LAW OFFICE OF

Kristy Grafton Goldberg, LLC

ATTORNEY AT LAW

January 9, 2014

The Honorable Daniel E. Shearouse
Clerk of Court, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RE: Samuel K. Cureton, SCDC # 311561, vs. State of South Carolina
Appeal of Case No. 2013-CP-32-2587

Dear Mr. Shearouse,

Enclosed for filing is a Notice of Appeal in the above referenced case. Also enclosed are a certificate of service and a copy of the original court order which is to be challenged on appeal. I would appreciate it if you could file the Notice of Appeal and mail a date-stamped copy back to me in the enclosed pre-stamped envelope.

Please note that the final order dismissing the underlying PCR matter was filed June 3, 2014. However, the neither the Applicant nor his counsel was served with the final order by the Clerk of Court or Attorney General's Office. Counsel for the Applicant did not receive a copy of the final order from the Clerk of Court until January 8, 2014.

By copy of this letter I am informing the Office of Appellate Defense of this Appeal so that they may begin representation of Mr. Cureton as I was appointed in this matter. I am also hereby requesting that Appellate Defense obtain a copy of the court transcript within the time required by this court.

Please let me know if you have any questions or concerns regarding this matter.

Respectfully,

Kristy Goldberg

CC: Walt Whitmire
Assistant Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549

1720 MAIN STREET • SUITE 301 • COLUMBIA, SOUTH CAROLINA 29201
PHONE (803) 252-2299 • FACSIMILE (803) 799-4059 • MOBILE (803) 315-1554

Samuel Cureton, SCDC # 354468
Evans Correctional
P.O. Box 2951202
Bennettsville, SC 29512

The Honorable Beth Carrigg
Clerk of Court
205 East Main Street
Lexington , South Carolina 29072

Office of Appellate Defense
Chief Appellate Defender – Robert Dudek
PO Box 11433
Columbia, SC 29211-1433

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

William P. Keesley, Circuit Court Judge

Case No. 2013-CP-32-2587

Samuel K. Cureton, SCDC # 311561, ... Appellant

v.

State of South Carolina, ... Respondent.

NOTICE OF APPEAL

Applicant Samuel K. Cureton hereby appeals from the Order of the Honorable William P. Keesley presiding Judge for the 11th Judicial Circuit, filed June 3, 2014 and received by counsel for the Applicant on January 8, 2015 in the matter of Samuel K. Cureton v. State of South Carolina, Case No. 2013-CP-32-2587.

January 9, 2015

Kristy Goldberg
Attorney for Plaintiff

Law Office of Kristy Goldberg, LLC.
1720 Main Street, Suite 301
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kristy@kristygoldberglaw.com

Other Counsel of Record:

Assistant Attorney General, Walt Whitmire
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Columbia, South Carolina 29211

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

William P. Keesley, Circuit Court Judge

Case No. 2013-CP-32-2587

Samuel K. Cureton, SCDC # 311561, ... Appellant

v.

State of South Carolina, ... Respondent.

PROOF OF SERVICE

Personally appeared before me, Kristy Goldberg, Esquire, who being duly sworn, deposes and states:

She is the counsel of record for Applicant;
Service by mail is proper in this instance; and
She has served the NOTICE OF APPEAL on the following party on January 9, 2015 by depositing one copy in the U.S. Mail, postage prepaid:

Assistant Attorney General, Walt Whitmire
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

Kristy Goldberg
Attorney for Plaintiff

Law Office of Kristy Goldberg, LLC.

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Phone (803) 252-2299
kristy@kristygoldberglaw.com

Other Counsel of Record:
Assistant Attorney General, Walt Whitmire
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

ORIGINAL

2

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FILED
COUNTY OF LEXINGTON) ELEVENTH JUDICIAL CIRCUIT
2014 JUN -3 P 12:14
Samuel K. Cureton,) C.A. No. 2013-CP-32-2587
S.C.D.C. No. 311561,) BETH A. CARRIGG CLERK OF COURT LEXINGTON, SC
Applicant,)
v.) **ORDER OF DISMISSAL**
State of South Carolina,)
Respondent.)

