

to withdraw a notice of intent to seek life without parole. Judge Russo sentenced Applicant as negotiated to concurrent terms of twenty-six years imprisonment. Applicant did not appeal.

Current Application

Applicant timely commenced this PCR application on October 4, 2019. Thereafter, prior to the appointment of PCR counsel, Applicant filed pro se amended applications on April 22, June 1, July 13, September 14, September 18, September 28, and October 2, 2020. At the PCR hearing, Applicant proceeded on the following grounds:

1. Ineffective assistance of counsel:
 - a. Failure to move to suppress statements/confession;
 - b. Failure to call expert regarding effect of drugs administered prior to interrogation;
 - c. Failure to advise about constitutional rights waived by the plea;
 - d. Failure to advise about filing a direct appeal;
 - e. Failure to review evidence with Applicant;
 - f. Failure to present mitigating evidence related to Applicant's mental health;
 - g. Failure to obtain psychological evaluation;
 - h. Failure to challenge and investigate prior convictions that were used for enhancement;
 - i. Failure to notify him that the burden of proof was on him to prevent the State from using prior convictions for enhancement (*State v. Payne*, 1998).
2. Involuntary guilty plea:
 - a. Not informed the State had to prove its case beyond a reasonable doubt;
 - b. Not informed the State had to prove his confession was voluntary;
 - c. Facts did not support plea (no enhancement in facts).

During the hearing, Applicant also presented testimony regarding whether counsel was ineffective for not moving to suppress pawn shop receipts on the basis law enforcement crossed into another county to obtain them.

Findings of Fact and Conclusions of Law

Before this Court are the Florence County Clerk of Court records of the underlying convictions, Applicant's records from the Department of Corrections, the plea transcript, and the records of this PCR action. This Court has had the opportunity to review records and has heard the testimony at the PCR hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. After a careful review based on the Strickland standard set forth below, this Court finds Applicant has failed to carry his burden of proof. Below are this Court's findings of facts and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

Ineffective Assistance of Counsel

In a PCR action, an applicant bears the burden of proving the allegations. Rule 71.1(e), SCRCPP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). An applicant alleging ineffective assistance of counsel 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 441, 334 S.E.2d at 813. "The test for effective assistance of counsel is whether the representation was within the range of competence demanded of attorneys in criminal cases." Watson v. State, 287 S.C. 356, 357, 338 S.E.2d 636, 637 (1985). Courts presume counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. at 441, 334 S.E.2d at 813. An applicant must overcome this presumption to received relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

To establish ineffective assistance of counsel, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness and (2) the applicant sustained

prejudice as a result of counsel's deficient performance. Strickland, 466 U.S. at 687–88; Cherry, 300 S.C. at 117–18, 386 S.E.2d at 625. To prove prejudice following a guilty plea, the applicant “must show that there is a reasonable probability that, but for counsel’s errors, he would not have pleaded guilty and would have insisted on going to trial.” Hill v. Lockhart, 474 U.S. 52, 59 (1985).

Failure to move to suppress statement/ investigate effect of drug on his confession¹

Applicant first contends counsel was ineffective for not moving to suppress his statements to law enforcement. He further contends counsel was ineffective for not investigating the effects medication had on his statements. This Court finds Applicant has not met his burden of proof on these allegations.

At the PCR hearing, Applicant testified he had an upset stomach after he was detained, and the nurse gave him gabapentin and hydroxyzine. He stated the medicine made him feel depressed and suicidal, and put him in a different state of mind, “like [he] was being lured in and being told to come talk with” law enforcement. Applicant testified he was interrogated shortly thereafter—while still under the effects of the medicine—and averred he should not have been interrogated while medicated. Applicant testified he told counsel the drugs had affected him, but she told him she looked up the drugs online and concluded they did not affect him. He asserted counsel was ineffective for not further investigating the effects of the drugs to determine how they would have impacted his confession. He likewise asserted counsel was ineffective for not seeking expert testimony regarding the effects of the drugs administered prior to his interrogation.

Applicant also asserted he did not recall law enforcement advising him of his Miranda rights. Although he acknowledged signing a Miranda waiver form, he testified he could not read it and law enforcement did not read it to him. According to Applicant, law enforcement told him

¹ Due to the overlap in testimony, this section addresses allegations 1(a) and (b) as set forth above.

to sign it, and Applicant signed it without knowing what it was. Applicant testified that counsel told him she had reviewed the DVD of his confession and concluded it was voluntary. He testified counsel never informed him that the State would have to prove the confession was voluntary. Applicant asserted counsel was ineffective for not moving to suppress his confession.

