

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Charles Eugene Carpenter, #181783,

Petitioner,

v.

State of South Carolina,
South Carolina Department of Corrections,

Respondent.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

2016-CP-40-06916

ORDER DISMISSING PETITION
FOR WRIT OF HABEAS CORPUS
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SC Court of Appeals

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JERRY G. ...
RICHLAND COUNTY

This matter comes before the Court by way of a Petition for Writ of Habeas Corpus filed November 18, 2016. The South Carolina Department of Corrections filed a motion to dismiss on December 28, 2016 and a memorandum in support of that motion on February 15, 2017. A hearing was held on February 16, 2017, before the Honorable L. Casey Manning. The State was subsequently joined as a party pursuant to an Order issued by Judge Manning dated February 23, 2017. The State also filed a motion to dismiss. A hearing was held on April 6, 2017 before the Honorable Jean H. Toal where the motions were denied. A bench trial was held on June 7, 2017, at the Richland County Courthouse.

In this action, Petitioner makes claims against the State and against the South Carolina Department of Corrections. This Order dispenses with the claims made against the State. Petitioner asserts that he is being held unconstitutionally because the plea judge lacked jurisdiction and authority to impose a consecutive twenty-five (25) year sentence. First, this Order will detail Petitioner's original charges and subsequent collateral challenges. Then the claims against the State will be addressed.

I. Procedural History

A. Underlying Convictions

Petitioner is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the State Grand Jury Clerk of Court. At a March 1990 session, the South Carolina State Grand Jury (SGJ) issued a seven (7) count superseding indictment against Petitioner and nine (9) other defendants. (1990-GS-47-05-001). Specifically, Petitioner was indicted for Conspiracy: Trafficking in Marijuana (Count 1), and Trafficking in Marijuana (Count 2). At the same session, the South Carolina State Grand Jury issued a superseding eighteen (18) count indictment against Petitioner and ten (10) other defendants. (1990-GS-47-05-002). Specifically, Petitioner was indicted for Conspiracy: Trafficking in Cocaine (Count 1), and Trafficking in Cocaine (Count 2). Petitioner was represented on the charges by Lionel S. Lofton, Esquire.

On April 7, 1990, Petitioner pled guilty before the Honorable Edward B. Cottingham to the conspiracy counts in both indictments in return for the dismissal of the other counts as well as the dismissal of numerous other serious charges.¹ Petitioner pled pursuant to a written plea agreement which provided that he would receive concurrent twenty-five (25) year sentences on the conspiracy counts *if* he abided by the agreement and cooperated with authorities, but the State could request that the sentences be run *consecutively* if he failed to cooperate. Sentencing was deferred until June 4, 1990, at which point the parties returned before Judge Cottingham. Petitioner had moved to fire Mr. Lofton and retain new counsel, Timothy F. Rogers and Michael

¹ While not part of the plea agreement, numerous charges brought by other jurisdictions were dismissed. Marlboro County burglary and kidnapping charges were dismissed. Richland County charges were dismissed. Federal firearm charges were dismissed out of the Florence Division of the U.S. Attorney's Office. It was agreed that sentences on pending North Carolina charges would be served concurrently with the South Carolina sentences. The State further agreed not to pursue charges against Petitioner for offenses that were committed prior to the State Grand Jury indictments.

J. Cox, Esquires. Judge Cottingham allowed Mr. Rogers and Mr. Cox to appear but ordered Mr. Lofton to remain on the case due to his familiarity with the issues and the late nature of Petitioner's decision. Judge Cottingham sentenced Petitioner to twenty-five (25) years' imprisonment and a \$200,000 fine on Indictment 90-002 (Cocaine), but deferred sentencing on 90-001 until a hearing could be held on the State's allegations that Petitioner had breached the plea agreement previously entered by refusing to cooperate.

Judge Cottingham convened a hearing to determine whether Petitioner had breached the plea agreement on August 9, 1990. Testimony was taken from various witnesses including investigators and a codefendant. At the conclusion of the hearing, Judge Cottingham found that Petitioner had willfully failed to cooperate with authorities and indeed had threatened witnesses and codefendants. Accordingly, Judge Cottingham found that Petitioner violated his obligations under the plea agreement and sentenced Petitioner to a consecutive twenty-five (25) years and \$50,000 fine on Indictment 90-001.

