

# THE BOOZER LAW FIRM, LLC

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January 18, 2017

The Honorable Daniel E. Shearouse  
Clerk, Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211

The Honorable James C. Campbell  
Clerk, Sumter County  
215 N. Harvin Street  
Sumter, SC 29150

**RECEIVED**

JAN 20 2017

S.C. SUPREME COURT

**RE: Timothy Dingle, #298989, v. State of South Carolina  
2015-CP-43-1519**

Dear Mr. Shearouse and Mr. Campbell:

Enclosed for filing is a Notice of Appeal in the above-referenced case. Also enclosed are the following:

- (1) Proof of Service of the Notice of Appeal;
- (2) A copy of the Order which is to be challenged on appeal; and
- (3) Prior Order of Appointment of Counsel.

As I was appointed to represent Mr. Dingle in his PCR proceeding, I anticipate that the Office of Appellate Defense will represent Mr. Dingle in this appeal.

Yours very truly,



Lance S. Boozer

Enclosures

cc: Julie Coleman, AAG  
Loriene French, OAD  
Timothy Dingle, #298989

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

**RECEIVED**

JAN 20 2017

APPEAL FROM SUMTER COUNTY  
Court of Common Pleas

S.C. SUPREME COURT

The Honorable Brooks P. Goldsmith, Circuit Court Judge

Case No. 2015-CP-43-1519

Timothy Dingle, #298989, .....Petitioner,

v.

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

**NOTICE OF APPEAL**

The Petitioner appeals the Honorable Brooks P. Goldsmith's Order dated December 19, 2016, denying post-conviction relief to the Petitioner. The Order was received by undersigned counsel on January 6, 2017. A copy of the Order on appeal is attached to this notice.

Respectfully submitted,



Lance S. Boozer  
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1400 Laurel Street, Suite 4A  
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Tele: 803-608-5543

January 18, 2016

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

**RECEIVED**

JAN 20 2017

APPEAL FROM SUMTER COUNTY  
Court of Common Pleas

S.C. SUPREME COURT

The Honorable Brooks P. Goldsmith, Circuit Court Judge

Case No. 2015-CP-43-1519

Timothy Dingle, #298989, .....Petitioner,

v.

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

**PROOF OF SERVICE**

I, Lance S. Boozer, appointed attorney for Petitioner, certify that I have today served within Notice of Appeal upon the Respondent by depositing a copy of it in the United States Mail, postage prepaid, addressed to Assistant Attorney General Julie Coleman, P.O. Box 11549, Columbia, SC 29211. I further certify that all parties required by Rule to be served have been served this 18th day of January, 2017.



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STATE OF SOUTH CAROLINA )  
COUNTY OF SUMTER )  
) Timothy D. Dingle, # 298989, )  
) )  
) Applicant, )  
) )  
) v. )  
) )  
) State of South Carolina, )  
) )  
) Respondent. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
FOR THE THIRD JUDICIAL CIRCUIT

2015-CP-43-1519

**ORDER OF DISMISSAL**

FILED  
CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA  
OCT 13 2015

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on June 24, 2015. Respondent made its return on October 1, 2015. An evidentiary hearing into the matter was convened on March 15, 2016, at the Sumter County Courthouse. Applicant was present at the hearing and was represented by Lance Boozer, Esquire. Respondent was represented by Assistant Attorney General Daniel Gourley of the South Carolina Attorney General's Office.

**PROCEDURAL HISTORY**

The records before this Court indicate that Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. The Applicant was true bill indicted at the May 2012 term of the Sumter County Grand Jury for two counts of arson-first degree and two counts of murder (2012-GS-43-0773). Timothy Murphy, Esquire represented Applicant. Applicant proceeded to a jury trial before the Honorable George C. James, Jr. Applicant was convicted as indicted on April 14, 2013. Judge James sentenced Applicant to thirty year term of imprisonment for each count of arson-first degree running consecutive to a sentence of life without parole for each murder count.

A timely Notice of Appeal was filed on Applicant's behalf and an Anders brief was submitted. Robert M. Dudek, Esquire, represented Applicant on appeal. In an unpublished opinion filed June 3, 2015, the South Carolina Court of Appeals dismissed the appeal. State v. Dingle, 2015-UP-272 (Ct. App. June 2015). The Remittitur was issued on June 23, 2015.

### ALLEGATIONS

In his current Application, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel
  - a. Trial counsel representation fell below standards.
  - b. Failure to adequately investigate case.
2. Perjury.
  - a. Prosecution knowingly used perjured evidence.

