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March 13, 2014

B. Henderson Johnson Jr. (Retired)
James E. Whittle Jr.
Todd J. Johnson

Barry H. Johnson (1954-1995)
Paige Weeks Johnson
Brett H. Lancer

Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

RECEIVED

MAR 17 2014

Re: Rusty Dunbar, #294669 v. State of South Carolina
Case No.: 2012-CP-02-0795

S.C. SUPREME COURT

Dear Sir or Madam:

Please find enclosed an original and two copies of a Notice of Appeal and Proposed
Service. Please file the original and return two certified copies to my office in the self addressed
stamped envelop provided.

RECEIVED

MAR 17 2014

With best regards, I am

S.C. SUPREME COURT

Sincerely,

Paige Weeks Johnson
Paige Weeks Johnson

BHL/tr

cc Megan E. Harrigan, Esq.
Office of the Attorney General
Rembert C. Dennis Building
1000 Assembly Street
Columbia, SC 29201

Office of Appellate Defense
1122 Lady Street
Columbia, SC 29201

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Honorable R. Ferrell Cothran, Jr., Circuit Court Judge

Case No.: 2012-CP-02-0795

Rusty Dunbar, #294996,Petitioner,

v.

State of South Carolina,Respondent.

NOTICE OF APPEAL

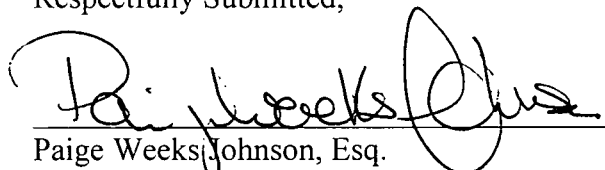
The Petitioner, Rusty Dunbar, appeals the Honorable R. Ferrell Cothran, Jr.'s March 7, 2014 Order of Dismissal denying post-conviction relief to the Petitioner. Undersigned counsel received notice of entry of the order on March 13, 2014. A copy of the Order of Dismissal on appeal is attached to this notice.

RECEIVED

MAR 17 2014

S.C. SUPREME COURT

Respectfully Submitted,



Paige Weeks Johnson, Esq.
P.O. Box 2619
117 Pendleton Street, NW
Aiken, SC 29802
(803) 649-5338

Date: March 14, 2014

Other counsel of record:

Megan E. Harrigan, Esq.
SC Attorney General's Office
Rembert C. Dennis Building
1000 Assembly Street
Columbia, SC 29201

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Honorable R. Ferrell Cothran, Jr., Circuit Court Judge

Case No.: 2012-CP-02-0795

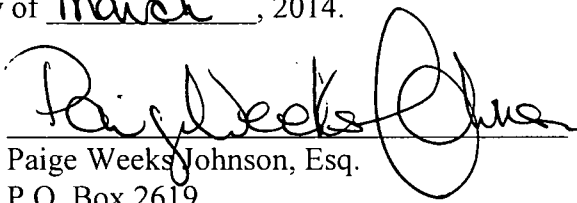
Rusty Dunbar, #294996,Petitioner,

v.

State of South Carolina,Respondent.

PROOF OF SERVICE

I, Paige Weeks Johnson, certify that I have today served the within notice of appeal upon the Respondent by depositing a copy of it in the United States Mail, postage prepaid, addressed to its attorney of record, Megan E. Harrigan, SC Attorney General's Office, Rembert C. Dennis Building, 1000 Assembly Street, Columbia, SC 29201. I further certify that all parties required by Rule to be served have been served this 14 day of March, 2014.


Paige Weeks Johnson, Esq.
P.O. Box 2619
117 Pendleton Street, NW
Aiken, SC 29802
(803) 649-5338

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)
Rusty Dunbar, #294996,)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE SECOND JUDICIAL CIRCUIT

Case No. 2012-CP-02-0795

ORDER OF DISMISSAL

3/13/14
[Signature]
CLERK, C.P. & C.S.
[Signature] 30
Deputy Clerk

PROCEDURAL HISTORY

This matter comes before the Court by way of an application for post-conviction relief filed March 29, 2012. Respondent made its Return on June 25, 2012, requesting an evidentiary hearing be held. Applicant, through his counsel, filed an amended application on June 28, 2013. An evidentiary hearing into the matter was convened July 10, 2013, at the Aiken County Courthouse. Applicant was present at the hearing and was represented by counsel, Brett Lancer, Esquire. Respondent was represented by Assistant Attorney General Megan E. Harrigan of the South Carolina Attorney General's Office.

