

FILED

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF FLORENCE 2022 AUG -4 PM 2) FOR THE TWELFTH JUDICIAL CIRCUIT

LaRoss A. Graham, #357332, DORIS POULOS)
COOP & OS)
FLORENCE COUNTY, SC) CASE NO. 2014-CP-21-0999

Applicant,

v.

State of South Carolina,

Respondent.

RETURN TO APPLICANT'S MOTION
PURSUANT TO RULE 59(e), SCRPC

RECEIVED

JUL 12 2023

S.C. SUPREME COURT

The State, by and through undersigned counsel, making its Return to Applicant's Motion to Alter or Amend, filed on April 11, 2019,¹ would respectfully show this Court:

PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to the Florence County Clerk of Court's commitment orders. Applicant was indicted at the July 2012 term of the Florence County Grand Jury for conspiracy, grand larceny, and two (2) counts of murder. (2012-GS-21-898). Verdell Barr, Esquire, represented Applicant.² On May 8, 2013, Applicant pleaded guilty as indicted on all counts before the Honorable Thomas A. Russo. Judge Russo deferred sentencing until October 9, 2013, at which time he sentenced Applicant to concurrent terms of thirty years for each murder charge, a consecutive term of five years for grand

¹ Applicant's motion indicates he did not receive the Order of Dismissal filed on March 7, 2019, until April 1, 2019. The Florence County Clerk of Court issued a Form 4 with service on Applicant dated March 8, 2019. Also, on March 13, 2019, then Assistant Attorney General Lindsey A. McCallister sent Applicant a copy of the filed Order of Dismissal. Included in that letter was a Certificate of Service dated March 13, 2019. Pursuant to Rule 59(e), SCRPC, the motion was due to be filed on or before March 18, 2019. Therefore, this motion should be denied as untimely. However, notwithstanding Respondent's procedural objection, Respondent will also address the motion on the merits.

² Mr. Barr is now deceased and was not present to offer testimony at the evidentiary hearing.

APPLICANT'S MOTION TO ALTER OR AMEND

In his motion, Applicant asks the Court to reconsider its ruling pursuant to Rule 59(e), SCRPC, and indicates it is to "ensure that [Applicant] has 'enable[d] the lower court to rule properly after it has considered all relevant facts, law, and arguments.'" Staubes v. City of Folly Beach, 339 S.C. 406, 412, 529 S.E.2d 543, 546 (2000). Specifically, Applicant requests this Court review "all allegations submitted in the memoranda by Applicant regarding:

1. Ineffective assistance of counsel-for failing to file an appeal pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974);
2. Ineffective assistance of counsel-guilty plea and voluntariness and application under the standard set under the Sixth Amendment, Missouri v. Frye, 132 S. Ct. 1399,1407 (2012); Lafler v. Cooper, 132 S. Ct. 1376 (2012); Davie v. State, 381 S.C. 601,607, 675 S.E.2d 416,419 (2009); and Padilla v. Kentucky, 130 S. Ct. 1479,1486 (2010).
3. The competent and ethical representation by trial counsel including his policy to only negotiate pleas, requirement that the client "confess" and trial counsel's approach to "fair and just punishment," and;
4. Trial counsel's failure to be aware of the nature and crucial elements of the offense, as well as the maximum and any mandatory minimum penalty. Including recommendations regarding to appeal. Anderson v. State, 342 S.C. 54, 535 S.E.2d 646 (2000)."

Further, Applicant requests this Court review the Order of Dismissal and reconsider it for "the above listed specific reasons and issues not specifically listed above but raised during the trial of this matter."

In response to this motion, Respondent makes the following Return:

1. **Ineffective assistance of counsel-for failing to file an appeal pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974).**

Applicant's number one was raised in his amended PCR application numbers 10(a) and

this motion should be denied.

