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Aimee J. Zmroczek, Attorney
aimee@ajzlawfirm.com

Christina Metze, paralegal
christina@ajzlawfirm.com

May 25, 2016

RECEIVED

MAY 31 2016

The Supreme Court of South Carolina
ATTN: Daniel Shearouse, Clerk of Court
PO Box 11330
Columbia, SC 29211

S.C. SUPREME COURT


RE : Deondre Leaphart v. State of SC
2014CP322969

Dear Mr. Shearouse:

Enclosed please find a Notice of Appeal along with a Certificate of Service and a copy of the Order being appealed. Also enclosed is a copy which I request you stamp as "filed" and return to me in the enclosed stamped envelope.

Thank you for your assistance in this matter.

Yours very truly,



Christina Metze
Paralegal

cc: Patrick Schmeckpeper, Esq.
Beth Carrigg, Lexington County Clerk of Court
Deondre Leaphart

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

MAY 31 2016

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

D. Craig Brown, Circuit Court Judge

Case No.: 2014CP322969

State of South Carolina,

Respondent,

v.

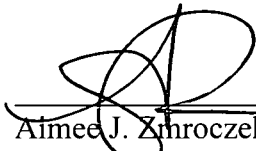
Deondre Leaphart,

Appellant.

NOTICE OF APPEAL

Deondre Leaphart, #349364, appeals the Order of Dismissal denying his Application for Post-Conviction Relief filed January 22, 2016, and received by counsel on January 29, 2016, and the Order Denying Rule 59(E) Motion filed April 29, 2016, and received by counsel on May 13, 2015, issued by the Honorable D. Craig Brown, presiding Judge.

May 25, 2016


Aimee J. Zimroczek, Esq.
P.O. Box 11961
Columbia, South Carolina 29211
Telephone: 803-400-1918
Fax: 803-403-8005
ajzlawfirm@gmail.com
Attorney for Appellant

Other Counsel of Record:
Patrick Schmeckpeper, Esq.
PO Box 11549
Columbia, SC 29211
Counsel for Respondent

RECEIVED

MAY 31 2016

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

D. Craig Brown, Circuit Court Judge

Case No.: 2014CP322969

State of South Carolina,

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v.

Deondre Leaphart,

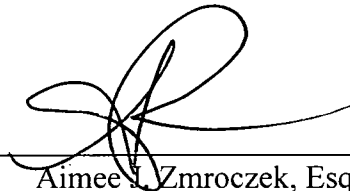
Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Patrick Schmeckpeper by depositing a copy of it in the United States Mail, postage prepaid, on May 25, 2016, addressed to his office at:

PO Box 11549
Columbia, SC 29211

May 25, 2016



Aimee J. Zmroczek, Esq.
P.O. Box 11961
Columbia, South Carolina 29211
Telephone: 803-400-1918
Fax: 803-403-8005
ajzlawfirm@gmail.com
Attorney for Appellant

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
Deondre Leaphart, #349364,)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE ELEVENTH JUDICIAL CIRCUIT

Case No. 2014-CP-32-2969

ORDER

This matter comes before the Court by way of an Application for Post-Conviction Relief filed August 19, 2014. An evidentiary hearing was convened on December 7, 2015, at the Lexington County Courthouse. The Applicant was present at the hearing and was represented by Aimee Zmroczek, Esquire. The Respondent was represented by Patrick Schmeckpeper, Esquire, of the South Carolina Attorney General's Office. The Court denied relief by an order dated January 15, 2016, and filed January 22, 2016. Applicant subsequently filed a motion asking the Court to reconsider the findings of fact and conclusions of law contained in the order of dismissal. Respondent made its return to the motion, requesting this motion be denied.

[Signature follows]


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2016 APR 29 AM 11:18
BETH A. CARRIGG
CLERK OF COURT
LEXINGTON, SC

✓bkt

Based upon careful reconsideration of the evidence in this case, including Applicant's motion and supporting memorandum, this Court is not persuaded to alter or amend its judgment. This Court further finds oral argument would not aid in the reconsideration of the original judgment. The Order of Dismissal issued by this Court contains the required findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code (2014) and Rule 52(a) of the South Carolina Rules of Civil Procedure.