The records before this Court indicate that Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. Applicant was indicted during the January 2009 term of the Aiken County Grand Jury for Kidnapping, Burglary in the First Degree, Armed Robbery, and Possession of a Knife during the Commission of a Violent Crime. (2009-GS-02-0090 to -0093). Justin M. Mims, Esquire, represented the Applicant. On December 15-17, 2009, Applicant proceeded to a jury trial before the Honorable Doyet A. Early, III, where he was convicted as indicted on all three charges. Judge Early sentenced Applicant to thirty years each for Kidnapping, Burglary in the

[Handwritten initials]

First Degree, and Armed Robbery and five years for Possession of a Weapon during the Commission of a Violent Crime, with all sentences to be served concurrently.

Applicant filed a notice of appeal. Following the submission of an Anders¹ brief, the South Carolina Court of Appeals dismissed the appeal. State v. Dunbar, Op. No. 2012-UP-093 (Ct. App. filed February 22, 2012). The Remittitur was sent on May 12, 2012.

In his *pro se* and amended applications, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel for counsel's elicitation of prior bad acts testimony from a state's witness after successfully objecting and receiving a curative instruction from the trial court which precluded the jury from considering the prior bad acts, thereby opening the door for the state to go into those bad acts;
2. Ineffective assistance of counsel for failing to request an alibi instruction, where applicant's close defense was that of alibi;
3. Ineffective assistance of counsel for failing to turn over alibi witness statements to the state prior to trial;
4. Ineffective assistance of counsel for failing to object to improper arguments made during the solicitor's closing arguments; and
5. Brady violations for failing to turn over statements that had been made by a state's witness to law enforcement concerning the crimes.

At the evidentiary hearing, Applicant testified on his own behalf. Respondent presented testimony from trial counsel, Justin M. Mims, Esquire (hereafter "Counsel") and prosecuting Assistant Solicitor Elizabeth Ann Young. This Court also had before it Applicant's trial transcript, the records from the Aiken County Clerk of Court regarding the subject convictions, Applicant's appellate records, and Applicant's records from the South Carolina Department of Corrections.

¹ Anders v. California, 386 U.S. 738 (1967).

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 post-conviction relief 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. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

Ineffective Assistance of Counsel

In a post-conviction relief action, the applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813. The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). 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."

Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

After careful review based on the standard discussed above, this Court finds that Applicant has failed to carry his burden in this action. Specifically, this Court finds that Counsel's testimony, as well as the testimony of prosecuting Assistant Solicitor Young, is credible while Applicant's testimony is not credible. Below are this Court's findings in regards to each of Applicant's allegations of ineffective assistance of counsel:

Allegation that Counsel was ineffective for eliciting prior bad acts testimony from a State's witness, thereby opening the door for the State to elicit testimony regarding Applicant's use of crack cocaine

Applicant asserts that after successfully objecting to the State presenting evidence of Applicant's prior drug use, Counsel elicited testimonial evidence regarding Applicant's prior use of crack cocaine and opened the door for the State to then present evidence of Applicant's prior bad acts. Specifically, Applicant alleges that during the cross-examination of State's witness Jerry Thorton, Counsel elicited testimony regarding Applicant's drug use, thus opening the door allowing the State to elude testimony regarding Applicant's drug use. See Tr. p. 113. Applicant asserts that this was deficient, as Counsel had successfully argued that the State should not be able to elicit any testimony regarding Applicant's drug use based on a lack of relevance. See Tr. p. 103 In 23 – p. 104 In.15. Additionally, Applicant argues that Counsel's deficiency prejudiced him, as it allowed the State to portray him as a drug addict who committed the charged offenses to obtain more drugs.

