

LAW OFFICE

**THE HENDERSON LAW FIRM, P.C.**

**Carson M. Henderson**

ATTORNEY AND COUNSELOR AT LAW

109-B Oak Avenue  
Greenwood, South Carolina 29646

Telephone: (864) 229-8000  
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March 20, 2017

Honorable Daniel E. Shearouse  
Clerk of Court  
S.C. Supreme Court  
1231 Gervais Street  
P.O. Box 11330  
Columbia, S.C. 29211

**RECEIVED**

**MAR 23 2017**

**S.C. SUPREME COURT**

Re: Kevin Shane Epting (#245196) v. State of South Carolina  
Laurens C/A No. 2015-CP-30-128

Dear Clerk Shearouse:

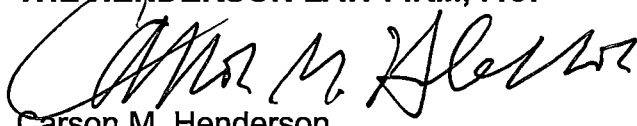
Please file the enclosed Notice of Appeal and Proof of Service and return clocked copies of both documents to me and the S.C. Commission on Indigent Defense, Appellate Division in the enclosed envelopes provided for your convenience. Also enclosed are Circuit Judge Brooks P. Goldsmith's Order of Dismissal dated July 7, 2016, and Order Denying Motion to Reconsider dated March 10, 2017.

My email address is [carson@carsonhendersonlawfirm.com](mailto:carson@carsonhendersonlawfirm.com).

Thank you for your assistance and cooperation in this matter.

Cordially yours,

**THE HENDERSON LAW FIRM, P.C.**



Carson M. Henderson

CMH/lhc

Enclosures as indicated

Cc: Justin J. Hunter, Esquire  
Office of the Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211

S.C. Commission on Indigent Defense  
Appellate Division  
1330 Lady Street, Suite 401  
Columbia, S.C. 29201

Kevin Shane Epting (#245196)  
Tyger River Correctional Institution  
200 Prison Road  
Enoree, S.C. 29355

**RECEIVED**

**MAR 23 2017**

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM LAURENS COUNTY  
Court of Common Pleas

**S.C. SUPREME COURT**

Brooks P. Goldsmith, Presiding Circuit Judge – Laurens County

\_\_\_\_\_  
C/A No. 2015-CP-30-128  
\_\_\_\_\_

KEVIN SHANE EPTING (#245196),

Appellant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

\_\_\_\_\_  
NOTICE OF APPEAL  
\_\_\_\_\_

Kevin Shane Epting appeals the Order of Dismissal issued by the Honorable Brooks P. Goldsmith on July 7, 2016. This matter was heard in Greenwood County on June 8, 2016. Judge Goldsmith issued an Order Denying Motion to Reconsider on Friday, March 10, 2017. The Appellant's trial counsel received the Order Denying Motion to Reconsider from the Laurens County Clerk of Court on Friday, March 17, 2017.

**THE HENDERSON LAW FIRM, P.C.**

Trial Attorney for the Appellant

By: 

Carson M. Henderson

109-B Oak Avenue

Greenwood, S.C. 29646

Phone: (864) 229-8000

Fax: (864) 229-8001

Greenwood, South Carolina

March 20, 2017

Other Counsel of Record:

James Rutledge Johnson, Esquire

S.C. Attorney General's Office

P.O. Box 11549

Columbia, S.C. 29211

S.C. Commission on Indigent Defense

Appellate Division

1330 Lady Street, Suite 401

Columbia, S.C. 29201



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**MAR 23 2017**

**S.C. SUPREME COURT**

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM LAURENS COUNTY  
Court of Common Pleas

Brooks P. Goldsmith, Presiding Circuit Judge – Laurens County

\_\_\_\_\_  
C/A No. 2015-CP-30-128  
\_\_\_\_\_

KEVIN SHANE EPTING (#254196),

Appellant,

v.

STATE OF SOUTH CAROLINA,

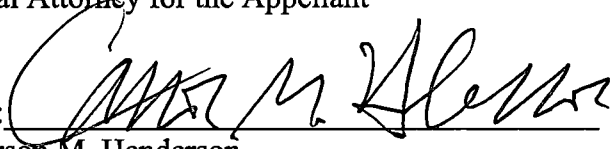
Respondent.

