

LAW OFFICE OF
Kristy Grafton Goldberg, LLC
ATTORNEY AT LAW

February 15, 2016

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

RECEIVED

FEB 18 2016

RE: Bennie Golston, vs. State of South Carolina
Appeal of Case No. 2013-CP-32-4474

S.C. SUPREME COURT

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.

By copy of this letter I am informing the Office of Appellate Defense of this Appeal so that they may begin representation of Mr. Golston, as I was appointed to represent him in this PCR action. 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: Patrick Schmeckpeper
Assistant Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549

Bennie Golston
355 Old Wire Road
West Columbia, South Carolina 29172

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

D. Craig Brown, Circuit Court Judge

Case No. 2013-CP-32-4474

Bennie Golston, Appellant

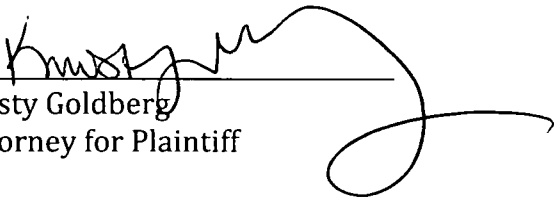
v.

State of South Carolina, Respondent.

NOTICE OF APPEAL

Applicant Bennie Golston hereby appeals from the Order of the Honorable D. Craig Brown presiding Judge for the 11th Judicial Circuit, filed February 5, 2015 and received by counsel for the Applicant on February 12, 2016 in the matter of Bennie Golston v. State of South Carolina, Case No. 2013-CP-32-4474.

February 15, 2016



Kristy Goldberg
Attorney for Plaintiff

Law Office of Kristy Goldberg, LLC.
1720 Main Street, Suite 303
Columbia, SC 29201
Phone (803) 667-6633
kristy@kristygoldberglaw.com

RECEIVED

FEB 18 2016

S.C. SUPREME COURT

Other Counsel of Record:

Assistant Attorney General, Patrick Schmeckpeper

Office of the Attorney General

Post Office Box 11549

Columbia, South Carolina 29211

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

RECEIVED

D. Craig Brown, Circuit Court Judge

FEB 18 2016

S.C. SUPREME COURT

Case No. 2013-CP-32-4474

Bennie Golston, Appellant

v.

State of South Carolina, Respondent.

PROOF OF SERVICE

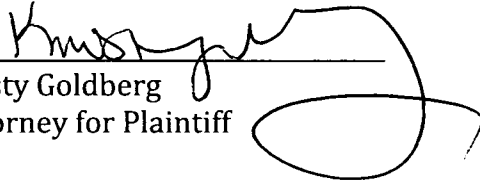
Personally appeared before me, Kristy Goldberg, Esquire, who being duly sworn, deposes
and states:

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 February 15, 2016 by
depositing one copy in the U.S. Mail, postage prepaid:

Assistant Attorney General, Patrick Schmeckpeper
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211



Kristy Goldberg
Attorney for Plaintiff

Law Office of Kristy Goldberg, LLC.

1720 Main Street, Suite 303
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Phone (803) 667-6633
kristy@kristygoldberglaw.com

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

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON) FOR THE ELEVENTH JUDICIAL CIRCUIT

Bennie Golston,

FILED
2016 FEB -5 A 11:30

C.A. No. 2013-CP-32-4474

BETH A. CARRIGG
CLERK OF COURT
Applicant, LEXINGTON, SC

v.

ORDER OF DISMISSAL

State of South Carolina,

Respondent.

ORIGINAL

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed December 27, 2013. Respondent made its Return on or about June 13, 2014. An evidentiary hearing into the matter was convened on December 9, 2015, at the Lexington County Courthouse. Applicant was present and represented by Kristy Goldberg, Esquire. Respondent was represented by Patrick Schneckpeper, Esquire, of the South Carolina Attorney General's Office.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's trial counsel, Matthew C. Buchanan, Esquire, also testified. This Court had before it a copy of Applicant's trial transcript, the records of the Lexington County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, appellate records, and the pleadings. The Court finds as follows:

PROCEDURAL HISTORY

Applicant is no longer confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Lexington County.¹ Applicant was

¹ Applicant was released from the South Carolina Department of Corrections' custody on August 1, 2013.

indicted at the May 2009 term of the Lexington County Grand Jury for Criminal Domestic Violence of a High and Aggravated Nature (2009-GS-32-5027). Applicant was represented by David M. Mauldin and Matthew C. Buchanan, Esquires. Applicant proceeded to trial before the Honorable R. Knox McMahon on May 13-14, 2009. The jury found Applicant guilty as indicted. Judge McMahon sentenced Applicant to ten (10) years confinement.