Applicant filed an amended application on March 3, 2016 alleging he was being held unlawfully based on the following allegations:

1. Ineffective assistance of counsel.
  - a. Counsel failed to object to improper jury instruction.
  - b. Counsel failed to object to witness indicating he met defendant "at Kershaw."
  - c. Applicant failed to testify under the erroneous advice of counsel.
  - d. Counsel failed to adequately cross-examine witnesses.
2. Ineffective assistance of appellate counsel
  - a. Appellate Counsel failed to raise the issue of whether the trial court erred in allowing hearsay testimony of witness, Shaunte Williams.

### SUMMARY OF TESTIMONY PRESENTED

At the evidentiary hearing, Applicant testified on his own behalf. The State presented testimony from Timothy Murphy, Esquire. (hereinafter "Trial Counsel"). This Court also had before it a copy of the trial transcript, the Sumter County Clerk of Court records, Applicant's

South Carolina Department of Correction records, appellate records, the PCR application, and return.

During the evidentiary hearing, Applicant testified that he received a sentence of thirty years for arson, first degree and life for each count of murder. Applicant stated that Trial Counsel was appointed on April 2012. Applicant stated that they did not meet many times. He stated that he received discovery about seventeen months prior to trial. Applicant testified that he met with Trial Counsel's investigator several times. Applicant stated that he reviewed discovery with Trial Counsel and Trial Counsel informed him that the State's evidence made him look guilty. Applicant claimed Trial Counsel's investigator attempted to force him to admit his guilt.

Applicant stated that their overall trial strategy was to discredit Henry Dingle. Applicant explained that Henry Dingle stated that Applicant told him that he burned the victim's house down with the two minor children inside. Applicant claimed Trial Counsel should have called Harry Dingle to discredit Henry Dingle. Applicant claimed Harry Dingle knew that Henry Dingle was a "drunk and liar."

Applicant testified that Trial Counsel should have called a fire investigator to testify on his behalf. Applicant stated that Trial Counsel should have gotten phone records because a witness claimed that she saw him on a cell phone shortly before the fire. Applicant stated Trial Counsel was ineffective for failing to investigate whether or not he was actually beaten by various witnesses. Applicant stated that several state witnesses testified that Applicant was beaten up and dragged to the police after the fire had occurred. Applicant claimed that he had no scratches, bruises, or torn clothing.



Applicant stated Trial Counsel was ineffective for failing to secure footage from a convenience store where he and Henry Dingle were allegedly at after the fire occurred. Applicant claimed that the camera footage would have shown that they were not present at the store. Applicant stated that Trial Counsel told him that he could not testify because he wanted the last closing argument at trial. Applicant stated Trial Counsel called two defense witnesses and lost the last closing argument. Applicant stated that he would have testified had he known that Trial Counsel was not seeking last closing argument.

Applicant stated Trial Counsel was ineffective for failing to object to improper jury instruction. Applicant claimed Trial Counsel was ineffective for failing to object to a State witness testifying that he met Applicant at "Kershaw." Applicant claimed that this implied that Applicant was incarcerated. Applicant stated Appellate Counsel was ineffective for failing to brief whether the Trial Court erred in allowing hearsay testimony based on the excited utterance exception.

Following Applicant's testimony, Trial Counsel was called to testify. Trial Counsel stated that there were multiple witnesses and statements in this case. Trial Counsel stated victim and relatives were walking down the street to Shaunte Williams's house to eat some chicken. While walking to Ms. Williams's house, Applicant followed them down the street. Applicant was highly intoxicated, yelling and screaming at Victim. Trial Counsel stated Applicant repeatedly told Victim that he was going to burn her house down. Trial Counsel stated Mr. Getter, an unbiased third party, recited a similar version of events.

Trial Counsel testified that he asked Applicant for his version of events. Applicant testified that he recalled there being a heated argument. Applicant stated that he probably did make the statement that he was going to burn down Victim's house. Trial Counsel stated that

Applicant claimed that he walked down a path towards his brother's house after the altercation with Victim.

Trial Counsel testified that Applicant ran into an unknown third party. Trial Counsel stated Applicant did not recognize the third party, but the third party recognized Applicant. Trial Counsel stated that the unknown third party told him that there was a fire at Victim's house. Trial Counsel stated that, in their investigation, they searched the entire area to try to locate this third party, but were unsuccessful in their search. Trial Counsel opined that Applicant's story about a mysterious third party was not credible.

Trial Counsel further stated that Applicant admitted to having a conversation with Henry Dingle, but denied ever admitting his guilt. Trial Counsel stated that Applicant's testimony was not going to add much and would not be favorable.