This Court finds Applicant did not prove plea counsel was deficient in this regard. Plea counsel testified she was aware of the medication issue because Applicant raised it, and she researched the drugs to see what effect they could have on an individual. Plea counsel further testified she reviewed the confession video at least three times, which included a waiver of Applicant's Miranda rights, and she did not believe there was a viable challenge to the confession. Counsel explained Applicant appeared lucid in the video. Although she concluded the confession would likely be admitted, she testified she would have moved to suppress the statement if Applicant had proceeded to trial. Counsel stated she explained to Applicant that he would waive his right to challenge the confession by pleading guilty. This Court finds the foregoing testimony by counsel is credible. Based on counsel's foregoing testimony, counsel was not deficient in failing to further investigate the drugs or in not challenging the confession before this plea.

Likewise, Applicant failed to prove prejudice. Applicant did not present any expert testimony at the PCR hearing about the medication he took to support his allegation that the medication made him incompetent to be interrogated. Further, Applicant's own testimony on this issue indicated the medication primarily made him feel depressed. This does not rise to the level of rendering him incompetent for purposes of an interrogation. Ultimately Applicant did not prove by a reasonable likelihood the drugs affected his statement or the video would have been suppressed had it been challenged. Further—and critically—Applicant knowingly waived his right to challenge the confession when he voluntarily pled guilty. This Court finds Applicant

ultimately pled guilty because he was facing a life sentence—not because of any alleged deficiency by counsel on this issue. Thus, he has not shown prejudice. See Hill v. Lockhart, 474 U.S. 52, 59 (1985) (providing an applicant who pled guilty “must show that there is a reasonable probability that, but for counsel’s errors, he would not have pleaded guilty and would have insisted on going to trial” to prove prejudice).

Failure to advise about constitutional rights waived by the plea / challenge prior convictions²

Applicant next contends counsel was ineffective for not advising him about constitutional rights he was waiving by pleading guilty. More specifically, in relation to this allegation, at the PCR hearing Applicant asserted counsel as ineffective for not challenging the prior offenses the State used to support his LWOP notice. Applicant has not met his burden of proof on this ground.

At the PCR hearing, Applicant asserted he had “a right not to be convicted on untrue assumptions, invalid premises, misinformation” about the prior convictions. He asserted the prior convictions were unconstitutional and obtained illegally, and thus should not have been used for enhancement. Applicant asserted counsel coerced him with the prior convictions to keep him from challenging the confession, and the confession and prior convictions were used to coerce him into pleading guilty. Applicant testified counsel never advised him that he could challenge the prior convictions or that he had the burden of proof in doing so. He stated he would not have pled guilty if he had known he had the burden; rather, he “would have sit in jail and investigated and tried to come up with a way to defend [himself] against these priors.” Likewise, he asserted counsel did not correct the plea judge when he misadvised Applicant that the State had the burden of proof.

Applicant testified he was told “no matter what [he] did, they was going to use the prior convictions against [him] and give [him] a life sentence.” He asserted counsel should have

² Due to an overlap in testimony, this section addresses allegations 1(c), (h) and (j).

challenged the use of his prior convictions because they were “obtained illegally and against [his] constitutional rights by ineffective assistance of counsel.” He further asserted counsel was ineffective for not investigating the prior convictions, and had she done so she would have learned one of his prior convictions was not a most serious offense: “it was a daytime non-violent, and they got [him] to plead guilty to a nighttime burglary by ineffective assistance of counsel.” Applicant also testified the solicitor failed to prove the chronological order of his prior convictions and thus did not establish that they occurred on separate occasions. He likewise testified the solicitor did not link the prior convictions to him by reading his social security number or address.

Counsel testified she reviewed a form with Applicant that advised him of the rights he waived by pleading guilty, and Applicant signed the form.³ She explained she advised him of the sentences he faced, the fact this was a negotiated plea, the State’s burden of proof, and the constitutional rights he was waiving, including the right to cross-examine witnesses and testify or remain silent. She stated Applicant was intelligent, and she had no concerns about his ability to understand. Counsel likewise testified she did not see any basis to challenge the prior convictions, which she discussed with Applicant.

This Court finds the foregoing testimony by counsel credible. Based on counsel’s foregoing testimony, this Court finds Applicant failed to prove counsel was deficient in her advice regarding the rights he was waiving and the prior convictions. This Court likewise finds Applicant did not prove prejudice. Applicant’s argument here centers on his belief that his prior convictions were not most serious offenses. Based on the records before this Court, which include the LWOP notice, the State used prior December 5, 2002, first degree burglary convictions as qualifying offenses; these convictions constitute a most serious offense under section 17-25-45(C)(1) of the

³ The form was entered as State’s Exhibit 1.

