

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM FAIRFIELD COUNTY

Brian M. Gibbons, Circuit Court Judge

RECEIVED

MAR 11 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MARVIN KADARRO WORKMAN

APPELLANT

APPELLATE CASE NO. 2015-001903

RECORD ON APPEAL

ROBERT M. PACHAK
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

Attorney for Appellant

ALAN WILSON
Attorney General

J. BENJAMIN APLIN
Interim Senior Assistant Deputy Attorney
General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

Attorneys for Respondent

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1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF FAIRFIELD
4 2015-GS-20-00284 to 00286

5 State of South Carolina

6 vs.

7 Marvin Workman

8

9 Winnsboro, South Carolina

10 September 2, 2015

11 Before the Honorable Brian M. Gibbons

12

13 APPEARANCES

14 For the State: Riley Maxwell

15 For the Defendant: William Frick

16

17 Reported by: Michael C. Watkins

18 Official Court Reporter

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1	Plea Hearing:	3
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PLEA COLLOQUY

1 MR. MAXWELL: Your Honor, this is Marvin Workman, Mr.
2 Workman is represented by Mr. Frick. Mr. Workman has been
3 charged with failure to stop for a blue light,
4 2014-GS-20-224, he is pleading guilty as charged there.
5 He's been charged with possession of a firearm by a violent
6 felon, 2015-GS-20-225, pleading as charged. He was
7 initially charged with three counts of burglary, two being
8 burglary first, one being burglary in the second degree.
9 We've basically consolidated those charges into a direct
10 indictment of receiving stolen goods, it is a third
11 property offense, he is pleading to the enhanced property
12 offense, 2015-GS-20-226. All three of those charges he's
13 waiving presentment to the grand jury and entering the
14 plea, and per his plea the State is dismissing the three
15 burglary counts as well as the unlawful carrying of a
16 pistol that was related to this case. The State is
17 recommending a six year active sentence. Mr. Workman is
18 also on the community supervision program and I believe
19 probation is ready to handle that issue as well.

20 THE COURT: All right. Thank you. Mr. Frick, you
21 represent Mr. Workman?

22 MR. FRICK: Yes, sir.

23 THE COURT: Have you had a full opportunity to go over
24 all of these charges with your client?

25 MR. FRICK: Yes, sir.

PLEA COLLOQUY

1 THE COURT: And what is it he wishes to do?

2 MR. FRICK: Plead guilty.

3 THE COURT: Based upon your investigation into these
4 matters, do you agree with that decision?

5 MR. FRICK: I do.

6 THE COURT: All right. Mr. Workman, you are 29 years
7 of age?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you understand what you're doing in
10 court today?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you understand what these charges are
13 against you?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Well, let's go over the possible
16 punishments. The enhanced property crime of receiving
17 stolen goods carries up to ten years in prison, do you
18 understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right. I need you to step up and I
21 need you to quit moving around and look at me. Okay. The
22 possession of a firearm by a person convicted of a violent
23 felony carries up to five years, do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: All right. The failure to stop for a blue

PLEA COLLOQUY

1 light charge carries up to three years in jail, do you
2 understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And, of course, you understand that the
5 State is recommending that you receive a six year active
6 sentence, do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay. So understanding all of those
9 things, how do you wish to plead?

10 THE DEFENDANT: No contest.

11 THE COURT: Okay. Now, Mr. Workman, has anybody
12 forced, pressured, coerced or made you come to court today
13 against your will to plead no contest?

14 THE DEFENDANT: No, sir.

15 THE COURT: Has anybody promised you anything or held
16 out any hope or reward to get you to plead no contest?

17 THE DEFENDANT: No, sir.

18 THE COURT: Do you understand that on a recommendation
19 the Court is not bound to do what the State is
20 recommending, that means I can give you the ten years or I
21 can give you -- well, what is in front of me now is up to
22 18 years, do you understand that?