However, the record shows that shortly after the Court ruled that the State could not question the witness in question regarding drug use, the trial court overruled Counsel's objection to references of Applicant and his cohorts' drug use, indicating that the State was indeed allowed

to continue with its line of questioning on drug use during its direct examination of Horton. See Tr. p. 105 lines 6-16. This Court finds that Counsel was not deficient for questioning Horton on his drug use, as it was clear from that point forward that the Court was going to allow the State to elicit testimony regarding Applicant and his cohorts' drug use leading up to the incident.

Furthermore, this Court finds that Applicant was not prejudiced by this alleged deficiency. The trial transcript is replete with Applicant's own account of his extensive drug use. See e.g., Tr. pp 395- 396. Applicant asserted that the only reason he testified regarding his drug use is because his attorney deficiently opened the door to such testimony and he was forced to do so in his defense. This Court is not persuaded by Applicant's explanation and notes that Applicant testified about his twenty-three year crack cocaine habit at the evidentiary hearing in a seemingly boastful manner. Furthermore, both Horton and Chris Herdon, two of State's witnesses, testified extensively regarding the drug use of themselves and Applicant leading up to the incident giving rise to these charges. This Court finds that Applicant has failed to meet his burden of establishing prejudice.

As Applicant has failed to prove both deficiency and prejudice, this Court finds that this allegation must be denied and dismissed with prejudice.

Allegation that Counsel was ineffective for failing to request a jury instruction on alibi

Applicant alleges that trial counsel was ineffective for failing to ensure that an alibi instruction was given to the jury, as his sole defense was alibi and he called two alibi witnesses at trial. Had a jury instruction on alibi been requested, the trial court would have been required to deliver such a charge because it was supported by evidence presented at trial. See State v. Burriss, 334 S.C. 256, 262; 513 S.E.2d 104, 108 (1999) (trial court must give requested charge if it is supported by evidence). However, this Court finds that Applicant has failed to establish that

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he suffered prejudice from the lack of an alibi charge. Alibi testimony was presented to the jury, and trial counsel discussed the issue in his closing arguments. The trial court charged the jury that the State had the burden of proof to prove each and every element of each offense beyond a reasonable doubt, and that a defendant is presumed innocent of each and every offense. Importantly, the trial court also specifically charged the jury that the jury should use their common sense when considering all the evidence presented during the trial, which would include the testimony of Applicant and his two witnesses in support of his alibi defense.

This Court finds that this charge was sufficient to inform the jury that the State had to prove beyond a reasonable doubt that Applicant was, in fact, at the scene of the crime and committed the crime. In addition, in this particular case, because the jurors could believe *either* the State's identification witnesses, *or* they could believe the alibi witnesses, *but not both*, this Court finds that the crucial issue in this case was credibility. Witness credibility was argued by both sides and was thoroughly charged to the jury.

This Court notes that the present case is similar to Gibbs v. State, 403 S.C. 484, 744 S.E.2d 170 (2013). In Gibbs, the South Carolina Supreme Court found that although trial counsel was deficient for failing to ensure an alibi charge was given, the applicant failed to meet his burden of showing prejudice from this deficiency. "In evaluating whether a PCR applicant has suffered prejudice as a result of a jury charge, the jury charge must be viewed "in its entirety and not in isolation." Id. (citing Battle v. State, 382 S.C. 197, 203, 675 S.E.2d 736, 739 (2009)). In Gibbs, the applicant asserted an alibi defense, but defense counsel failed to request an alibi instruction. The post-conviction relief court determined that trial counsel's failure to request an alibi instruction constituted deficient representation, but applicant "has not proven that he suffered prejudice from the lack of an alibi charge." The post-conviction relief court relied on the

jury charge as a whole to support its finding of no prejudice. The Court held that given the clarity of the jury charge requiring the State to prove identity beyond a reasonable doubt, the post-conviction relief court's finding of no prejudice must be sustained under the any evidence standard of review.

Furthermore, this Court relies on Ford v. State, 314 S.C. 245, 442 S.E.2d 604 (1994), where the South Carolina Supreme Court held that where counsel is deficient for failing to ensure an alibi charge is given, there is a lack of the required prejudice if there is not a reasonable probability that the outcome of trial would have been different had an alibi charge been given. In the Ford case, the Court noted that the evidence was both direct and circumstantial, as it was in Applicant's case.