Applicant filed a timely notice of appeal. Assistant Appellate Defender LaNelle C. DuRant of the South Carolina Commission on Indigent Defense represented Applicant on his appeal. Applicant, through counsel, filed an Initial Brief of Appellant on April 26, 2010. The State filed its Initial Brief of Respondent on November 10, 2010. A Final Brief of Appellant was submitted on June 17, 2011. The South Carolina Court of Appeals heard arguments on May 13, 2012. Applicant's conviction and sentence were affirmed by the South Carolina Court of Appeals. State v. Golston, 399 S.C. 393, 732 S.E.2d 175 (2012). Applicant then filed a Petition for Rehearing on June 19, 2012 which was denied on September 13, 2012. Applicant then filed a Petition for Writ of Certiorari on December 13, 2012. The State filed its return on December 31, 2012. The South Carolina Supreme Court denied the petition on December 5, 2013. The remittitur was issued on December 11, 2013.

Allegations

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

1. Ineffective assistance of counsel.

Applicant was subsequently appointed counsel, Kristy Goldberg, Esquire, who filed an amended application on April 13, 2015, raising the following allegations:

1. Ineffective assistance of counsel, in that:
-

- a. Trial counsel failed to object or request a directed verdict when the State failed to offer the victim's medical records as evidence to prove the victim's injuries;
- b. Trial counsel failed to object when the Emergency Room (ER) Nurse testified;
- c. Trial counsel failed to offer evidence of Applicant's booking photo and victim's medical records for the jury to review;
- d. Trial counsel failed to sufficiently argue that the Defendant and Victim were not living together at the time of the alleged incident.

On October 1, 2015, Applicant filed, through counsel, a second amended application raising the following additional allegations:

2. Ineffective assistance of counsel, in that:
 - a. Trial counsel failed to object or request a directed verdict when the State failed to offer the victim's medical records as evidence to prove the victim's injuries;
 - b. Trial counsel failed to object when the Emergency Room (ER) Nurse testified;
 - c. Trial counsel failed to offer evidence of Applicant's booking photo and victim's medical records for the jury to review;
 - d. Trial counsel failed to address the fact that the deputy altered his incident report;
 - e. Trial counsel failed to sufficiently argue that the Defendant and Victim were not living together at the time of the alleged incident;
 - f. Trial counsel failed to request a mistrial when the Court determined that the State's witnesses may have committed perjury in their testimony (See pages 351-352 of trial transcript).

SUMMARY OF TESTIMONY

Applicant testified that he was arrested in Lexington County on March 22, 2008, for Criminal Domestic Violence of a High and Aggravated Nature (CDVHAN). He said he stayed in jail until his trial and was never out on bond. Applicant testified that Matthew Buchanan was his attorney at trial. He said they met together two to three times and that counsel did not go over discovery or police reports with him. Applicant stated that he always wanted to proceed to trial, but did not discuss that with counsel. He said counsel wanted him to plead guilty. Applicant testified that the state made a plea offer of two (2) years.

Applicant stated that counsel should have argued self-defense, that he and the victim never lived together and that the victim's injuries were not sufficiently substantial to warrant a CDVHAN² charge. Applicant said that he did not help counsel prepare for trial.

Applicant testified that counsel should have asked for dismissal because the victim's medical records were not introduced. He said the CT scan showed that the victim's face was swollen because of rotten teeth. Applicant also said that the state should have entered the medical records to show the injuries. Applicant said that the state offered testimony from an ER nurse and that counsel should have objected because her testimony was not the best evidence. He further complained that the nurse was not qualified to testify to the victim's eyes being shut.

