

LAW OFFICE OF



TARA DAWN SHURLING, PA

Attorney and Counselor at Law

3614 Landmark Drive

Suite A

Columbia, South Carolina 29204

(803) 738-8622

(Fax) (803) 738-1600

E-Mail: tdslaw@shurlinglaw.com

April 6, 2017

RECEIVED

APR 10 2017

S.C. SUPREME COURT

The Honorable Daniel E. Shearouse
South Carolina Supreme Court Clerk
Post Office Box 11330
Columbia, South Carolina 29211-1330

Re: Brantley W. Clarke v. State of South Carolina; 2009-CP-32-4571.

Dear Mr. Shearouse:

Enclosed please find for filing a Notice of Appeal on behalf of the above-captioned Post-Conviction Relief client. An Order of Dismissal denying this client's Post-Conviction Relief was filed on October 18, 2016. My Motion to Alter or Amend pursuant to Rule 59(e) was filed with the Lexington County Clerk of Court Office on November 21, 2016. I have actually been served with two Orders Denying the Rule 59(e) Motion filed in this matter. The initial order was dated February 15, 2017, but was filed February 21, 2017. It was, however, not received by me until, March 16, 2017. A second Order denying my 59(e) Motion was filed with the Lexington County Clerk of Court on March 17, 2017 and received by counsel on April 3, 2017. I have been *retained* to handle this appeal. I have already received the transcript of the PCR hearing held in this matter and therefore, request that the time limits for this appeal be set from the date this Notice of Appeal is filed. The Appellate Division of the South Carolina Commission on Indigent Defense has been copied on this correspondence so they will make note that I am retained in this case, and won't need to send me an inquiry concerning this appeal. With my thanks for your assistance in this matter, as always, I remain,

Sincerely yours,

A large, stylized handwritten signature in black ink that reads "Tara Dawn Shurling". The signature is written in a cursive, flowing style with a large initial 'T'.

Tara Dawn Shurling
Attorney and Counselor at Law

TDS/sg
Enclosures

cc: Jessica Kinard, Assistant Attorney General (w/enclosure)
Paula Murdoch, South Carolina Commission on Indigent Defense, Office of Appellate Defense (w/enclosure)
Brantley W. Clarke (w/enclosure)

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas
Perry H. Gravely, Presiding Judge

RECEIVED

APR 10 2017

S.C. SUPREME COURT

2009-CP-32-04571

BRANTLEY W. CLARKE,

Applicant,

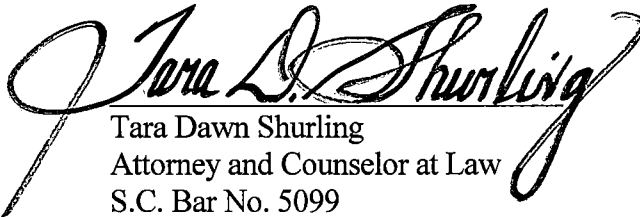
v.

THE STATE OF SOUTH CAROLINA,

Respondent.

NOTICE OF APPEAL

NOW COMES the Applicant in the above-captioned Post-Conviction Relief matter, acting by and through his undersigned counsel, giving notice of his appeal from the Final Order of Dismissal denying his Post-Conviction Relief filed October 18, 2016 and the Orders Denying the Applicant's Motion to Alter or Amend pursuant to Rule 59(e), SCRCP. The initial Order Denying the 59(e) Motion was filed with the Lexington County Clerk of Court on February 21, 2017 and received by Counsel on March 16, 2017. A second Order Denying the 59(e) Motion was filed March 17, 2017 and was received by Counsel for Applicant on April 3, 2017.¹


Tara Dawn Shurling
Attorney and Counselor at Law
S.C. Bar No. 5099

3614 Landmark Drive, Suite A
Columbia, South Carolina 29204
(803)738-8622
(803)738-1600 FAX

ATTORNEY FOR APPLICANT

This 6th day of April, 2017.

Other Counsel of Record:

Jessica Kinard, Assistant Attorney General
P. O. Box 11549
Columbia, SC 29211
Attorney for Respondent
(803) 734-3737

¹ The second Order is dated March 15, 2016, however that is an obvious typographical error since the Order of Dismissal was not filed until October 18, 2016.

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas
Perry H. Gravely, Presiding Judge

2009-CP-32-04571

RECEIVED

APR 10 2017

S.C. SUPREME COURT

BRANTLEY W. CLARKE,

Applicant,

v.

