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August 16, 2016

VIA U.S. POSTAL

RECEIVED  
AUG 22 2016  
SC SUPREME COURT

Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, SC 29211

**Re: Stanley Lewis Butler vs. State of South Carolina**  
**Case No.: 2012-CP-23-4208**

Dear Supreme Court Clerk:

I am writing to you regarding the above referenced case. Please find enclosed the Notice of Appeal, Proof of Service, and Order of Dismissal.

If you wish to discuss the foregoing or need additional information please contact me at 864-331-1630.

Thank you.

Sincerely,



Brian P. Johnson

BPJ/lf  
cc: Patrick Schmeckpeper, Esquire

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

---

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas  
HONORABLE R KNOX MCMAHON

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RECEIVED

AUG 22 2016

SC SUPREME COURT

Case No.: 2012-CP-23-4208

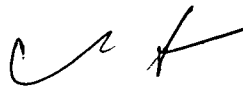
STANLEY LEWIS BUTLER, )  
 )  
 PETITIONER, )  
 )  
 vs. )  
 )  
 STATE OF SOUTH CAROLINA )  
 )  
 RESPONDENT. )  
 )

NOTICE OF APPEAL

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The Petitioner, Stanley Lewis Butler, hereby appeals the Honorable R. Knox  
McMahon's July 29, 2016, order denying post-conviction relief to the Petitioner. A copy  
of the order on appeal is attached to this notice.

Respectfully submitted,



---

Brian P. Johnson, Esq.  
522 North Church Street  
Greenville, SC 29601  
Attorney for Petitioner  
SC Bar: 73996

Date: August 16, 2016  
Other counsel of record: Patrick Schmeckpeper  
P.O. Box 11549/Columbia, SC 29211

STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas  
HONORABLE R. KNOX MCMAHON

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RECEIVED

AUG 22 2016

SC SUPREME COURT


Case No.: 2012-CP-23-4208

STANLEY LEWIS BUTLER, )  
 )  
 PETITIONER, )  
 )  
 vs. )  
 )  
 STATE OF SOUTH CAROLINA )  
 )  
 RESPONDENT. )  
 )

**PROOF OF SERVICE**

I, Brian P. Johnson, Esq., certify that I have today served the within notice of appeal upon the Respondent by depositing a copy in the United States Mail, postage prepaid, addressed to the attorney of record, Patrick Schmeckpeper, at P.O. Box 11549 Columbia, SC 29211.

Respectfully submitted,



---

Brian P. Johnson, Esq.  
522 North Church Street  
Greenville, SC 29601  
Attorney for Petitioner  
SC BAR: 73996

Greenville, SC  
August 16, 2016

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF GREENVILLE )  
 )  
 Stanley Lewis Butler, )  
 S.C.D.C. No. 233704, )  
 )  
 Applicant, )  
 )  
 v. )  
 )  
 State of South Carolina, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 2012-CP-23-4208

**ORDER OF DISMISSAL**

ENTERED COMPUTER

FILED-CLERK OF COURT  
 GREENVILLE, S.C.  
 PAUL E. WOODRUFF, CLERK  
 2016 AUG 9 PM 2 21

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on June 29, 2012.<sup>1</sup> Respondent filed its Return and Motion to Dismiss on January 19, 2016. An evidentiary hearing into the matter was convened on April 20, 2016, at the Greenville County Courthouse. Applicant was present at the hearing and was represented by Brian Johnson, Esquire. Also present was Applicant's previous PCR counsel, William G. Yarborough, Esquire, who also testified. Respondent was represented by Patrick Schmeckpeper, Esquire, of the South Carolina Attorney General's Office.

**PROCEDURAL HISTORY**

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Greenville County. The Applicant was indicted at the May 1996 term of the Greenville County Grand Jury for four counts of kidnapping (1996-GS-23-3380, -3382, -3383, -3384), armed robbery (1996-GS-23-3381), and possession of a weapon during commission of a violent crime (1996-GS-23-3386). He was represented by John Rollins,

<sup>1</sup> A more in-depth explanation of the procedural history of this specific action is provided below.

Jr., Esquire.

