counsel should be summarily dismissed for untimeliness.

Failure to State a Claim

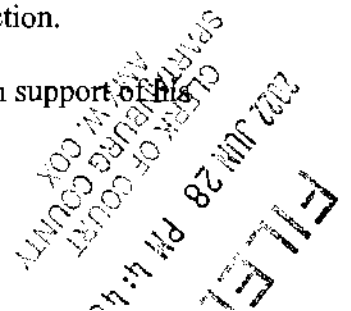
Applicant's claim in favor of a sentence modification should be summarily dismissed for failure to state a claim cognizable under the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. An applicant may commence a PCR action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy....

S.C. Code Ann. § 17-27-20(A).

Post-conviction relief is only proper when the application collaterally attacks the validity of the conviction or sentence. *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). Claims that affect only the duration of the sentence or quality of the inmate's confinement do not affect the validity of the conviction or sentence and therefore are considered non-collateral attacks on the conviction. *Cooper v. State*, 338 S.C. 202, 525 S.E.2d 886 (2000). A claim for time served is a non-collateral attack of a conviction and may only be pursued under the Administrative Procedures Act (S.C. Code Ann. §§ 1-23-10 to -160, 1-23-310 to -400, 1-23-500 to -660). *Id.* As stated in *Cooper*, by challenging the duration of the sentence, the Applicant is in fact trying to enforce the sentence and is therefore not making a collateral attack on the conviction.

In his post-conviction relief application, the only facts Applicant offers in support of his



claim for ineffective assistance of counsel is credit related: he believes he is entitled for time spent on home detention. Applicant offers no attack upon the conviction itself, but instead seeks its enforcement. Therefore, Respondent requests this claim be summarily dismissed for failing to state a claim cognizable under the Uniform Post-Conviction Procedure Act.

IV. Ineffective Assistance of Probation Counsel

Any allegations Applicant seeks to raise concerning ineffective assistance of probation revocation counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that “counsel’s conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*. First, Applicant must prove that counsel’s performance was deficient. *Strickland*, 466 U.S. at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney’s performance by its “reasonableness under prevailing professional norms.” *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” *Id.* (citing *Strickland*, 466 U.S. at 690). Applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625. 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 probation revocation counsel, though an Applicant has no Sixth Amendment right to counsel in a probation revocation proceeding, the same analysis for ineffectiveness that applies in other PCR proceedings involving claims against counsel apply in PCR proceedings against probation revocation counsel. *Turner v. State*, 384 S.C. 451, 455-56, 682 S.E.2d 792, 794 (2009).

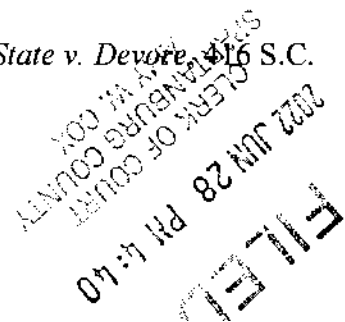
Respondent contends that Applicant likely cannot meet his burden of proof on this claim. Still, the ineffective assistance of counsel allegations probably raise questions of fact that the record does not conclusively refute. Accordingly, Respondent respectfully requests an evidentiary hearing to fully resolve this issue. *See Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (“Where an application for post-conviction relief alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court, a question of fact is raised which can only be resolved by an evidentiary hearing.”).

V. Other Allegations Denied

Each and every other allegation in Applicant’s PCR application not explicitly admitted, qualified, or explained in this return is hereby denied by Respondent.

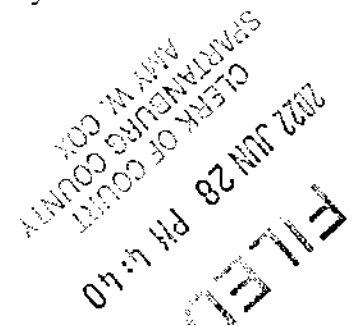
VI. Assertion of Rights to Notice of Amendments, Experts

Applicant should raise any claims he intends to raise at the PCR evidentiary hearing well in advance of the hearing. Here, Applicant’s court-appointed attorney is the only individual authorized to file amendments to this application, given his representative capacity, Rule 11(a), SCRPC and *pro se* filings will not be considered at the PCR hearing. *State v. Devore*, 416 S.C.