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed July 31, 2013. Respondent made its Return. An evidentiary hearing into the matter was convened on April 15, 2014 at the Lexington County Courthouse. Applicant was present and was represented by Kristy Goldberg, Esq. Respondent was represented by Walt Whitmire, Esq., of the Office of the Attorney General.

WW #1

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Lexington County. Applicant was indicted at the January 2013 term of the Court of General Sessions for Lexington County for attempted murder (2013-GS-32-3202). Applicant was represented by Rob Madsen, Esq. On May 23, 2013, Applicant entered a guilty plea pursuant to North Carolina v. Alford[1] to the lesser-included offense of assault and battery, first-degree. The Honorable R. Markley Dennis sentenced Applicant to a ten (10) year term of imprisonment. Applicant did not appeal his sentence or conviction.

[1] North Carolina v. Alford, 400 U.S. 25, 91 S.Ct. 160 (1970).

At the PCR hearing, Applicant alleged that he was being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel:
   a. failure to adequately advise Applicant of the terms of the plea agreement;
   b. failure to adequately advise Applicant regarding an Alford plea.
   c. failure to present character witnesses to speak on behalf of Applicant during the mitigation phase of the plea hearing;
   d. failure to explain the circumstances surrounding Applicant's prior ABHAN conviction to the plea judge;
   e. failure to file a post-trial motion for sentence reconsideration on behalf of Applicant;
   f. failure to file a notice of appeal on behalf of Applicant.

SUMMARY OF TESTIMONY AT THE PCR HEARING

WM #2

Applicant testified that he was in pre-trial detention at the Lexington County jail for eight months prior to his plea. He stated that he suffered chronic complications for injuries he sustained in the offense. Applicant outlined these injuries to the Court. He stated that counsel came to see him two to three times during the case. He explained his version of the facts that led to his arrest to counsel during the representation. He claimed the victim, his son, caused the underlying wreck when he grabbed the steering wheel while Applicant was driving the car. He stated that counsel reviewed the State's evidence with him. He stated that while the victim told police that Applicant appeared intoxicated during the commission of the offense, other witnesses disputed the victim's account. He stated that he was aware voluntary intoxication was not a possible defense. He acknowledged that he was not charged with child endangerment, or abuse and neglect although he abandoned the victim at the scene.

He stated that he learned of the State's plea offer about a day before he pled guilty. He stated that the solicitor dropped the attempted murder charge to the lesser-included offense of assault and battery, first-degree. He stated that counsel advised him that he was looking at eighteen month to a three year prison sentence if he accepted the offer. He stated that he hoped that the plea judge would sentence him to time served and possible probation. He knew that if he accepted the plea agreement, he would plead guilty the following day. He stated that he discussed the matter further with counsel on the morning of the plea hearing. He acknowledged that counsel discussed his rights and the consequences of pleading guilty. He asserted that he was not actually guilty of the offense. Applicant explained that he decided to plead guilty because he didn't want to put his son and family through a trial. He stated that counsel advised him to enter an Alford plea. He stated that counsel never articulated the nature of an Alford plea to him. It was his was understanding that he was entering ~~was entering~~ a guilty plea while he was not actually guilty. He stated that plea agreement ~~caped~~ his potential sentence at a possible three year term of imprisonment.

He recalled that the plea judge apprised him of the possible sentencing exposure for assault and battery, first-degree at the plea hearing that ranged from zero to a ten year term of imprisonment. However, he stated that he put stock in the solicitor's involvement in process. He stated that counsel failed to explain to the plea judge that he was innocent and pleading guilty for the benefit of his family. He stated that counsel did explain the circumstances surrounding his prior criminal record to the judge. He stated counsel did not tell the judge favorable facts concerning his prior assault and battery, high and aggravated nature 'ABHAN.' Applicant also stated that he was under the impression that his family would speak on his behalf in mitigation

prior to the plea hearing. He stated that counsel advised him to not explain his version of the facts to the solicitor.