South Carolian Code. Applicant is correct that he has the burden of proof when challenging prior convictions used for enhancement. See State v. Payne, 332 S.C. 266, 272, 504 S.E.2d 335, 338 (Ct. App. 1998) (“[C]onsidering the presumption of regularity given to final judgments, . . . the defendant bears the burden of proof when collaterally attacking a prior conviction which the State seeks to use under a sentence enhancement statute.”). Here, however, Applicant has not met that burden. Applicant complains that (1) his charge was a daytime nonviolent charge, (2) the solicitor did not establish that these offenses occurred on different days, and (3) the solicitor did not read his social security number or address into the record. However, the public index shows Applicant pled guilty to two counts of *first-degree* burglary (HO32229 & HO32231) and a single count of burglary, nonviolent (HO32233) on December 5, 2002. Even if the two first-offense charges arose from a single incident, it would be sufficient to support the LWOP notice. Applicant did not meet his burden of proving these prior convictions were invalid. He likewise did not meet his burden of proving prejudice from counsel’s failure to challenge these prior convictions. Ultimately Applicant waived his right to challenge these convictions by pleading guilty pursuant to a negotiated sentence, and the State withdrew the LWOP notice. Thus, this claim is denied.

Failure to advise about filing a direct appeal (1d)

Applicant contends counsel was ineffective for failing to file a direct appeal. This Court finds Applicant failed to prove counsel was ineffective in this regard. “Following a trial, counsel is required to make certain the defendant is made fully aware of the right to appeal.” Turner v. State, 380 S.C. 223, 224, 670 S.E.2d 373, 374 (2008). “However, the standard for a guilty plea differs. Absent extraordinary circumstances, such as when there is reason to think a rational defendant would want to appeal (for example, because there are nonfrivolous grounds for appeal) or when the defendant reasonably demonstrated an interest in appealing, there is no constitutional

requirement that a defendant be informed of the right to a direct appeal from a guilty plea.” *Id.*

At the PCR hearing, Applicant testified counsel never advised him he could file an appeal. However, he stated he asked counsel to file an appeal, but she did not do so. When asked what issue he would have raised on appeal, he replied, “The confession issue and the . . . prior conviction not being a most serious offense, that it was really a daytime . . . burglary and it shouldn’t have qualified as a most serious.”

Counsel testified Applicant did not ask her to file an appeal, but if he had, she would have filed the notice of appeal even if she believed it lacked merit. Counsel acknowledged she did not discuss an appeal with Applicant, explaining this was a negotiated sentence. However, she stated the plea judge would have advised Applicant of his right to appeal.

This Court finds credible counsel’s foregoing testimony that Applicant did not ask her to file a direct appeal. This Court likewise finds not credible Applicant’s testimony that he asked counsel to file an appeal. This Court further finds Applicant did not demonstrate any extraordinary circumstances that would have caused counsel to believe Applicant wanted to appeal. The issues Applicant testified he would have raised on a direct appeal were unpreserved and more suitable for PCR—which Applicant has now filed. Based on counsel’s credible testimony, this Court finds Applicant did not prove deficiency or prejudice, and this claim is denied.

Failure to review evidence with Applicant (1e)

Applicant asserts counsel was ineffective for not reviewing the evidence with him. Specifically, he contends counsel did not show him the DVD of his confession. This Court finds Applicant has not proved this ground.

At the PCR hearing, Applicant testified counsel never showed him the DVD of his confession. He testified he asked to see it, but she told him it was on her phone, which she was

not allowed to take inside the detention center. Applicant asserted that when he pressed counsel about the DVD, she “growled at [him] and she said that if [he] F with her that [he] would have to plead guilty to a life sentence and she wouldn’t talk to the prosecutor or nothing.”

Plea counsel testified she met with Applicant seven times and reviewed the evidence with him, including photos, pawn receipts, and home surveillance footage. She stated she showed him the entire file, including the DVD of his confession.

This Court finds counsel’s foregoing testimony credible. Likewise, this Court finds not credible Applicant’s foregoing testimony. Based on counsel’s foregoing testimony, this Court finds counsel adequately reviewed discovery—including the confession—with applicant and thus was not deficient. This Court further finds Applicant did not prove prejudice. Specifically, Applicant did not prove that had he seen the video, he would have proceeded to trial rather than pleading guilty. Applicant likewise did not show what other evidence he did not review that would have made him go to trial rather than plead guilty. Thus, this claim is denied.