115, 123, 784 S.E.2d 690, 694 (Ct. App. 2016) (*Pro se* filing is a nullity where person was represented by counsel); *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010) (“Since there is no right to ‘hybrid representation’ that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions to relief counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel.”).

Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent or, in the alternative, continue the matter to permit adequate time to investigate and address the claims. *See Mangal v. State*, 421 S.C. 85, 805 S.E.2d 568 (2017) (“In most PCR cases . . . we have refused to excuse the pleading and issue-preservation requirements that apply in all civil cases.”); *Love v. State*, 428 S.C. 231, 242, 834 S.E.2d 196, 201 (2019) (“When analyzing the substance of a proposed amendment and any prejudice the State might suffer, a PCR court should consider all relevant circumstances, including, but not limited to, the timing of the motion, the complexity of the new issue, the degree of surprise to the State, the need for and availability of necessary witnesses to defend against the claim, and whether the substance of the proposed amendment is readily apparent from the underlying plea or trial record.”); *see also* Rules 15(a)-(b), SCRCP (explaining how to amend a pleading). Pursuant to Section 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 the Court grants leave upon good cause shown. 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 withheld until the last minute resulting in undue prejudice to Respondent.



VII. Conclusion

WHEREFORE, Respondent requests that the Court summarily dismiss all allegations beyond ineffective assistance of probation counsel for untimeliness and hold an evidentiary hearing concerning the ineffective assistance of probation counsel claims.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

CHELSEY F. MARTO
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-0386

June 24, 2022

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2022 JUN 28 PM 4:40
CLERK OF COURT
SPARTANBURG COUNTY
MAY W. COLE

STATE OF SOUTH CAROLINA)
 COUNTY OF SPARTANBURG)
 Bobby Goode, #366501)
 Applicant,)
 v.)
 State of South Carolina)
 Respondent,)
 _____)

IN THE COURT OF COMMON PLEAS
 FOR THE SEVENTH JUDICIAL
 CIRCUIT


Case No.: 2022-CP-42-00839

Certificate of Service by Mail

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 and Partial Motion to Dismiss in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Mr. Rodney Wade Richey
Richey & Richey, PA
P.O. Box 10916
Greenville, SC 29603-0916

DATED this 24th day of June 2022.



 Jordan Hickman, Legal Assistant
 For Respondent

2022 JUN 28 PM 4:40
 CLERK OF COURT
 SPARTANBURG COUNTY
 MAY 16 2022

FILED



ALAN WILSON
ATTORNEY GENERAL

June 24, 2022

The Honorable Amy W. Cox
Spartanburg County Clerk of Court
P. O. Box 3483
Spartanburg, SC 29304-3483

Re: Bobby Goode, #366501 v. State of South Carolina
2022-CP-42-00839

Dear Ms. Cox:

Enclosed for filing please find Respondent's original Return and Partial Motion to Dismiss to the Application for Post-Conviction Relief of the above-captioned case. Please let me know if anything additional is needed at this time.

Sincerely,

Chelsey F. Marto
Assistant Attorney General

CFM/jbh
Enclosure

cc: Rodney Richey, Esquire

AMY W. COX
CLERK OF COURT
SPARTANBURG COUNTY

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1 STATE OF SOUTH CAROLINA
2 COUNTY OF SPARTANBURG

IN THE COMMON PLEAS
7th JUDICIAL CIRCUIT

ORIGINAL

3 BOBBY DEWAYNE GOODE,
4 Applicant,

5 vs.

CASE NO. 2022-CP-42-00839

6
7 STATE OF SOUTH CAROLINA,
8 Respondent.

9
10 HEARING BEFORE: HONORABLE DANIEL D. HALL
11 DATE: August 9, 2022
12 TIME: 9:50 AM
13 LOCATION: Spartanburg County Judicial Center
14 180 Magnolia Street
15 Spartanburg, SC 29306
16 REPORTED BY: LORA L. McDANIEL,
17 Registered Professional Reporter
18

19 APPEARANCES:
20 ATTORNEYS FOR THE APPLICANT
21 RODNEY W. RICHEY, ESQ.
22 ATTORNEYS FOR THE RESPONDENT
23 CHELSEY F. MARTO, ESQ.
24
25

