

# The Law Office of Tristan M. Shaffer

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Litigation • Injury Law • Criminal Defense

July 14, 2018

Daniel Shearouse  
Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211

RECEIVED

JUL 17 2018

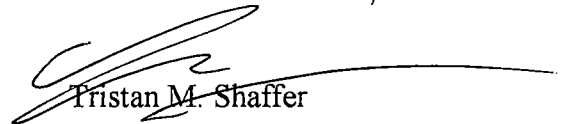
S.C. SUPREME COURT

Re: Charles Pennell v. State 2013-CP-21-1949

Dear Mr. Shearouse,

Please find the enclosed Notice of Appeal, Certificate of Service, and Order of Dismissal in the above referenced case.

Sincerely,



Tristan M. Shaffer

CC:Florence County Clerk of Court  
Lindsey McCallister

RECEIVED

JUL 17 2018

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM FLORENCE COUNTY  
Court of Common Pleas

Paul Burch, Circuit Court Judge

Case No. 2013-CP-21-1949

Charles Pennell #231231,

Petitioner,

v.


The State of South Carolina,

Respondent.

CERTIFICATE OF SERVICE

I certify that on the date below I served the Notice of Appeal on The State of South Carolina by mailing a copy to the Respondent at the address below.

June 14, 2018

  
Tristan M. Shaffer (SC Bar # 77565)  
P.O. Box 1027  
Chapin, SC 29036  
(803) 941-7514  
Attorney for Petitioner

Other Counsel of Record:  
Lindsey McCallister  
South Carolina Attorney General's Office  
P.O. Box 11549  
Columbia, South Carolina 29211  
Attorney for Respondent

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM FLORENCE COUNTY  
Court of Common Pleas

Paul Burch, Circuit Court Judge

Case No. 2013-CP-21-1949

Charles Pennell #231231,

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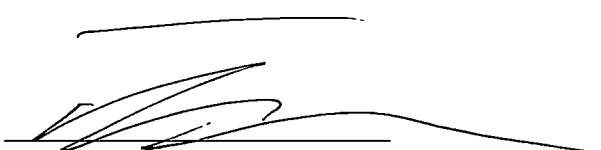
The State of South Carolina,

Respondent.

NOTICE OF APPEAL

Petitioner appeals the order dismissing his post-conviction relief action filed January 18, 2018 and the order denying the motion to alter or amend filed on June 18, 2018.

July 14, 2018



Tristan M. Shaffer (SC Bar # 77565)  
P.O. Box 1027  
Chapin, SC 29036  
(803) 941-7514  
Attorney for Petitioner

Other Counsel of Record:  
Lindsey McCallister  
South Carolina Attorney General's Office  
P.O. Box 11549  
Columbia, South Carolina 29211  
Attorney for Respondent

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JUL 17 2018  
S.C. SUPREME COURT



Scott Suggs, Esquire, and John Etheridge, Esquire, represented Applicant. On October 11, 2010, Applicant proceeded to trial before the Honorable Thomas A. Russo and a jury. The jury found Applicant guilty as indicted. Judge Russo sentenced Applicant to ten years' imprisonment.

Applicant filed a timely notice of appeal, and Robert M. Dudek, Esquire, of the Office of Appellate Defense perfected the appeal. The South Carolina Court of Appeals affirmed Applicant's conviction on June 26, 2013. State v. Pennell, Op. No. 2013-UP-285 (S.C. Ct. App. filed June 26, 2013). The remittitur was returned to the circuit court on July 12, 2013.

### ALLEGATIONS

In his Application, Applicant alleges he is being held in custody unlawfully for the following reasons:

1. "Ineffective Assistance of Counsel"
2. "Statutory and Constitutional Violations – Due Process"

In an attachment to the application, Applicant provided the following additional grounds:

1. "Applicant was denied effective assistance of counsel [in] violation of the sixth amendment of the United States Constitution and Article I, Section 14 of the South Carolina Constitution"
2. "Counsel failed to subpoena witnesses for defendant which would have clearly changed outcome of trial"
3. "No legal research or factual testing done by Attorney on my behalf"
4. "Retained counsel never defended me; Attorney Etheridge apologized to Court for being in and out of court but never returned through trial"
5. "Attorney S. Suggs stated to the Court he had nothing prepared"
6. "No competency hearing motion filed though Defendant was treated for Post Traumatic Depression & other mental illness"
7. "Attorney never objected to contradictory statements made by Det M Robinson or Provinzano"
8. "Trial Attorney & Court were bias in letting J Wilson testify, Wilson had criminal history for ABHAN, Court allowed Pennell's ABHAN grounds for impeachment but not Wilson"
9. "Attorney never objected to Wilson's testimony contradicting himself & his statements subjecting himself to perjury"
10. "Attorney never question Det Robinson as to why J Wilson was never read his rights & how she [filed] in statements she recovered 9mm"

weapon J Wilson used to 'defend' himself with! Showing Bias & prejudice"

11. "Testimony was allowed in front jury which only inflamed jury on racial slurs which weren't evidence"
12. "Attorneys allowed photo evidence after trial began without discussing with Defendant"
13. "No interview of J Wilson was conducted by Defense Attorneys"
14. "No investigation of evidence or arguments from Prosecution 'stereo' shell casings [...]"