- 3. The competent and ethical representation by trial counsel including his policy to only negotiate pleas, requirement that the client "confess" and trial counsel's approach to "fair and just punishment."**

Respondent is uncertain where Applicant has gotten the quoted language in his number three allegation. The quoted language was not found in Respondent's review of the plea transcript, sentencing transcript, and PCR evidentiary hearing transcript. As such, Respondent submits that this Court should deny this motion.

- 4. Trial counsel's failure to be aware of the nature and crucial elements of the offense, as well as the maximum and any mandatory minimum penalty. Including recommendations regarding to appeal. Anderson v. State, 342 S.C. 54, 535 S.E.2d 646 (2000).**

Again, Applicant is not requesting an alteration or amendment to the order but is asking the Court to reconsider its ruling and grant Applicant post-conviction relief. Such a request is more appropriately addressed through the appellate process. See Wilder Corp. v. Wilke, 330 S.C. 71, 77, 497 S.E.2d 731, 734 (1998) (noting the proper use of a Rule 59(e) motion is to preserve issues raised to but not ruled upon by the trial court). Respondent submits that this Court correctly ruled on this issue and that this motion should be denied.

REQUEST FOR SUMMARY DISMISSAL OF MOTION

Accordingly, Respondent submits this Court's Order of Dismissal contains the required finding of facts and conclusions of law necessary to dispense with Applicant's allegations as required by S.C. Code Ann. § 17-27-80 and Rule 52(a), SCRCP; see also McCray v. State, 305 S.C. 329, 408 S.E.2d 241 (1991). Thus, this Court should deny Applicant's motion to alter, amend, or reconsider pursuant to Rule 59(e), SCRCP.

RECEIVED

JUL 12 2023

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA)
)
 COUNTY OF Horry)
)
 LaRoss A. Graham, #357332)
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)
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 vs)
)
 State of South Carolina,)
)
)
 Respondent,)
)

IN THE COURT OF COMMON PLEAS

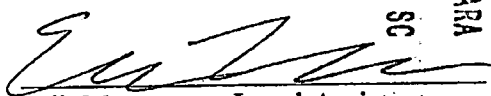
2014-CP-21-999

AFFIDAVIT 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 to Applicant's Motion Pursuant to Rule 59(e), SCRCP in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Aimee J. Zmroczek
 A.J.Z. Law Firm, LLC
 2003 Lincoln St.
 Columbia, SC 29201

DATED this the 2nd day of August, 2022.


 Erik Marcusson, Legal Assistant
 for Respondent

DORIS POULOS CHARRA
 CCP & GS
 FLORENCE COUNTY, SC

2022 AUG -4 AM 11:06

FILED

RECEIVED

JUL 12 2023

IN THE COURT OF S.C. COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT COURT
C.A. No.: 2014-CP-21-0999

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

Laross Antonio Graham, #357332)
Applicant,)

v.)

State of South Carolina,)
Respondent.)

MOTION TO RECONSIDER

2019 APR 11 AM 11:23
DORIS POULOS O'BRYEN
CLERK & GS
FLORENCE COUNTY, SC

FILED

NOW COMES, Applicant, Laross Antonio Graham, by and through his undersigned counsel, and moves pursuant to Rule 59(e), SCRPC for an order altering or amending the court's prior order filed on March 7, 2019¹, denying Applicant's claim and dismissing with prejudice. While the court has ruled in the State's favor, the Applicant submits this motion to ensure that he has "enable[d] the lower court to rule properly after it has considered all relevant facts, law, and arguments." *Staubes v. City of Folly Beach*, 339 S.C. 406, 412, 529 S.E.2d 543, 546 (2000).

Specifically all allegations submitted in the memoranda by Applicant regarding:

1. Ineffective assistance of counsel-for failing to file an appeal pursuant to *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974);
2. Ineffective assistance of counsel-guilty plea and voluntariness and application under the standard set under the Sixth Amendment, *Missouri v. Frye*, 132 S. Ct 1399, 1407 (2012); *Lafler v. Cooper*, 132 S. Ct. 1376 (2012); *Davie v. State*, 381 S.C. 601, 607, 675 S.E.2d 416, 419 (2009); and *Padilla v. Kentucky*, 130 S. Ct. 1479, 1486 (2010).