THE STATE OF SOUTH CAROLINA,

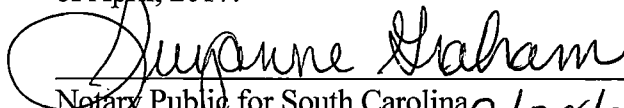
Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that one copy of the Applicant's Notice of Appeal in the above-entitled cause has been served upon opposing counsel, Jessica Kinard, Assistant Attorney General, by mailing in an envelope properly addressed with postage prepaid on this 6th day of April, 2017.


Tara Dawn Shurling
Attorney for Applicant

SWORN TO BEFORE me this 6th day
of April, 2017.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: 2/28/24

LAW OFFICE OF



TARA DAWN SHURLING, PA

Attorney and Counselor at Law

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E-Mail: tDSLAW@shurlinglaw.com

April 6, 2017

RECEIVED

APR 10 2017

S.C. SUPREME COURT

Jessica Kinard, Assistant Attorney General
Office of the Attorney General
Direct Appeal Division
P.O. Box 11549
Columbia, SC 29211-

RE: Brantley W. Clarke v. State of South Carolina; 2009-CP-32-4571.

Dear Ms. Kinard:

Enclosed please find for your records a copy of the Notice of Appeal that was filed in the above-captioned matter. The family has retained me to handle this appeal. I remain,

Sincerely yours,

A large, stylized handwritten signature in black ink that reads "Tara Dawn Shurling".

Tara Dawn Shurling
Attorney and Counselor at Law

TDS/sg
Enclosure

cc: The Honorable Daniel E. Shearouse, Clerk, Supreme Court of South Carolina ✓
Brantley W. Clarke

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
BRANTLEY W. CLARKE,)
)
Applicant,)
)
vs.)
)
STATE OF SOUTH CAROLINA,)
)
Respondent.)
_____)

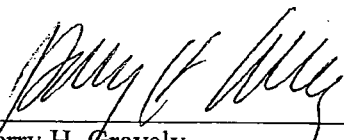
IN THE COURT OF COMMON PLEAS
OF THE ELEVENTH JUDICIAL CIRCUIT

Case No. 2009-CP-32-04571

ORDER

This matter comes before the Court upon *Applicant's Motion to Alter or Amend* pursuant to Rule 59(e), SCRCF as to the *Order of Dismissal* filed October 18, 2016. After careful review of the record and matters, the Court finds that no hearing is necessary and denies the Applicant's Motion to Alter or Amend the Order of October 18, 2016.

AND IT IS SO ORDERED!



Perry H. Gravely
Presiding Judge

ORIGINAL

Greenville, South Carolina
February 15, 2017

COUNTY OF LEXINGTON
LISA M. COMER, CLERK OF COURT
LEXINGTON COUNTY JUDICIAL CENTER
205 EAST MAIN STREET
LEXINGTON, SC 29072-3494

FILED
2017 FEB 21 P 12:17

This judgment was entered on the 21st day of February, 2017, and a copy mailed first class or placed in the appropriate attorney's box on the 10th day of March, 2017, to attorneys of record or to parties (when appearing pro se) as follows:

Tara Dawn Shurling
3614 Landmark Drive Suite A Columbia, SC 29204

Johanna Catalina Valenzuela
PO Box 142 Columbia, SC 29202
Caitlin Bazan Hastings
PO Box 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Lisa A. Comer / kr

Court Reporter

Lisa M. Comer - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Fileers or who are appearing pro se. See Rule 77(d), SCRC.

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.

STATE OF SOUTH CAROLINA)

COUNTY OF Lexington)

Brantley W. Clarke,)

Petitioner,)

v.)

State of South Carolina,)

Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE ELEVENTH JUDICIAL CIRCUIT

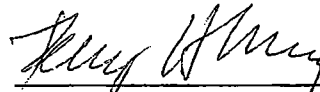
2009-CP-32-04571

ORDER OF DISMISSAL

ORIGINAL

This matter comes before the Court upon Applicant's Motion to Alter or Amend the Order of Dismissal filed on October 18, 2016. The Court has reviewed the file and matters submitted and finds that oral argument would not aid in this Motion. After consideration of the issues, the Court denies Applicant's Motion and confirms the previous Order of Dismissal.