Applicant stated that counsel never discussed an appeal with him. He stated that he wrote counsel a letter on the matter at least ten days after the plea hearing. He stated that he did not think that he would get the maximum sentence. He opined that he did not deserve a ten year prison sentence and wants a better plea deal. Applicant also stated that counsel never discussed filing a post-trial motion for sentence reconsideration with him.

Paul Cureton, Applicant's father, testified on his behalf at the PCR hearing. He stated that he sat with the solicitor at the plea hearing and never saw counsel on the day. He stated that he never spoke with counsel during the case. He explained that no one told him to stand with Applicant at the plea hearing. He stated that Applicant still had custody of the victim. He stated that he was interested in speaking on Applicant's behalf at the plea hearing. He stated that a person with the solicitor's office told him that he did not need to speak on Applicant's behalf at the plea hearing where they had offered Applicant a bargain. He stated that the victim had a violent temperament and had snatched the steering while Applicant was driving on prior occasions. He stated the victim had recently ~~got in~~ trouble for possessing a gun at school. He stated that Applicant was trying ~~is~~ best to properly raise the victim. He opined that Applicant could not handle the victim. He explained that the predicament aggravated Applicant.

Mary Cureton, Applicant's mother, testified on his behalf at the PCR hearing. She stated that she also wanted to speak on Applicant's behalf at the plea hearing. She stated that the solicitor told her that Applicant was looking at a two year prison sentence.

Angela Garrick, Esq., of the Eleventh Circuit Solicitor's office testified at the PCR hearing to her course of conduct in prosecuting the case. She recalled the extent of the plea

negotiations and explained she had not yet made an offer at Applicant's first appearance. She stated she made the offer to drop the charge to assault and battery, first-degree after she provided counsel discovery and had reviewed the case. She explained the terms of the offer: straight-up, with no recommendation or negotiated sentence. She stated she informally discussed the possible outcomes with counsel but asserted that she most probably would not have apprised the victim's family of a speculative estimate as to what future sentence the plea judge would pronounce.

Counsel testified to his course of conduct during the representation. He stated that Applicant was arrested for attempted murder in an alleged failed attempt at a possible murder/suicide. He provided a brief summary of the State's case. Counsel stated Applicant explained his version of the facts to him. According to Applicant, it was never his intent to crash the vehicle into a light pole. Applicant also disputed fault and claimed that the victim grabbed the steering wheel during the incident. Applicant told counsel that the victim had suffered from emotional problems.

Counsel stated he met with Applicant numerous times prior to the plea hearing. He stated that he obtained discovery materials ~~form~~ FROM the solicitor. Counsel provided a copy of the discovery materials to Applicant. Counsel opined that THE State collected evidence of Applicant's alcohol use. He also stated that THE fact THAT Applicant fled the scene and abandoned the victim hurt his credibility. Counsel also stated that Applicant's version of flight was that he had no memory of it. He stated that he discussed the State's evidence with Applicant. He stated that Applicant asked him to interview ~~his and~~ WITNESSES, INCLUDING Bobby Campbell, in anticipation that they would corroborate his version of events. Counsel ~~recalled that~~ SENT an investigator to interview the requested witnesses and the State's witnesses. The investigator went the scene of the offense, took photographs, and he obtained statements from the witnesses. All of these materials were provided to counsel. Numerous

exhibits on the matter were entered into evidence. He stated that he learned most of the witnesses would testify against Applicant's version of the facts.