¹ Although the Order was filed on March 7, 2019, undersigned counsel did not receive a copy of the Order in the mail until April 1, 2019.

STATE OF SOUTH CAROLINA)
 COUNTY OF FLORENCE)
 LaRoss A. Graham,)
 Applicant,)
 vs.)
 State of South Carolina,)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 TWELFTH JUDICIAL CIRCUIT
 C.A. No. 2014-CP-21-0999

RECEIVED

JUL 12 2023

S.C. SUPREME COURT
 2023 JUN 20 PM 3:05
 CLERK OF COURT
 FLORENCE COUNTY, SC

ORDER ON MOTION TO RECONSIDER

In this post-conviction matter, Applicant filed a motion pursuant to SCRCP 59(e) seeking to alter or amend this court's prior order filed March 7, 2019. The State filed a return to the motion on August 4, 2022. I have considered the motion to alter or amend and respectfully deny the relief sought. I have exercised the discretion of the court pursuant to the noted rule and decline to hold a hearing.

The hearing was held on April 5, 2018. I signed the proposed order on March 7, 2019. The motion to reconsider was filed on April 11, 2019. For reasons unknown and with no blame cast upon anyone, this office was not aware of the motion to reconsider until the State informed this office that the motion had not been addressed or ruled upon. The State was not aware of the motion. The State filed a return to the motion on August 8, 2022, and I have now, as noted above, ruled on the motion.

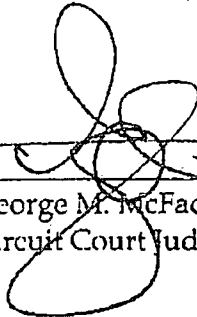


CERTIFIED: A TRUE COPY
Lara Patricia Ottana
 CLERK OF COURT C.P. & G.S.
 FLORENCE COUNTY, S.C.

THEREFORE, IT IS ORDERED THAT:

The Applicant's Motion for Reconsideration is hereby respectfully denied.

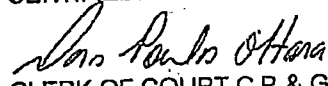
AND IT IS SO ORDERED!



George M. McFaddin, Jr.
Circuit Court Judge

Sumter, South Carolina
June 16, 2023

2023 JUN 20 PM 3:05
DORIS FAYE OLLIVANT
CLERK C.P. & G.S.
FLORENCE COUNTY, S.C.

CERTIFIED: A TRUE COPY

CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)
Laross Antonio Graham, #357332,)
) Applicant,)
v.)
State of South Carolina,)
) Respondent.)

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT

C.A. No. 2014-CP-21-0999

ORDER OF DISMISSAL

2019 MAR -7 AM 11:16
DORIS FOUTLOS ORTINA
C.C.P. & G.S.
FLORENCE COUNTY, SC

FILED

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed by Laross Antonio Graham (Applicant) on April 17, 2014. Respondent made its Return on June 25, 2014. An evidentiary hearing into the matter was convened on April 5, 2018, at the Florence County Courthouse before the undersigned. Aimee Zmroczek, Esquire, represented Applicant. Lindsey A. McCallister, Esquire, of the South Carolina Attorney General's Office, represented Respondent.

At the hearing, Applicant testified on his own behalf. His mother, Angela King, was also called to testify. Solicitor Ed Clements testified for the State. This Court also had before it a copy of the records of the Florence County Clerk of Court, records from the South Carolina Department of Corrections, the application, Respondent's Return, and the plea transcript.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Florence County Clerk of Court. In July 2012, the Florence County Grand Jury indicted Applicant for conspiracy, grand larceny, and two counts of murder (2012-GS-

21-898). Verdell Barr, Esquire, represented Applicant.¹ On May 8, 2013, Applicant pleaded guilty as indicted on all counts. The Honorable Thomas A. Russo deferred sentencing until October 9, 2013, at which time he sentenced Applicant to concurrent terms of thirty years for each murder charge, a consecutive term of five years for grand larceny, and a consecutive term of five years for conspiracy. Applicant did not appeal his plea or sentence.

