STATE OF SOUTH CAROLINA
In The Supreme Court

On Petition for Writ of Certiorari to Lexington County

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas
(PCR Action)
Perry H. Gravely, Circuit Court Judge

Randall Earl Sightler, Petitioner,

vs.

State of South Carolina, Respondent.

Appellate Case No.: 2016-0002415

RESPONSE TO MOTION TO HOLD APPEAL IN ABEYANCE AND MOTION TO REMAND FOR RECONSTRUCTION OF THE RECORD

Petitioner seeks to hold appeal times in abeyance and for an order allowing reconstruction of the PCR evidentiary hearing held November 13, 2013. Respondent does not oppose the request to hold timelines in abeyance or the request for remand, but requests limitations on scope of reconstruction and imposition of specific limits in which to complete the reconstruction effort. In support of its position, Respondent would respectfully show:

1. By amended order dated October 12, 2016, the Honorable Perry H. Gravely found Petitioner did not knowingly and intelligently waive his right to appeal the order of dismissal in his 2011 PCR action, and granted Petitioner "a belated PCR appeal pursuant to Austin v. State." Pursuant to *King v. State*, 308 S.C. 348, 349, 417 S.E.2d 868, 868 (1992), the Petitioner must serve both a petition regarding the *Austin* finding and a petition with questions presented from

the prior PCR action. He must also provide "records from both post-conviction relief proceedings." *Id.*

2. In his motion for abeyance and remand, Petitioner attaches an April 24, 2017 letter from Court Administration that advises the transcript from the hearing on November 13, 2013 cannot be produced.

3. Respondent attaches the Order of Dismissal from the 2011 action. (Attachment 1). The Order of Dismissal contains a detailed summary of testimony from the hearing. According to Public Index for the Eleventh Judicial Circuit, no motion was made under Rule 59 (e), SCRCP.

4. In light of the Order and the absence of a Rule 59 motion, Respondent submits remand should be limited to those matters addressed in the Order of Dismissal. No effort should be spent on addressing factual testimony for claims not raised to *and* ruled upon by the PCR judge. *See, e.g., Marlar v. State*, 375 S.C. 407, 410, 653 S.E.2d 266, 267 (2007) ("Because respondent did not make a Rule 59(e) motion asking the PCR judge to make specific findings of fact and conclusions of law on his allegations, the issues were not preserved for appellate review...."). However, Respondent does not oppose a remand to confirm the accuracy of the testimony as recounted in the Order of Dismissal. *Cf.* Rule 5, *Rules Governing Section 2254 Cases* (setting requirements for presentation of state proceeding transcripts in federal habeas actions, "if a transcript cannot be obtained, the respondent may submit a narrative summary of the evidence.").

5. Respondent also does not oppose holding appellate time limits in abeyance pending limited reconstruction efforts. Respondent respectfully requests, however, the Court set reasonable time limits on Petitioner's trip back to circuit court. *See Whitehead v. State*, 352 S.C.

215, 221, 574 S.E.2d 200, 203 (2002) (providing reconstruction hearing to be held "within 45 days of the date this opinion is filed").

WHEREFORE, based on the foregoing, Respondent does not oppose limited reconstruction efforts as outlined above; and, does not oppose holding appellate time limits in abeyance to accomplish same. Respondent respectfully request the Court place reasonable time limits on the remand for the reconstruction effort.

Respectfully submitted,

ALAN WILSON
Attorney General

J. ROBERT BOLCHOZ
Chief Deputy Attorney General

DONALD J. ZELENKA
Deputy Attorney General

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By: _____
MELODY J. BROWN
SC Bar No. 14244
ATTORNEYS FOR RESPONDENT

June 5, 2017.
Columbia, South Carolina.

STATE OF SOUTH CAROLINA
In The Court of Appeals

On Petition for Writ of Certiorari to Lexington County

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas
(PCR Action)
Perry H. Gravely, Circuit Court Judge

Randall Earl Sightler, Petitioner,

vs.

State of South Carolina, Respondent.