BOBBY GOODE vs. STATE OF SOUTH CAROLINA

	I N D E X	
	DIRECT	CROSS
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2		
3	WITNESS/EXAMINATION	
4	<u>BOBBY D. GOODE</u>	
5	EXAMINATION	
6	BY MR. RICHEY	3 --
7	BY MS. MARTO	-- 5
8	BRENDAN DELANEY	
9	BY MR. RICHEY	6 --
10	BY MS. MARTO	-- 7

11

12 CERTIFICATE OF REPORTER Page 9

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E X H I B I T S

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(No Exhibits Proffered)

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BOBBY GOODE vs. STATE OF SOUTH CAROLINA

1 THE COURT: Ms. Marto, are you ready?

2 MS. MARTO: Good morning, Your Honor. May it
3 please The Court. We're here today on the case of Bobby Goode
4 versus South Carolina, 2022-CP-42-00839, presently confined in
5 the South Carolina Department of Corrections. On March 2015 he
6 was indicted for criminal sexual conduct. Represented by
7 Michael Sarratt. And Assistant Solicitor Megan Moricle
8 prosecuted the case.

9 December 15, 2015, he appeared before the Honorable
10 J. Derham Cole, plead guilty, was sentenced to 15 years
11 provided that, upon service of ten years, the rest will be
12 suspended, followed by five years probation.

13 On September 10, 2021, probation violation hearing
14 was held where he was represented by Mr. Brendan Delaney. This
15 hearing occurred before the Honorable J. Mark Hayes. He
16 contested the allegations, but the court found a willful
17 violation of the terms and conditions of the probation, and it
18 was revoked in full.

19 Application was filed March 11, 2022 concerning
20 probation. Counsel -- and then the return was made June 24,
21 2022. With that I'll turn it over to Mr. Richey.

22 THE COURT: Mr. Richey.

23 MR. RICHEY: Thank you, Your Honor. We will call
24 Mr. Goode.

25 DIRECT EXAMINATION

1 BY MR. RICHEY:

2 Q. Sir, state your name, please.

3 A. Bobby Goode.

4 Q. Are you currently in the Department of Corrections?

5 A. Yes, sir.

6 Q. Is that on a probation violation?

7 A. Yes, sir.

8 Q. Who represented you on your revocation?

9 A. Brendan Delaney.

10 Q. Okay. And your probation was revoked; correct?

11 A. Yes, sir.

12 Q. And you have an issue here that we discussed. You
13 are seeking to get 300-and-something days, 375 days credit on
14 electronic monitor?

15 A. Yes, sir.

16 Q. Okay. And you are asking This Court to find
17 counsel ineffective because you didn't get these 370 days
18 credit for electronic monitor?

19 A. Yes, sir.

20 Q. Okay. And we've discussed this issue at Perry;
21 correct?

22 A. Yes, sir.

23 Q. Okay. And that's the issue you have that you
24 believe that he was ineffective by not getting that; correct?

25 A. Yes, sir.

BOBBY GOODE vs. STATE OF SOUTH CAROLINA

1 Q. Okay. You're seeking that credit; correct?

2 A. Yes, sir.

3 MR. RICHEY: Thank you. Answer the questions of
4 the Attorney General.

5 THE COURT: Ms. Marto.

6 MS. MARTO: Yes, Your Honor.

7 CROSS-EXAMINATION

8 BY MS. MARTO:

9 Q. Sir, the court found that probation revocation was
10 appropriate because they found methamphetamine in your system;
11 correct?

12 A. Yes.

13 Q. And the judge determined that the proper
14 solution -- I guess, for lack of a better word -- was that
15 probation should be revoked in full?

16 A. Yes.

17 Q. That's what happened?

18 A. Yes.

19 MS. MARTO: No further questions.

20 THE COURT: Thank you. Anything else?

21 MR. RICHEY: Nothing else.

22 THE COURT: Mr. Goode, you can step down. Call
23 your next witness.

24 (The witness exited the stand.)

25 MR. RICHEY: We call Mr. Delaney, please.

BOBBY GOODE vs. STATE OF SOUTH CAROLINA

1 BRENDAN DELANEY

2 being first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. RICHEY:

5 Q. Sir, will you state your name, please.

6 A. Brendan Delaney.

7 Q. Mr. Delaney, do you recall representing Mr. Goode
8 at a probation revocation hearing?

9 A. I do.

10 Q. The issue that he has presented is pretty
11 straightforward. He did 375 days on electronic monitoring. Do
12 you recall that?