ALLEGATIONS

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

1. "6th Amend. Viol."
2. "14th amend viol."
3. "(false) indictment"

On July 27, 2017, through PCR counsel, Applicant filed an amended application alleging the following:

1. Ineffective assistance of counsel for failure to file an appeal;
2. Ineffective assistance of counsel for failing to object to improper hearsay and solicitor comments and prejudicial judicial comments during sentencing;
3. Ineffective assistance of counsel for failing to fully explain the negotiat[ed] plea;
4. Ineffective assistance of counsel for failure to properly preserve negotiations on the record as counsel advised client he would receive a twenty (20) year sentence for his incredible cooperation;
5. Ineffective assistance of counsel for failure to properly mitigat[e] the applicant's cooperation with the case.

At the call of the case, counsel for Applicant clarified he intended to proceed only on the allegations contained in the amended application. Therefore, this Court finds, to the extent the

¹ Mr. Barr is now deceased and was not present to offer testimony at the evidentiary hearing.

original application contains separate claims from those set forth in the amendment, those allegations are abandoned and are hereby denied and dismissed with prejudice.

SUMMARY OF FACTS ADDUCED AT PLEA

Applicant sold drugs for a dealer named Fonele Delane (Delane), who had pending distribution charges based on drug buys made by confidential informants (CIs). Tr. p. 11. Delane figured out the identity of at least one CI, the victim Billy Hall, and recruited Applicant to carry out a hit. Tr. p. 11. Applicant in turn recruited a third codefendant, Montez Barker (Barker), to be the shooter. Tr. p. 11.

On September 1, 2009, Applicant and Barker called Hall, who, along with his girlfriend, Talya Poston, picked up Applicant and Barker. Tr. pp. 11-12. Barker shot Hall, who was sitting in the passenger seat, in the back of the head. Tr. p. 12. Poston was also shot and attempted to flee the vehicle. Tr. p. 12. She managed to call 911 but died on the side of the road before first responders arrived. Tr. p. 12-13. Applicant and Barker then drove off in Poston's car, which Barker later dumped and set on fire. Tr. p. 12.

Barker was on parole at the time of the crime. Investigators were able to use the GPS tracking in the ankle monitor he was wearing to track his whereabouts at the time of the murders. Tr. p. 13. Additionally, investigators obtained voluminous phone records and text messages between Delane and Applicant on the day of the crime. Tr. pp. 11-12. Applicant cooperated with investigators after his arrest and gave multiple statements detailing his own involvement, as well as that of his codefendants. Tr. pp. 12-13.



SUMMARY OF TESTIMONY AT EVIDENTIARY HEARING

Applicant testified he was arrested a few days after the murders and hired Verdell Barr (Barr) to represent him. Applicant testified he did not have a substantial criminal history, and he was never served with notice the State was seeking the death penalty or life without parole against him. According to Applicant, although he met with Barr approximately five times, he was never given a copy of discovery and only received it after he was sent to prison.

Applicant further testified he first wanted a trial, but eventually he decided to cooperate with law enforcement and plead guilty. Applicant testified Barr advised him to do so. Applicant testified he took a lie-detector test and agreed to testify against his codefendants, but ultimately, everyone pleaded guilty. According to Applicant, he cooperated because he believed he would receive a twenty-year sentence for doing so.

Applicant testified he, his mother, and Barr all discussed a twenty-year sentence. Applicant also testified he expected to be sentenced on the day of his plea, but his sentencing was deferred for several months. Applicant testified he remained in the county jail during that time, and he did not speak to anyone – either Barr or attorneys for the State – during that time. On cross-examination, Applicant stated he did not recall the judge informing him the charges carried up to thirty years. Applicant further testified Barr instructed him not to say no to any of the judge's questions, but he always believed he would receive a twenty-year sentence. However, Applicant agreed he never informed the plea court of this belief, and instead told the court he wished to enter the plea, even after hearing there was a possibility of a receiving a thirty-year sentence.



