

LAW OFFICE OF  
**Kristy Grafton Goldberg, LLC**  
ATTORNEY AT LAW

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June 13, 2016

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

**RECEIVED**

JUN 16 2016

**S.C. SUPREME COURT**

RE: Boyd Evans, SCDC # <sup>338854</sup>~~294211~~, vs. State of South Carolina  
Appeal of Case No. 2013-CP-32-0614

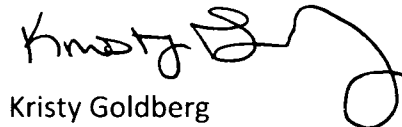
Dear Mr. Shearouse,

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. Evans, 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

Boyd Rashaem Evans, SCDC # 338854  
Broad River Correctional Institution  
4460 Broad River Road  
Columbia, South Carolina 29210

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

J. Mark Hayes, II, Circuit Court Judge

Case No. 2013-CP-32-0614

**RECEIVED**

JUN 16 2016

**S.C. SUPREME COURT**

Boyd Rashaen Evans, SCDC # 294211, ..... Appellant

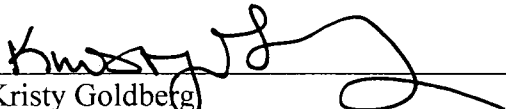
v.

State of South Carolina, ..... Respondent.

NOTICE OF APPEAL

Applicant Boyd Evans hereby appeals from the Order of the Honorable J. Mark Hayes, II presiding Judge for the 11<sup>th</sup> Judicial Circuit, filed May 25, 2016 and received by counsel for the Applicant on June 9, 2016 in the matter of Boyd Evans v. State of South Carolina, Case No. 2013-CP-32-0614.

June 13, 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

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

J. Mark Hayes, Circuit Court Judge

Case No. 2013-CP-32-0614

**RECEIVED**

JUN 16 2016

**S.C. SUPREME COURT**

Boyd Rashaeen Evans, SCDC # <sup>338854</sup>294211, ..... 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 June 13, 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  
Columbia, SC 29201  
Phone (803) 667-6633  
[kristy@kristygoldberglaw.com](mailto: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

**ORIGINAL**

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

Boyd Rashaeen Evans,  
S.C.D.C. No. ~~294211~~

Applicant,

v.

State of South Carolina,

Respondent.

338854

) IN THE COURT OF COMMON PLEAS  
)  
) ELEVENTH JUDICIAL CIRCUIT  
)  
) C.A. No. 2013-CP-32-0614

ORDER OF DISMISSAL  
(with prejudice)

BETH A. DARRIGG  
CLERK OF COURT  
LEXINGTON, SC

2016 MAY 25 PM 2:42

JP  
FILED

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on February 20, 2013. Respondent filed its Return on May 4, 2015. An evidentiary hearing into the matter was convened on January 15, 2016, at the Lexington County Courthouse. Applicant was present at the hearing and was represented by Kristy Goldberg, Esquire. Respondent was represented by Patrick Schmeckpeper, Esquire, of the South Carolina Attorney General's Office.

**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. He was indicted at the November 2007 term of the Court of General Sessions for Lexington County for kidnapping (2007-GS-32-3358); armed robbery (2007-GS-32-3359); and possession of a firearm during a violent crime (2007-GS-32-3360). Applicant was represented by David Miller, Esquire. From January 11-14, he proceeded to trial before a jury and was convicted of all charges as indicted. The Honorable R. Knox McMahon sentenced him to a term of twenty-one (21) years

imprisonment for kidnapping, twenty-one (21) years for armed robbery, and five (4) years for the weapons provision. Judge McMahon ordered that the sentences be served concurrently.

A timely notice of appeal was filed on Applicant's behalf and perfected pursuant to Anders v. California<sup>1</sup> by Kathrine Hudgins, Esquire. The Court of Appeals dismissed Applicant's appeal in an unpublished opinion. State v. Boyd Evans, (2012-UP-299, filed May 16, 2012).