13 A. I recall that he was at the hearing with a monitor
14 on and that he was on electronic monitoring at the time.

15 Q. Do you believe that he should've received credit
16 for that time?

17 A. It's my understanding and after reviewing the
18 transcript, I never asked The Court to give him credit for that
19 time. It's my understanding that is discretionary for the
20 court. If they choose to so give him the credit, so be it. If
21 they don't, so be it as well. You are correct, I never asked
22 at the hearing that he be given that credit.

23 Q. Is that something he typically gets credit for in
24 your practice that you found?

25 A. I have found that more times than not folks in his

BOBBY GOODE vs. STATE OF SOUTH CAROLINA

1 position will get that credit. Sometimes the judge, based on
2 the totality of the facts and circumstance of a particular
3 case, sometimes they do not give the credit. I don't like it
4 anymore than my clients when that happens, but it does happen
5 from time to time.

6 MR. RICHEY: Thank you. Answer the questions the
7 Attorney General has for you.

8 THE COURT: Ms. Marto.

9 MS. MARTO: Yes.

10 CROSS-EXAMINATION

11 BY MS. MARTO:

12 Q. Credit for GPS monitoring is discretionary based on
13 the judge?

14 A. That's my understanding, yes.

15 Q. Was it your understanding that Judge Hayes found
16 that he wasn't entitled to that credit in this case?

17 A. Well, I guess I've more implied it. I don't know
18 if there's necessarily anything in the official record.
19 Obviously, on the sentencing sheet that the judge fills out, he
20 did not give him the credit. So I hate that, but it happens.

21 MS. MARTO: No further questions.

22 THE COURT: Thank you. Anything further?

23 MR. RICHEY: No other witnesses, Your Honor.

24 MS. MARTO: No witnesses, Your Honor.

25 THE COURT: Mr. Delaney, you can step down.

1 (The witness exited the stand.)

2 THE COURT: I'll take this matter under advisement.

3 I'll issue my ruling by the end of next week.

4 (The hearing was concluded at 9:58 a.m.)

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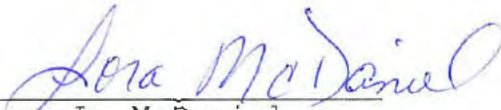
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CERTIFICATE OF REPORTER

I, Lora McDaniel, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to, nor counsel for, any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 3rd day of November, 2022 at Spartanburg, Spartanburg County, South Carolina.


Lora L. McDaniel,
Registered Professional Reporter
My Commission expires:
August 9, 2026

judge, and pled guilty. Judge Cole sentenced Applicant to fifteen years' imprisonment, provided that upon service of ten years' imprisonment, the rest be suspended, followed by five years' imprisonment. Applicant did not pursue a direct appeal.

On September 10, 2021, a probation violation hearing was held. Applicant was represented by Mr. Brendan Delancy, Esquire. The hearing occurred before the Honorable J. Mark Hayes, II, circuit court judge. Applicant contested the allegations, which comprised of:

1. Applicant admitted to probation he smoked marijuana on April 22, 2021. However, a drug test was administered, which Applicant passed.
2. Also on April 22, 2021, Applicant was caught in possession of a cell phone he purchased from a gentleman. Upon searching the phone, probation discovered illegal searches on the phone. Applicant claimed these searches were conducted by the prior owner of the phone.
3. The following month, probations searched Applicant's bedroom and found methamphetamine. Applicant claimed it belonged to a female friend, who was a known drug dealer and was over at the residence at some point.

A drug test was issued during the probation hearing, and methamphetamine was found in Applicant's system. (Tr. 12). Counsel requested the sample be sent for more intensive testing in the event a false positive was reflected by the test. (Tr. 12-13). The Court found a willful violation of the terms and conditions of his probation and revoked the probation in full. (Tr. 13).

Current Action Before this Court

In his current PCR application, Applicant alleges he is being held in custody unlawfully because of ineffective assistance of counsel in that:

Sentencing Modification.

- a. Applicant requests the Court add 375 days of sentencing credit for electronic monitoring of house arrest.
 - i. Judge Mark Hayes did not apply at Applicant's revocation hearing for probation violation and sentencing. The 375 days of electronic monitoring was a condition and part of the Applicant's original sentence and conviction by the circuit court.