Finally, Applicant testified he did not see Barr again after the sentencing hearing. Applicant testified he spoke to Barr and requested a copy of discovery. Applicant also claimed he asked Barr to file an appeal, but nothing was ever filed.

Applicant's mother, Angela King (King), testified on his behalf as well. King testified she paid Barr's fees and had several conversations with him. King agreed she was aware of Applicant's decision to cooperate and plead guilty. King also testified a conversation occurred between her, Applicant, and Barr at the courthouse. According to King, she believed Applicant would receive a certain sentence.

Solicitor Edgar W. Clements, III (Clements), testified for the State. Clements explained the background of the case consistent with the facts put on the record during the plea hearing. Clements testified he prosecuted all of the codefendants as well as Applicant. Clements testified he was not aware of any disciplinary actions against Barr, and in his experience, Barr was a competent attorney. According to Clements, he reviewed the State's case and felt he could seek the death penalty against Applicant. Clements testified the State had a strong case against Applicant and Barker, but Applicant helped them resolve several "loose ends." Clements further testified he spoke to Barr about the evidence, told Barr to speak with Applicant, and Applicant then decided to cooperate fully.

Clements testified he offered not to seek the death penalty if Applicant would cooperate and help the State convict Delane, who was the ringleader. Clements testified he never served Applicant with a death penalty notice because by that time Applicant had agreed to cooperate, but he served one on Delane. According to Clements, he felt it was his duty to make sure both



Applicant and Barr understood the agreement, and the terms were clear that it would be a murder charge and a sentencing range of thirty years to life. Clements testified he felt Applicant understood the conversation. Clements testified he explained on the record at the plea that Applicant's sentencing hearing would be deferred because there were still codefendants with pending charges at the time.

Clements also testified, between the plea and sentencing hearings, Graham asked if the State would agree to a twenty-year sentence, and Clements told him he would not. Clements conceded he was not present for any other conversations between Barr and Applicant, and he does not know what was said between the two of them. However, Clements further testified he explained his understanding of the plea negotiations to the court on the record and detailed Applicant's cooperation for the judge. Clements testified he explained Applicant was not the shooter, had no prior record, and had cooperated fully as promised. Clements also testified he told the court he was fine with a sentence of thirty years if the court felt that was appropriate.

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 at the PCR hearing. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (2003).

Applicant alleges he received ineffective assistance of counsel. In a post-conviction relief action, the applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove "counsel's conduct so



undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result.” Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 443, 334 S.E.2d at 814. The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 689. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove counsel’s performance was deficient. Id. Under this prong, the court measures an attorney’s performance by its “reasonableness under professional norms.” Id. (quoting Strickland, 466 U.S. at 688 (1984)). Second, counsel’s deficient performance must have prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Id. at 117-18, 386 S.E.2d at 625. When there has been a guilty plea, the applicant must prove counsel’s representation was below the standard of reasonableness and that, but for counsel’s unprofessional errors, there is a reasonable probability he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

To find a guilty plea is voluntarily and knowingly entered into, the record must establish Applicant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238 (1969); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991).



In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence presented at the PCR hearing. Harris v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984). Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, an applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Blackledge v. Allison, 431 U.S. 63 (1977). Statements made during a guilty plea should be considered conclusive, unless an applicant presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. U.S., 519 F.2d 347 (4th Cir. 1975) overruled on other grounds by U.S. v. Whitley, 759 F.2d 327 (4th Cir. 1985).