#### Allegations

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

1. Ineffective Assistance Counsel; specifically
  - a. Counsel failed to make an objection to a suggestive photo and body show up at trial on Applicant's behalf;
  - b. Counsel failed to inform the Court that after a warrant has been issued, Section 22-5-320 pcr requires that a preliminary hearing be granted and held upon a demand in writing of the defendant made at least ten days before convening of the next Court of General Sessions;
  - c. Counsel failed to get alibis and information when Applicant gave him the right names and addresses;
  - d. Counsel failed to make motions and matters before the defendant closing arguments, Applicant's Counsel just went along with everything that co-defendant's counsel was saying instead of defendant Applicant;

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<sup>1</sup> 386 U.S. 738, 87 S.Ct. 1396 (1967).



- e. Counsel did not inform the jury on the evidence as best as he could because he kept on saying his co-defendant's counsel covered most of the argument so he did not go back into it;
- f. Counsel failed to get Applicant's common plea in writing or a plea at all;
- g. Counsel failed to inform the Court that after a warrant has been issued, Section 22-5-320 requires that a preliminary hearing be granted and held upon a demand in writing of the defendant made before convening of the next Court of General Sessions.

An amended Application was filed by counsel on November 1, 2013 to include the following allegations:

- a. Ineffective assistance of counsel in that counsel failed to adequately present evidence and testimony during trial to support the Applicant's alibi defense.
- b. Ineffective assistance of counsel in that trial counsel failed to adequately argue and present the Applicant's alibi defense during trial.
- c. Ineffective assistance of counsel for unreasonably advising client that he should not testify.

#### **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 pleas, 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." Id. at 117-18, 386 S.E.2d at 625.



### **Alibi Defense**

This Court finds Applicant has failed to meet his burden to show his right to the effective assistance of counsel was violated.

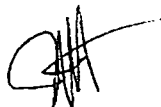
### Deficient Performance

#### *Cherise Evans*

At trial, counsel presented Cherise Evans as an alibi witness for Applicant. Ms. Evans testified that on the day of the robbery, Applicant picked her up and dropped her off from work. Tr. p. 537, l. 13-16. Ms. Evans did not testify as to what time she was dropped off and picked up by Mr. Evans. Counsel acknowledged at the evidentiary hearing that he did not ask Ms. Evans when she got off work the night in question. Applicant offered evidence that Ms. Evans would have said Applicant was picking her up from work at roughly the same time the armed robbery occurred. This court is convinced that trial counsel had information (the time the alibi witness got off of work) in his file that would have strengthened the alibi defense. However, this information was not presented to the jury either by testimony or in closing argument. The court is persuaded that failure by trial counsel to ask the question and argue this point to the jury was an error by trial counsel.

#### *Yosea Montgomery*

Applicant also alleges counsel was ineffective in failing to call Yosea Montgomery as a witness. This allegation is similarly without merit. This Court finds that the evidence presented at the evidentiary hearing indicates that Ms. Montgomery was not known to trial counsel until the day of the PCR hearing. Counsel offered credible testimony that he went through every alibi witness Applicant gave to him, but that Ms. Evans was the only one who could actually provide



an alibi. Applicant did not list Ms. Montgomery as one of the alibi witnesses he told counsel about.

Applicant has not alleged counsel was ineffective in failing to investigate. In any event, trial counsel appears to have performed a proper investigation into the case. Counsel is only required to conduct *reasonable* investigations. Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 597 (2007). One component of that duty is to investigate alibi witnesses **identified by a defendant**. Walker v. State, 407 S.C. 400, 405, 756 S.E.2d 144, 147 (2014) (emphasis added); see also Thornes v. State, 310 S.C. 306, 309-10, 426 S.E.2d 764, 765 (1993) (“This court has never required an attorney to anticipate or discover changes in the law, or facts which did not exist, at the time of the trial) *overruled on other grounds by* Brightman v. State, 336 S.C. 348, 520 S.E.2d 614 (1999). As stated above, there is nothing in the record to suggest Applicant identified Ms. Montgomery to counsel as a potential alibi witness. Nor is there anything in the record to indicate counsel did not otherwise conduct a reasonable investigation. If Ms. Montgomery had been called at trial, her testimony would have benefited the alibi defense. But, this court is not persuaded that trial counsel erred in not calling her. Applicant has therefore failed to meet his burden to prove counsel deficient for failing to call Ms. Montgomery as an alibi witness.