\_\_\_\_\_  
PROOF OF SERVICE  
\_\_\_\_\_

I certify that I have served the Notice of Appeal on the Respondent, State of South Carolina, by depositing a copy of it in the United States Mail, postage prepaid, on March 20, 2017, addressed to its attorney of record, Justin J. Hunter, Esquire, S.C. Attorney General's Office, P.O. Box 11549, Columbia, S.C. 29211, with a copy also being mailed to S.C. Commission on Indigent Defense, Appellate Division, 1330 Lady Street, Suite 401, Columbia, S.C. 29201.

**THE HENDERSON LAW FIRM, P.C.**  
Trial Attorney for the Appellant

By:

  
Carson M. Henderson  
109-B Oak Avenue  
Greenwood, S.C. 29646  
Phone: (864) 229-8000  
Fax: (864) 229-8001

Greenwood, South Carolina

March 20, 2017

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF LAURENS )  
 )  
 Kevin Shane Epting, )  
 S.C.D.C. No. 245196, )  
 )  
 Applicant, )  
 )  
 v. )  
 )  
 State of South Carolina, )  
 )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 OF THE EIGHTH JUDICIAL CIRCUIT

2015-CP-30-128

**ORDER OF DISMISSAL**

LAURENS COUNTY  
 CLERK OF COURT

2016 JUL 14 A 11:36

LYNN W. LANCASTER

This matter comes before the Court by way of an Application for Post-Conviction Relief (PCR) filed February 23, 2015. Respondent made its Return on or about August 19, 2015. An evidentiary hearing into the matter was convened on June 8, 2016, at the Greenwood County Courthouse. Applicant was present at the hearing and represented by Carson Henderson, Esquire. Justin Hunter, Esquire, of the South Carolina Attorney General's Office represented Respondent. At the hearing, Applicant testified on his own behalf. Applicant's trial counsel, Chip Howe, Esquire, also testified. This Court had before it a copy of Applicant's records from the Laurens County Clerk of Court, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's PCR Application, and Respondent's Return.

**I. PROCEDURAL HISTORY**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Laurens County Clerk of Court. Applicant was indicted at the February 2009 term of the Laurens County Grand Jury for Burglary (2009-GS-30-0190) and Assault and Battery of a High and Aggravated Nature (ABHAN) (2009-GS-30-0190). Applicant was represented by Claude H. Howe, III, Esquire, and H. Katherine Anderson, Esquire. On

November 10-13, 2009, Applicant proceeded to a jury trial before the Honorable D. Garrison Hill. Applicant was found guilty as indicted. Judge Hill sentenced Applicant to twenty years on the burglary charge and ten years on the ABHAN charge, to run concurrently.

Applicant timely filed a notice of appeal. The South Carolina Court of Appeals affirmed the convictions and sentences on March 7, 2012. State v. Epting, Op. No. 2012-UP-152 (Ct. App. filed March 7, 2012). LaNelle DuRant of the South Carolina Commission on Indigent Defense, Appellate Division, filed a petition for rehearing which the Court of Appeals denied on May 25, 2012. Applicant's appellate counsel appealed the rehearing denial, and the South Carolina Court of Appeals granted the petition for writ of certiorari on April 16, 2014. By Order filed October 22, 2014, the South Carolina Supreme Court dismissed the writ of certiorari as improvidently granted. The Remittitur was issued October 22, 2014.

#### *PCR Application*

On February 23, 2015, Applicant filed an application for post-conviction relief alleging ineffective assistance of counsel. On February 19, 2016, Applicant filed an Amendment. His grounds are consolidated as follows:

1. "Denied the Effective Assistance Counsel at Trial"
  - a. "Counsel failed to competently argue pre-trial motions"
  - b. "Counsel failed to investigate thoroughly"
2. "Denied the Effective Assistance of Counsel at Sentencing"
3. "Denied the Effective Assistance of Counsel of Appeal"
4. Failed to object during the State's closing argument when the solicitor said the victim "has no motive to lie." See Trial Transcript, page 313, lines 12-17. This constituted improper burden shifting by the solicitor and improper vouching for the victim's credibility by the solicitor, especially in a he said/she said case with no forensic evidence indicating the Applicant committed the crime. Furthermore, the trial judge had prevented the Applicant from introducing third-party guilt evidence that the victim's son had assaulted the victim, when there was evidence demonstrating prior difficulties between the victim and her son and evidence that the victim believed her son may have previously stolen money

from her wallet/billfold. The victim's desire to protect her son was the victim's "motive to lie," but the Applicant was prohibited from presenting evidence about third-party guilt and therefore could not respond to the victim having "no motive to lie";