After the State brought the case to trial, the Applicant was found guilty. On July 23, 1996, the Honorable C. Victor Pyle, Jr. sentenced the Applicant to concurrent terms of 20 years for three counts of kidnapping, 30 years for armed robbery, and 5 years for possession of a weapon during commission of a violent crime. Judge Pyle levied a consecutive sentence of 20 years for one count of kidnapping (1996-GS-23-3380).

A notice of appeal was filed at the South Carolina Court of Appeals. Robert M. Dudek, Esquire of the South Carolina Office of Appellate Defense perfected the appeal. The Court of Appeals affirmed the Applicant's convictions and sentences. State v. Butler, Op. No. 97-UP-640 (S.C. Ct. App. filed Dec. 10, 1997).

The Applicant filed a PCR application on June 26, 1998 (1998-CP-23-2305). The Applicant raised the following issues:

1. Ineffective assistance of counsel:
  - a. Failed to prepare for trial.
  - b. Failed to present alibi witnesses.

An evidentiary hearing was held on April 12, 2000 at the Greenville County Courthouse. In addition to the above issues, the Applicant alleged trial counsel was ineffective in failing to obtain an independent fingerprint expert. William G. Yarborough, Esquire represented the Applicant. The Honorable James E. Brogdon, Jr. denied and dismissed the PCR application by order dated July 16, 2001. The Applicant did not appeal.

Applicant filed this application on June 29, 2012. Respondent subsequently filed a return and motion to dismiss. The Honorable G. Edward Welmaker signed a Conditional Order of Dismissal on September 19, 2012, provisionally dismissing the application with prejudice and

giving Applicant twenty (20) days in which to respond. On September 25, 2012, Applicant submitted an amendment to his application raising, for the first time, ineffective assistance of PCR counsel for failing to appeal the denial of his previous application. On January 13, 2013, Judge Welmaker issued a Final Order dismissing the matter with prejudice, specifically finding that Applicant's Austin<sup>2</sup> claim was barred by the equitable doctrine of laches.

Applicant appealed. In his petition for writ of certiorari, Applicant argued that his claim should not be barred by laches because he was not at fault in failing to seek appellate review of the denial of his first PCR application. The Court of Appeals granted certiorari on a single, unraised issue: whether the PCR court committed an error of law when it denied and dismissed Applicant's PCR application based on the doctrine of laches when the State did not plead laches as an affirmative defense. Respondent filed a Motion to Certify the matter to the Supreme Court of South Carolina, arguing that the Court of Appeals had deviated from the South Carolina Appellate Court Rules in directing the parties to address an unraised question and "any other issue of arguable merit." That motion was subsequently withdrawn. Respondent and Applicant ultimately consented to remand the matter to Circuit Court for a new hearing. The Court of Appeals' order followed. Thereafter, Respondent submitted an amended return and motion to dismiss, in which it addressed Applicant's amended application and specifically pled laches.

### **Allegations**

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

1. Ineffective assistance of counsel:

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<sup>2</sup> Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991) (allowing belated appeal from the denial of post-conviction relief where failure to file a notice of appeal was the result of counsel's ineffective assistance).

- a. Failure to investigate.
- b. Conflict of interest.

In the Applicant's "Motion to Amend" filed on September 25, 2012, the Applicant raised the following allegation:

1. Ineffective assistance of PCR counsel:
  - a. Failed to file an appeal from denial of first PCR application.

### **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 records regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, the transcripts and documents from the prior proceedings, and the legal arguments of counsel. Pursuant to S.C. Code Ann. §17-27-80 (2015), this Court makes the following findings of fact and conclusions of law based upon all of the probative evidence presented.

#### **Austin Claim**

Applicant first alleges that his PCR counsel was ineffective for failing to file an appeal off of the denial of his application for post-conviction relief. This Court finds Applicant's claim is barred by the equitable doctrine of laches. Further, after hearing all the evidence presented at the evidentiary hearing, this Court finds Applicant has failed to meet his burden.