#### Prejudice

Even with the above error, this court is not convinced the alibi defense would likely have led to a different outcome. In order to prove prejudice in the context of ineffective assistance of counsel, Applicant has the burden to prove that but for counsel’s deficient performance, there is a reasonable probability that the outcome of the proceeding would have been different. Cherry at 117-18, 386 S.E.2d 624, 625. As the trial judge pointed out in denying Applicant’s motion for a



new trial, there was “. . . more than sufficient evidence for the jury to reach the verdict that they did reach,” including “the significant difference in the identification as far as the scarring to [Applicant’s] body on his upper left shoulder and his elbow area that you can see in the still photographs, that you can see in the video and that you can see on his body . . . .” Tr. p. 618, l. 1-6.

Further, after a review of the trial transcript, the primary identification witness was Glynessa Evans. The Court is mindful that Applicant’s co-defendant, whom Ms. Evans identified as being on the video tape of the robbery, was found not guilty. However, her relationship and prior contact with the co-defendant was very different than with Applicant. Applicant was her step-brother. Applicant also had an identifiable scar, which was visible in the video of the armed robbery. Tr. p. 326, l. 25- p. 327, l. 1. Applicant’s co-defendant did not have the same sort of identifiable marks. Further, Ms. Evans’ credibility and the reliability of her identification was attacked by aggressive cross-examination at trial. They were also attacked in closing argument. As a result, this court is not convinced that even with the extra alibi information, the defense would have overcome the identification testimony presented by Ms. Evans and Mr. Rainey. Applicant’s claim was not that he came to Lexington and returned to Charlotte, but, rather, that he was in Charlotte the entire day. Accordingly, Applicant has failed to show a reasonable possibility that but for counsel’s error the outcome of his proceeding would have been different. This allegation is therefore denied and dismissed.

**Right to Testify**

This Court also finds Applicant has not met his burden as to the claim of ineffective assistance of counsel for improperly advising him not to testify. When an attorney’s advice not to testify falls below an objective standard of reasonableness, such advice may constitute

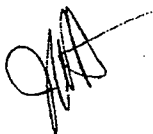


deficient performance. Horton v. State, 306 S.C. 252, 411 S.E.2d 223 (1991). The Supreme Court of South Carolina has found such advice deficient when based upon an error of law. Id. at 255, 411 S.E.2d at 224-25. Even assuming counsel was deficient, a PCR applicant must still show prejudice to obtain relief. Id.

This court first finds Applicant has failed to meet his burden to show counsel's performance was deficient. Specifically, the record reflects that the decision whether or not to testify was entirely Applicant's, and that counsel did not give Applicant any erroneous advice.

The trial judge informed Applicant that the decision about whether or not to testify was *his* decision, and his alone. Tr. p. 476, l. 9-11. The judge further emphasized that while he expected that Applicant had conferred with his attorney and others, the decision about whether or not to testify was Applicant's alone. Tr. p. 476, l. 11-14. Applicant acknowledged that he understood. Id. The trial judge then asked Applicant whether he had any questions about his right to testify, explaining *again* that "you can testify if you want to or you can choose not to testify, that's entirely up to you." Tr. p. 477, l. 24 – p. 478, l. 2. Applicant responded that he had no questions about his right to testify. Tr. p. 478, l. 3. The trial judge also informed Applicant that he had an absolute right to remain silent. Tr. p. 474, l. 6-7. The solicitor stated on the record that they did not intend to introduce any prior convictions as impeachment. Tr. p. 475, l. 13-22.

At the evidentiary hearing, Applicant said that he did not testify because counsel told him not to. Counsel testified that Applicant did not know what he wanted to do. Counsel said Applicant would never come out and give a straight answer on whether or not he wanted to testify. Counsel stated that the decision on whether or not to testify was Applicant's to make,



and that he did not know what the decision was until after the break, when Applicant came back and said "I'm not testifying."

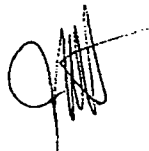
This Court first finds that Applicant testimony at the evidentiary hearing on this subject is not credible. It is directly refuted by his statements to the trial judge that he understood the right to testify was his decision to make, and his decision alone. On the other hand, counsel's testimony that the decision was Applicant's is credible and consistent with Applicant's responses to the trial judge. Accordingly, Applicant has failed to meet his burden and overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in the case." See Lomax v. State, 379 S.C. 93, 100, 655 S.E.2d 164, 167 (2008). Moreover, in light of the finding above that the eyewitness testimony against Applicant, this Court further finds Applicant has failed to show that but for counsel's purported deficiency, the outcome of the proceeding would have been different. 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.