5. Failed to object during the State's opening statement when the solicitor, referring to the fairy tale "Little Red Riding Hood," called the Applicant "the big bad wolf" and called the victim "grandma." See Trial Transcript, page 71, line 23 - page 79, line 2. This was improper use of a nickname;
6. Failed to object during the State's closing argument when the solicitor again called the Applicant "the big bad wolf" and called the victim "grandma." See Trial Transcript, page 309, line 5 - page 317, line 22. This was improper use of a nickname;
7. Failed to object during the State's closing argument when the solicitor said, "Do we want any other grandma's [sic] subjected to the big bad wolf?" See Trial Transcript, page 317, lines 20-21. This was a "Golden Rule" argument which impermissibly appealed to the passion of the jurors by asking them to "speak up" for other elderly grandmothers who may potentially become victims of the Applicant or other people, because every juror has a grandmother; and
8. Failed to ask the Court to prohibit the witnesses from mentioning the Applicant's prior record (other than the two (2) burglary convictions relied upon by the State to prove burglary 1st degree); and failed to object when the solicitor asked the Applicant about his driving offenses during cross examination (see Trial Transcript, page 216, lines 6-22) and when the solicitor asked defense witness Sharon Corley about the Applicant's driving offenses during cross-examination (see Trial Transcript, page 263, lines 21-25). It was bad enough that the jury heard about the Applicant's burglary convictions, but this testimonial evidence made the Applicant out to be a drunk.

## II. APPLICABLE LAW

In a post-conviction relief action, the applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel 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, 104 S. Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 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. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. Applicant must overcome this presumption in order 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. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any 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.

### III. 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 has reviewed the Clerk of Court records regarding the subject convictions, the trial transcript, Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80 (2003), this Court makes the following findings of fact based upon all of the probative evidence presented.

As a matter of general impression, this Court finds Counsel's testimony to be credible and persuasive on all matters. These credibility findings have been applied to the Court's findings and conclusions set forth below.

*Counsel failed to object during the State's closing argument when the solicitor said the victim "has no motive to lie."*

Applicant alleges that Counsel was ineffective for failing to object to improper vouching when the assistant solicitor argued during his closing argument that the victim "has no motive to lie." See Trial Transcript, page 313, lines 12-17. Applicant alleged that since the trial judge prevented him from introducing third-party guilt evidence showing that the victim would have a motive to lie, this comment was an improper response by the State. Counsel testified that the trial judge not allowing Applicant to present evidence of third party guilt hindered Applicant's defense concerning the victim's motive. Counsel testified that he should have objected to this comment but testified that he cannot speculate as to whether Applicant suffered unfair prejudice as a result. He testified that he cannot say whether or not a mistrial would have been granted if he had objected to the State's statement.

This Court finds Counsel was not ineffective for failing to object because the State's remark does not rise to the level of improper vouching. A solicitor's closing argument must be carefully tailored so as not to appeal to the personal biases of the jury. *Smith v. State*, 375 S.C. 507, 522, 654 S.E.2d 523, 531 (2007) (citing *State v. Copeland*, 321 S.C. 318, 324, 468 S.E.2d 620, 624 (1996)). The relevant question is whether the solicitor's comments so infected the trial with unfairness as to make the resulting conviction a denial of due process." *Id.* (internal citations omitted). A solicitor may argue the credibility of the State's witnesses if the argument is based on the record and its reasonable inferences. *Matthews v. State*, 350 S.C. 272, 275, 565 S.E.2d 766, 768 (2002). However, "[a] solicitor may not vouch for the credibility of a State's witness based on personal knowledge or other information outside the record." *Smith* at 523, 654 S.E.2d at 531-32 (quoting *Matthews* at 276, 565 S.E.2d at 768 (2002)). "A prosecutor improperly vouches for a witness' credibility and places the government's prestige behind a witness by

making explicit personal assurances, or indicating that information not presented to the jury supports the testimony." Vaughn v. State, 362 S.C. 163, 169, 607 S.E.2d 72, 75 (2004).