23 THE DEFENDANT: I didn't understand that at the
24 beginning now.

25 THE COURT: All right. Well, I'm explaining it to

PLEA COLLOQUY

1 you. The recommendation is simply just that, they are
2 recommending that I give you six and we'll leave it at
3 that, that's what they're recommending. But just because
4 they're recommending that doesn't mean I have to do that.
5 If I thought it was best for Fairfield County and the State
6 of South Carolina I could give you ten, plus five, plus
7 three, for a total of 18. Of course, if I was going to do
8 that -- if I was going to max you out like that I would let
9 you withdraw your plea and go talk to your lawyer some
10 more, do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: So understanding all of those things you
13 still wish to go forward with this guilty plea?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right. Now, you have a right to a
16 trial and at a trial the State has to prove you guilty
17 beyond a reasonable doubt of all of these crimes, do you
18 understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: You don't have to prove anything because
21 you're presumed innocent until proven guilty, do you
22 understand?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Have you been over your trial rights with
25 your lawyer?

PLEA COLLOQUY

1 THE DEFENDANT: Yes, sir.

2 THE COURT: All right. So you know you lose the right
3 to remain silent and you lose the right to confront
4 witnesses and you lose the right to that jury trial when
5 you plead guilty, do you understand?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. Are you satisfied with your
8 lawyer?.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Has he answered all of your questions?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you have anymore questions of him at
13 this time?

14 THE DEFENDANT: No, sir.

15 THE COURT: All right. Are you under the influence of
16 anything today that would make you not understand what is
17 going on?

18 THE DEFENDANT: No, sir.

19 THE COURT: Do you also understand that we have a
20 community supervision issue that we have to deal with as
21 well?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: I if I find that you have willfully failed
24 to comply with the terms and conditions of your community
25 supervision the Court can revoke up to one year of whatever

PLEA COLLOQUY

1 that underlying sentence is, do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Okay. Listen carefully to what the State
4 says happened and then we will go from there.

5 MR. MAXWELL: As I stated earlier, Your Honor, we are
6 dismissing the burglary charges but I'm going to talk about
7 them briefly because this is how the story begins. On May
8 8th of 2015 there was a burglary at Dr. Janet Mason's home
9 on Road about late -- about 5:45 p.m in
10 the afternoon, she was away from home at the time. Entry
11 was made through a screened window, the screen being
12 removed from the window, some TV's, two shotguns and some
13 watches were taken from the home. On May 10th of 2015
14 there was another burglary on in Ridgeway, it's
15 the home of Richard and Diane Willis, they were, I think,
16 gone out on a Sunday afternoon. They arrived home late in
17 the afternoon and found that their side door had been
18 kicked in, two TV's, a 12-inch computer, shotgun and some
19 jewelry were taken from the home. On May 12th of 2015 a
20 deputy was on patrol on Highway 34 about 1:30 in the
21 morning, saw a GMC Yukon with a defective plate light.
22 Deputy began to follow that car, deputy observed it
23 swerving and crossing the center line, activated his blue
24 lights and siren and attempted to do a traffic stop. The
25 car accelerated, they reached speeds up to 100 miles an

PLEA COLLOQUY

1 hour, entered the city limits of Ridgeway at about 85 miles
2 per hour. The car turned on Highway 21 South, then it
3 began to smoke, looks like some fuel may have been leaking
4 or some oil may have been leaking from it according to the
5 deputy, a tire went out at some point. The car turned on
6 Macedonia Church Road, it slowed down and the driver fled
7 on foot while the truck was still moving. The deputy gave
8 chase and apprehended Mr. Workman, who was the driver after
9 a short foot pursuit, about a 500-yard foot pursuit. There
10 ended up being -- the deputy wasn't initially aware of it,
11 but there was another individual in the car who was found
12 within a half hour or so that was walking down the road.
13 Inside the car they found a shotgun that was the shotgun
14 that was either taken from Dr. Mason's house or the Willis
15 home. There was a handgun also found in the car that was
16 taken from one of the homes. They also found some of the
17 watches on Mr. Workman's personal possessions when he was
18 taken up to the jail that were taken from Dr. Mason's home.
19 There was some other items found in the car as well that
20 were taken from either of the two burglaries and I think
21 maybe some other larcenies around Fairfield County. The
22 other person found was Desmond Badue (phonetically), he or
23 his mother or his parents were the registered owners of the
24 Yukon. Mr. Workman, again, was the driver. That's
25 essentially all of the facts of the case. Your Honor.