IT IS SO ORDERED.



Perry H. Gravelly
Presiding Judge

Pickens, South Carolina

March 15, 2016

FILED
2017 MAR 17 AM 11:45
LISA M. COMER
CLERK OF COURT
LEXINGTON SC

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box or 23rd of March 2017, to attorneys of record or to parties (when appearing pro se) as follows:

Tara Dawn Shurling
3614 Landmark Drive Suite A Columbia, SC 29204

Caitlin Bazan Hastings PO Box 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Lisa A. Comer/mh

Court Reporter

Lisa M. Comer - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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.

7 - 99A

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
)
)
Brantley W. Clarke,)
)
)
Applicant,)
)
)
v.)
)
State of South Carolina,)
)
)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS
FOR THE ELEVENTH JUDICIAL CIRCUIT

2009-CP-32-4571

ORDER OF DISMISSAL

BETH A. CANNON
CLERK OF COURT
LEXINGTON, SC
2016 OCT 18 A 10:59
FILED

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed October 9, 2009, and amended February 16, 2012. Respondent made its return and motion to dismiss on January 6, 2010, and amended on April 8, 2016. On January of 2016, the Honorable J. Mark Hayes, II, ordered an evidentiary hearing to be scheduled to allow for further review of the Applicant's application. An evidentiary hearing was held on April 20, 2016, at the Lexington County Courthouse. Applicant was present and represented by Robert M. P. Masella, Esquire. Caitlin Bazan Hastings, Esquire, of the South Carolina Office of the Attorney General represented Respondent.

Applicant and the arresting officer involved in the case, David Pritchard, testified at the hearing. The Court had before it Applicant's guilty plea transcript, the Lexington County Clerk of Court records, the South Carolina Department of Corrections records, the PCR application, Respondent's Return, a signed Conditional Order of Dismissal, Applicant's response to the Conditional Order of Dismissal, and the notice provided to Applicant regarding the implementation of electronic GPS monitoring upon release.

PROCEDURAL HISTORY

The Applicant is not presently confined but was previously confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lexington County Clerk of Court. The Applicant was indicted at the April 2007 term of the Lexington County Grand Jury for Committing or Attempting to Commit a Lewd Act Upon a Child Under Sixteen (2007-GS-32-1210). David Culbertson, Esquire represented the Applicant. On April 5, 2007, the Applicant pled guilty as charged. The Honorable James W. Johnson, Jr. sentenced the Applicant to confinement for a period of ten (10) years, provided that upon the service of seven (7) years, the balance would be suspended with five (5) years probation. The Applicant did not appeal his conviction or sentence.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Ineffective Assistance of Counsel

In a PCR action, “[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence.” Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) (citing SCRCP 71.1(e)). Where the application alleges ineffective assistance of counsel as a ground for relief, 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. at 442, 334 S.E.2d at 814.

First, the applicant must show that counsel’s performance “fell below an objective standard of reasonableness under prevailing professional norms.” Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal



cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. (citing Strickland, 466 U.S. at 690). The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625.

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; see Strickland v. Washington, 466 U.S. 668, 688, 692, 104 S. Ct. 2052, 2065, 2067 (1984) (“[T]he defendant must show that counsel's representation fell below an objective standard of reasonableness [and] . . . any deficiencies in counsel's performance must be prejudicial to the defense in order to constitute ineffective assistance under the Constitution.”); Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006) (“PCR applicant must prove: (1) that counsel failed to render reasonably effective assistance under prevailing professional norms; and (2) that the deficient performance prejudiced the applicant's case.”).

And “where counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel.” Watson v. State, 370 S.C. 68, 72, 634 S.E.2d 642, 644 (2006 (citing Stokes v. State, 308 S.C. 546, 419 S.E.2d 778 (1992))). “Counsel's performance is accorded a favorable presumption, and a reviewing court proceeds from the rebuttable presumption that counsel ‘rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.’” Smith v. State, 386 S.C. 562, 567, 689 S.E.2d 629, 632 (2010) (quoting Strickland, 466 U.S. at 690, 104 S.Ct. 2052). “Accordingly, when counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel.” Id. (citing Caprood v. State, 338



S.C. 103, 110, 525 S.E.2d 514, 517 (2000)). "Courts must be wary of second-guessing counsel's trial tactics; and where counsel articulates a valid reason for employing certain strategy, such conduct will not be deemed ineffective assistance of counsel. Whitehead v. State, 308 S.C. 119, 417 S.E.2d 529 (1992) (citing Goodson v. United States, 564 F.2d 1071 (4th Cir. 1977)).