Additionally, this Court finds that the case of Roseboro v. State, 317 S.C. 292, 454 S.E.2d 312 (1995), which Applicant cites to support his allegation, is distinguishable from the present case because the evidence in that case was wholly circumstantial and the solicitor implied in closing argument that the defense bore some burden of proof on the issue of alibi. The South Carolina Supreme Court found that an alibi charge was particularly critical in that case for those reasons. Roseboro, supra. at 295, 454 S.E.2d at 313-14. Finally, this Court finds the case of Riddle v. State to be distinguishable, because in that case, the State commented in closing argument that the judge would charge the jury on the only legal defenses available. 308 S.C. 361, 364, 418 S.E.2d 308, 310. (1992). The Supreme Court found prejudice when the trial court failed to charge alibi, finding that the jurors may have concluded, because of the solicitor's comment, that they could not consider alibi as a defense.

RSC

Based on the foregoing, under the particular facts of this case, this Court finds that Applicant has not proven prejudice from counsel's error to request an alibi instruction. Therefore, this allegation must be denied and dismissed with prejudice.

Allegation that Counsel was ineffective for failing to turn over alibi witness statements to the State prior to trial

Applicant alleges that Counsel was ineffective for failing to turn over statements from potential alibi witnesses prior to trial, resulting in the State's ability to attack the veracity of Applicant's alibi witnesses in front of the jury. However, this allegation is sharply refuted by the credible testimony of Counsel and prosecuting Assistant Solicitor Young. Counsel testified that he informed the State prior to trial that he might put up an alibi defense. This was confirmed by Young, who testified that she was "very aware that [alibi] was a possible defense" well before trial. Counsel elaborated that as Applicant was extremely hesitant to put forth an alibi defense, as he did not want to call family members or his girlfriend as witnesses at trial. Counsel further testified that due to Applicant's hesitance to call the necessary witnesses, he was unsure as to whether Applicant would be able to put up an alibi defense until it was time for him to present the defense's case. Despite his client's hesitancy, Counsel testified that he had spoken with both necessary alibi witnesses and was prepared to put forth an alibi defense at trial, contingent on his client's ultimate decision if he wanted to call the witnesses required. He testified that because of his client's reluctance, he did not turn over any statements because Applicant still was undecided as to whether to put forth an alibi defense. However, he testified that he informed the State that an alibi defense was likely and who the potential witnesses were. This Court finds that Counsel's performance was reasonable in accordance with professional standards based on the circumstances of this case.

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Furthermore, this Court finds that Applicant has failed to establish any resulting prejudice from Counsel's alleged deficiency. As Counsel and Assistant Solicitor Young both testified at the evidentiary hearing, it is a prosecutor's role to attack the veracity of defense witnesses while testifying. This Court finds that even if Counsel had turned over the statement to the State prior to the trial, it would likely have had no impact on the State's cross-examination of witness Laura Smith, as she still would not have given her statement to law enforcement immediately after Applicant's arrest, which was the focus of the cross-examination in question. This Court finds that Applicant has failed to establish any resulting prejudice for Counsel's purported deficiency.

Therefore, as Applicant had failed to establish deficiency or any resulting prejudice, this Court finds this allegation must be denied and dismissed with prejudice.

Allegation that Counsel was ineffective for failing to object to improper arguments made during the State's closing argument

Applicant alleges that Counsel was ineffective for "failing to object to the solicitor's mischaracterization of DNA evidence during the solicitor's closing argument" and "failing to object to the solicitor's improper vouching and injecting personal opinions solicitor's closing arguments." Specifically, Applicant alleges that Counsel should have objected to the State's description of the DNA evidence as Applicant being a match because he could not be excluded as a contributor. See pp. 470-71. Additionally, Applicant asserted that Counsel should have objected when the State vouched for the credibility of its witness Chris Herndon during its closing argument. See pp. 453-54.

