

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

Todd Michael Sowell, #238581,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT

Case No.: 2015-CP-40-05964

**FINAL ORDER OF DISMISSAL**

2017 APR 20 AM 8:45  
RICHLAND COUNTY  
FILED  
C.C.P. & G.S.

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed September 29, 2015. Respondent made its Return on or about June 7, 2016, requesting that the Application be summarily dismissed based upon the expiration of the statute of limitations, and the presumption against successive PCR application.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal signed June 20, 2016 and filed June 21, 2016, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated July 12, 2016, serving the aforementioned Conditional Order of Dismissal on the Applicant.

Applicant filed a document titled "Reply to Conditional Order of Dismissal," on July 7, 2016, in which Applicant argues ineffective assistance of PCR counsel, failure to receive credit for time served and lack of subject matter jurisdiction.

This Court has reviewed all pleadings, and finds that a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final. Applicant still fails to

present any reason that this application should be reviewed despite its being filed after the expiration of the statute of limitations.

This Court finds that Applicant's claim of ineffective assistance of PCR counsel is dismissed, as it is not a cognizable claim for relief. There is no constitutional right to appointed counsel for collateral review of a conviction. Pennsylvania v. Finley, 481 U.S. 551 (1987). Once a PCR Applicant obtains a complete adjudication on the merits of his original application, including an appeal, he may not make successive applications based on ineffective assistance of PCR counsel. Aice v. State, 305 S.C. 448, 452, 409 S.E.2d 392, 395 (1991). Further, Kelly v. State explicitly states, "that the holding in *Martinez*<sup>1</sup> is limited to federal habeas corpus review and is not applicable to state post-conviction relief actions." Kelly v. State, 404 S.C. 365, 365, 745 S.E.2d 377 (2013). Consequently, pursuant to Rule 12(b)(6), SCRCP, Applicant's contention that he received ineffective assistance of PCR counsel is not a cognizable claim for relief, nor does it raise any genuine issue of material fact for this Court to consider in evaluating the application.

Furthermore, post-conviction relief is a proper avenue of relief only when the Applicant mounts a collateral attack challenging the validity of his conviction or sentence. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). A credit-related claim or challenge to other conditions of confinement are administrative matters and, thus, cannot be raised in a post-conviction relief proceeding. Id. Likewise, a challenge to the conditions upon which parole eligibility is determined or decided is not cognizable in a post-conviction relief application. Jernigan v. State, 340 S.C. 256, 531 S.E.2d 507 (2000).

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<sup>1</sup> Martinez v. Ryan, 566 U.S. 1, 132 S.Ct. 1309 (2012) (holding ineffective assistance of collateral counsel may constitute "cause" to excuse procedural default in federal habeas corpus actions under the federal "cause and prejudice" standard)

Here, the Applicant complains that he has not received all credit for time served and is custody level in the South Carolina Department of Corrections. The statutory right to sentence related credits is a protected "liberty" interest under the Fourteenth Amendment, entitling an inmate to minimal due process to ensure the state-created right was not arbitrarily abrogated. Wolff v. McDonnell, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974). However, because SCDC's disciplinary and grievance procedures are consistent with the standards delineated in Wolff v. McDonnell, supra, inmates may seek review of such claims under the Administrative Procedures Act (APA). Al-Shabazz, supra. This Court finds that Applicant's allegation concerns matters which should first be raised through SCDC's disciplinary or grievance procedure. If the Applicant is dissatisfied with the decision rendered by SCDC, then he may seek review of the decision under the Administrative Procedures Act. Therefore, this claim is not proper for post-conviction relief and this application for post-conviction relief should be summarily denied and dismissed.

Additionally, an Applicant may challenge the subject matter jurisdiction of the trial court, and such a claim may be raised at any time. Carter v. State, 329 S.C. 355, 362, 495 S.E.2d 773, 777. The circuit courts obviously have subject matter jurisdiction to try criminal matters. Therefore, Applicant must present evidence that his case is of some class over which the circuit court does not have the authority to preside. Applicant's conviction involved a criminal charge in General Sessions Court. Thus, the circuit Court had subject matter jurisdiction.

**IT IS THEREFORE ORDERED** that, for the reasons set forth in the Court's Conditional Order of Dismissal, the application for PCR is hereby denied and dismissed with prejudice.

This Court hereby advises the Applicant that he must file and serve a Notice of Appeal within thirty (30) days of the service of this Order to secure appellate review. See Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR., for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 19 day of April, 2017.