Trial Counsel stated that Applicant went towards the Victim's house and observed the fire. Trial Counsel stated that Applicant left the scene on foot. While walking on foot, Applicant was jumped and beaten by various family members of the victims. Trial Counsel stated that the family members dragged Applicant towards the police.

Trial Counsel stated that he attempted to establish a timeline in the case. Trial Counsel stated Applicant was seen walking back from Ms. Williams's house in a non-direct path to Victim's house. Trial Counsel stated that victim and various witnesses recalled hearing sirens shortly after arriving at Ms. William's house. Trial Counsel stated that he consulted with a fire expert and did some independent research. Trial Counsel stated that he did not call the fire expert because he was able to elicit all testimony needed on cross-examination of the State's expert.



Trial Counsel stated that he could not specifically recall any witness stating that Applicant was on a cell phone. Trial Counsel stated Applicant never requested that he retrieve any cell phone records. Trial Counsel stated that he could not recall whether he looked into recovering the camera footage at the convenience store. Trial Counsel stated that the footage is usually only kept for a very short period of time.

Trial Counsel testified that it was their strategy to discredit Henry Dingle. Trial Counsel stated Henry Dingle claimed that Applicant confessed to him. Trial Counsel stated that Henry Dingle called Applicant's sister Emma Mack to attempt to have her calm Applicant down. Trial Counsel stated that they did not want Emma Mack involved with the trial because Applicant made another admission to her. Trial Counsel stated Emma Mack would not have been a helpful witness. Trial Counsel stated that they attempted to discredit Henry Dingle by calling two defense witnesses. Trial Counsel stated both defense witnesses claimed that Henry Dingle was a pathological liar.

Trial Counsel stated that it was a strong case for the State. Trial Counsel pointed out that there was a very slim chance that Applicant did not start the fire. Trial Counsel noted that Applicant was yelling to the victim that he was going to burn her house down. Shortly thereafter, Victim's house was burnt down. Trial Counsel stated that he attempted to press on Victim's credibility because she allowed her children to be around Applicant. Trial Counsel noted that it was delicate situation and he could not press on Victim's credibility in front of the jury too much because she had just lost both of her children.

Trial Counsel stated that he did not believe the State's witness stating that he met Applicant at Kershaw was detrimental to Applicant's case. Trial Counsel stated that the State did not intend to elicit the comment. Trial Counsel stated that he did not object because he did



not want to bring more attention to it. Trial Counsel testified that had the State's witness stated that they met at "Kershaw Correction Institution" he would have objected. However, Trial Counsel opined that merely stating they met at "Kershaw" was not a harmful statement.

Trial Counsel testified that he told the Applicant that this was a tough case, but never told him that he was guilty of the charges. Trial Counsel stated that his investigator would never require Applicant to admit his guilt. Trial Counsel stated that Applicant never stated that he wanted to testify. Trial Counsel stated that it is always the client's choice on whether they are going to testify or not. Trial Counsel stated that Applicant was well aware that the defense witnesses were going to testify. Trial Counsel stated that they never discussed the need to preserve the last closing argument.

Trial Counsel stated that he did object to Shaunte William's hearsay statement. Trial Counsel stated that the trial judge overruled the objection and allowed the hearsay testimony in under the excited utterance exception. Trial Counsel opined that the trial judge made the correct decision. Trial Counsel further opined that the hearsay testimony was not prejudicial. Trial Counsel stated that he had no specific recollection of the jury instruction. Trial Counsel opined that it was a fair and impartial jury instruction.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. Specifically, this Court finds Trial Counsel's testimony credible and Applicant's testimony not credible. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).



## 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 (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.

### **1. Ineffective assistance of counsel failing to obtain a fire investigator to investigate the case.**

This Court finds that Applicant's allegation that Trial Counsel was ineffective for failing to obtain a fire investigator to investigate the case is meritless. This Court finds Trial Counsel's



action fell well within the reasonable professional norms. Trial Counsel credibly testified that he consulted with a fire investigator and conducted his own independent research. Trial Counsel further stated that the testimony of the fire investigator would have been cumulative to what he was already able to elicit on cross examination of the State's arson expert. This Court finds Trial Counsel thoroughly cross-examined the State's arson expert. See Frasier v. State, 306 S.C. 158, 160-61, 410 S.E.2d 572, 573 (1991) (holding trial counsel's failure to procure an expert witness was not unreasonable under prevailing professional norms where counsel vigorously cross-examined and attacked the accuracy of the evidence). Based on the foregoing, this Court finds Trial Counsel was not deficient in his representation of Applicant on this issue.