At the PCR hearing, Applicant proceeded forward on the allegation that probation

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SPARTANBURG COUNTY
AMY W. COX

counsel was ineffective for failing to ensure he would receive credit for time spent on GPS monitoring. All other allegations raised in his initial application and amendments are deemed waived and abandoned and, accordingly, will not be addressed in this order.

Summary of the Testimony

Applicant Testimony

Applicant testified that his probation was revoked. He stated he did not receive credit for time served on electronic monitoring. He stated he thought Counsel was ineffective for failure to get him credit for time served. On cross-examination, he testified that probation was revoked because he tested positive for methamphetamine. He testified that the probation revocation court's solution to this infraction was to revoke probation in full.

Counsel Testimony

Counsel testified that he represented Applicant at the probation revocation hearing. He stated he recalled Applicant being on GPS monitoring when released on probation. He stated he never asked the court to give Applicant credit and that credit for time spent on monitoring is optional. He stated that people receive credit for time spent on GPS monitoring often, but sometimes the judge elects not to give people credit. On cross-examination, Counsel stated that it can be inferred that Judge Hayes found Applicant was not entitled to the credit sought.

Findings of Fact and Conclusions of Law

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. Before this Court are the Spartanburg County Clerk of Court Records, Applicant's South Carolina Department of Corrections Records, the probation violation transcript, and the current PCR application. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant

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AMY W. COLE

findings of fact and conclusion of law as required by South Carolina Code Annotated Section 17-27-80 (2003).

Ineffective Assistance of Counsel

In a PCR action, the applicant bears the burden of proving allegations contained in the application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant asserts ineffective assistance of counsel as a ground for relief, the applicant must show "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. Ineffective assistance of counsel is governed by the Sixth Amendment, as explained by the United States Supreme Court in *Strickland v. Washington*.

Pursuant to the first prong of the *Strickland* analysis, the applicant must prove defense counsel's performance was deficient. *Id.* at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). To show deficiency, the applicant must prove by a preponderance of the evidence that counsel's actions fell outside of the zone of "reasonableness under prevailing professional norms." *Strickland*, 466 U.S. at 688. *See also* Rule 71.1(e), SCRPC ("The applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."). Reasonableness is determined by the "variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how to best represent a criminal defendant," and the scope of the reasonableness inquiry is limited to facts counsel had available at the time of representation. *Id.* at 689. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment."

Yarborough v. Gentry, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690). Judicial scrutiny

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of counsel's performance remains highly deferential towards defense counsel with a strong presumption that counsel acted competently, because competent representation may be executed in virtually "countless" ways. *Strickland*, 466 U.S. at 688-89.

Second, counsel's deficient performance must have prejudiced the applicant so 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. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694. The court makes this determination based upon the totality of the evidence. *Id.* at 695. Realistically, this matters "only in the rarest case" because "[t]he likelihood of a different result must be substantial, not just conceivable." *Harrington v. Richter*, 562 U.S. 86, 111-12 (2011) (quoting *Strickland*, 466 U.S. at 697).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. *Strickland*, 466 U.S. at 696. A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. *Id.* at 696-97.

Regarding probation revocation counsel, though an Applicant has no Sixth Amendment right to counsel in a probation revocation proceeding, the same analysis for ineffective assistance of counsel that applies in other PCR proceedings apply in PCR proceedings against probation revocation counsel. *Turner v. State*, 384 S.C. 451, 455-56, 682 S.E.2d 792, 794 (2009).

This Court finds Counsel was not ineffective on this ground. The Court was not required to give Applicant credit for time spent on GPS monitoring. See S.C. Code Ann. § 24-13-40

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SPARTANBURG COUNTY

(2013) (rendering credit for time spent on monitoring discretionary). Additionally, this Court finds that the GPS monitoring was a collateral consequence of the underlying criminal infraction, not a term of release specifically. Additionally, this Court finds Counsel did not act unreasonably in failing to request this time, or that a different outcome would have resulted had Counsel made the request. Accordingly, relief is denied on this ground.

Conclusion

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty days of receipt by counsel of the judgment entry's written notice to secure appropriate appellate review. See Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has the right to appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate appellate procedures.

IT IS THEREFORE ORDERED:

1. The PCR application be denied and dismissed with prejudice; and
2. Applicant be remanded to the custody of Respondent.

AND IT IS SO ORDERED this 14th day of October, 2022.

[Handwritten Signature]

DANIEL D. HALL
Presiding Judge
Seventh Judicial Circuit

York, South Carolina.

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