This Court finds Applicant has failed to prove Barr's performance was deficient in any way. Applicant has failed to connect any of Barr's disciplinary issues to Applicant's own case, and this Court will not infer any connection here. As to the appeal, this Court finds Applicant has failed to meet his burden because he did not present any evidence of when the alleged request was made to Barr, and testimony only that Applicant requested an appeal at some time after sentencing is insufficient. See Jones v. State, 382 S.C. 589, 596, 677 S.E.2d 20, 23-24 (2009) ("However, '[t]he bare assertion that a defendant was not advised of appellate rights is insufficient to grant relief. Instead, there must be proof that extraordinary circumstances exist such that the defendant should have been advised of the right to appeal.'") (quoting Weathers v. State, 319 S.C. 59, 61, 459 S.E.2d 838, 839 (1995)).

This Court has also reviewed both the plea hearing and sentencing hearing transcripts and finds no evidence a twenty-year offer was ever made by the State or contemplated by Applicant. The transcripts supports Clements testimony that he explained the entire negotiation process and agreement in great detail, and Clements clearly told the judge Applicant had upheld his end of the

bargain. The Court finds Applicant had two opportunities, plus all of the months in between, to inform the plea court of his belief he would receive a twenty-year sentence, and he never did so. Finally, this Court finds the plea colloquy is determinative as to Applicant's allegation. During the guilty plea, Applicant testified he understood the plea was without any negotiation or recommendation from the State as to the sentence except that the sentences for each charge would be concurrent. See Tr. pp. 3-4; Sent. Tr. p. 14. The plea judge also explained the possible sentencing range for each charge, and Applicant indicated he understood and wished to plead guilty. See Tr. p. 3, 9-10. Admissions "made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements." Id. (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)). This Court finds Applicant failed to present any such reason in this case.

Accordingly, this Court finds these allegations are without merit and should be denied and dismissed.

CONCLUSION

Based on all the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Barr was not deficient in any manner, nor was Applicant prejudiced by his representation. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

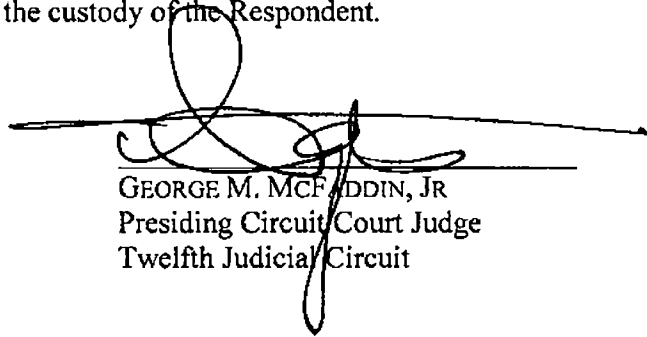
The Court notes Applicant must file and serve a notice of appeal within thirty days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991),

Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. the Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant shall be remanded to the custody of the Respondent.

AND IT IS SO ORDERED.



GEORGE M. MCFADDIN, JR.
Presiding Circuit Court Judge
Twelfth Judicial Circuit

March 4, 2019

2019 MAR -7 AM 11:16
DORIS POULOS O'HARA
CCCP & CS
FLORENCE COUNTY, SC

FILED

STATE OF SOUTH CAROLINA
 COUNTY OF FLORENCE
 IN THE COURT OF COMMON PLEAS

FILED

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2014CP2100999

Laross Antonio Graham	2019 MAR -8 AM 9: 56	South Carolina State Of	
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PLAINTIFF(S) DORIS POULOS O'HARA CCCP & GS FLORENCE COUNTY, SC	DEFENDANT(S) Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
Submitted by:	

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Rule 43(k), SCRPC (Settled);
 - Other: _____
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 - Affirmed;
 - Reversed;
 - Remanded;
 - Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge

Judge Code

3/8/2019

Date

For Clerk of Court Office Use Only

This judgment was entered on **March 7, 2019**, and a copy mailed first class or placed in the appropriate attorney's box on **March 8, 2019**, to attorneys of record or to parties (when appearing pro se) as follows:

Aimee Jendrzejewski Zmroczek PO Box 11961 Columbia,
SC 29211

Samuel Leonard Key Rembert C. Dennis Building 1000
Assembly Street Columbia, SC 29201

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Doris P. O'Hara

Court Reporter

Doris Poulos O'Hara - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