Furthermore, Applicant can show no prejudice due to Trial Counsel's failure to obtain an arson expert's testimony at trial. Notably, Applicant failed to produce any expert testimony on this very issue. As a result, this Court will not speculate as to what potential testimony could have been elicited from such an expert. See Dempsev v. State, 363 S.C. 365, 370, 610 S.E.2d 812, 815 (2005) (finding that, as the applicant failed to have an expert testify at the evidentiary hearing, "any finding of prejudice is merely speculative"). As a result, this Court finds Applicant's allegation must be denied and dismissed with prejudice.

**2. Ineffective assistance of counsel for failing to object to improper jury instructions.**

This Court finds Applicant's allegation that Trial Counsel was ineffective for failing to object to the jury instructions is meritless. This Court finds Trial Counsel's actions fell well within the reasonable professional norms. Applicant has failed to meet his burden in proving that Trial Counsel was ineffective and that he was prejudiced by Trial Counsel's actions, and this allegation must be denied and dismissed with prejudice.



**3. Ineffective assistance of counsel for failing to object to a witness stating that he met Applicant "at Kershaw."**

This Court finds Applicant's allegation that Trial Counsel was ineffective for failing to object to the State's witness Darnell Getter testifying that he met Applicant "at Kershaw" meritless. This Court finds Trial Counsel's representation was well within reasonable professional norms. Strickland requires that trial counsel must be given leeway to make reasonable strategic decisions. No particular set of detailed rules for counsel's conduct can satisfactorily take account of the variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how best to represent a criminal defendant. Strickland v. Washington, 466 U.S. 668, 688-689 (1984). "Representation is an art, and an act or omission that is unprofessional in one case may be sound or even brilliant in another." Id. at 691. Therefore, judicial scrutiny of counsel's performance must be highly deferential. Id. at 689. Where counsel articulates a valid strategic reason for his action or inaction, counsel's performance should not be found ineffective. Roseboro v. State, 317 S.C. 292, 454 S.E.2d 312 (1996); Underwood v. State, 309 S.C. 560, 425 S.E.2d 20 (1992); Stokes v. State, 308 S.C. 546, 419 S.E.2d 778 (1992). Courts must be wary of second guessing counsel's trial tactics; and where counsel articulates a valid reason for employing such strategy, such conduct is not ineffective assistance of counsel. Whitehead v. State, 308 S.C. 119, 417 S.E.2d 529 (1992).

Trial Counsel noted that a bench conference was held immediately following the comment and he determined that he did not want to object to the comment for fear of bringing more attention to it. This Court agrees with Trial Counsel's strategy and finds nothing deficient about Trial Counsel's decision. Furthermore, this Court finds Applicant can show no prejudice as the statement that witness met Applicant "at Kershaw" was ambiguous to the point of irrelevancy. Therefore, this allegation must be denied and dismissed with prejudice.

**4. Ineffective assistance of counsel for giving Applicant erroneous advice causing him not to testify.**

This Court finds Applicant's allegation that Trial Counsel was ineffective for giving him erroneous advice causing him not to testify is meritless. This Court notes Applicant claimed that Trial Counsel told him he could not testify because he wanted to preserve last closing argument. This Court finds Applicant's testimony is not credible. This Court finds very credible Trial Counsel's testimony that he never told Applicant that he could not testify at trial. Trial Counsel stated that Applicant was well aware they were prepared to call two defense witnesses in attempt to discredit Henry Dingle. This Court finds nothing deficient in Trial Counsel's advice regarding Applicant's ability to testify.

Furthermore, Applicant can show no prejudice as he was fully advised of his Fifth Amendment rights. A review of the record reveals that Applicant told the trial court that he did not want to testify. (App. p. 409-410). Based on the foregoing, this Court finds that this allegation should be denied and dismissed with prejudice.

**5. Ineffective assistance of counsel for failing to adequately cross-examine witnesses.**

This Court finds Applicant's allegation that Trial Counsel was ineffective for failing to properly cross-examine the State's witnesses meritless. This Court finds Trial Counsel's representation was well within reasonable professional norms.