PLEA COLLOQUY

1 I'll give you his record at the appropriate time.

2 THE COURT: Mr. Workman, before I ask if you still
3 wish to plead no contest, one thing -- I was looking at
4 these sentencing sheets as well as these indictments, these
5 cases that you're standing in front of me for this morning
6 have not been presented to the Fairfield County Grand Jury.
7 Now, you have a right to have these cases presented to the
8 Fairfield County Grand Jury, and 12 out of the 18 grand
9 jurors have to vote to what's called true bill it, that
10 means they have to do that before you even have to appear
11 in front of a judge to possibly face these charges. Do you
12 understand your grand jury rights?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Have you been over those with your lawyer?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Now, you don't have to go through the
17 grand jury if you don't want to, you can go ahead and get
18 it over with today if you want to do that. What do you
19 wish to do?

20 THE DEFENDANT: Go ahead and get it over with.

21 THE COURT: Is anybody making you do that against your
22 will?

23 THE DEFENDANT: No, sir.

24 THE COURT: Okay. Thank you. Did you hear what the
25 State told me they would be able to prove if this case went

PLEA COLLOQUY

1 to trial? Did you hear what he said?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you still wish to plead no contest?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Okay. The Court accepts your plea. As to
6 sentencing, let me hear from the State considering his
7 prior record and the reason for the recommendation?

8 MR. MAXWELL: Yes, Your Honor. Your Honor, he was
9 convicted of burglary in the third degree in 2003 along
10 with grand larceny and blue light, received an active YOA
11 sentence at that point in time. 2005 he was convicted of
12 possession of a stolen vehicle and simple possession of
13 marijuana, so the grand larceny and the possession of a
14 stolen vehicle would enhance any subsequent property
15 crimes. 2006 he was convicted of burglary in the second
16 degree, he received a four year active sentence. In 2009
17 he was convicted of assault and battery with intent to kill
18 and attempted armed robbery, received an eight year active
19 sentence, and I believe that's what he's on community
20 supervision for now. We did make contact with the victims.
21 Dr. Mason did not wish to be present, I didn't speak about
22 it because it was an attempted burglary but we are
23 dismissing it and the victims in that did not wish to be
24 present. As far as Richard and Diane Willis, I think
25 they're both teachers. They were informed of today's

PLEA COLLOQUY

1 hearing, they've come to prior hearings, they are
2 interested in the case. I believe their daughter, there
3 was a chance she was going to come, she's not present, but
4 we've been in contact with all of the victims. Your Honor,
5 we are recommending a six year active sentence concurrent
6 on all charges.

7 THE COURT: Okay.

8 MR. MAXWELL: We do understand the difficulty we have
9 maybe possibly prosecuting the burglaries and that's why
10 we've changed it to a stolen goods enhanced property
11 offense case because that fits and it's a little bit
12 stronger case there.

13 THE COURT: Thank you. Before I hear from you in
14 mitigation then, Mr. Frick, let me hear from probation and
15 parole.

16 AGENT HICKS: Yes, Your Honor. He is on CSP with a
17 beginning date of February 27th of 2015. Outside of the
18 reason why we're here today in reference to the charges he.

19 AGENT HICKS: Has no subsequent significant
20 violations. He had two positive drug screens and he is in
21 arrears on his supervision fee and drug test fee.

22 THE COURT: Anything else?

23 AGENT HICKS: No, Your Honor.

24 THE COURT: Thank you. Mr. Frick.

25 MR. FRICK: Your Honor, I've known Mr. Workman for a

PLEA COLLOQUY

1 little while now. In fact, the first time I met Mr.
2 Workman I was the one standing over there and we were
3 talking about that, that was closing in on ten years ago.
4 We are both a good deal older now, Mr. Workman is now 29
5 years of age. He has had a rough go of it, Your Honor, I
6 would say. He denies any involvement in the burglaries in
7 this case. I do believe it was his -- of course, it was
8 the co-defendant's car that was involved, unfortunately he
9 was the one driving the co-defendant's car when it was
10 pulled over that evening and it did have items that came
11 from these houses, that is why we are entering the no
12 contest. We believe that the State probably has a very
13 good chance of convicting him of a possession of stolen
14 goods, but not necessarily the burglaries, and, of course,
15 the State has agreed to that as well and that's why we are
16 here today. Your Honor, Mr. Workman was trying to do
17 better. He'd been down the road, he'd gotten home, was
18 doing good and then about the first part of this year his
19 brother was killed, and as of this time no one has been
20 arrested for that, it's an ongoing investigation who that
21 person could be. There's been a whole lot of rumor and
22 speculation and stuff throughout the community and that has
23 caused a great deal of stress on Mr. Marvin Workman because
24 his brother was about the only family he had left. Doesn't
25 excuse what he did, Your Honor, but it is a reason for why