This Court will now address each allegation of ineffective assistance of counsel:

I. Alleged failure to correct the dates on the indictment

Applicant claims that his plea counsel was ineffective for failing to ensure the dates listed on the indictment were correct before Applicant was sentenced. Applicant testified that due to incorrect dates listed on his indictment, he became subject to electronic GPS monitoring pursuant to S.C. Code Ann. § 23-3-540, otherwise known throughout the United States as "Jessie's Law."

Investigator Pritchard testified that the reason for writing a longer time span on the indictment was due to the Victim's uncertainty of when the offenses took place. (PCR Tr. p. 12, 1. 4 – p. 13, 1. 2.)

This Court finds Applicant has failed to meet his burden of establishing plea counsel was ineffective and failed to show that the implementation of GPS monitoring was directly related to plea counsel's representation of Applicant.

Newly Discovered Evidence

I. GPS Electronic Monitoring

Applicant alleges that his application for post-conviction relief should not be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act because he has raised an allegation of newly-discovered evidence. Specifically, Applicant testified that he was not aware that he would be subject to GPS electronic monitoring

until he received a written notice on October 24, 2008. (PCR Tr. p. 15, ll. 12-15.) Respondent argues Applicant's allegation of after-discovered evidence is without merit because mandatory GPS electronic monitoring is a collateral consequence of a conviction or guilty plea and not a part of a criminal punishment; therefore, Applicant is not suffering from an *ex post facto* violation of his rights.

A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Blackledge v. Allison, 431 U.S. 63, 97 S.Ct. 1621 (1977). Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. United States, 519 F.2d 347 (4th Cir.1975), overruled on other grounds by U.S. v. Whitley, 459 F.2d 327 (4th Cir. 1985); Edmonds v. Lewis, 546 F.2d 566 (4th Cir.1976). Dalton v. State, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007). When a PCR applicant seeks relief on the basis of newly discovered evidence following a guilty plea, relief is appropriate only where the applicant presents evidence showing that (1) the newly discovered evidence was discovered after the entry of the plea and, in the exercise of reasonable diligence, could not have been discovered prior to the entry of the plea; and (2) the newly discovered evidence is of such a weight and quality that, under the facts and circumstances of that particular case, the "interest of justice" requires the applicant's guilty plea to be vacated. See Jamison v. State, 410 S.C. 456, 467, 765 S.E.2d 123, 128 (2014).

In other words, a PCR applicant may successfully disavow his or her guilty plea only where the interests of justice outweigh the waiver and solemn admission of guilt encompassed in a plea of guilty and the compelling interests in maintaining the finality of guilty-plea convictions.

The Supreme Court has cautioned that it will be the rare case indeed where the interests of justice will require that a knowing and voluntary guilty plea be vacated through post-conviction relief on the basis of newly discovered evidence, for an unconditional guilty plea involving an admission of guilt and a waiver of trial and all defenses will generally preclude any subsequent challenge to factual guilt. Id.

“The rule that a plea must be intelligently made to be valid does not require that a plea be vulnerable to later attack if the defendant did not correctly assess every relevant factor entering into his decision.” Brady v. United States, 397 U.S. 742, 757, 90 S.Ct. 1463, 1473 (1970).” A defendant is not entitled to withdraw his plea merely because he discovers long after the plea has been accepted that his calculus misapprehended the quality of the State's case or the likely penalties attached to alternative courses of action.” Id.

Applicant testified that his sentencing judge, the Honorable James Johnson, Jr., did not check the electronic monitoring box on Applicant's sentencing sheet and, therefore, he should not be subject to wearing the ankle monitor now that he has concluded his sentence. (PCR Tr. p. 15, ll. 7-11.) Applicant also testified that he was not made aware that the Department of Corrections and/or the Department of Probation, Parole and Pardon Services had Applicant registered for Mandatory GPS monitoring pursuant to S.C. Code Ann. § 23-3-540(A) until after Lexington County placed a detainer on him after his release from prison. (PCR Tr. p. 14, l. 20- p. 15, l. 15.)