Failure to present mitigating evidence related to Applicant’s mental health⁴

Applicant contends counsel was ineffective for not presenting mitigation evidence about Applicant’s mental health issues. This Court finds Applicant did not meet his burden of proof on this ground.

At the PCR hearing, Applicant testified he had been in a car wreck and fallen off a ladder at work, and his doctor prescribed pain medicine. However, his doctor later stopped prescribing the medicine because he believed Applicant was abusing it. Applicant testified he started getting medicine off the street, he and his wife were both addicted to pain medicine, and he was supporting both of their habits. Applicant testified he sought help but “they kept giving [him] outpatient

⁴ Due to an overlap in testimony, this section combines allegation 1(f) and (g).

treatment.” He also testified the Court ordered ATU drug treatment during one of his prior convictions, but he “never got the benefit of the treatment or the programs in prison.” Applicant believed this information could have helped mitigate his sentence or gotten him into a drug treatment program. He stated he asked counsel to have him evaluated by a psychiatrist because he was addicted to drugs and depressed, but counsel did not send him for an evaluation. Applicant also asserted that counsel did not inform him that he could offer mitigating evidence at the plea, and he would have done so if he had known that.

Counsel testified she was aware of Applicant’s drug history, but she did not believe it rose to the level of affecting his competency and she did not see the need for a competency evaluation. She stated she saw no reason to present mitigating evidence or hire an expert for mitigation in a negotiated plea, although she would have pursued an expert if this had proceeded to trial.

This Court finds Applicant failed to prove counsel was ineffective in this regard. Critically, this was a negotiated plea with a negotiated sentence, and under the terms of the negotiation, the State withdrew an LWOP notice. This Court finds counsel worked diligently in obtaining this plea and was not deficient. This Court likewise finds that because this was a negotiated plea with a negotiated sentence, counsel’s decision to not present mitigation evidence was reasonable under prevailing professional norms and not deficient. This Court also finds Applicant did not prove prejudice. Applicant did not present any expert testimony on his mental health condition that would have been useful for mitigation. Ultimately, Applicant pled pursuant to a negotiated plea with a negotiated sentence, and he has not met his burden of showing he would not have accepted the plea had counsel investigated his mental health more thoroughly. Further, because this was a negotiated sentence, he has not shown anything that would have reasonably resulted in the Court giving him a lesser sentence (which it could not do). Thus, this claim is denied.

Failure to move to suppress pawn shop receipts⁵

During the PCR hearing, Applicant averred counsel was ineffective for not moving to suppress pawn shop receipts. Specifically, he claimed that during his interrogation, law enforcement showed him pawn shop receipts they had obtained.⁶ Applicant claimed the receipts were obtained illegally because the pawn shop was located in Dillon County, whereas the officer worked for Marion County.⁷ He stated there was not a multi-jurisdictional agreement plan, and the officer could not go to Dillon County to search for evidence. Applicant testified the receipts should have been suppressed, but they were used by law enforcement to coerce him into giving a statement. Counsel testified she investigated this issue but did not see any problems with the way law enforcement obtained the receipts or any multi-jurisdictional issues.

This Court finds Applicant has not proven counsel was ineffective in this regard. Initially, the cases relied on by Applicant at the PCR hearing to support this claim do not support a finding that law enforcement cannot cross into another county to gather evidence while investigating a crime. See State v. Boswell, 391 S.C. 592, 707 S.E.2d 265 (2011) (finding Lexington County officers did not have authority to *arrest* defendant in Calhoun County when they were not in pursuit of him, they did not have a warrant, the multi-jurisdictional agreement had not been ratified and was thus invalid, and the officers could not effectuate a private citizen's arrest because the defendant did not commit a felony); State v. Burgess, 408 S.C. 421, 759 S.E.2d 407 (2014) (finding multi-jurisdiction agreement invalid and concluding it did not confer officer authority to *arrest* defendant outside his territorial jurisdiction). Although multi-jurisdictional agreements may be necessary for *arresting* an individual, nothing here indicates Applicant was arrested in a county

⁵ Applicant offered testimony about this issue during the PCR hearing.

⁶ These receipts—which were signed by Applicant—were receipts for the victim's stolen televisions.

⁷ This offense occurred in Florence County.

outside the officers' territory. Further, this Court finds Applicant did not have an expectation of privacy in the pawn shop receipts and thus had no basis to move to suppress them on Fourth Amendment grounds. Applicant did not set forth a viable basis for which counsel could have challenged the receipts and thus did not prove deficiency. Finally, this Court finds Applicant ultimately pled guilty to avoid facing a life sentence, and in doing so knowingly waived his right to challenge the evidence. This Court finds that due to Applicant's confessions—which counsel credibly stated would have most likely been admitted—and the LWOP notice, it is not reasonably likely Applicant would have proceeded to trial even if the pawn shop receipts had been suppressed. Thus, Applicant did not prove deficiency or prejudice, and this claim is denied.