PLEA COLLOQUY

1 he didn't have his mind in the right spot. I think he's in
2 a better place now but he's still dealing with that. He
3 knows he's got to face the punishment, he recognizes he's
4 got to be careful who he's hanging around with and that's
5 on him and that's why he is standing here today and he is
6 accepting responsibility for not being in the right place
7 at the right time. I would ask you to go along with the
8 recommendation, just -- the straight sentence, I think, is
9 appropriate and he is prepared to do that. He has been in
10 our detention center since his arrest on May 12th of this
11 year, I've got that calculated as 136 days. I would just
12 ask you to sentence him under the recommendation and give
13 him the credit allowed.

14 THE COURT: All right. Thank you. Mr. Workman,
15 anything you would like to tell me before I impose
16 sentence?

17 THE DEFENDANT: No, sir.

18 THE COURT: All right. Well, let me do a little bit
19 of talking. The problem I have, Mr. Workman, is that, you
20 know, you've been involved with criminal behavior for a
21 long time, your record goes back for awhile. You received
22 an active YOA, you got out, you broke the law again with
23 burglaries or possession of a stolen vehicle, whatever it
24 was, and you ended up serving four years in SCDC. You get
25 out and you think you would have learned your lesson then,

SENTENCING

1 but no, you commit more crimes and then you go to jail for
2 eight years of which you're being released now. You're on
3 community supervision and you get out in February, I mean,
4 three months after you get out in February you do all of
5 this. I mean, you know, are you going to be the type of
6 person that a judge is going to have to just lock up for
7 life to stop from reoffending? See, that's kind of where
8 you're heading if you done get your life together, do you
9 understand what I'm saying?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And I hope you do learn while you are
12 incarcerated and you won't continue to reoffend whenever
13 you do get out. All right. I'm not going to follow the
14 recommendation but I'm not going to max him out either.
15 Sentence of the Court on indictment 15-GS-20-226 is ten
16 years. The sentence of the Court on indictment 225 is
17 five. Sentence on 224 is three and we're going to run them
18 all concurrent. Credit for the time he's served. I do
19 find he has willfully failed to comply with the terms and
20 conditions of his community supervision, therefore I revoke
21 one year, run that concurrent with the ten year sentence.
22 Good luck to you.

23 MR. FRICK: Judge, I've got to ask because he's going
24 to file a PCR if I don't ask this, you had initially said
25 if you weren't going to follow the recommendation you would

SENTENCING

1 consider --

2 THE COURT: That was if I was going to max him out and
3 give me consecutive sentences on May 8. I make a specific
4 finding for the purpose of the PCR record that Mr. Frick
5 has done an outstanding job representing his client,
6 specifically considering that he was facing what kind of
7 burglary charges?

8 MR. MAXWELL: Burglary in the first degree on two of
9 them.

10 THE DEFENDANT: I would rather just go ahead and go to
11 trial, I don't want to accept no other pleas.

12 THE COURT: Well, see you later. It's done. You're
13 going to jail for ten years.

14 (End of the hearing.)

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1 I, the undersigned, Michael C. Watkins, Official Court
2 Reporter for the Sixth Judicial Circuit of the State of South
3 Carolina, do hereby certify that the foregoing is a true,
4 accurate and complete transcript of the proceedings had and
5 evidence introduced in the trial of the captioned case
6 relative to appeal in the Court of General Sessions for
7 Fairfield County, South Carolina, on the 2nd day of
8 September, 2015.

9 I do further certify that am neither of kin, counsel,
10 nor interest to any party hereto.

11

12

January 13, 2016

13

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15


Michael C. Watkins

16

Court Reporter

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STATE OF SOUTH CAROLINA)

INDICTMENT

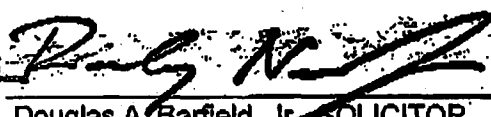
COUNTY OF FAIRFIELD)

At a Court of General Sessions, convened on September 15, 2015, the Grand Jurors of Fairfield County present upon their oath:

Receiving Stolen Goods \$2,000 or Less Third Offense Property Crime

That Marvin Workman did in Fairfield County on or about May 12, 2015, buy, receive, or possess certain personal goods, miscellaneous items, of Dr. Janet Mason and Richard Willis valued at less than \$2,000, knowing or having reason to believe that the property was stolen the defendant having been twice or more previously convicted of a property crime the term of imprisonment for which was contingent upon the value of the property involved in violation of §16-13-0180(A), (B)(1) and § 16-01-0057 *Code of Laws of South Carolina, (1976), as amended.*

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Douglas A. Barfield, Jr. SOLICITOR

WITNESSES

DOCKET NO. 2015-GS-20-226

The State of South Carolina

County of Fairfield

19

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2015

ARREST WARRANT NUMBER/DOA

DIRECT INDICTMENT

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

THE STATE
vs.

Marvin Workman

Indictment for
Receiving Stolen Goods \$2,000 or Less
Third Offense Property Crime

SC Code: § 16-13-180(A), (B)(1), 16-01-57
CDR Code: 3598
Class: Felony, E

Handwritten signature/initials

STATE OF SOUTH CAROLINA)

INDICTMENT

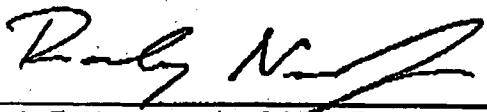
COUNTY OF FAIRFIELD)

At a Court of General Sessions, convened on September 15, 2015, the Grand Jurors of Fairfield County present upon their oath:

**POSSESSION OF FIREARM OR AMMUNITION BY PERSON CONVICTED OF
FELONY VIOLENT CRIME**

That Marvin K. Workman did in Fairfield County on or about May 12, 2015, possess a firearm or ammunition, to wit: a .38 special revolver and a 12 gauge shotgun, within this state, the Defendant having been previously convicted of a violent crime defined in Section 16-1-60 of the Code of Laws of South Carolina that is classified as a felony offense in violation of Section 16-23-500 of the *Code of Laws of South Carolina*.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Randy E. Newman, Jr., SOLICITOR

WITNESSES

Rolfe-FCSO

DOCKET NO. 2015-GS-20-225

The State of South Carolina

County of Fairfield

21

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2015

ARREST WARRANT NUMBER/DOA

2015A2010100287 (DOA-05-13-15)

THE STATE

vs.

ACTION OF GRAND JURY

Marvin K. Workman

Foreperson of Grand Jury
Date:

VERDICT

**POSSESSION FIREARM OR AMMUNITION BY
PERSON CONVICTED OF FELONY VIOLENT
CRIME**

Foreperson of Petit Jury
Date:

SC Code: §16-23-500
CDR Code: 3434
Class: Felony F

STATE OF SOUTH CAROLINA)
)
COUNTY OF FAIRFIELD)

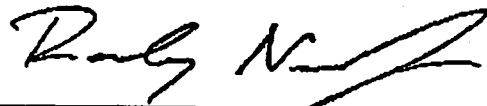
INDICTMENT

At a Court of General Sessions, convened on September 15, 2015, the Grand Jurors of
Fairfield County present upon their oath:

FAILURE TO STOP FOR BLUE LIGHT AND SIREN

That Marvin K. Workman did in Fairfield County on or about May 12, 2015, being
a motor vehicle driver and while driving on a road, street, or highway of this state,
knowingly and wilfully fail to stop when signaled to do so by Deputy Rolfe of the Fairfield
County Sheriff's Office in a law enforcement vehicle by means of a siren or flashing light
in violation of § 56-5-750(A), (B)(1), *Code of Laws of South Carolina, (1976), as
amended.*

Against the peace and dignity of the State, and contrary to the statute in such case
made and provided.



Randy E. Newman, Jr., SOLICITOR

WITNESSES

Rolfe-FCSO

DOCKET NO. 2015-GS-20- 22A

The State of South Carolina

County of Fairfield

23

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2015

ARREST WARRANT NUMBER/DOA

2054A2010100265 (DOA-05-13-15)

**THE STATE
vs.**

Marvin K. Workman

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

Indictment for

Failure to Stop for Blue Light and Siren

SC Code: § 56-5-750(A), (B)(1)
CDR Code: 0065
Class: Misdemeanor, A

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

March 11, 2016

Robert M. Pachak

Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
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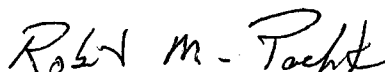
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