This Court finds that the State's comment that the victim had "no motive to lie" does not rise to the level of improper vouching by the State. This Court finds that there is no indication that the solicitor made this statement based on personal assurances, the government's prestige, or by indicating there was information not presented to the jury to support the statement. This Court also finds that the solicitor's short statement did not infect the trial with unfairness as to result in a denial of due process. As such, this Court finds that Counsel was not ineffective for failing to object to the statement. This Court also finds that Applicant has failed to show that he suffered prejudice by Counsel's failure to object to the statement at issue because he has failed to show that the outcome of the trial would have been different had Counsel objected to the solicitor's statement. Accordingly this allegation must be dismissed.

*Counsel failed to object during the State's opening statement and closing argument when the solicitor, referring to the fairy tale "Little Red Riding Hood," called the Applicant "the big bad wolf" and called the victim "grandma."*

Applicant alleged that Counsel was ineffective for failing to portions of the State's opening statement (See Trial Transcript p. 71, l. 23 – p. 79 l. 2) and closing argument (See Trial Transcript p. 309, l. 5 – p. 317, l. 22) where the State referred to Applicant as the "big bad wolf" and the victim as "Grandma." Counsel testified that he did not object to these statements but believes in hindsight that he should have objected. He also testified that he cannot say for sure whether Applicant was unfairly prejudiced by these statements.

Prior to the opening statements, the trial judge informed the jury, "An opening statement is simply a way for the lawyer to give you a road map as to what they think the evidence is going to show in this trial and what the issues will be." Trial Transcript p. 69, ll. 17-19. Prior to the

closing arguments, the trial judge informed the jury that they will "hear the closing arguments of the lawyers where they will try to help you understand the evidence and interpret it, and tell you what they think your verdict should be." Trial Transcript p. 70, ll. 14-16.

A solicitor's "argument must not be calculated to arouse the jurors' passions or prejudices, and its content should stay within the record and reasonable inferences to it." State v. Webb, 389 S.C. 174, 178-79, 697 S.E.2d 662, 664 (Ct. App. 2010) (citing State v. Rudd, 355 S.C. 543, 549, 586 S.E.2d 153, 156 (Ct.App.2003)). The appropriateness of a solicitor's ... argument is a matter left to the trial court's sound discretion. Id. (internal citations omitted). "Improper comments do not require reversal if they are not prejudicial to the defendant, and the appellant has the burden of proving he did not receive a fair trial because of the alleged improper argument." Id. (citing Randall v. State, 356 S.C. 639, 642, 591 S.E.2d 608, 610 (2004)).

This Court finds that Applicant's argument is without merit. This Court finds that Counsel was not ineffective for failing to object because, when read in context, the solicitor's comments involves his attempt to make a comparison between Applicant's case and the *Little Red Riding Hood* fairy tale, as both involve the home invasion of an elderly woman. This Court finds that the solicitor was not trying to inflame the passions or prejudices of the jury by calling Applicant a wolf because it was in the context of an analogy. This Court further finds that even if such comments were objectionable, the few times they were used during the State's opening statement and closing argument did not so infect the trial that the jury's verdict is deemed unreliable as the trial judge properly informed the jury of the presumption of innocence and the burden of proof. As such, this Court finds that Applicant has failed to show that he was prejudiced by Counsel's actions in this regard. Accordingly, this allegation must be dismissed.

*Counsel failed to object during the State's closing argument when the solicitor said, "Do we want any other grandma's [sic] subjected to the big bad wolf?"*

Applicant alleged that Counsel was ineffective for failing to object to the State's closing argument when the solicitor said "Do we want any other grandma's [sic] subjected to the big bad wolf?" See Trial Transcript, page 317, lines 20-21. Applicant argues that this statement constituted an impermissible "Golden Rule" argument which impermissibly appealed to the passion of the jurors by asking them to "speak up" for other elderly grandmothers who may potentially become victims of the Applicant or other people, because every juror has a grandmother. Counsel testified that he did not object to this statement but should have. He testified that it may constitute a Golden Rule argument but the solicitor was not necessarily asking the jury to place themselves in the shoes of the victim. Counsel testified that it was unusual to object during a closing argument.