IT IS THEREFORE ORDERED that Applicant's motion be denied and dismissed.

AND IT IS SO ORDERED this 15 day of April, 2016.


D. CRAIG BROWN
Presiding Judge
Eleventh Judicial Circuit

Florama, South Carolina


FILED
2016 APR 29 A 11:18
BETH A. CAHILL
CLERK OF COURT
LEXINGTON, SC

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)
)
)
DEONDRE J. LEAPHART, #349364)
) Plaintiff,)
)
) vs.)
)
)
STATE OF SOUTH CAROLINA)
) Defendant.)

IN THE COURT OF COMMON PLEAS
 ELEVENTH JUDICIAL CIRCUIT

CASE NO: 2014-CP-32-2969

**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: Aimee J. Żmroczek, Bar No. _____ Address: P.O. Box 11961 Columbia, SC 29211 Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: Patrick Schmeckpeper, Bar No. _____ Address: PO Box 11549 Columbia, SC 29211 Phone: _____ Fax _____ E-mail: _____ Other: _____
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input checked="" type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: _____ Estimated Time Needed: _____ Court Reporter Needed: <input type="checkbox"/> YES / <input checked="" type="checkbox"/> NO	
SECTION II: Motion/Order Type	
<input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
 _____ Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant	April 13, 2016 Date submitted
SECTION III: Motion Fee	
<input type="checkbox"/> PAID - AMOUNT: \$ _____ <input type="checkbox"/> EXEMPT: (check reason)	
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input checked="" type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____	
JUDGE'S SECTION	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____
CLERK'S VERIFICATION	
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

FILED
 APR 29 11:18
 BETH A. CARRIG
 CLERK OF COURT
 LEXINGTON, SC

FORM 4

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

**JUDGMENT IN A CIVIL CASE
CASE NUMBER 2014CP3202969**

Deondre Leaphart #349364	State Of South Carolian
--------------------------	-------------------------

PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> 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	Date
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For Clerk of Court Office Use Only

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on **May 9, 2016**, to attorneys of record or to parties (when appearing pro se) as follows:

**Aimee Jendrzejewski Zmroczek A.J.Z. Law Firm, LLC PO
Box 11961 Columbia, SC 29211**

**Patrick Lowell Schmeckpeper PO Box 11549 Columbia, SC
29211**

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Beth A. Carrigg/kpk

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.

at the March 2012 term of the Lexington County Grand Jury for burglary, first degree (2012-GS-32-0589); kidnapping (2012-GS-332-0590); and armed robbery (2012-GS-32-0591). The Applicant was represented by David Farrell, Esquire. On September 16, 2013, the Applicant pled guilty as indicted. The Honorable Robert E. Hood sentenced the Applicant pursuant to a negotiated sentence to thirty (30) years imprisonment on each charge. The sentences were set to run concurrently. The Applicant did not appeal his guilty plea or sentence.

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;
2. Guilty plea not made knowingly, intelligently, or voluntarily.

Summary of Testimony Presented

Applicant testified that he is twenty-two years old, and is currently incarcerated at the Broad River Correctional Institution. Applicant stated he remembers his guilty plea. Applicant stated that he feels his attorney took advantage of him. Applicant explained he was eighteen (18) years old when he committed the offenses he is incarcerated for. Applicant testified that he has a tenth grade education, has not obtained a GED, and has no work experience. Prior to being incarcerated, he stated he lived with his mother.

Applicant said he only met with his attorney two times. He acknowledged that his attorney reviewed the entirety of his discovery file with him, including statements Applicant and his co-defendants gave to police. Applicant said he and his co-defendants all entered into the same negotiated plea.

Applicant testified that he was pressured to take the guilty plea, and that he told his attorney no three to four times. He said his attorney informed him that he "could get more time" if he did

not take the negotiated plea. Applicant said he had no other choice but to plea. Applicant said he did not understand a lot, and that he was confused about everything. On cross-examination, however, Applicant acknowledged that ultimately it was his decision to plead guilty. Applicant stated he wanted his attorney to appeal, and asked him to file an appeal the day of the guilty plea. Applicant also said counsel should have moved to suppress the statements he gave to police.