Here, Trial Counsel's cross-examination and argument that he advanced at trial fully set forth enough information so that the jury could properly assess the witness' credibility and counsel could demonstrate the supposed lack of it. See, e.g., Fugate v. Head, 261 F.3d 1206, 1219 (11<sup>th</sup> Cir. 2001) ("The decision as to whether to cross-examine a witness is a tactical one well within the discretion of a defense attorney.... Absent a showing of a single specific instance

where cross-examination arguably could have affected the outcome of either the guilt or sentencing phase of the trial, a[n] [applicant] is unable to show prejudice necessary to satisfy the second prong of *Strickland*") (citations and internal quotation marks omitted); Delaware v. Fensterer, 474 U.S. 15, 20 (1985) (per curiam ) ("the Confrontation Clause guarantees an *opportunity* for effective cross-examination, not cross-examination that is effective in whatever way, and to whatever extent, the defense might wish") (emphasis in original); Mills v. Singletary, 161 F.3d 1273, 1288 (11th Cir. 1998) (defendant's Sixth Amendment right to confront witnesses is satisfied where the cross-examination permitted exposes the jury to facts sufficient to evaluate the witness' credibility and "enables defense counsel to establish a record from which he can properly argue why the witness is less than reliable").

Trial Counsel thoroughly cross-examined the State's arson expert to elicit the proper testimony. Trial Counsel also called two witnesses to discredit the testimony of Henry Dingle. This Court finds that Trial Counsel's strategic decisions of how to cross-examine witnesses were proper and reasonable.

Furthermore, Applicant has failed to show exactly what information should have been elicited if the witnesses were properly cross-examined. "The applicant's mere speculation what the witnesses' testimony would have been cannot, by itself, satisfy the applicant's burden of showing prejudice." Glover v. State, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995). This Court cannot speculate as to what testimony could have been elicited upon a different strategy of cross-examination, and thus Applicant cannot meet his burden of proving prejudice.

Because Applicant has failed to meet either prong of the Strickland test, this allegation must be denied and dismissed with prejudice.



**6. Ineffective assistance of appellate counsel for failing to brief the issue of whether trial court erred in allowing hearsay testimony of witness Shaunte Williams.**

This Court finds Applicant's allegation of ineffective assistance of appellate counsel to be meritless.

A defendant is entitled to effective assistance of appellate counsel. Tisdale v. State, 357 S.C. 474, 476, 594 S.E.2d 166, 167 (2004) (citing Southerland v. State, 337 S.C. 610, 615, 524 S.E.2d 833, 836 (1999)). Although appellate counsel is required to provide effective assistance of counsel, "appellate counsel is *not* required to raise every nonfrivolous issue that is presented by the record." Id. (citing Thrift v. State, 302 S.C. 535, 539, 397 S.E.2d 523, 526 (1990)) (emphasis supplied). "For judges to second-guess reasonable professional judgments and impose on ... counsel a duty to raise every 'colorable' claim suggested by a client would disserve the very goal of vigorous and effective advocacy...." Jones v. Barnes, 463 U.S. 745, 754, 103 S.Ct. 3308, 3308 (1983).

This Court finds that Applicant has failed to present credible evidence to meet his burden in proving that Appellate Counsel was ineffective in his representation. Therefore, this allegation must be denied and dismissed with prejudice.

**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, this Court finds the Applicant failed to present any testimony, argument, or evidence at the hearing regarding such allegations. Accordingly, this Court finds the Applicant has abandoned any such allegations.



## CONCLUSION

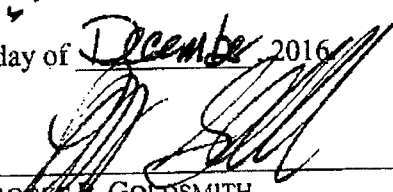
Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes that that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

### IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 19<sup>th</sup> day of December, 2016

  
\_\_\_\_\_  
BROOKS P. GOLDSMITH  
Presiding Judge  
Third Judicial Circuit

  
\_\_\_\_\_, South Carolina

FORM 4

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

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2015CP4301519

Timothy D Dingle

RECORDED  
2015 JUL 13 PM 4:13

South Carolina State of

CERTIFIED TRUE COPY  
OF ORIGINAL FILED

JAMES C. CAMPBELL  
CLERK OF COURT  
SUMTER COUNTY, S.C.

DEPUTY CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

PLAINTIFF(S)

DEFENDANT(S)

Attorney for:  Plaintiff  Defendant  
 Self-Represented Litigant

Submitted by: Clerk of Court

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: **See attached Order.**

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

2099

Judge Code

7/13/2015

Date

**THE BOOZER LAW FIRM, LLC**

200 Laurel Street, Suite 4A  
Columbia, SC 29201

U.S. COMM. N.  
18 MAY  
2011



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The Honorable Daniel E. Shearouse  
Clerk, Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211