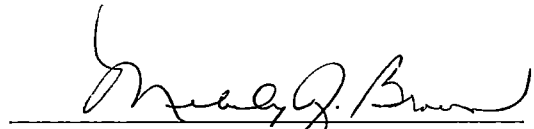
Appellate Case No.: 2016-0002415

PROOF OF SERVICE

I, Melody J. Brown, certify that I have served a copy of Respondent's *Response to Motion to Hold Appeal in Abeyance and Motion to Remand for Reconstruction of the Record* on Petitioner by depositing one copy in the United States mail, postage prepaid to his attorney of record, addressed as follows:

Appellate Defender John H. Strom
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

This 5th day of June, 2017.



MELODY J. BROWN
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ATTORNEY FOR RESPONDENT

OCT082014

ORIGINAL

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON	ELEVENTH JUDICIAL CIRCUIT
Randall E. Sightler, S.C.D.C. No. 311918,	C.A. No. 2011-CP-32-3085
Applicant,	
v.	**ORDER OF DISMISSAL**
State of South Carolina,	
Respondent.	

BETH A. CARRIGG CLERK OF COURT LEXINGTON, SC

2014 OCT -6 P 2:39

FILED

This matter comes before the Court pursuant to an Application for Post-Conviction Relief (PCR) filed September 23, 2011. Respondent made its Return on April 5, 2012. An evidentiary hearing into the matter was convened on at the Lexington County Courthouse on November 13, 2013. Applicant was present at the hearing and was represented by Andrew F. Farley, Esq. Respondent was represented by Walt Whitmire, Esq., of the South Carolina Attorney General's Office. At the hearing, Applicant and counsel testified. This Court also had before it the records of the Lexington County Clerk of Court, the transcript of the proceedings against the Applicant, and the Applicant's records from the South Carolina Department of Corrections.

PROCEDURAL HISTORY

Applicant is presently confined in the Department of Corrections pursuant to orders of commitment of the Lexington County Clerk of Court. Applicant was indicted for trafficking methamphetamine, 10-28 grams third-offense (2011-GS-32-6009), and manufacturing methamphetamine, 10-28 grams second-offense (2011-GS-32-6010). He was represented by

Sarah Mauldin[1], Esq. On June 7, 2011, Applicant waived presentment and pled guilty as indicted on the manufacturing offense and pled to the lesser-included offense of trafficking, second-offense. The Honorable Edward B. Cottingham sentenced Applicant to a term of fifteen (15) years imprisonment on each offense. The sentences were to be served concurrently. Judge Cottingham in addition revoked Applicant's probation on a 2010 Possession of Methamphetamine conviction. Applicant did not appeal his sentence, conviction, or revocation.

At the PCR hearing, Applicant moved forward on the following allegations:

1. Ineffective assistance of counsel:
   a. failure to investigate a suppression defense;
   b. failure to timely investigate a witness statement;
   c. failure to withdraw the plea at the hearing;
   d. failure to substitute counsel based on an alleged conflict of interest.

SUMMARY OF TESTIMONY

Applicant alleged counsel was ineffective for failing to investigate his case. He testified he was not satisfied with counsel from the outset of the representation. He state he met with prior counsels, Attorney Mauldin and Attorney Cornwell, three times prior to counsel's involvement. He stated that counsel never fully reviewed the State's evidence with him. First, Applicant claimed counsel did not pursue possible suppression defenses regarding an alleged illegal inventory search from the October 18, 2010 offense. He testified the search was untimely because it occurred nearly a month after he had been arrested. He testified that he asked counsel to investigate what the police recovered in back of this particular vehicle because he was uncertain what was housed and recovered from it. Second, Applicant testified that counsel never apprised him of his co-defendant Jennifer Higgins speculatively exculpatory statement. Yet Applicant conceded his guilt. He stated that Higgins' statement was not included in solicitor's

[1] Formerly Sarah Hahn, Esq., at the time of the representation.

discovery disclosure. As a result counsel alleged deficient performance, Applicant claimed he regrettably rejected a prior more favorable guilty plea offer.

Applicant alleged counsel was ineffective for failing to make a motion to be relieved from the case as a result of an alleged conflict of interest. Applicant testified that the Eleventh Circuit Solicitor's Office transferred the case to the Attorney General's Office because they were prosecuting a case where Applicant was the victim of a shooting that stemmed from a separate incident. He surmised that the Public Defender's Office should have followed suit because they were representing his assailant while representing him. He testified that wrote to the Public Defender Madsen on April 24, 2011 to explain the problem. He also complained of counsel's performance in this letter.