Applicant said counsel should have entered the medical records to show that the victim did not have serious bodily injuries. Applicant also said counsel should have offered his booking photo into evidence. Applicant did not know if counsel ever received a copy of the booking photo and did not talk about it with him. He said that the picture shows scars on his face. He said he testified at trial that the victim scratched his face.

Applicant testified that the police officer lied in the police report when he said the injuries were from a wooden log and that the victim did not testify to being hit with a wooden log. Applicant did not, however, remember exactly what the victim testified to.

On cross-examination, Applicant stated he had never seen the victim's medical records and did not have a background in medicine. He repeated that he had never reviewed discovery with counsel. He said he wanted a trial. He admitted that he did receive a self-defense charge.

Counsel testified that he was a public defender in Lexington County between early 2006 and 2013. He currently serves as general counsel for the South Carolina Department of Probation, Parole and Pardon Services. He stated that there was a year between his appointment

² Applicant also seemed to imply that counsel should have argued for a lesser-included CDV offense.

as Applicant's attorney and the trial. Counsel testified that he met with Applicant several times, elaborating that it was substantially more than two or three times. Counsel said he would have updated Applicant throughout the negotiation process and for every plea offer. Counsel also stated that he would have reviewed all of Applicant's discovery with him. Counsel testified that he did not attempt to coerce Applicant into pleading guilty. He said he was not aware of any incident report being altered.

Concerning the victim, counsel said he saw photographs of her showing pronounced swelling around her eyes. Counsel said he was not sure, but might have had the victim's medical records prior to trial. Counsel said he did not believe an objection to the ER nurse's testimony would have been successful. He also testified some of the ER nurse's testimony was favorable to Applicant – specifically, that the victim suffered no broken bones. Counsel testified that he made the cohabitation issue a key part of Applicant's case at trial. He said he went to the incident location with investigators, called Applicant's family members as witnesses to testify that Applicant did not live with the victim and argued against cohabitation to the judge and the jury. He said it did not occur to him to move for a mistrial after the trial judge raised the possibility that two jurors may have given diametrically opposed testimony.

On cross-examination, counsel said he argued self-defense at the trial. He said Applicant testified at trial that the victim clawed him in the face. He said the State admitted a booking photograph to counter Applicant's self-defense claim. Counsel testified that the booking photo was in black and white on the booking report (State's Exhibit 26). He noted that the booking report said "none" under the section labeled "scars, marks, or tattoos." Counsel said he probably requested a color booking photo from the jail but never received one. Looking at the color photo presented at the PCR evidentiary hearing, counsel said there was some discoloration, and that he

could only speculate as to what the discoloration was, but that the picture may have helped at trial.

Counsel stated he could not recall why he did not object to the lack of medical records. He also did not remember why he did not offer them. Counsel stated that, in hindsight, the medical records may have helped. Counsel noted that the medical records mentioned the victim's statement outlining the assaults, which may have been a reason not to introduce them. He said that he did not think that there was anything in the medical records that differed from what was presented at trial. He said the testimony at trial centered around swelling. He stated the records all appeared to be from March 22, 2008, and that the notes from doctors said follow up was necessary because of the victim's swollen eyes.

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, appellate records, Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, the transcripts and documents from the prior proceedings, the post-conviction relief transcript, and the legal arguments of counsel. Pursuant to S.C. Code Ann. §17-27-80 (2015), this Court makes the following findings of fact based upon all of the probative evidence presented.

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), SCRCP; Butler, 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 (1985).

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 (1985). 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.

Medical Records

This Court finds Applicant has failed to meet his burden with respect to the claim that counsel was ineffective for failing to request a directed verdict when the State failed to offer the victim's medical records as evidence to prove her injuries. The information contained in medical records presented at the evidentiary hearing is substantially similar to, and in fact corroborates, the testimony presented at trial. Specifically, page thirteen of the medical records packet presented by Applicant during the evidentiary hearing, which addresses the victim's medical

history and present illness, includes the fact that there were no fractures on any part of the victim's body. This is consistent with the testimony of the ER nurse on cross-examination, as well as the testimony of the victim. This Court therefore finds they would not have provided any benefit to Applicant and the fact that they were not introduced does not undermine confidence in the outcome of that proceeding.³