Judge Cottingham retained jurisdiction to allow Petitioner a final opportunity to cooperate with law enforcement as required by his plea agreement. On February 3, 1992, Judge Cottingham issued an order affirming the August 9, 1990, consecutive sentence for conspiracy to traffic marijuana and divesting himself of jurisdiction over the matter.

A notice of appeal was timely filed and served on behalf of Petitioner by Mr. Rogers and Mr. Cox. A Transcript of Record was filed with the South Carolina Supreme Court on November 27, 1990. However, on April 12, 1991, Petitioner filed an affidavit requesting to withdraw his appeal, presumably because the imposition of the sentences was not final at that time. A subsequent notice of appeal was filed on February 11, 1992. J. Christopher Mills, Esquire, and Barbara Anne Leitner, Esquire perfected the appeal. The Supreme Court affirmed Petitioner's

convictions and sentences in a memorandum opinion. State v. Carpenter, Op. No. 94-MO-182 (S.C. S. Ct. filed July 15, 1994).

B. PCR Action 1993-CP-13-0255

While the direct appeal was pending, Petitioner filed a petition for writ of habeas corpus dated October 29, 1993. The State moved to construe the petition as a PCR and filed a motion to dismiss the petition. Judge Cottingham granted the motion to dismiss by order dated March 15, 1994.

Petitioner filed a second notice of appeal. Daniel T. Stacey, Esquire of the South Carolina Office of Appellate Defense perfected the appeal. The South Carolina Supreme Court affirmed the dismissal and ruled that Petitioner was not entitled to relief.

C. PCR Action 1995-CP-13-0244

Next, Petitioner filed an application for post-conviction relief on December 22, 1995. He asserted the following issues:

1. State Grand Jury lacked subject matter jurisdiction;
2. Single conspiracy;
3. Double jeopardy; and
4. Ineffective assistance of counsel.

The State filed a Return and Motion to Dismiss dated March 15, 1996. Petitioner followed with amended applications dated January 26, 1999, and January 28, 1999. The first hearing was held before the Honorable James E. Lockemy on October 8, 1997. Petitioner was represented by Melvin Roberts, Esquire. At this hearing, Petitioner requested access to all State Grand Jury transcripts regarding his case, which the court granted. The next hearing took place on July 20, 1998, where Petitioner testified on his own behalf and where the State called Mr. Lofton. The hearing was continued until August 24, 1998, so that further transcripts could be obtained. Further testimony from Petitioner and Mr. Lofton was taken at the subsequent hearing. Another

hearing was held on January 26, 1999, to discuss various matters and to take more testimony from Petitioner.

On August 28, 1999, Judge Lockemy issued an Order of Dismissal rejecting all of Petitioner's claims. Mr. Roberts then filed a timely "Motion for Amendment to Judgment for a New Trial under Rule 52, SCRCR, and/or a Motion to Alter or Amend Judgment Under Rule 59(e), SCRCR." The Stated filed a return on October 7, 1999. A hearing was held on the motion on November 11, 1999. Judge Lockemy then issued an Order dated March 10, 2000, in which he held his original Order of Dismissal correctly disposed of the issues raised by Petitioner.

A notice of appeal from Judge Lockemy's Order was timely served and filed. Paul V. Cannarella, Esquire, represented Petitioner on appeal. On January 17, 2000, Mr. Cannarella filed a Petition for Writ of Certiorari, where he raised the following issues:

1. Did the Circuit Court err in finding that Petitioner was not entitled to Post-Conviction Relief on the grounds of double jeopardy despite the fact that Petitioner was convicted of two counts of conspiracy where only one conspiracy occurred and in finding that trial counsel's failure to object on the ground of double jeopardy did not constitute ineffective assistance of counsel?
2. Did the Circuit Court err in finding that Petitioner was not entitled to Post-Conviction Relief on the ground that his guilty plea was not knowingly and voluntarily entered and in finding that counsel's failure to object to the unknowing and involuntary nature of the nature of the guilty plea did not constitute ineffective assistance of counsel?
3. Did the Circuit Court err in finding that counsel's failure to move to withdraw the guilty plea did not constitute ineffective assistance of counsel?
4. Did the Circuit Court err in finding that Petitioner was not entitled to Post-Conviction Relief on the ground that there was a lack of subject matter jurisdiction to defective indictments and in finding that counsel's failure to file any pre-trial motion to question the jurisdiction of the State Grand Jury did not constitute ineffective assistance of counsel?
5. Did the Circuit Court err in finding that Petitioner was not entitled to Post-Conviction Relief on the ground that Petitioner's sentence exceeds the sentence set out in the statute?
6. Did the Circuit Court err in finding that Petitioner was entitled to Post-Conviction Relief on the ground of the conditions of confinement and in finding that counsel's failure to investigate such did not constitute ineffective assistance of counsel?

The State filed a Return to the Petition for Writ of Certiorari dated April 18, 2001, and Petitioner followed with a Reply dated April 30, 2001. On December 13, 2001, the South Carolina Supreme Court denied certiorari, and the Remittitur was sent down on January 10, 2002.

D. Federal Habeas Corpus Petition

Petitioner then filed a petition for writ of habeas corpus in the United States District Court for the District of South Carolina on November 12, 2002 (3:02-cv-3807-HMH). The State submitted a motion for summary judgment and memorandum in support on March 7, 2003. The Honorable Joseph R. McCrorey, United States Magistrate Judge, issued a report and recommendation to grant summary judgment dated October 6, 2003. On January 21, 2004, the Honorable Henry M. Herlong, Jr., United States District Judge, issued an order granting the motion for summary judgment and dismissing the petition with prejudice.

Petitioner filed a notice of appeal at the United States Court of Appeals for the Fourth Circuit. By order filed July 1, 2004, the Fourth Circuit denied a certificate of appealability and dismissed the appeal.

E. PCR Action 2008-CP-13-0281

Petitioner then filed a *third* application for post-conviction relief on July 3, 2008. The State filed a Return and Motion to Dismiss on October 24, 2008, requesting that the application be dismissed with prejudice because it was filed outside the statute of limitations and was successive to his previous applications. A hearing was convened at the Darlington County Courthouse on January 15, 2009, where Petitioner was present and represented by Tommy A. Thomas, Esquire. The State was represented by Karen C. Ratigan of the South Carolina Attorney General's Office. By order filed February 2, 2009, the Honorable John M. Milling dismissed

Petitioner's application with prejudice. A motion to alter or amend was filed on March 13, 2009, and an amended order of dismissal was filed on April 9, 2009.

A timely notice of appeal was filed. Mr. Thomas stayed on to represent Petitioner on appeal and filed a Petition for Writ of Certiorari with the South Carolina Supreme Court on September 21, 2009. The State filed its Return on November 20, 2009. The Supreme Court denied the petition on September 23, 2010. The Remittitur was issued on October 12, 2010.

II. Discussion

In the matter currently before the Court, Petitioner has filed another Petition for Writ of Habeas Corpus against the State alleging that Judge Cottingham did not have jurisdiction or authority to impose a consecutive twenty-five (25) year sentence. Petitioner concludes that if the consecutive sentence was illegal, then he has completed service of his original twenty-five year sentence and is entitled to release.

Historically, a petition for a writ of habeas corpus was a common-law writ for relief and only available to attack the jurisdiction of the court who imposed the sentence. See Williams v. Ozmint, 380 S.C. 473, 476, 671 S.E.2d 600, 601 (2008) (citing Ex parte Klugh, 132 S.C. 199, 128 S.E. 882 (1925) (recognizing that habeas corpus is a collateral remedy and calls in question only the jurisdiction of the court whose judgment is challenged)). "The great and central office of the writ of habeas corpus is to test the legality of a prisoner's current detention." Butler v. State, 302 S.C. 466, 468, 397 S.E.2d 87, 88 (1990) (quoting Walker v. Wainwright, 390 U.S. 335, 336 (1968)). The enactment of the Uniform Post-Conviction Procedure Act², however, "drastically limited the availability of habeas corpus." Id. (citation omitted). Post-conviction relief was intended to include all "relief available under the common law writ of habeas corpus, the relief available under the expansion of the writ, and the relief available by collateral attack under any

² S.C. Code Ann. §§ 17-27-10, et. seq. (2003).

common law, statutory or other writ, motion, petition, proceeding, or remedy.” See Simpson v. State, 329 S.C. 43, 46, 495 S.E.2d 429, 430 (1998); see also S.C. Code Ann. § 17-27-20(b) (2003) (noting post-conviction relief “comprehends and takes the place of all other common law, statutory or other remedies heretofore available for challenging the validity of the conviction or sentence”).