Applicant alleged counsel was ineffective for failing to object to solicitor's breach of the plea agreement. He testified that terms of the plea agreement stipulated that the solicitor would not make a sentencing recommendation. He claimed that Investigator Hook breached the agreement when he addressed the Plea Judge during the aggravation portion of the sentencing phase of the plea hearing. He testified that Hook personally disliked him told the Plea Judge that Applicant was a well-known commodity in manufacturing and distribution of methamphetamine scene in Lexington County. He stated that when Hook asked the Plea Judge to impose the most punitive sentence available, counsel should have objected and moved to withdraw Applicant's guilty plea.

Counsel testified to her course of conduct during the representation. She met with Applicant numerous times and pursued a defense theory based upon control and dominion of the narcotics. Most of her discussions with Applicant revolved around determining strategy to mitigate his involvement in both offenses. She noted that Higgins voluntarily came to her office

and provided a statement; she subsequently met with Applicant to discuss the development and discussed the matter for over one hour. Although the statement had exculpatory value, counsel advised Applicant that she had concerns over how a potential jury would view Higgins' credibility. Furthermore, another occupant of the vehicle here, Britney Lindsey, gave a contrary statement that identified Applicant as the culprit. She discussed possible suppression defenses and was not aware of any oversights in her representation. Counsel reviewed Applicant's letter to the Eleventh Circuit Public Defender Madsen regarding the alleged conflict of interest and she disagreed with its merits. She stated that it was her opinion that her representation of Applicant did not constitute a conflict of interest. Counsel explained her Office's policy to prevent handle conflicts and protect a client's interests. Paralegals screen potential conflicts that are reviewed for a second time by the Lexington County Public Defender Beth Fullwood. Measures are taken to ensure an attorney is exposed to a co-defendant's case. Most actual conflicts of interest result to substitutions of outside counsel. Counsel explained that her representation was not adversely effected as a result of Applicant's status as a victim on a separate incident. Counsel noted that Applicant's concerns here did were fleeting.

Counsel explained the extent of her plea negotiations with the solicitor. At the outset of her representation, she noted prior offers that Applicant had rejected. Counsel made attempts to obtain a favorable offer and noted that the prosecutor was pliable in negotiations concerning the trafficking, third-offense, charge from the first incident but would not downgrade manufacturing, second-offense, charge from the subsequent incident. As a result, the prosecutor offered to plead Applicant to the lesser included offense of trafficking, second-offense, and straight-up on the manufacturing charge. Counsel referenced the written plea offer during her testimony and noted it included a clause that the offer was otherwise without recommendations or negotiations except

the joint recommendation for Applicant's sentences to be served concurrently. Counsel conveyed the offer to Applicant and advised him on the matter. Counsel explained that Hook's comments during at the plea hearing did not constitute a breach of the plea agreement. Applicant saw the officers in the court room prior to the plea and was aware that they intended on speaking. Their presence did not result in Applicant expressing a desire to stand down from entering the plea. Furthermore, Applicant did not give counsel any indication that he desired withdrawing from the plea of guilty after Hook addressed the Plea Judge. Counsel stated that even in hindsight, she would refrained from an objection or making motion to withdraw the plea in this case. She noted that even if the matter constituted a breach of the plea agreement, Hooks's statements were immaterial and did not frustrate the purpose of the agreement to jointly recommend concurrent service.

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, (1984); Butler, 286 S.C. at 441, 334 S.E.2d at 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. at 668, 104 S.Ct. at 2064. The Applicant must

overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland, *supra*. 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.

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's records regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, the transcripts and exhibits from the prior proceedings, and, and legal arguments of counsel. 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 exemplary performance was exhibited by her preparations for the PCR hearing and professional conduct. This Court finds counsel's testimony to be more credible than Applicant's testimony. The Plea Judge followed the joint recommendation and sentenced Applicant to serve his terms of imprisonment concurrently. Despite the Plea Judge's disorganized colloquy, Applicant failed to produce any credible evidence that he was induced to accept the solicitor's offer because it included language that

functioned as a merger clause that the plea to posit that the conflict prosecutor would not make a sentencing recommendation. This Court also finds Applicant's conflict of interest allegation lacked merit.

A.