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

In a post-conviction relief action, the applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, an applicant must prove "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 443, 334 S.E.2d at 814. 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. The Courts presume counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 689. An applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of trial counsel. Id. at 117, 386 S.E.2d at 625. First, an applicant must prove counsel's performance was deficient. Id. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Id. (quoting Strickland, 466 U.S. at 688). 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.

**A. Ineffective Assistance of Counsel – Failure to Investigate and/or Prepare for Trial**  
**a. Allegations # 1, 2, 3, 4, 13, 14**

Regarding Applicant's claims of ineffective assistance of counsel, this Court finds Applicant has failed to meet his burden of proof. "[C]riminal 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." Walker v. State, 397 S.C. 226, 235, 723 S.E.2d 610, 615 (Ct. App. 2012). Failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to result. Porter v. State, 368 S.C. 378, 385-86, 629 S.E.2d 353, 357 (2006) (citing Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998)). In any ineffectiveness case, a particular decision not to investigate must be directly assessed for reasonableness in all the circumstances, applying a heavy measure of deference to counsel's judgments." Wiggins v. Smith, 539 U.S. 510, 521-22 (2003).

Applicant testified the carjacking incident arose as he was attempting to return a stereo to Wal-Mart. Applicant testified his niece was driving him to the store when they got in an argument, and he got out of her car in the parking lot of the Hollywood Video, taking the stereo with him. Applicant testified his stereo equipment was in the driveway of the video store when

the victim turned in, exited his car, and kicked the equipment out of the way. Applicant and the victim then exchanged words, and Applicant's testimony is that the victim pulled a pistol on Applicant, assaulted him, then left the scene and returned a few minutes later to assault Applicant again. Applicant further testified he then left and was arrested a short time later a few blocks away.

Applicant testified he retained Mr. Etheridge to represent him, and they spoke three or four times before trial. Applicant further testified he was unaware Mr. Suggs would be representing him at trial or that Mr. Etheridge would leave the courtroom after jury selection. Applicant testified he was never told Mr. Suggs would be the only attorney representing him at trial. However, Applicant admitted he never objected to continuing the trial with only Mr. Suggs or told the judge he did not want Mr. Suggs to represent him. Applicant testified he briefly spoke to Mr. Suggs before trial regarding his version of events, and Mr. Suggs told him just to sit and be quiet during the trial. Applicant testified he understood the defense would focus on the language of the carjacking statute and whether his actions fit the language of the statute.

Applicant testified there were written statements given by employees of the video store, whom Applicant wanted to be subpoenaed, but Mr. Suggs told him they could not be located. Applicant also testified neither attorney investigated the issue of 9mm shell casings recovered at the scene, and the stereo was not presented as evidence to corroborate Applicant's version of events. Applicant testified the solicitor characterized the stereo as "old," and Applicant thought it should have been present in court to show that it was brand new. Applicant conceded evidence of the stereo's condition was presented through photographs taken at the scene.

Mr. Suggs testified he and Mr. Etheridge have an unofficial partnership and often assist one another. Mr. Suggs testified Applicant consulted with Mr. Etheridge originally, and Mr.

Etheridge asked him to help with the case. Mr. Suggs testified Applicant was released on bond prior to trial and would come into the office. Mr. Suggs testified Applicant understood the relationship between himself and Mr. Etheridge, and Applicant was aware Mr. Suggs would be the attorney handling the trial, although there was no formal agreement between Applicant and Mr. Suggs. Mr. Etheridge also testified he told Applicant Mr. Suggs would be handling the trial, he and Applicant spoke to Mr. Suggs together at the courthouse, and then he turned the case over to Mr. Suggs and notified Applicant.