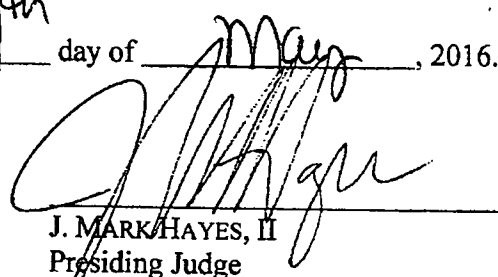
This Court notes that Applicant must file and serve a notice of intent to appeal within thirty (30) days from receipt of this Order to secure the appropriate appellate review. See Rule 203, SCACR. Rule 71.1(g), SCRPC; Bray v. State, 336 S.C. 137, 620 S.E.2d 743 (2005), for the obligation of Applicant's 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.

FILED  
2016 MAY 25 PM 2:03  
BETH A. CARRIGAN  
CLERK OF COURT  
LEXINGTON, SC

**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 the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 17<sup>th</sup> day of May, 2016.

  
\_\_\_\_\_  
J. MARK HAYES, II  
Presiding Judge  
Eleventh Judicial Circuit

Lexington, South Carolina

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

**ORIGINAL**

IN THE COURT OF COMMON PLEAS  
ELEVENTH JUDICIAL CIRCUIT

CASE NO: 2013-CP-32-0196

BOYD RASHAEEN EVANS, # 338854

Plaintiff,

vs.

STATE OF SOUTH CAROLINA

Defendant.

**MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET**

**FILED**  
2016 MAY 25 PM 2:50  
BETH A. CARRIG  
CLERK OF COURT  
LEXINGTON, SC

Plaintiff's Attorney:  
Kristy Grafton Goldberg, Bar No.  
Address:  
1720 Main Street, Suite 303  
Columbia, SC 29201  
Phone: \_\_\_\_\_ Fax \_\_\_\_\_  
E-mail: \_\_\_\_\_ Other: \_\_\_\_\_

Defendant's Attorney:  
Patrick Schmeckpeper, Bar No.  
Address:  
PO Box 11549  
Columbia, SC 29211  
Phone: 803.734.3737 Fax 803.734.3737  
E-mail: \_\_\_\_\_ Other: \_\_\_\_\_

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
- FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

**SECTION I: Hearing Information**

Nature of Motion: \_\_\_\_\_

Estimated Time Needed: \_\_\_\_\_

Court Reporter Needed:  YES /  NO

**SECTION II: Motion/Order Type**

- Written motion attached
- Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

*PLAN*

Signature of Attorney for  Plaintiff /  Defendant

May 4, 2016  
Date submitted

**SECTION III: Motion Fee**

PAID - AMOUNT: \$ \_\_\_\_\_

EXEMPT:

(check reason)

- Rule to Show Cause in Child or Spousal Support
  - Domestic Abuse or Abuse and Neglect
  - Indigent Status  State Agency v. Indigent Party
  - Sexually Violent Predator Act  Post-Conviction Relief
  - Motion for Stay in Bankruptcy
  - Motion for Publication  Motion for Execution (Rule 69, SCRCP)
  - 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: \_\_\_\_\_
- Other: \_\_\_\_\_

**JUDGE'S SECTION**

- Motion Fee to be paid upon filing of the attached order.
- Other: \_\_\_\_\_

JUDGE CODE \_\_\_\_\_

Date: \_\_\_\_\_

**CLERK'S VERIFICATION**

Collected by: \_\_\_\_\_ Date Filed: \_\_\_\_\_

MOTION FEE COLLECTED: \$ \_\_\_\_\_

CONTESTED - AMOUNT DUE: \$ \_\_\_\_\_

FORM 4

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

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2013CP3200614

Boyd Rashaeen Evans  
 #338854

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

6/6/2016

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 **June 6, 2016**, to attorneys of record or to parties (when appearing pro se) as follows:

**Kristy Grafton Goldberg** 1720 Main Street, Suite 303  
Columbia, SC 29201

**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.

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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