Regardless, the South Carolina Constitution provides for the possibility of habeas corpus relief. S.C. Const. Art. 1, § 18. “Habeas relief is seldom used and acts as an ultimate ensurer of fundamental constitutional rights. For these reasons, a defendant bears a much higher burden in a habeas proceeding.” Williams v. Ozmint, 380 S.C. at 477, 671 S.E.2d at 602. A writ of habeas corpus is reserved for only the most serious of constitutional violations which – in the setting – constitute a “denial of fundamental fairness shocking to the universal sense of justice.” Id. (citing Green v. Maynard, 349 S.C. 535, 538, 564 S.E.2d 83, 84 (2002)); see also Butler v. State, 302 S.C. 466, 468, 397 S.E.2d 87, 88 (1990). This Court has held, however, that not “every constitutional error at trial will justify issuance of the writ.” McWee v. State, 357 S.C. 403, 406, 593 S.E.2d 456, 457 (2004) (quoting Green v. Maynard, 349 S.C. at 538, 564 S.E.2d at 84). This Court will grant a writ of habeas corpus only under “unique and compelling circumstances.” Id. Habeas corpus is available only when other remedies – such as post-conviction relief – are either inadequate or unavailable. See Gibson v. State, 329 S.C. 37, 41, 495 S.E.2d 426, 428 (1998)

A. Motion for Default is Denied

Petitioner filed a motion for default against the State on May 12, 2017. In the motion, Petitioner argues that the State did not file a timely answer to the complaint. This Court finds the State filed a timely responsive pleading addressing the full procedural issues and merits of the claims made by Petitioner. A return to a Petition for Writ of Habeas Corpus is an appropriate

responsive pleading. The State has defended this action since being joined and has filed a motion to dismiss and a thorough return to the Petitioner. This motion is denied.

B. This Action is Procedurally Barred

The State argues that this action is procedurally barred. This Court agrees. A state habeas petition must be filed in the original jurisdiction of the South Carolina Supreme Court. See Keeler v. Mauney, 330 S.C. 568, 500 S.E.2d 123 (Ct. App. 1998)³. Relief must be sought in the original jurisdiction of the South Carolina Supreme Court or in a successive PCR application filed in the appropriate county.⁴ Furthermore, “[a] person is procedurally barred from petitioning the circuit court for a writ of habeas corpus where the matter alleged is one which could have been raised in a PCR application.” Keeler, 500 S.E.2d at 124. In fact, *any* matter that is cognizable under the Uniform Post-Conviction Procedure Act, S.C. Code Ann. §§ 17-27-10 to -120 (2003), may not be raised by a petition for a writ of habeas corpus before the circuit or other lower courts of this State. Simpson v. State, 329 S.C. 43, 495 S.E.2d 429 (1998); Gibson, 495 S.E.2d 426; Keeler, 330 S.C. at 570, 500 S.E.2d at 124. The Uniform Post-Conviction Procedure Act is broadly inclusive and will rarely be inadequate or unavailable to test the legality of the detention. Gibson, 495 S.E.2d at 428. A petitioner may allege constitutional violations in PCR proceedings, unless the issue could have been raised by direct appeal. Id.; Keeler, 500 S.E.2d at 124.

Petitioner fails to meet the standards required for the issuance of this extraordinary writ. The Petition is improperly filed in the circuit court as it must be filed in the original jurisdiction

³ Before a petitioner may proceed in the original jurisdiction of the Supreme Court, the petition must set out a constitutional claim that meets the standard delineated in Butler v. State, 302 S.C. 466, 397 S.E.2d 87, cert. denied, 498 U.S. 972 (1990). In Butler, the South Carolina Supreme Court held that the writ of habeas corpus will only be issued when there has been a constitutional violation “which, in the setting, constitutes a denial of fundamental fairness shocking to the universal sense of justice.” Butler, 302 S.C. 466, 397 S.E.2d 87, 88 (1990) (citing State v. Miller, 84 A.2d 459 (N.J. Super. Ct. App. Div. 1951)).