Mr. Suggs testified he prepared for trial by visiting the scene and taking his own photographs, talking to the solicitor, and researching the law on these charges. Mr. Suggs testified the theory of the defense was that Applicant's actions did not meet the elements of the carjacking statute, since carjacking requires "operation" of a vehicle. Mr. Suggs testified he did not specifically remember the issue of subpoenaing the video store witnesses, but he would have followed up on that and let Applicant know the results of his attempts to locate them. Mr. Suggs testified the issue of the age and condition of the stereo was not relevant to their theory of the case or their defense. Mr. Suggs testified he thoroughly cross examined the victim at trial regarding his version of events, including detailed questioning as to whether Applicant "operated" victim's vehicle. Mr. Suggs further testified he felt he had enough time to prepare the case for trial, and the fact that he did not make a motion for a continuance indicated he was confident in his preparation.

This Court finds Applicant's testimony regarding deficiency by either Mr. Etheridge or Mr. Suggs is not credible. This Court finds both attorneys provided effective assistance in this case. The record reflects both Mr. Etheridge and Mr. Suggs conferred with Applicant on multiple occasions, and both informed Applicant Mr. Suggs would handle the trial. Further, this

Court finds Mr. Suggs conducted an investigation of the facts, thoroughly researched the law of Applicant's case, and formulated and presented a defense based on the application of the facts to the specific language in the statute.

Accordingly, this Court finds Applicant has failed to prove the first prong of the Strickland test – that trial counsel failed to render reasonably effective assistance under prevailing professional norms. Applicant failed to present specific and compelling evidence that Mr. Etheridge or Mr. Suggs committed either errors or omissions in their representation of Applicant. This Court also finds Applicant has failed to prove the second prong of Strickland – that he was prejudiced by trial counsel's performance. Applicant also failed to present any evidence or witnesses that he was unable to present at trial due to his counsels' allegedly deficient performance. See Glover v. State, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995) ("In order to support a claim that trial counsel was ineffective for failing to interview or call potential . . . witnesses, a PCR applicant must produce the witnesses at the PCR hearing or otherwise introduce the witnesses' testimony in a manner consistent with the rules of evidence. The applicant's mere speculation what the witnesses' testimony would have been cannot, by itself, satisfy the applicant's burden of showing prejudice.). This Court concludes Applicant has not met his burden of proving either Mr. Etheridge or Mr. Suggs rendered ineffective assistance by failing to investigate or call specific witnesses or by failing to adequately prepare for trial. These allegations are denied and dismissed with prejudice.

**B. Ineffective Assistance of Counsel – Trial Performance**  
**a. Allegations #1, 5, 6, 7, 8, 9, 10, 11, 12**

"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.'" Strickland, 466

U.S. at 690. There is a strong presumption that trial counsel's decisions are based on tactical strategy rather than neglect. Yarborough v. Gentry, 540 U.S. 1, 8 (2003). "Accordingly, when counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel." Smith v. State, 386 S.C. 562, 567, 689 S.E.2d 629, 632 (2010) (citing Caprood v. State, 338 S.C. 103, 110, 525 S.E.2d 514, 517 (2000)). See also Stokes v. State, 308 S.C. 546, 419 S.E.2d 778 (1992) (holding where counsel articulates valid reasons for employing certain strategy, such conduct will not be deemed ineffective assistance of counsel); Ingle v. State, 348 S.C. 467, 470, 560 S.E.2d 401, 402 (2002) (holding counsel may avoid a finding of ineffectiveness if he articulates a valid reason for using a certain strategy). Counsel's strategy is reviewed under "an objective standard of reasonableness." Magazine v. State, 361 S.C. 610, 617, 606 S.E.2d 761, 764 (2004).

Applicant testified the officers assigned to his case gave contradictory statements regarding what the victim told them about the incident. Applicant contends the victim never told the officer he left the scene and then returned, and Mr. Suggs should have questioned the officer regarding this inconsistency. However, Applicant conceded Mr. Suggs did confront the victim about the discrepancy during his testimony. Applicant also testified he felt Mr. Suggs should have objected to attacks on Applicant's character, specifically regarding Applicant's use of a racial slur directed at the victim. Applicant admits he did in fact use the racial slur, but he testified Mr. Suggs should have objected to the victim's testimony because the racial makeup of the jury was 50% black, and the victim's testimony made Applicant appear racist. Applicant further testified Mr. Suggs should have objected to the solicitor's mention of the racial slurs during opening statements.

Applicant also testified Mr. Suggs advised him not to testify at trial, and he did not testify. However, Applicant contends both he and the victim had prior convictions for ABHAN, but the judge ruled the conviction could only be used to impeach Applicant, not the victim. Further, Applicant testified he felt Mr. Suggs was ineffective because Mr. Suggs stated to the jury he had not prepared an opening statement. See Transcript, p. 84.