A solicitor's closing argument must be carefully tailored so as not to appeal to the personal biases of the jury. Brown v. State, 383 S.C. 506, 515, 680 S.E.2d 909, 914 (2009) (internal citations omitted). The argument must not be calculated to arouse the jurors' passions or prejudices, and its content should stay within the record and reasonable inferences that may be drawn therefrom. Id. "A Golden Rule argument asking the jurors to place themselves in the victim's shoes tends to completely destroy all sense of impartiality of the jurors, and its effect is to arouse passion and prejudice." Id., 383 S.C. at 515-16, 680 S.E.2d at 914 (citing State v. Reese, 370 S.C. 31, 38, 633 S.E.2d 898, 901 (2006)). The relevant question is whether the solicitor's comments so infected the trial with unfairness as to make the resulting conviction a denial of due process. Id., 383 S.C. at 516, 680 S.E.2d at 915.

This Court finds that Applicant has failed to meet his burden of proving that Counsel was ineffective in this regard. This Court finds that, when read in context, the solicitor was

concluding the his *Little Red Riding Hood* analogy and not appealing to the passions or prejudices of the jurors or asking them to place themselves in the victim's shoes. This Court finds that Counsel was not ineffective for failing to object to the State's comment. Further, this Court finds that Applicant has failed to prove that he was prejudiced by Counsel's actions as Applicant has failed to show that the comment infected the trial with unfairness as to make his conviction a denial of due process. See State v. Durden, 264 S.C. 86, 92, 212 S.E.2d 587, 590 (1975) (holding that the solicitor's closing argument did not prejudice the defendant, where the Court held that "the State may in effect tell them that the people look to them for protection against crime, and may illustrate the effect of their verdict on the community or society generally with respect to obedience to, and enforcement of, the law"). This Court finds that the trial judge properly informed the jury of Applicant's presumption of innocence and the State's burden of proof, and Applicant has failed to show that the outcome of the trial would have been different but for Counsel's actions in this regard. Accordingly, this allegation must be dismissed.

*Counsel failed to ask the Court to prohibit the witnesses from mentioning the Applicant's prior record (other than the two (2) burglary convictions relied upon by the State to prove burglary 1st degree) and failed to object when the solicitor asked Applicant and a defense witness about Applicant's driving offenses.*

Applicant alleged that Counsel was ineffective for failing to ask the trial court to prohibit witnesses from mentioning Applicant's prior record and failing to object when the solicitor asked Applicant about his driving offenses during cross examination (See Trial Transcript, page 216, lines 6-22) and when the solicitor asked defense witness Sharon Corley about Applicant's driving offenses during cross-examination (see Trial Transcript, page 263, lines 21-25). During cross examination, the solicitor asked Applicant the following:

Solicitor: How — did you have a driver's license at that time?  
Applicant: No, sir.  
Solicitor: So you were driving against the law?

Applicant: Yes, sir.  
Solicitor: Why were your license suspended?  
Applicant: I haven't had a license since '79. Just points. I lost points to begin with.  
Solicitor: Now, later on, why were they suspended?  
Applicant: DUI's .  
Solicitor: How many?  
Applicant: I've got a few.  
Solicitor: How many?  
Applicant: I couldn't tell you.  
Solicitor: Five?  
Applicant: Probably.  
Solicitor: Six?  
Applicant: I couldn't tell you.

Trial Transcript p. 216, ll. 6-20.

During cross examination of a defense witness, Sharon Corley, the solicitor asked Ms. Corley the following:

Solicitor: Okay. Did you know that he didn't have a license?  
Ms. Corley: Yes, sir, I did know that.  
Solicitor: And did you know it had been suspended for numerous DUIs?  
Ms. Corley: I didn't know any details about that either

Trial Transcript p. 263, ll. 21-25.

At the PCR hearing, Counsel testified that he did not object to these two instances of the State asking about Applicant's prior DUI offenses. Counsel testified that he did not believe that the testimony at issue was that important or would cause issues in Applicant's case.