#### *i. Laches*

Respondent raised the defense of laches in its pleadings and at the evidentiary hearing. Applicant argued laches as a defense was barred by the doctrine of *res judicata*, as it had already

been raised and ruled upon in Judge Welmaker's previous order dismissing the application. This Court finds *res judicata* does not prevent this Court from considering laches at this point in the proceedings; it further finds the doctrine of laches bars Applicant's Austin claim.

*a. Procedural Bar to Laches as a Defense*

*Res judicata* does not preclude Respondent from raising laches as a defense to Applicant's Austin claim. *Res judicata* encompasses both claim preclusion and issue preclusion. Catawba Indian Nation v. State, 407 S.C. 526, 537, 756 S.E.2d 900, 906 (2014). Claim preclusion bars plaintiffs from pursuing a later suit where the claim (1) was litigated or (2) could have been litigated. Id. Issue preclusion bars relitigation of only the particular issues that were actually litigated and decided in the prior suit. Id. This Court finds neither claim preclusion nor issue preclusion is applicable in this case. Applicant has not brought a new suit; rather, the Court of Appeals remanded the matter based on the consent of both parties. Accordingly, it is the *same action* and *res judicata* does not apply.

This Court further finds the Court of Appeals order remanding this case for an evidentiary hearing does not bar Respondent from raising laches as a defense. Instead, the ruling simply reflects the will of both parties that the matter be remanded to circuit court. The order did not rule on laches – in fact, the only substantive requirement of the order is that an evidentiary hearing take place. As the issue was not addressed or ruled upon by the Court of Appeals, Respondent is not precluded – as a procedural matter – from raising laches as an affirmative defense. Nor is this Court precluded from considering it. Further, holding an evidentiary hearing is actually consistent with the procedure required for resolving a claim of laches in the context of an Austin claim. See Whitehead v. State, 352 S.C. 215, 574 S.E.2d 200 (2002)

(holding that in cases where laches is properly raised as a defense to an Austin post-conviction relief claim, the PCR court shall hear evidence on the defense at the same time it hears the applicant's Austin claim on the merits). This Court has complied with the Court of Appeals order in holding an evidentiary hearing, and has also complied with Whitehead. It therefore finds Respondent is free to raise laches as a defense.

*b. Applicability of Laches to Applicant's Austin Claim*

This Court finds that the Applicant's current PCR application must be dismissed because it violates the doctrine of laches. While the Applicant argues he is raising an Austin issue, Respondent submits this does not prevent the dismissal of his case. The Applicant filed this PCR application 14 years after his direct appeal and almost 11 years after the denial of his first PCR application. The Respondent submits the doctrine of laches bars the Applicant from raising his allegations in a PCR application. Absent some explanation or justification for the delay in seeking post-conviction relief, laches will prevent an Applicant from seeking collateral review of his conviction, especially where the delay affects the availability of evidence to refute the applicant's claims. McElrath v. State, 276 S.C. 282, 277 S.E.2d 890 (1981). To ensure finality of litigation, our courts require reasonable diligence in pursuing collateral relief. This requirement "guards the state's legitimate expectation that it will not be called upon without due cause, to defend the integrity of convictions that occurred many years ago, where records and witnesses are no longer available." Id. at 283, 277 S.E.2d at 890-91 (citation omitted).

The Applicant's delay has greatly prejudiced the Respondent. A transcript of the Applicant's first PCR hearing is now unavailable. In addition, as elicited at the evidentiary hearing, Applicant's counsel on his first PCR case has very little memory of his representation of

the Applicant. PCR Tr. p. 26, l. 19-22. If the Applicant had sought post-conviction relief within a reasonable time, neither of these problems would exist. Therefore, this allegation is dismissed based on the Applicant's lack of diligence in processing his claim for relief. See Whitehead v. State, 352 S.C. 215, 220, 574 S.E.2d 200, 202 (2002) (finding the doctrine of laches may be raised as a defense to an Austin claim).

*ii. Merits*

Alternatively, concerning the underlying Austin claim, this Court finds Applicant has failed to meet his burden. There is a statutory right to seek appellate review of the denial of post-conviction relief. S.C. Code Ann. § 17-27-100 (2016). Under Austin, a defendant can appeal a denial of a PCR application after the statute of limitations has expired if the defendant either requested and was denied an opportunity to seek appellate review, or did not knowingly and intelligently waive the right to appeal. Odom v. State, 337 S.C. 256, 259-60, 523 S.E.2d 753, 754-55 (1999).