This Court finds Applicant failed to meet his burden to prove counsel was ineffective for failing to investigate Higgins statement. This Court has stated previously that criminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an independent investigation of the facts and circumstances of the case. Edwards v. State, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011). This Court finds the record contradicts Applicant's allegation that counsel was deficient for not pursuing an allegedly viable Fourth Amendment Suppression defense. See State v. Missouri, 361 S.C. 107, 112, 603 S.E.2d 594, 596 (2004) ("To claim protection under the Fourth Amendment of the U.S. Constitution, defendants must show that they have a legitimate expectation of privacy in the place searched."). Therefore, this allegation is summarily denied and dismissed.

B.

This Court finds Applicant's failed to meet his burden to prove counsel was ineffective for failing to timely evaluate Higgins' statement prior to his rejection of earlier plea offers. "The Sixth Amendment right to effective assistance of counsel extends to the consideration of plea offers that lapse or are rejected. That right applies to "all 'critical' stages of the criminal proceedings." Missouri v. Frye, ---- U.S. ----,----, 132 S.Ct. 1399, 1402 (2012). question is whether defense counsel has the duty to communicate the terms of a formal offer to accept a plea on terms and conditions that may result in a lesser sentence, a conviction on lesser charges, or

both. Id., ---- U.S. at ----. 132 S.Ct. at at 1408. "A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of a plea by showing that counsel's representation fell below an objective standard of reasonableness." Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). "To show prejudice from ineffective assistance of counsel in a case involving a plea offer, petitioners must demonstrate a reasonable probability that (1) they would have accepted the earlier plea offer had they been afforded effective assistance of counsel, and (2) the plea would have been entered without the prosecution canceling it or the trial court refusing to accept it, if they had the authority to exercise that discretion under state law." Merzbacher v. Shearin, 706 F.3d 356, 366 (4th Cir. 2013) cert. denied, 134 S. Ct. 71, 187 L. Ed. 2d 56 (U.S. 2013) reh'g denied, 134 S. Ct. 725, 187 L. Ed. 2d 580 (U.S. 2013) (internal quotations omitted).

This Court finds counsel's testimony that she promptly independently evaluated Higgins' statement then immediately discussed her impressions with Applicant. Furthermore, Applicant failed to overcome counsel's credible testimony on the matter and present credible evidence that the statement was in possession of the prosecuting attorney, and thereby discoverable, prior to counsel obtaining the statement. See Porter v. State, 368 S.C. 378, 386, 629 S.E.2d 353, 358 (2006) ("Mere speculation of what a witness' testimony may be is insufficient to satisfy the burden of showing prejudice in a petition for PCR."). Instead, this Court finds this allegation is most likely a product of Applicant's wishful thinking in hindsight, a by-product of his displeasure with his ultimate prison sentence. See Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 371 (1997) ("Wishful thinking regarding sentencing does not equal a misapprehension concerning the possible range of sentences, especially where one acknowledges on the record that one knows the range of sentences and that no promises have been made."). Applicant's

testimony on this matter was simply suspect. See Merzbacher at 366-67 ("But it is entirely clear that to demonstrate a reasonable probability that he would have accepted a plea, a petitioner's testimony that he would have done so must be credible."). Therefore, this allegation is denied and dismissed.

C.

This Court finds Applicant's allegation that counsel was ineffective for failing to withdraw Applicant's plea at the hearing as a result of an alleged breach of the agreement to be without merit. "[C]onduct of Jordan's counsel in not protecting [a defendant's] right to enforce the plea agreement with the Solicitor's office fell below prevailing professional norms." Thompson v. State, 340 S.C. 112, 116, 531 S.E.2d 294, 296 (2000). Counsel testified that the statement at issue made by officer during at plea agreement during the State's recitation of facts was inapposite to the plea agreement. She stated that plea agreement before the plea judge was not breached. This Court again finds counsel's testimony convincing and agrees with her assessment. Applicant has produced no credible evidence to rebut counsel's testimony. The record shows that the plea judge was more than adequately aware of the agreement and sentenced accordingly. Applicant was fully aware that the officer was present at the plea hearing. The record shows he took no issue with the matter when he had the opportunity to request counsel withdraw the plea. See Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) ("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.").