Counsel stated that he continually communicated the developments in plea negotiations to Applicant throughout the representation. After the solicitor communicated the plea offer to counsel, he conveyed it to Applicant. Counsel stated that he met Applicant that day to discuss the offer. He stated that Applicant wanted to accept the offer while maintaining that he did not cause the wreck, without remembering why he abandoned the victim at the scene. As a result of Applicant's posture, counsel thought an Alford plea was appropriate in this case. He stated that as a matter of general practice, he discourages Alford pleas in most cases. Counsel advised Applicant that he had the option to accept the offer or proceed to trial. Counsel asserted that he did not recommend one option over another.

Counsel stated he ~~advised~~ DISCUSSED WITH THE APPLICANT the terms of the offer and the constitutional implications of pleading guilty. He advised Applicant of the sentencing range of assault and battery, first-degree. He explained to Applicant that he WAS looking at a possible time served or probationary sentence in the best case scenario. He also explained to Applicant that THE plea judge had the discretion to sentence him to a ten-year term of imprisonment. He apprised Applicant that the plea offer was straight-up and explained that the judge had full sentencing discretion. He stated that he did not speculate on the how MUCH prison time that he believed Applicant ~~must~~ would get. However, he opined that certain aggravating FACTORS worked against Applicant. He apprised Applicant of these concerns.

Counsel stated that Applicant's father told a member of his staff that he hoped Applicant would get a favorable sentence. ~~He stated that this information, alone, would have necessitated him presenting Applicant's father in mitigation.~~ He explained that Applicant's father was not the victim. Counsel made the decision not to ask Applicant's father to speak in mitigation when he

saw him sitting with solicitor's office at the plea hearing. He stated that if he had reason to believe a character witness would have benefited his mitigation case and was present at the plea hearing, then he would presented the person.

Counsel stated he did not recall filing a post-trial motion for sentence reconsideration here. Counsel stated also that as a matter of general practice, he does not discuss an appeal with clients before a guilty plea. He stated that he received correspondence regarding a possible appeal well after the ten-day filing period had passed.

APPLICABLE LAW

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, 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, 104 S.Ct. 2052, 2064, (1984); Butler, 286 S.C. at 441, 334 S.E.2d at 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 668, 104 S.Ct. at 2064. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness

under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland, *supra*. 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.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court reviewed the Clerk of Court records regarding the subject convictions, ~~the Applicant's records from the South Carolina Department of Corrections~~, the application for post-conviction relief, the transcripts and documents from the prior proceedings, and, legal arguments of counsel. Pursuant to S.C. Code Ann. §17-27-80 (2003), this Court makes the following findings of fact based upon all of the probative evidence presented.

As a matter of general impression, this Court finds Applicant has failed to meet his burden of proof. He ~~as~~ not established that counsel performed deficiently or that he was prejudiced in any way by counsel's performance. This Court does not ~~find~~ Applicant credible. The assertions that he did not understand the nature and ramifications of an Alford plea are not proven and are refuted by evidence and the transcript. While this Court finds no fault with Applicant's parents and their expressed intention of being thwarted to help their son at the plea, Applicant has the burden of proof to show that the outcome likely would have been different had they spoken on his behalf. That has not been proven. Likewise, there is no showing that any further involvement of the parents or anyone else in the investigation stage would likely change the result. An extensive investigation was performed. This case involved a swearing contest. Counsel properly focused on the problem created by Applicant leaving the scene of the wreck.

This Court finds the testimonies of the solicitor and counsel concerning the plea negotiations to be convincing.

A.

Applicant failed to meet his burden to prove counsel was ineffective for failing to adequately advise him on the terms of the plea agreement. "To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him." Dalton v. State, 376 S.C. 130, 138, 654 S.E.2d 870, 874 (Ct. App. 2007) "Where there has been a guilty plea, the applicant must prove prejudice by showing that, but for counsel's errors, there is a reasonable probability he would not have pleaded guilty and instead would have insisted on going to trial." Pelzer v. State, 381 S.C. 217, 221-22, 672 S.E.2d 790, 792 (Ct. App. 2009). This Court finds counsel's testimony that he advised Applicant that the plea offer included a potential zero to 10-year prison sentence to be credible. In contrast, this Court finds Applicant's testimony that there was some implied three-year cap in the plea agreement to be suspect and not credible. Furthermore, the plea judge properly apprised Applicant on the matter during the colloquy. See Harres v. Leeke, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984). Therefore, this allegation is ~~readily~~ denied and dismissed.