Mr. Suggs testified he tried to keep out Applicant's statement, which included the use of racial slurs directed at the victim, pursuant to Jackson v. Denno. However, Mr. Suggs testified that once the judge ruled the statement was admissible, there was no basis to object to the victim's testimony regarding what he heard Applicant say. Mr. Suggs also testified there was no reason to object to the solicitor's mention of Applicant's use of the slur during opening statements if the solicitor can produce evidence to support the statement, which he did. Mr. Suggs testified he did specifically recall the testimony of the officers who responded to the scene, but contradictions between statements are not unusual or automatically concerning, and he cross examined all of the State's witnesses in both the Jackson v. Denno hearing and in front of the jury.

Mr. Suggs also testified he did not specifically remember the issue of impeaching the victim with a prior ABHAN conviction, but if the judge ruled it was not admissible, there could be a variety of reasons for that. The transcript reflects the victim successfully completed Pre-Trial Intervention on that charge, so the judge would not allow that to be used for impeachment purposes. Transcript, pp. 41-42. Mr. Suggs further testified he thoroughly cross examined the victim within the bounds of the court's ruling. Mr. Suggs also testified he and Applicant discussed whether Applicant should testify, as is his usual practice, and he gave Applicant his opinion that Applicant should not testify in this case. The transcript reflects Mr. Suggs asked the

judge and solicitor review Applicant's prior criminal history with him on the record so he would know exactly which convictions could be used for impeachment, including an ABHAN conviction. Transcript, pp. 269-277.

Finally, Mr. Suggs testified his remark that he "had nothing prepared" in his opening statement was a reference to using written notes or a prepared statement. Mr. Suggs testified it is not his practice to use notes because he does not feel that is the most effective way to present an opening statement. The transcript supports Mr. Suggs's characterization of his remark and reflects he gave a opening statement, which was responsive to points raised by the prosecution and which set up Applicant's defense that his actions did not conform to the elements of the carjacking statute. Transcript, p. 83-88.

This Court finds Mr. Suggs's performance with respect to Applicant's trial was not deficient. This Court finds Mr. Suggs's testimony on these issues to be credible, while also finding Applicant's testimony not credible. Specifically, this Court finds Mr. Suggs explained why he was unable to challenge the victim's testimony regarding Applicant's use of a racial slur, why he did not object to the solicitor's opening statement, and why he chose not "prepare" an opening statement. Because Mr. Suggs articulated "a valid reason for employing certain strategy[ies], such conduct will not be deemed ineffective assistance of counsel." Smith, 386 S.C. at 567, 689 S.E.2d at 632 (citing Caprood, 338 S.C. at 110, 525 S.E.2d at 517).

Further, the Court finds Applicant has not met his burden of proving he was prejudiced by Counsel's conduct. "An error by counsel, even if professionally unreasonable, does not warrant setting aside the judgment of a criminal proceeding if the error had no effect on the judgment." Strickland, 466 U.S. at 691, 104. To establish prejudice, Applicant is required to show "there is a reasonable probability that, but for counsel's unprofessional errors, the result of

the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome.” Id. at 694. A “PCR applicant’s mere speculation is insufficient to establish prejudice and, accordingly, the applicant must put forth further evidence to support his claim.” Glover v. State, 318 S.C. 496, 501, 458 S.E.2d 538, 541 (1995) (Waller, J., dissenting). To establish prejudice, Applicant is required to show “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome.” Id. at 694. Applicant did not present any evidence he was prejudiced by his counsel’s performance at trial. Applicant did not call any witnesses or present any evidence that he was unable to present at trial due to Mr. Suggs’s alleged deficiencies. See, e.g., Bannister v. State, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998) (“This Court has repeatedly held a PCR applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice. . . .”). Accordingly, these allegations are denied and dismissed with prejudice.

### CONCLUSION

Based on all the forgoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations before or during his trial and sentencing proceedings. Counsel was not deficient, nor was Applicant prejudiced by counsel’s representation. Therefore, this PCR application must be denied and dismissed with prejudice.

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

relief. Rule 71.1(g), SCRCF, provides that if Applicant wishes to seek appellate review, Applicant must serve and file a notice of appeal on his own behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

**IT IS THEREFORE ORDERED:**

1. That the application for post-conviction relief be denied and dismissed with prejudice; and
2. That Applicant be remanded to the custody of Respondent.

AND IT IS SO ORDERED this 5<sup>th</sup> day of January, 2018.