This Court also finds that there is no reasonable likelihood that a motion for directed verdict on the issue of the victim's injuries would have been successful. When ruling on a directed verdict, a trial court is concerned with the existence of evidence, not its weight. State v. Burdette, 335 S.C. 34, 46, 515 S.E.2d 525, 531 (1999). A defendant is entitled to a directed verdict when the State fails to produce evidence of the offense charged. State v. Rosemond, 356 S.C. 426, 429, 589 S.E.2d 757, 758 (2003). At trial, the state presented testimony from the ER nurse, the victim, and the victim's son that described the extent of her injuries. Perhaps more importantly, on direct appeal the South Carolina Court of Appeals found, upon reviewing the evidence presented, that no jury could have found that these injuries were not serious. Because Applicant has failed to meet his burden with respect to this allegation, it is denied and dismissed.

Testimony from the Emergency Room Nurse

This Court finds Applicant has also failed to meet his burden with respect to the allegation that counsel was ineffective for failing to object to the ER nurse's testimony at trial. Counsel testified credibly that he did not believe any objections would have been successful. The ER nurse was present when the victim was admitted to the hospital. Tr. p. 228. She testified according to her personal recollection and from her personal notes. Tr. p. 228-29. Further, the ER nurse's testimony emphasized that the victim's injuries consisted primarily of

³ This Court also notes that the medical records were only for the date of March 22, 2008. Those records reflect that the victim was instructed to follow up on her medical treatment (specifically concerning her vision). Applicant has not presented any medical records from the victim's follow up appointments.

facial swelling and that she did not have any broken bones or fractures. Tr. p. 230. Counsel utilized this information in his closing argument. Tr. p. 320. Because Applicant has failed to show that counsel was ineffective with respect to this allegation, it is denied and dismissed.

Applicant's Booking Photograph

Applicant further alleges counsel was ineffective in failing to present a large, color version of his booking photograph at trial. This Court has had the opportunity to examine Applicant's booking photograph – both the larger, color printout presented at the evidentiary hearing and the smaller, black and white version from his comprehensive booking report – and finds Applicant has failed to meet his burden to show deficient performance and prejudice.

Counsel testified at the evidentiary hearing that he never got a color photograph. He said he probably looked, but was ultimately unable to find one. While a criminal defense attorney has a duty to investigate, “this duty is limited to *reasonable investigation*.” Ard v. Catoe, 372 S.C. 318, 332, 642 S.E.2d 590, 597 (2007). When evaluating the reasonableness of counsel's conduct, “the court should keep in mind that counsel's function, as elaborated in prevailing professional norms, is to make the adversarial testing process work in the particular case.” Strickland at 690, 104 S.Ct. 2052. At a minimum, counsel has the duty to interview potential witnesses and to make an independent investigation of the facts and circumstances of the case. Ard v. Catoe at 332, 642 S.E.2d at 597.

This Court finds Applicant's failure to locate a larger, color-version of Applicant's booking photograph does not fall below the level of reasonableness under prevailing professional norms. In this case, counsel had access to the smaller, black and white version of the booking photograph. That photograph does not appear to show the presence of any marks or scars, and in fact the report that is attached indicates Applicant had no marks or scars at the time of arrest.

Accordingly, this Court finds Applicant has failed to meet his burden to show counsel's performance was deficient with respect to this allegation.

Applicant has also failed to show prejudice. While it may appear from the larger photograph that Applicant has some sort of facial lacerations, Applicant has failed to present any evidence that these marks are consistent with finger nail scratches. See, e.g., Lorenzen v. State, 376 S.C. 521, 530, 657 S.E.2d 771, 776-77 (2008) (speculation as to what evidence or testimony would have been not sufficient to show prejudice). He has also failed to present evidence to show when they were made in relation to the time the photograph was taken. Id. Applicant has not shown that the marks were actually on his face, rather than simply marks on the photograph. Such a consideration is relevant here, where – as stated above – Applicant's actual booking report is in the record and does not indicate that he had any scars, marks, or tattoos at the time the picture was taken. As a result, this Applicant has also failed to show any prejudice from his counsel's inability to locate a larger, color-version of his booking photograph. This allegation is therefore denied and dismissed.