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DEANDREA G. BENJAMIN  
Chief Judge for Administrative Purposes  
Fifth Judicial Circuit

Columbia, South Carolina

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2015CP4005964

Todd Mitchell #238581 Sowell

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.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. No. suit);  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 \_\_\_\_\_

2017 APR 20 AM 8:43  
 RECEIVED  
 RICHLAND COUNTY  
 CLERK OF COURT

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
		\$
		\$
		\$

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

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

Circuit Court Judge \_\_\_\_\_ Judge Code \_\_\_\_\_ Date \_\_\_\_\_

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this 20<sup>th</sup> day of April, 2017 to attorneys of record or to parties (when appearing pro se) as follows:

Todd Mitchell #238581 Sowell

Jessica Elizabeth Kinard

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court Jeanette W. McBride

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

Todd Michael Sowell, #238581,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

2015-CP-40-05964

CONDITIONAL ORDER OF DISMISSAL

2015 JUN 21 AM 11:23  
FILED  
RICHLAND COUNTY  
JENNIFER E. HOSBROOK  
C.C.P. & G.S.

This matter comes before this Court by way of an application for post-conviction relief filed September 29, 2015.

### I. PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Richland County. Applicant was indicted at the June 2005 term of the Richland County Grand Jury for Burglary in the First Degree (2005-GS-40-393). Applicant was represented on the charges by Maxwell G. Schardt and E. Deon O'Neil, Esquires. A jury trial on the charges was held March 15-16, 2007, before the Honorable L. Casey Manning. The jury convicted Applicant as charged. Judge Manning sentenced Applicant to twenty (20) years confinement. Applicant appealed his convictions and sentence.

Applicant was represented on appeal by Assistant Appellate Defender Robert M. Pachak, who filed a Final Anders brief on Applicant's behalf on February 1, 2008, and then petitioned to be relieved as counsel. The South Carolina Court of Appeals dismissed the appeal and granted counsel's petition to be relieved in an unpublished Opinion filed January 15, 2009. Sowell filed a pro se Petition for Rehearing dated January 18, 2009. The Court of Appeals denied rehearing on March 24, 2009.

Applicant sent a document to the Supreme Court of South Carolina and that Court filed an order on April 6, 2009, summarily dismissing his attempt to petition for certiorari on procedural grounds, citing State v. Lyles, 381 S.C. 442, 445, 673 S.E.2d 811, 813 (2009) (the Supreme Court of South Carolina will not "entertain petitions for writs of certiorari where the Court of Appeals has dismissed an appeal after conducting an Anders review). The Court of Appeals sent the Remittitur to the Richland County Clerk of Court on April 8, 2009.

**2009-CP-40-02686**

Applicant subsequently filed an application for post-conviction relief on April 14, 2009, where he alleged he was being held unlawfully for the following reasons:

1. Double Jeopardy. Appellant was previously tried for the same act in Magistrate[’s] Court. S.C. Code Ann. § 17-23-20 completely bars this prosecution, as well as S.C. Const. Art. I, § 12; U.S.C.A. Const. Amend. V;
2. Ineffective assistance of counsel. Ineffective utilization of discovery procedures, failure to 1. subpoena witness, 2. preserve Speedy Trial violation, 3. advise of Jackson v. Denno procedure, 4. Assert consent defense, 5. [appellate counsel failed] to raise preserved issues; and
3. Prosecutorial Misconduct. Unfair or improper remarks about defendant and counsel, reference to previous convictions, presentation of false evidence, [and] material misstatements of law, and fact.

Respondent filed its Return on or about July 8, 2009. An evidentiary hearing was convened on April 14, 2010, at the Richland County Courthouse. Applicant was present and represented by counsel Tommy Thomas, Esquire. The State was represented by Assistant Attorney General Brian T. Petrano. Applicant testified on his own behalf. On April 6, 2011, the Honorable Clifton Newman issued an Order of Dismissal denying relief and dismissing the Application with prejudice.

Applicant then appealed the decision made by the PCR court and filed a timely notice of appeal. Applicant was represented by Assistant Appellate Defender Kathrine H. Hudgins. Counsel filed a Petition for Writ of Certiorari on Applicant's behalf on February 10, 2012, raising the following issues:

1. Did the PCR judge in refusing to find counsel ineffective for failing to object to the introduction in evidence of petitioner's conviction for criminal domestic violence and referencing the conviction several times when the incident took place the same night of the burglary charge upon which petitioner proceeded to jury trial and involved the same alleged victim?
2. Did the PCR judge err in refusing to find counsel ineffective for conceding that petitioner did not have permission to enter the residence involved in the burglary charge when petitioner and his fiancée had recently lived together at the residence, petitioner told counsel he had consent to enter and in petitioner's statement to the police he told them he entered the residence to remove some of his things and did not believe anyone was at home?