Applicant's allegation that counsel was infective for failing to properly advise him on the nature and purpose of an Alford plea is without merit. "[I]n South Carolina there is no significant distinction between a standard guilty plea and an Alford plea. The Alford plea may nevertheless offer advantages to both the state and the defendant by facilitating a more efficient trial, providing the defendant a choice that benefits her interests, or obviating a humiliating public admission of guilt." State v. Herndon, 403 S.C. 84, 93, 742 S.E.2d 375, 380 (2013). "The

foregoing authority and this Court's precedent demonstrate the general consensus that an Alford plea is merely a guilty plea with the gloss of judicial grace allowing a defendant to enter a plea in her best interests." Id., at 95, 742 S.E.2d at 381. Counsel's advice to plead Applicant pursuant to Alford was reasonable in light of the fact that Applicant contested fault but claimed he did not remember abandoning his son at the scene of a brutal car accident. See United States v. Morrow, 914 F.2d 608, 611 (4th Cir.1990) (The primary thrust of the Alford decision is that a defendant may voluntarily and knowingly consent to the imposition of a prison sentence even if he is unwilling or unable to admit he participated in the acts constituting the crime.). Furthermore, Applicant decided to plead guilty because he did not want to put his family through a trial. Thus, he has entirely failed to show that the procedural posture of the plea resulted in prejudice. Therefore, this allegation is denied and dismissed.

B.

Applicant has failed to meet his burden to prove counsel was ineffective in presenting a mitigation case at the guilty plea hearing. A defendant has a right to counsel at sentencing. Jones v. United States, 783 F.2d 1477, 1482 (9th Cir. 1986). Counsel's failure to introduce family mitigating evidence at sentencing in a non-capital case was only a failure to introduce a low-probability prospect for sentence reduction and caused no prejudice in a strong case. Jackson v. Roth, 24 F.3d 1002 (7th Cir. 1994). This Court finds Applicant has failed to meet his burden to prove how counsel's decision to not present his parents at the plea hearing constituted deficient performance. It was objectively reasonable for counsel to not ask Applicant's parents to speak on his behalf once counsel saw where they sat. Regardless, Applicant's claim that he prejudiced here was entirely speculative. This Court notes that the plea judge remarked that counsel's

effective mitigation performance was negotiating the plea agreement to the lesser-included offense. Therefore, this allegation is denied and dismissed.

For similar reasons, Applicant also failed to meet his burden to prove that PLEA COUNSEL was ineffective for failing to apprise the solicitor of the facts of Applicant's prior ABHAN conviction. See State v. Hicks, 377 S.C. 322, 325, 659 S.E.2d 499, 500 (Ct. App. 2008) ("A judge or other sentencing authority is to be accorded very wide discretion in determining an appropriate sentence, and must be permitted to consider any and all information that reasonably might bear on the proper sentence for the particular defendant, given the crime committed."). This allegation rests entirely on speculation. Applicant failed to present credible evidence of what, if anything, was mitigating surrounding this prior conviction. Again, Applicant failed to show that counsel's presentation of his mitigation case constituted deficient performance. Therefore, this allegation is denied and dismissed.

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C.