Altered Incident Report

This Court finds that Applicant has failed to present any evidence in support of the allegation that a deputy altered his incident report. It is therefore denied and dismissed.

Cohabitation

Applicant has also failed to meet his burden to show counsel was ineffective for failing to sufficiently argue that the Applicant and victim were not living together at the time of the alleged incident. Counsel thoroughly investigated the issue and properly preserved the cohabitation argument for appellate review. See Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993) ([P]ost-conviction relief procedure is not a substitute for appeal or a place for asserting errors for

the first time which could have been reviewed on direct appeal.”). Counsel presented a witness who testified that Applicant lived in his own house. Tr. p. 281. Further, Applicant testified at trial that he had his own house, had lived there for a number of years, and only “spent the night sometimes” with the victim. Tr. p. 287-89. Counsel argued the lack of cohabitation to the judge and requested a directed verdict on that issue. Tr. p. 262-267. Counsel also brought this issue to the jury’s attention during his closing arguments. Tr. p. 322. In this context, counsel’s testimony that he made the cohabitation issue a key part of Applicant’s case at trial is entirely credible. This Court would note, however, that the victim testified that Applicant lived with her “[o]ff and on,” and had clothing, a toothbrush, shoes, and shirts at her house. Tr. p. 122-23. Additionally, the victim’s son – Tarik Johnson – testified that Applicant was living with the victim. Tr. p. 239. This issue was therefore appropriate for the jury. Because Applicant has failed to show either deficient performance or prejudice with regard to this allegation, it is denied and dismissed.

Perjury

Applicant has also failed to meet his burden to show deficient performance and prejudice with respect to his allegation that counsel was ineffective for failing to move for a mistrial when the Court determined that the State’s witnesses may have committed perjury in their testimony. After the jury began its deliberations, the trial court judge stated that the testimony of two witnesses – Tarik Johnson and Bambi Gray – may have been diametrically opposed. Tr. p. 351. He instructed the court reporter to provide a transcript so that he could investigate further. Reviewing the trial transcript, this Court finds that the testimony was not necessarily diametrically opposed. The testimony in question is in regards to whether Tarik Johnson, the victim’s son, “bust[ed] out any windows of [Applicant’s] house” at some point after the assault

took place, but before Applicant was arrested. Tr. p. 260. Mr. Johnson testified at trial that he did not. Id. Ms. Gray's testimony was equivocal, in that while she saw Mr. Johnson "[throw] something up at the window," she was unsure of what it was or whether or not what he threw actually broke any windows.⁴ Tr. p. 283; 285-86. This Court finds that while the trial court may have had a concern, he simply asked the court reporter to look into the matter. There was never any conclusion as to whether any witnesses had perjured themselves, nor has Applicant presented any evidence that would support such a conclusion. Regardless, the testimony of each witness was fully heard by the jury. Any inconsistent testimony was an issue of credibility to be resolved by the finder of fact. See e.g., State v. Wilson, 345 S.C. 1, 6, 545 S.E.2d 827, 830 (2001) (witness's credibility an issue for the jury's consideration). Because Applicant has failed to present any basis for counsel to have objected or moved for mistrial, this allegation is denied and dismissed.

ALL OTHER ALLEGATIONS

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this order, the Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

⁴ She also testified that storms had caused structural damage to the house.

CONCLUSION

Based on the foregoing, this Court finds 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.

IT IS THEREFORE ORDERED

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

AND IT IS SO ORDERED this 1 day of Feb., 2016.



D. CRAIG BROWN
Presiding Judge
Eleventh Judicial Circuit

Florence, South Carolina

FILED
JMB FEB -5 A 11:30
BETH A. CANNING
CLERK OF COURT
LEXINGTON, SC

FORM 4

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2013CP3204474

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

Bennie Golston

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

Circuit Court Judge

Judge Code

2/9/2016

Date

LAW OFFICE OF
Kristy Grafon Goldberg, LLC
ATTORNEY AT LAW
1720 MAIN STREET, SUITE 303
COLUMBIA, SOUTH CAROLINA 29201

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