The State filed a Return to Petition for Writ of Certiorari on June 11, 2012. The South Carolina Supreme Court filed an Order denying certiorari on May 16, 2013, and issued the remittitur on June 3, 2013.

**13-5831**

Applicant then filed a *pro se* "Petition for Writ of Certiorari to the Richland County Court of Common Pleas" with the United States Supreme Court. The only Question Presented was stated as follows:

Under the double jeopardy clause, prosecution for the greater crime after prosecution for the lesser is impermissible. The State Courts held Petitioner's magistrate offenses didn't prevent felony conviction under Blockburger. Does Double jeopardy prohibit multiple trials on related charges even if Blockburger allows charges in a single proceeding?

The Supreme Court denied certiorari in a letter Order filed on October 15, 2013.

**9:14-1008-JMC-BM**

Applicant then filed a petition for writ of habeas corpus on March 25, 2014, in federal district court. Petitioner raised the following issues:

**Ground One:** Unreasonable application of clearly established federal law.

**Supporting Facts:** Counsel conducted a defense premised on guilt, overriding Sowell's not-guilty plea. In the burglary trial, counsel conceded that Sowell didn't have lawful possession of the residence he shared with his fiancée. Further, Counsel stressed to the jury that he was wrong to be there. The PCR order found (1) [c]ounsel acted [reasonably] in failing to argue consent, and (2) testimony is needed to overcome the prejudice prong.

Counsel cannot waive a defendant's constitutional right to plead not guilty. *Brookhart v. Janis*, 384 U.S. 1 (1966). In the burglary trial, Counsel conceded that the Petitioner didn't have lawful possession of the residence he shared with his fiancée. The PCR order found Counsel acted [reasonably] in failing to argue consent, and (2) testimony is needed to overcome the Strickland prejudice standard. Does the order fall under the "unreasonable application" criterion of 28 U.S.C. 2254(d)(1)?

On August 18, 2014, the Respondent filed a return and motion for summary judgment. The federal district court granted Respondent's motion for summary judgment by Order dated December 1, 2014, finding that Applicant's claims were without merit.

Applicant filed a timely notice of appeal on April 1, 2015. The United States Court of Appeals for the Fourth Circuit filed a judgment denying the certificate of appealability and dismissing the appeal on August 31, 2015.

### **CURRENT APPLICATION**

In his second and current application for post-conviction relief the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Subject matter jurisdiction
2. Juror misconduct
3. Failure to credit for time served
4. Ineffective assistance of PCR counsel

Before this Court are the records of the Richland County Clerk of Court regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections,

Applicant's previous PCR records, Applicant's PCR application and Respondent's Return and Motion to Dismiss.

## II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

### Successiveness

The Court finds that the current application for post-conviction relief must be summarily dismissed because it is successive to the previous application for post-conviction relief. S.C. Code Ann. § 17-27-90 (2003) states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily and intelligently waived in the proceeding that resulted in the conviction or sentence, or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which, for sufficient reason, was not asserted or was inadequately raised in the original, supplemental or amended application.

Successive applications are disfavored and the burden is on Applicant to establish that any new ground raised in a subsequent application could not have been raised by him in a previous application. Foxworth v. State, 275 S.C. 615, 274 S.E.2d 415 (1981); Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991); Arnold v. State/Plath v. State, 309 S.C. 157, 420 S.E.2d 834 (1992).

This Court finds that the current allegations could have been raised in the proceedings based on Applicant's prior application for post-conviction relief, and thus the current application is successive and barred under S.C. Code § 17-27-90. Applicant has failed to establish sufficient reason why he could not have raised his current allegations in his previous application for post-conviction relief; therefore, he has failed to meet the burden imposed upon him. Land v. State, 274 S.C. 243, 262 S.E.2d 735 (1980); Aice v. State, 409 S.E.2d 392 (1991); Arnold v. State/Plath v. State, 420 S.E.2d 834 (1992).

### Statute of Limitations

This Court further finds that this Application for post-conviction relief must also be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §17-27-10, et. seq. S.C. Code Ann. §17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant was found guilty of the offenses he challenges on March 16, 2000. The remittitur from Applicant's direct appeal was issued on January 15, 2009, so he was therefore required to file his application on or before **January 15, 2010**. This application was filed on September 29, 2015, which was over five (5) years after the statutory filing period had expired.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (2003) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Therefore, this Court summarily dismisses the application for post-conviction relief for failure to file within the time mandated by the Post-Conviction Procedure Act.