This Court finds that Applicant has failed to meet its burden of establishing deficiency of counsel. Counsel testified that he did not object to the State's comments regarding DNA because he did not want to highlight to the jury that Applicant could not be excluded as the DNA

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contributor so close to jury deliberations. Counsel elaborated that he thought one of the strongest parts of his case was his cross-examination of the State's DNA expert, prepared with the assistance of his own independent DNA expert with whom he consulted, and he did not want to appear like he was hiding anything to the jury by objecting during the State's argument. This Court finds that Counsel has articulated valid strategy and therefore, was not deficient in this regard. Edwards v. State, 392 S.C. 449, 10 S.E.2d 60 (2011) (citing Whitehead v. State, 308 S.C. 119, 417 S.E.2d 530 (1992) (where counsel articulates valid reasons for employing a certain strategy, counsel's choice of tactics will not be deemed ineffective assistance.)).

Furthermore, this Court finds that Applicant has failed to establish any deficiency for Counsel's decision not to object to the purported vouching during the State's closing argument. The State's closing arguments must be confined to evidence in the record and the reasonable inferences that may be drawn from the evidence. State v. Copeland, 321 S.C. 318, 468 S.E.2d 620 (1996). Furthermore, the solicitor's closing argument must not appeal to the personal biases of the jurors. Id. To be entitled to a new trial for improper closing arguments, the test is whether "the Solicitor's comments so infected the trial with unfairness as to make the resulting conviction a denial of due process." State v. Hamilton, 344 S.C. 344, 362, 543 S.E.2d 586, 596 (2001). This Court finds that the comments made in the present case do not so infect the trial with unfairness to upset the resulting conviction, and therefore Counsel was not deficient. This Court finds that this allegation must be denied and dismissed with prejudice.

Brady/Rule 5 SCRCrimP Violation

Applicant alleges that the State violated Brady and Rule 5, SCRCrimP, by "failing to turn over statements that had been made by a state's witness to law enforcement concerning the crimes." Specifically, Applicant alleges that the State failed to turn over the statement by

Q. J. C.

Applicant's co-defendant, Christopher Herndon, to law enforcement, where Herndon stated "I'm the one you are looking for." See Tr. pp. 173-74. Prosecuting Assistant Solicitor Young testified that there was no statement to turn over to defense, as Herndon's gratuitous comment was not memorialized into writing.

"[T]he suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." Brady v. Maryland, 373 U.S. 83, 87, (1963). A Brady claim is complete if the accused can demonstrate (1) the evidence was favorable to the accused, (2) it was in the possession of or known to the prosecution, (3) it was suppressed by the prosecution, and (4) it was material to guilt or punishment. Sheppard v. State, 357 S.C. 646, 659, 594 S.E.2d 462, 470 (2004). Favorable evidence is material if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different. Id. at 660, 594 S.E.2d at 470." Simpson v. Moore, 367 S.C. 587, 600, 627 S.E.2d 701, 708 (2006).

This Court finds that Applicant has failed to establish any Brady violations, as the statement by Applicant's co-defendant was not favorable to Applicant, was not material to Applicant's guilt or innocence, and was not intentionally suppressed by the prosecution. Therefore, this Court finds that this allegation must be denied and dismissed with prejudice.

CONCLUSION

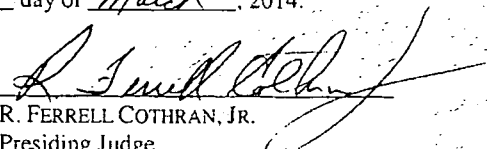
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

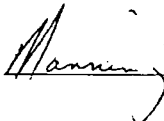
This Court notes that that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must remain remanded to the custody of the State.

AND IT IS SO ORDERED this 7 day of March, 2014.


R. FERRELL COTHRAN, JR.
Presiding Judge
Second Judicial Circuit

, South Carolina.

FORM 4

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

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2012CP0200795

Rusty Dunbar	South Carolina State Of
PLAINTIFF(S)	DEFENDANT(S)

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
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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: _____
- 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 clrk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge	Judge Code	Date
For Clerk of Court Office Use Only		

This judgment was entered on 3-12-14, and a copy mailed first class or placed in the appropriate attorney's box on 3-12-14, to attorneys of record or to parties (when appearing pro se) as follows:

Paige Weeks Johnson PO Box 2619 Aiken, SC 29802-2619

Mary Shannon Williams PO Box 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Liz Godard by Akuepoff

Court Reporter

Liz Godard - Clerk of Court

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.