Pursuant to S.C. Code Ann. § 17-27-45(c), a claim of after-discovered evidence can be timely raised within one year of actual discovery or *within one year of when, by the exercise of due diligence, such evidence could have been ascertained.* On January 1, 2006, South Carolina



enacted its version, S.C. Code Ann. § 23-3-540, of what is commonly known as “Jessie’s Law.”

Pursuant to S.C. Code Ann. § 23-3-540(A),

“Upon conviction, adjudication of delinquency, *guilty plea*, or plea of *nolo contendere* of a person from committing criminal sexual conduct with a minor . . . in the third degree, pursuant to Section 16-3-655(C), the court must order that the person, upon release from incarceration, confinement, commitment, institutionalization, or when under the supervision of the Department of Probation, Parole, and Pardon Services shall be monitored by the Department of Probation, Parole, and Pardon Services with the active electronic monitoring device.”

Applicant pled guilty to his charges on April 5, 2007, *over one (1) year and three months* after the statute was enacted. While Applicant claims that his attorney should have corrected the indictment dates to avoid the application of Jessie’s Law, according to a plain reading of the statute, the key date that triggers application of Jessie’s Law is the date of the guilty plea and not the date of the offense. *See*, S.C. Code Ann. § 23-3-540(A) (“Upon conviction . . . guilty plea . . . of a person from committing criminal sexual conduct with a minor . . . in the third degree . . . the **court must order** that the person, upon release from incarceration . . . be monitored . . . with the active electronic monitoring device.” (emphasis added)). Regardless of the indictment dates, because Applicant entered a plea after the date of the statute being enacted, the Court was required to order mandatory monitoring.

This Court finds that an *ex post facto* claim is not cognizable under the Uniform Post-Conviction Relief Act. *Jernigan v. State*, 340 S.C. 256, 531 S.E.2d 507 (2000). Accordingly, this Court is not the appropriate forum to consider Applicant’s allegation regarding mandatory GPS electronic monitoring. Furthermore, this Court finds that Applicant with due diligence should have been able to discover the enactment of “Jessie’s Law,” and, therefore, failed to meet his burden to establish a newly-discovered evidence claim.



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.

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FILED
7th Cir 18 A 49 59
BETH A. CARROLL
CLERK OF COURT
LEXINGTON, SC

CONCLUSION

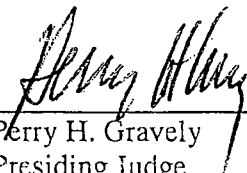
Based on all the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations before or during his guilty plea and sentencing proceedings or effectively made a claim of newly discovered evidence. Counsel was not deficient in any manner and Applicant was not prejudiced by counsel's representation. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court advises Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief be denied and dismissed with prejudice.

AND IT IS SO ORDERED this 9th day of Oct, 2016.



Perry H. Gravely
Presiding Judge
Eleventh Judicial Circuit

Creenville, South Carolina.

FILED
2016 OCT 18 A 10:50
BETH A. VANNOG
CLERK OF COURT
LEXINGTON, SC

FORM 4

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

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2009CP3204571

Brantley Clark		State of South Carolina	
----------------	--	-------------------------	--

PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Rule 43(k), SCRPC (Settled);
 - Other: _____
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 - Affirmed;
 - Reversed;
 - Remanded;
 - Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

		11/2/2016
Circuit Court Judge	Judge Code	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 or 2nd of November 2016, to attorneys of record or to parties (when appearing pro se) as follows:

Tara Dawn Shurling
3614 Landmark Drive Suite A Columbia, SC 29204

Johanna Catalina Valenzuela PO Box 11549 Columbia, SC
29211-1549
Caitlin Bazan Hastings PO Box 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

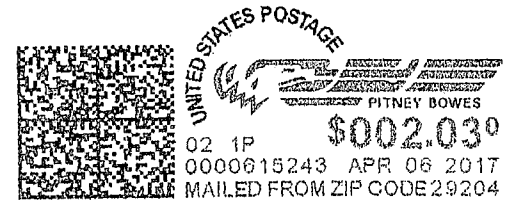
ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Beth A. Carrigg - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.



Law Office of
TARA DAWN SHURLING, PA

3614 LANDMARK DRIVE, SUITE A
COLUMBIA, SOUTH CAROLINA 29204



The Honorable Daniel E. Shearouse
South Carolina Supreme Court Clerk
Post Office Box 11330
Columbia, South Carolina 29211-1330