Furthermore, this Court finds counsel's testimony credible that the negotiated agreement with the solicitor that both would recommend concurrent service was the 'but/for' reason

Applicant accepted the offer and entered the agreement. Compare Jordan v. State, 297 S.C. 52, 374 S.E.2d 683 (1988) ([Defendant agreed to plead guilty because he believed the solicitor would neither oppose nor recommend probation.). This Court finds counsel to be an experienced and widely respected within the circuit's criminal defense bar. See Stewart v. Secretary, Dept. of Corrections, 476 F.3d 1193, 1209 (11th Cir. 2007) (the experience of counsel strengthens the presumption of reasonable assistance.). In contrast, Applicant again has failed to meet his burden to rebut counsel's credible testimony. Therefore, this allegation is denied and dismissed.

D.

This Court finds Applicant's allegation that counsel was ineffective for not moving to withdraw her representation of Applicant as a result of an alleged conflict of interest to be without merit. "In order to establish a violation of the Sixth Amendment, a defendant who raised no objection at trial must demonstrate that an actual conflict of interest adversely affected his lawyer's performance." Duncan v. State, 281 S.C. 435, 438, 315 S.E.2d 809, 811 (1984). "If a defense attorney owes duties to a party whose interests are adverse to those of the defendant, then an actual conflict exists. The interests of the other client and the defendant are sufficiently." Id. This Court finds counsel's testimony regarding the protocol for preventing the leakage of information that would risk the creation of legitimate conflicts in factually similar cases to be proficient. There has been no credible showing of counsel's representation posed an actual conflict of interest. Furthermore, Applicant presented no testimony or evidence that even established a prima facie argument under Strickland's prejudice prong. See Cannon v. Mullin, 383 F.3d 1152, 1165 (10th Cir. 2004). Therefore, this allegation is denied and dismissed.

E.

Applicant raised a collateral issue concerning the computation of his incarcerative

sentence. This Court finds this claim is against the Department of Corrections and concerns a matter outside of the purview of PCR. See Al-Shabazz v. State, 338 S.C. 354, 367-68, 527 S.E.2d 742, 749 (2000) ("A typical PCR claim of ineffective assistance of counsel falls into this category because, if the applicant proves his case, his conviction or sentence will be overturned. A claim regarding sentence-related credits or other condition of imprisonment does not fall into this category. A successful claim, while it may affect the duration of the sentence or the quality of life in prison, will not affect the validity of the underlying conviction or sentence."). However, in light of judicial efficiency, Respondent was directed to look into the mater. Pursuant to Crooks v. State, 326 S.C. 171, 485 S.E.2d 374 (1997), the Department of Corrections asserts that Applicant's sentence has been properly calculated. This Court directs Applicant to pursue other non-PCR administrative actions in addressing any further sentence calculation issues. Although this Court finds this claim per se cannot constitute prejudice in PCR, Applicant has nonetheless failed to meet his burden here.

F.

Except as discussed above, this Court finds that the Applicant affirmatively abandons the remaining allegations set forth in his application at the hearing. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BMI, Inc., 292 S.C. 153, 158-59, 355 S.E.2d 282 (Ct. App. 1987). The Applicant's failure to address these issues at the hearing indicates a voluntary and intentional relinquishment of his right to do so. Therefore, any and all remaining allegations are denied and dismissed.

CONCLUSION

Based on all the forgoing, 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 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), SCRCP; 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.

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 Respondent

AND IT IS SO ORDERED this 2 day of October, 2014.

R. LAWTON MCINTOSH
Presiding Judge
Eleventh Judicial Circuit

Anderson, South Carolina

OCT082014

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2011CP3203685

PLAINTIFF(S)	DEFENDANT(S)
Randall Earl Sightler #311918	State of South Carolina
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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ 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.**

10/8/2014

Circuit Court Judge **Judge Code** **Date**

OCT082014

For Clerk of Court Office Use Only

This judgment was entered on **8th of October 2014**, and a copy mailed first class or placed in the appropriate attorney's box on **8th of October 2014**, to attorneys of record or to parties (when appearing pro se) as follows:

Andrew Blaine Farley 201 West Main St. Suite 201C
Lexington, SC 29072

ATTORNEY(S) FOR THE PLAINTIFF(S)

State of South Carolina Walt Whitmire

ATTORNEY(S) FOR THE DEFENDANT(S)

Beth A. Carrigg/mh

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.