This Court finds that Applicant has failed to meet his burden of proving that Counsel was ineffective for failing to object to the testimony concerning Applicant's DUI offenses. This Court finds that even if Counsel should have objected to the testimony, Applicant has failed to prove that he was prejudiced. See State v. Wiles, 383 S.C. 151, 158, 679 S.E.2d 172, 176 (2009) ("Unfair prejudice means an undue tendency to suggest decision on an improper basis."); State v. Johnson, 293 S.C. 321, 324, 360 S.E.2d 317, 319 (1987) ("[E]vidence of other crimes or prior

bad acts is inadmissible to show criminal propensity."); State v. Gore, 283 S.C. 118, 121, 322 S.E.2d 12, 13 (1984) (stating when a "previous alleged bad act is strikingly similar to the one for which the appellant is being tried, the danger of prejudice is enhanced"). This Court finds that Applicant did not suffer unfair prejudice as the brief questioning concerning Applicant's prior DUI offenses did not suggest that he was guilty of burglary or that he had a propensity to commit the burglary. This Court finds that Applicant has failed to prove that the outcome of the trial would have been different and accordingly, this allegation must be 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, 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.

#### **IV. CONCLUSION.**

Based on the foregoing facts, the Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. Applicant failed to demonstrate that Counsel's performance was unreasonable under prevailing professional norms. Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625; Stalk v. State, 383 S.C. 559, 563, 681 S.E.2d 592, 594 (2009). Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

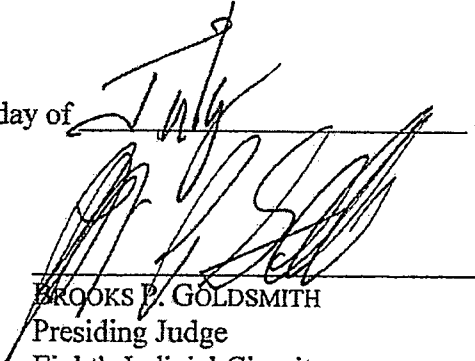
The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial

of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

**IT IS THEREFORE ORDERED THAT:**

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant shall remain in the custody of the South Carolina Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 7 day of July, 2016.

  
BROOKS P. GOLDSMITH  
Presiding Judge  
Eighth Judicial Circuit

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

**A TRUE COPY OF ORIGINAL**

  
Lynn W. Lancaster  
Laurens County CCCP & GS

STATE OF SOUTH CAROLINA  
COUNTY OF LAURENS

IN THE COURT OF COMMON PLEAS  
EIGHTH JUDICIAL CIRCUIT  
2015-CP-30-128

KEVIN SHANE EPTING

Applicant,

ORDER DENYING MOTION TO RECONSIDER

v.

STATE OF SOUTH CAROLINA

Respondent,

LAURENS COUNTY  
CLERK OF COURT

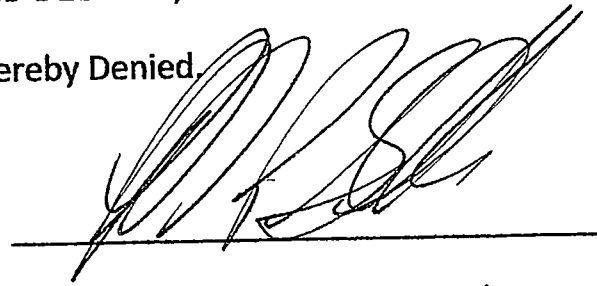
2017 MAR 15 A 10:59

LYNN W. LANCASTER

This matter comes before the court upon Applicant's Motion To Reconsider the order of this court dated July 7 , 2016. Both parties filed briefs. After considering oral argument as well as the briefs submitted, I find no reason to alter or amend the prior order of this court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED;

The Applicant's Motion To Reconsider is hereby Denied.



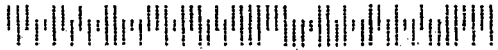
Brooks P. Goldsmith, Circuit Judge

March 10, 2017

A TRUE COPY OF ORIGINAL



Lynn W. Lancaster  
Laurens County CCFP & GS



The Henderson Law Firm, P.C.  
109-B Oak Avenue  
Greenwood, S.C. 29646

Honorable Daniel E. Shearouse  
Clerk of Court  
S.C. Supreme Court  
1231 Gervais Street  
P.O. Box 11330  
Columbia, S.C. 29211