⁴ Petitioner’s underlying charges arise from Chesterfield County, not Richland.

of the Supreme Court. Furthermore, Petitioner made no allegations that PCR remedies have been exhausted or any factual justification why other remedies, such as PCR, were unavailable or inadequate to address his allegations. The filing of a PCR application is the proper way to bring this action. The allegations that the trial court lacked jurisdiction to impose the sentence are explicitly covered by the PCR act. See S.C. Code Ann. § 17-27-20(A) (“Any person who has been convicted of, or sentenced for, a crime and who claims: . . . (2) That the court was without jurisdiction to impose the sentence.”). Petitioner’s other allegation that his sentence has expired is also explicitly covered by the PCR act. See S.C. Code Ann. § 17-27-20(A) (“(5) That his sentence has expired . . .”).

Petitioner argues this argument was addressed by Judge Toal in her Order denying the motions to dismiss. That Order only ruled that Petitioner had made sufficient showing, in the light most favorable to him, that he had pled a cognizable claim under Rule 12(b), SCRPC. Petitioner then was able to see if he could meet his burden in proving his case under the applicable legal framework before this Court.

C. Merits

This Court further finds that even if it were to excuse the procedural bar, the Petition must fail on the merits. The trial court had proper jurisdiction to impose the sentences. Petitioner argues that the trial court did not have jurisdiction to impose a sentence on the trafficking in marijuana indictment. Specifically, Petitioner argues that he was sentenced to concurrent terms on June 4, 1990. This Court finds the trial court exercised proper jurisdiction over the case in deferring sentencing and imposing a consecutive twenty-five (25) year sentence. Furthermore, Petitioner has not made a sufficient showing that the alleged constitutional violations have denied him fundamental fairness that is shocking to the universal sense of justice.

An applicant may challenge the subject matter jurisdiction of the trial court, and such a claim is one that may be raised at any time. See Brown v. State, 343 S.C. 342, 540 S.E.2d 846 (2001), *overruled in part by Gentry, supra*. However, “[c]ircuit courts obviously have subject matter jurisdiction to try criminal matters.” Gentry, supra, 610 S.E.2d at 499; See also S.C. Const. Art. V, § 7. The record completely refutes Petitioner’s claims that Judge Cottingham improperly deferred sentencing while retaining jurisdiction over the case.

The chief administrative judge for general sessions for the Fifth Judicial Circuit oversees the State Grand Jury and is referred to as the “presiding judge” throughout the State Grand Jury Act. S.C Code Ann. § 14-7-1630(B). The presiding judge is responsible for the docket management of all criminal and civil proceedings arising out of the State Grand Jury including issues with subpoenas, the impanelment of the jurors, and the bond hearings for defendants indicted by the SGJ. The presiding judge also handles all of the administrative matters relating to the SGJ including issuance of orders, search warrants, and arrest warrants. Id. Once a defendant is indicted and after a venue order is entered, the Chief Justice of the Supreme Court assigns a judge to “take jurisdiction of and preside over all civil and criminal proceedings, with the exception of post-conviction relief matters, arising out of that investigation and set terms of court for the trial of these cases in the county where venue is set by the Presiding Judge of the State Grand Jury.” See Administrative Order State Grand Jury, S.C. Sup. Ct. Order dated March 20, 2003.⁵

In Petitioner’s case, venue was ordered in Chesterfield County. Judge Cottingham was assigned by the Chief Justice to preside over all cases arising out of the investigation. See Order,

⁵ This Order was issued after Petitioner had been sentenced, but these were the procedures in place at the time. The Supreme Court issued an order that “the Honorable Edward B. Cottingham, be, and he hereby is, vested with concurrent jurisdiction in all circuits of the state to dispose of all common pleas and general sessions matters, including trials by jury, arising from State Grand Jury Investigation No. 89-005.” S. Ct. Order issued November 15, 1989.