Counsel testified that he remembered Applicant's case, and was appointed shortly after he was arrested. Counsel stated he met with Applicant a total of five times. During the initial meeting, counsel testified that he introduced himself, and that Applicant told him "they got me," and "do the best you can." During the second meeting, counsel said he reviewed discovery with Applicant extensively. Counsel stated that Applicant never asked for a trial, and had no problems until he got the guilty plea offer in written form. The offer involved a sentencing range of twenty (20) to thirty (30) years imprisonment. However, in order to be eligible for the twenty (20) years sentence, Applicant would have had to sit down with the Solicitor for a full and honest interview, and potentially have to testify against his co-defendants. Counsel stated Applicant did not want to cooperate, be debriefed, or testify against his co-defendants, and ultimately chose to take the thirty (30) year sentence instead.

Counsel testified that the morning of the plea, Applicant wanted twenty (20) years instead of thirty (30). However, after going over the same issues and Applicant's unwillingness to testify against his co-defendants, Applicant decided to accept the thirty (30) year sentence. Counsel stated he did not coerce or promise Applicant anything to get him to plead guilty.

Counsel testified that the State had overwhelming evidence of Applicant's guilt, including DNA, fingerprints, statements by co-defendants, and identifications by the victims. In preparation, counsel said he went out to Batesburg-Leesville to view evidence and interview

police officers, emphasizing that there was a "huge amount of evidence." Counsel said he went over all of Applicant's rights and discovery with him, and that Applicant knew the evidence against him. Concerning the statement, counsel stated there was no avenue from which to try and get them suppressed. Specifically, he said Applicant consented to them. Counsel further stated Applicant did not ask him for an appeal.

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 guilty plea, 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 (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 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. With respect to a guilty plea, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366 (1985).

Failure to Move to Suppress Statement

Applicant has not presented any basis on which counsel could have moved to suppress his statement to police; nor has he raised any potential ground on which such a motion should have been sustained. Moreover, this Court finds counsel's testimony that there were no such grounds as Applicant consented to giving the statement to police to be credible. Without more, this Court is unable to find in favor of Applicant, as it is his burden to prove he is entitled to relief. Rule 71.1(e), SCRPC; Butler, 286 S.C. 441, 334 S.E.2d 813.

Further, Applicant has failed to show prejudice. Counsel testified – credibly – that Applicant's position was consistent in that he wanted to plead guilty. The evidence against

Applicant in this case was overwhelming.¹ It does not appear that the strength of the State's case would have substantially changed *even if* Counsel had been able to successfully suppress his statement to police. As a result, this Court finds Applicant has failed to meet his burden to show he would have proceeded to trial but for counsel's purportedly deficient performance. Cf. Harris v. State, 377 S.C. 66, 79, 659 S.E.2d 140, 147 (2008) (finding PCR judge erred in finding trial counsel ineffective in light of overwhelming evidence of guilt) (*citing* Franklin v. Catoe, 346 S.C. 563, 570 n. 3, 552 S.E.2d 712, 722 n. 3 (2001), *cert. denied*, 535 U.S. 1114, 122 S.Ct. 2332, 153 L.Ed.2d 162 (2002) (finding overwhelming evidence of guilt negated any claim that trial counsel's deficient performance could have reasonably affected the result of defendant's trial)). Applicant's contrary testimony at the evidentiary hearing is not credible. This allegation is therefore denied and dismissed.

Failure to File a Direct Appeal

Applicant also alleges counsel was ineffective for failing to file a direct appeal. Following a trial, counsel is required to make certain the defendant is made fully aware of the right to appeal. White v. State, 263 S.C. 110, 118, 208 S.E.2d 35, 39 (1974). In the absence of an intelligent waiver by the defendant, counsel must either initiate an appeal or comply with the procedures in Anders v. California, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). However, the standard for a guilty plea differs. Turner v. State, 380 S.C. 223, 224, 670 S.E.2d 373, 374 (2008). "Absent extraordinary circumstances, such as when there is reason to think a rational defendant would want to appeal (for example, because there are nonfrivolous grounds for appeal) or when the defendant reasonably demonstrated an interest in appealing, there is no

¹ Counsel testified, credibly, that the State had DNA evidence, fingerprint evidence, eyewitness identifications by the victims, and the statements of the co-defendants to implicate Applicant. This testimony is substantially corroborated by the plea transcript.