### Juror Misconduct

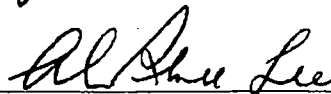
Furthermore, this Court finds that the Applicant's allegations of juror misconduct are without merit. Applicant has offered no evidence to prove his contention that the juror at his trial, Robert Watson, was in fact an attorney who intentionally concealed his occupation to the court. This argument is unfounded and will not allow this Application to overcome the bar of successiveness and untimeliness.

### III. CONCLUSION

Pursuant to S.C. Code Ann. §17-27-70(b), the Court intends to dismiss this Application with prejudice unless the Applicant provides specific reasons, factual or legal, why the Application should not be dismissed in its entirety. The Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. The Applicant shall file any reasons he may have with the Richland County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General  
Jessica E. Kinard  
PCR Division – 5<sup>th</sup> Circuit  
P.O. Box 11549  
Columbia, SC 29211

AND IT IS SO ORDERED this 20<sup>th</sup> day of June, 2016.



Alison Renee Lee  
Chief Judge for Administrative Purposes  
Fifth Judicial Circuit

Columbia, South Carolina

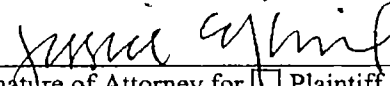
STATE OF SOUTH CAROLINA )  
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 COUNTY OF RICHLAND )  
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TODD MICHAEL SOWELL, #238581 )  
 PLAINTIFF, )  
 )  
 vs. )  
 )  
STATE OF SOUTH CAROLINA )  
 Defendant. )

IN THE COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

**MOTION AND ORDER INFORMATION  
 FORM AND COVERSHEET**

Docket No.: 2015-CP-40-5964

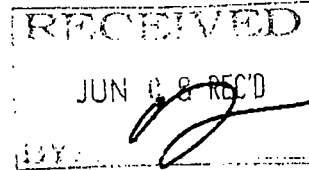
RICHLAND COUNTY  
 FILED  
 2016 JUN 21 AM 11:23  
 JEANETTE W. MCBRIDE  
 C. C. P. & G. S.

Plaintiff: TODD MICHAEL SOWELL MACDOUGALL CORRECTIONAL INSTITUTION Bar No. _____ Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: <u>JESSICA E. KINARD</u> PO Box 11549 Columbia, SC 29211-1549 Phone: _____ Fax _____ E-mail: _____ Other: _____
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input checked="" type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
<b>SECTION I: Hearing Information</b>	
Nature of Motion: _____ Estimated Time Needed: _____ Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO	
<b>SECTION II: Motion/Order Type</b>	
<input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">             Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant         </div> <div style="text-align: center;">           06/07/2016            Date submitted         </div> </div>	
<b>SECTION III: Motion Fee</b>	
<input type="checkbox"/> PAID - AMOUNT: \$ _____ <input type="checkbox"/> EXEMPT: _____ (check reason) _____	
<input type="checkbox"/> Cause in Child or Spousal Support <input type="checkbox"/> Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input checked="" type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____	
<b>JUDGE'S SECTION</b>	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____  Judge Signature: _____
<b>CLERK'S VERIFICATION</b>	
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	



ALAN WILSON  
ATTORNEY GENERAL

June 7, 2016



The Honorable Alison Renee Lee  
Chief Administrative Judge  
PO Box 192  
Columbia, SC 29202-0192

**Re: Todd Michael Sowell, #238681v. State of South Carolina**  
**2015-CP-40-5964**

Dear Judge Lee:

Enclosed please find a proposed original **Conditional Order of Dismissal** in the above-captioned case. If this Order meets with your approval, please sign it and send it back to our office so that I can file it with the Clerk's office.

Sincerely,

Jessica E. Kinard  
Assistant Attorney General

JEK/jcb  
Enclosure

cc: Todd Michael Sowell, #238681

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2015CP4005964

Todd Mitchell #238581 Sowell

State of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
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**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.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRCP;  Rule 41(a), SCRCP (Vol. Non suit);  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 \_\_\_\_\_

2016 JAN 1 PM 12:14  
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 CLERK OF COURT  
 RICHLAND COUNTY  
 SEATTLE, WASH. STATE  
 G.S.

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**

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

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

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Circuit Court Judge \_\_\_\_\_ Judge Code \_\_\_\_\_ Date \_\_\_\_\_

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this 22 day of June, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

Todd Mitchell #238581 Sowell

Jessica Elizabeth Kinard

Todd Mitchell #238581 Sowell

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court Jeanette W. McBride