[Signature], South Carolina

[Signature]  
Paul M. Burch, *et. (pub)*  
Presiding Judge  
Twelfth Judicial Circuit

2018 JAN 18 PM 3:57  
DORIS POULOS O'HARA  
CCCP & GS  
FLORENCE COUNTY, SC

FILED

STATE OF SOUTH CAROLINA )

COUNTY OF FLORENCE )

CHARLES PENNELL, #231231 )

Applicant, )

vs )

STATE OF SOUTH CAROLINA, )

Respondent, )

IN THE COURT OF COMMON PLEAS

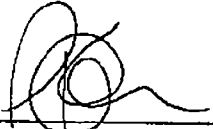
2013-CP-21-1949

CERTIFICATE OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Order of Dismissal** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Tristan M. Shaffer, Esquire  
Tristan M. Shaffer Attorney at Law  
PO Box 1027  
Chapin, SC 29036

DATED this the 16<sup>th</sup> day of January 2018.

  
Patricia Keaton, Legal Assistant  
For Respondent

2018 JAN 18 PM 3:57  
DORIS PAULOS D'HAKIA  
CCCP & DS  
FLORENCE COUNTY, SC

FILED



ALAN WILSON  
ATTORNEY GENERAL

January 16, 2018

The Honorable Doris Poulos O'Hara  
Clerk of Court, Florence County  
180 N Irby St MSC-E Rm B11  
Florence, SC 29501-3456

2018 JAN 18 PM 3:57  
DORIS POULOS O'HARA  
CCCP & CS  
FLORENCE COUNTY, SC

FILED

**Re: Charles Pennell, #231231 v. State of South Carolina**  
**2013-CP-21-1949**

Dear Ms. O'Hara:

Enclosed please find the original **Order of Dismissal** of the Respondent, in the above-captioned case, for filing in your office.

Sincerely,

Lindsey A. McCallister  
Assistant Attorney General

LAM/pk  
Enclosure

cc: Tristan M. Shaffer, Esquire

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

**FILED**

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2013CP2101949

Charles Pennell      2018 JAN 19 AM 9:05      South Carolina State Of  
DORIS POULOS O'HARA

PLAINTIFF(S)      CCCP & GS      DEFENDANT(S)  
FLORENCE COUNTY, SC      Attorney for:  Plaintiff    Defendant  
Submitted by:       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: \_\_\_\_\_
- STAYED DUE TO BANKRUPTCY**
- 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.**

**E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.**

Circuit Court Judge

Judge Code

1/19/2018  
Date

**For Clerk of Court Office Use Only**

This judgment was entered on **January 18, 2018**, and a copy mailed first class or placed in the appropriate attorney's box on **January 19, 2018**, to attorneys of record or to parties (when appearing pro se) as follows:

Tristan Michael Shaffer PO Box 1027 Chapin, SC 29036

Lindsey Ann McCallister PO Box 11549 Columbia, SC  
29211-1549

---

ATTORNEY(S) FOR THE PLAINTIFF(S)

---

ATTORNEY(S) FOR THE DEFENDANT(S)

*Doris P. O'Hara*

---

Court Reporter

---

Doris Poulos O'Hara - 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), SCRPC.**

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**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.

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STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

Charles Pennell, #231231

Applicant,)

v.

State of South Carolina,

Respondent.)

) IN THE COURT OF COMMON PLEAS  
) OF THE TWELFTH JUDICIAL CIRCUIT

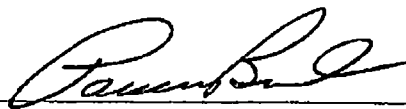
) Case Number: 2013-CP-21-1949

) **ORDER DENYING APPLICANTS'**  
) **MOTION TO ALTER OR AMEND**  
) **JUDGMENT**

This matter is before the Court on Defendants' Motion to Alter or Amend Judgment. After carefully reviewing all evidence before me and my prior order in the above-referenced matter, the Defendants' Motion to Alter or Amend Judgment, is hereby DENIED.

THEREFORE, Defendants' Motion to Alter or Amend Judgment is hereby DENIED without further hearing.

AND IT IS SO ORDERED!



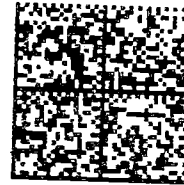
The Honorable Paul M. Burch  
Judge, Fourth Judicial Circuit

Pageland, South Carolina  
June 12, 2018

2018 JUN 18 PM 4: 29  
DORIS POULOS O'HARA  
CCCP & GS  
FLORENCE COUNTY, SC

FILED

Law Office of Tristan M. Shaffer  
P.O. Box 1027  
Chapin, SC 29036



**US POSTAGE**  
**\$ 01.10**

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07/14/2018  
031A 0004192252

Daniel Shearouse  
Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211