Involuntary plea

Finally, Applicant contends his plea was involuntary. Specifically, he asserts he was not informed the State had to prove its case beyond a reasonable doubt, he was not informed the State had to prove his confession was voluntary, and the facts did not support the plea because they did not contain any enhancement. This Court finds Applicant did not prove this claim.

The test for determining the validity of a guilty plea is “whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant.” North Carolina v. Alford, 400 U.S. 25, 31 (1970). “[A] defendant entering a guilty plea must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived.” Pittman v. State, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999).

At the PCR hearing, Applicant asserted counsel never explained the charges, and he did not know he could challenge the prior convictions. He testified the plea judge misinformed him of the nature of his crime, and counsel did not correct the judge. He also testified the plea judge

did not address him personally, and he was misinformed that he had the burden of proof. Applicant acknowledged counsel told the plea court that none of his prior crimes were violent. However, he explained he wanted her to tell the Court that he “was actually innocent of . . . a most serious offense, that—that it was non-violent.” Applicant acknowledged the plea judge advised him of the rights he was waiving but claimed he “didn’t know [he] was waiving them rights because [he] didn’t know [he] had any defenses.” He stated he only waived his rights and pled guilty because he was told he didn’t have to prove anything.

In contrast, counsel testified she explained to Applicant the charges he faced and reviewed the discovery with him. She stated she also explained the sentence he faced and the negotiated sentence, and she reviewed a form with him that detailed the rights he was waiving. This Court finds counsel’s testimony in this regard credible. This Court further finds the plea transcript itself shows the plea was knowingly, freely, and voluntarily entered. Specifically, the plea court explained the sentence Applicant faced and the constitutional rights he was waiving, and Applicant indicated he understood. (Pl. 1-14). Applicant by his own testimony at the PCR hearing relayed he was informed that the State had to prove its case beyond a reasonable doubt. Counsel likewise credibly testified she advised Applicant that he was waiving his right to challenge the voluntariness of the confession by pleading guilty. Applicant’s contention that the facts did not support the plea is not supported by the plea transcript. (Pl. 14-18). This Court finds Applicant was advised by counsel and the plea court of the nature of the plea and the rights he was waiving, and he entered the plea knowingly, freely, and voluntarily. Thus, this claim is denied.

Conclusion

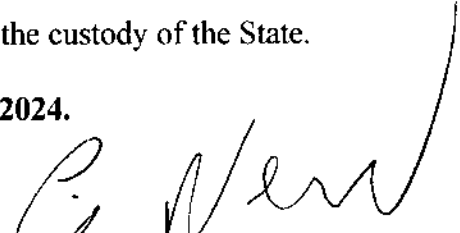
Based on the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant relief. Thus, this application is denied and dismissed with prejudice.

Should Applicant wish to secure appellate review, he must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgment. See Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, __ S.E.2d (1991), an applicant has the right to an appellate counsel's assistance in seeking review of the denial of PCR. Pursuant to Rule 71.1(g), SCRCR, if an applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on applicant's behalf. Attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. This application for PCR is denied and dismissed with prejudice; and
2. Applicant must be remanded to and remain in the custody of the State.

AND IT IS SO ORDERED THIS 3rd day of April 2024.



CLIFTON NEWMAN
Presiding Judge
Twelfth Judicial Circuit

Columbia, South Carolina

2024 APR 12 PM 2:37
CLERK OF SUPERIOR COURT
COCOP & GS
DORCHESTER COUNTY, SC

FILED

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

FILED

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2019CP2102808

James E Hutchinson
2024 APR 12 PM 2:50
South Carolina State Of

PLAINTIFF(S) DEFENDANT(S)
Submitted by: Attorney for: Plaintiff Defendant
 Self-Represented Litigant

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), SCRCP; Rule 41(a), SCRCP (Vol. Nonsuit);
 Rule 43(k), SCRCP (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRCP; 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 _____ Date 4/12/2024

For Clerk of Court Office Use Only

This judgment was entered on **April 12, 2024**, and a copy mailed first class or placed in the appropriate attorney's box on **April 15, 2024**, to attorneys of record or to parties (when appearing pro se) as follows:

Steven Willard Fowler 730 Main Street Unit # 237 North
Myrtle Beach, SC 29582

D Russell Barlow II PO Box 11549 Columbia, SC 29211

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.