Applicant's allegation that counsel was ineffective for failing to file a post-trial motion for sentence reconsideration is without merit. "Generally, what motion to make is within the exclusive province of counsel." Leavitt v. Arave, 646 F.3d 605,611 (9th Cir. 2011). "Counsel is not required to file a reconsideration motion to rehash a position once rejected." U.S. v. Tajeddini, 945 F.2d 458, 463 (1st Cir. 1991). "[A] petitioner claiming ineffective assistance of counsel in a motion for reconsideration must also show prejudice." Dakane v. U.S. Atty. Gen., 399 F.3d 1269, 1274 (11th Cir. 2005). This Court finds Applicant failed to show that erroneous information was presented at the plea hearing that could have had an impacted upon the plea judge's consideration in pronouncing a sentence. Furthermore, the plea judge articulated his view on the

seriousness of Applicant's conduct in comparison to the lesser-included offense of assault and battery, first-degree. Therefore, this allegation is denied and dismissed.

Applicant has also failed to prove that counsel was ineffective for failing to file a notice of appeal on his behalf. "[C]ounsel has a constitutionally imposed duty to consult with the defendant about an appeal when there is reason to think either (1) that a rational defendant would want to appeal (for example, because there are nonfrivolous grounds for appeal), or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing." Roe v. Flores-Ortega, 528 U.S. 470, 480, 120 S. Ct. 1029, 1036, 145 L. Ed. 2d 985 (2000). This Court finds counsel's testimony on the matter Applicant was adamant to plead guilty despite never fully admitting his guilt. Applicant failed to prove that counsel had a credible reason to expect that he desired an appeal. ~~Furthermore, counsel was not deficient for choosing not to discuss an appeal with a client who had been convicted and served prison time in this State~~. Furthermore, Applicant did not indicate an interest in appeal until well after counsel could do anything about it. Therefore, this allegation is denied and dismissed.

F.

Except as discussed above, this Court finds that the Applicant affirmatively abandons the remaining allegations set forth in his application at the hearing. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BMI, Inc., 292 S.C. 153, 158-59, 355 S.E.2d 282 (Ct. App. 1987). The Applicant's

failure to address these issues at the hearing indicates a voluntary and intentional relinquishment of his right to do so. Therefore, any and all remaining allegations are denied and dismissed.

CONCLUSION

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

This Court notes that Applicant must file and serve a notice of intent to appeal within thirty (30) days from receipt of this Order to secure the appropriate appellate review. See Rule 203, SCACR. Rule 71.1(g), SCRCP; Bray v. State, 336 S.C. 137, 620 S.E.2d 743 (2005), for the obligation of Applicant's counsel to file and serve notice of appeal. The Applicant's attention is also directed to South Carolina Appellate Court Rule 243 for appropriate procedures after notice has been timely filed.

#13

IT IS THEREFORE ORDERED

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and

2. Applicant must be remanded to the custody of Respondent

FILED
2014 JUN -3 P 12:14
BETH A. CARRIGG
CLERK OF COURT
LEXINGTON, SC

AND IT IS SO ORDERED this 29th day of May, 2014.

William P. Keesley
WILLIAM P. KEESLEY
Presiding Judge
Eleventh Judicial Circuit

EDGEFIELD, South Carolina

JUN062014

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2013CP3202587

Samuel K Cureton #311561	**State of South Carolina**
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: _____

☐ **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.**

6/6/2014

Circuit Court Judge **Judge Code** **Date**

For Clerk of Court Office Use Only

JUN062014

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on **9th of June 2014**, to attorneys of record or to parties (when appearing pro se) as follows:

Samuel K Cureton #311561
Evans Corr Inst WCF5A-166
610 Hwy 9 Bennettsville, SC 29512

ATTORNEY(S) FOR THE PLAINTIFF(S)

J Walt Whitmire SC Attorney Generals Office

ATTORNEY(S) FOR THE DEFENDANT(S)

Beth A. Carrigg/mh

Court Reporter

Beth A. Carrigg - 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.

LAW OFFICE OF
Kristy Grafton Goldberg, LLC
ATTORNEY AT LAW
1720 MAIN STREET, SUITE 301
COLUMBIA, SOUTH CAROLINA 29201

The Honorable Daniel E. Shearouse
Clerk of Court, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211