S.C. Sup. Ct. Order dated November 15, 1989. With that order, Judge Cottingham had jurisdiction over Petitioner's case along with his codefendants' cases. This allowed Judge Cottingham to get a full picture of the investigation and the allegations set forth in the indictments. Judge Cottingham had the authority to manage Petitioner's case as he saw fit. The trial court was not limited in its jurisdiction as it may have been if Judge Cottingham had been assigned a specific weekly term of court because he was vested with continuing jurisdiction over the case, unique to SGJ cases.

Petitioner further argues that Judge Cottingham was without authority to defer sentencing. Since there was clearly continuing jurisdiction over Petitioner's case, the question turns to whether Judge Cottingham properly deferred sentencing. "Judgment in a criminal case is not final until sentence is imposed." State v. Robinson, 287 S.C. 173, 174, 337 S.E.2d 204, 204 (1985). Here, Petitioner's sentence was not final until he was sentenced on the trafficking in marijuana charge. That sentence was imposed on August 9, 1990, as evidenced by the sentencing sheet. Judge Cottingham was well within his authority to defer sentencing and to provide Petitioner an opportunity to cooperate as set forth in the plea agreement. It is important to note that while Petitioner argues Judge Cottingham was without subject matter jurisdiction, the question is really whether Judge Cottingham had the power to act in a particular manner. See State v. Campbell, 376 S.C. 212, 656 S.E.2d 371 (2008) (distinguishing jurisdiction from subject matter jurisdiction and explaining that a trial judge is without the power to act under the general rule despite the existence of subject matter jurisdiction).

Petitioner further argues that for Judge Cottingham to have proper jurisdiction over the August 9, 1990 hearing there must have been a specific order assigning special jurisdiction. Absent the supreme court order assigning jurisdiction over the SGJ case to Judge Cottingham,

Petitioner was unable to produce any other records to support his argument that the court was without authority to impose the consecutive sentence. This Court will not speculate as to the existence or nonexistence of any other orders. A presumption of regularity attaches to proceedings in the Court of General Sessions. Pringle v. State, 287 S.C. 409, 411, 339 S.E.2d 127, 128 (1986). It is incumbent upon one who challenges a proceeding to prove his claims. See Tate v. State, 345 S.C. 577, 549 S.E.2d 601 (2001). Petitioner has failed to show that any irregularities occurred. It is clear that the August 9, 1990 hearing was scheduled by Judge Cottingham. Both parties and the attorneys, a clerk of court, and a court reporter were present. This Court finds it difficult to fathom that Judge Cottingham was operating without jurisdiction and without authority from the supreme court to impose a sentence on the second count of the indictment.

Petitioner further argues that his sentence has expired. This is based on the faulty assumption that he was sentenced to concurrent terms of twenty-five (25) years' imprisonment. The comprehensive record shows that Petitioner was sentenced to *consecutive* terms of twenty-five (25) years' imprisonment. If this Court were to find that the trial court did not have jurisdiction, then a sentence would not have been imposed on the trafficking marijuana indictment. This would not require release and could possibly require a remand to have that sentence imposed.

III. Conclusion

Finally, the Court dismisses this action and denies relief. While the action is procedurally barred, a thorough analysis of the allegations shows that the action is without merit. Judge Cottingham exercised appropriate authority and jurisdiction over the same and imposed a consecutive twenty-five year sentence. While the Court recognizes Petitioner was sentenced to a

significant term of imprisonment, it was a sentence Petitioner was statutorily eligible for and Judge Cottingham possessed the discretion to run the sentences consecutively. Thus, it is clear that Petitioner's constitutional rights are not being violated and that he is being held by SCDC lawfully.

IT IS THEREFORE ORDERED THAT:

1. The Petitioner for Writ of Habeas Corpus 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 12 day of Sept, 2017.

Re Hood

ROBERT E. HOOD
Presiding Judge

Columbia, South Carolina

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2016-CP-40-06916

Charles Eugene Carpenter

~~South Carolina Department of Corrections and
the State of South Carolina~~

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for : Plaintiff Defendant
or
 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
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

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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:

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SC Court of Appeals