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

Id.

After considering the conflicting testimony presented at the evidentiary hearing, this Court finds Applicant’s testimony that he asked for an appeal following his guilty plea to be not credible. Correspondingly, counsel’s testimony that Applicant never asked for an appeal is credible, particularly in light of the fact that this was a negotiated plea and there do not appear to be any appealable issues. This allegation is therefore denied and dismissed.

Involuntary Guilty Plea

This Court also finds Applicant’s allegation that his guilty plea was involuntary is without merit. A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of a plea by showing that counsel’s representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel’s errors, the defendant would not have pled guilty, but would have insisted on going to trial. Holden v. State, 393 S.C. 565, 572, 713 S.E.2d 611, 615 (2011) (citing Rolen v. State, 384 S.C. 409, 413, 683 S.E.2d 471, 474 (2009)).

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. Roddy v. State, 339 S.C. 29, 33, 528 S.E.2d 418, 421 (2000). A defendant’s knowing and voluntary waiver of the constitutional rights which accompany a guilty plea may be accomplished by colloquy between the Court and the defendant, between the Court and defendant’s counsel, or both. Holden at 573, 713 S.E.2d at 615 (citing Pittman v. State, 337 S.C. 597, 599, 524 S.E.2d 623, 625 (1999)). The longstanding test for determining the validity of a

guilty plea is “whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant. Id.

In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing. Suber v. State, 371 S.C. 554, 558, 640 S.E.2d 84, 886 (2007). Specifically, the voluntariness of a guilty plea is not determined by an examination of a specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the guilty plea, and also from the record of the PCR hearing. Roddy, 339 S.C. at 33, 528 S.E.2d at 420.

This Court finds Applicant’s testimony that counsel coerced him into pleading guilty, especially in light of the fact that Applicant later acknowledged that it was his decision to accept the state’s offer, to be not credible. That acknowledgement is consistent with counsel’s credible testimony that Applicant knew he was caught, and was hoping to get the best possible deal that did not involve testifying against his co-defendants. The fact that another option was on the table does not render Applicant’s plea involuntary where it was his decision not to take the steps necessary to taking that option. Accordingly, Applicant has failed to show his guilty plea was made unknowingly, unintelligently, or involuntarily. This allegation is therefore 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.

CONCLUSION

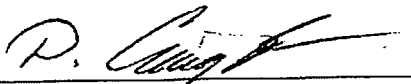
Based on the foregoing, this Court finds that the Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

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
2. Applicant must be remanded to the custody of Respondent

AND IT IS SO ORDERED this 15 day of Jan., 2016.


D. CRAIG BROWN
Presiding Judge
Eleventh Judicial Circuit

Florence, South Carolina

FILED
2016 JAN 22 A 10 59
BETTY A. CARRANGG
CLERK OF COURT
LEXINGTON, SC

FORM 4

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

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2014CP3202969

Deondre Leaphart #349364

State Of South Carolian

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.
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 Rule 43(k), SCRPC (Settled); Other: _____
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 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

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Circuit Court Judge

Judge Code

1/26/2016

Date

For Clerk of Court Office Use Only

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on **January 26, 2016**, to attorneys of record or to parties (when appearing pro se) as follows:

Aimee Jendrzejewski Zmroczek A.J.Z. Law Firm, LLC PO
Box 11961 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

Patrick Lowell Schmeckpeper PO Box 11549 Columbia, SC
29211

ATTORNEY(S) FOR THE DEFENDANT(S)

Beth A. Carrigg/kpk

Beth A. Carrigg - Clerk of Court

Court Reporter

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.

A. J. Z. Law Firm, LLC
P.O. Box 11961
Columbia, SC 29211

The Supreme Court of South Carolina
ATTN: Daniel Shearouse, Clerk of Court
PO Box 11330
Columbia, SC 29211