*a. Discussion*

This Court finds Applicant did not ask for an appeal of the denial of his PCR application. Applicant testified that he did not speak with his attorney, William G. Yarborough, following his initial PCR hearing. PCR Tr. p. 20, l. 11-13. In fact, Applicant did not testify at any point that he actually *wanted* to appeal the PCR court's decision until he learned about the possibility of an Austin claim. PCR Tr. p. 21, l. 13-8. According to the testimony presented at the evidentiary hearing, Applicant did not learn about the Austin claim until roughly 2012, after he wrote a letter to the South Carolina Lawyer Referral Services. PCR Tr. p. 22-23.

Counsel testified that he remembered the applicant, but was unable to remember in what capacity he represented him. PCR Tr. p. 26, l. 19-22. Counsel testified that he did not know whether he was ever asked to file an appeal. PCR Tr. p. 26, l. 23 - p. 27, l. 14. Counsel testified that looking at the dates, his health and troubles<sup>3</sup> started about four months after Applicant's PCR hearing was held. Counsel testified that if Applicant had requested he file an appeal he would have done so. PCR Tr. p. 27, l. 11-14. This Court finds Applicant has failed to meet his burden. Applicant's testimony is not credible. Counsel's testimony that he would have filed an appeal had Applicant asked him to is credible.

Additionally, in light of the substantial delay in filing, this Court finds that Applicant waived his right to appeal the denial of his PCR application. "Acts inconsistent with the continued assertion of a right, such as a failure to insist upon the right, may constitute waiver." Bonnette v. State, 277 S.C. 17, 18, 282 S.E.2d 597, 598 (1981) (citing 92 C.J.S. Waiver, p. 1063 (1955)). The order denying Applicant's PCR application specifically advised him that he was required to file a notice of intent to appeal within thirty days in order to secure appellate review. It appears from the record and testimony presented at the evidentiary hearing that Applicant "failed to insist upon" his right to appeal until 2012 – roughly twelve years after the order of dismissal was signed. Accordingly, this Court finds Applicant made a knowing and voluntary waiver of his right to appeal.

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<sup>3</sup> Counsel was placed on incapacity inactive status on September 1, 2000, and subsequently disbarred for conduct unrelated to this case. In re Yarborough, 342 S.C. 387, 536 S.E.2d 870 (2000); 343 S.C. 316, 540 S.E.2d 462 (2000). Counsel has since been reinstated. 403 S.C. 365, 744 S.E.2d 499 (2013).

*b. Proffered Testimony*

This Court also heard proffered testimony from Applicant's mother, Pauline Butler. While not in evidence, this Court finds Ms. Butler's testimony, even if taken as true, would not assist Applicant in meeting his burden. First, her testimony was internally contradictory. At one point, Ms. Butler said that she attempted to contact counsel after her son's PCR case was denied, but was unable to. PCR Tr. p. 30, l. 21 - p. 31, l. 1. On cross-examination, Ms. Butler testified that she did not remember the date that she tried to contact counsel, and did not attempt to contact counsel after the hearing. PCR Tr. p. 31, l. 20 - p. 32, l. 6. Ms. Butler did not say whether her son ever indicated to her that he wanted to appeal the denial of his post-conviction relief application. Accordingly, Ms. Butler's version of events leaves open the distinct possibility that she attempted to approach counsel on her own initiative and well after the time for filing an appeal had expired. This Court will not assist Applicant in meeting his burden by filling in critical gaps in his story with speculation.

Further, counsel also proffered testimony that he was not incarcerated after Applicant's evidentiary hearing, and that if she had contacted the office and he was not there, she would have been referred to another attorney – Jeff Merriam – who took over and handled all of his cases. PCR Tr. p. 33. Counsel acknowledged that he did go to a treatment center for alcohol addiction, but that he regularly communicated with Mr. Merriam to discuss his cases. *Id.* This Court finds counsel's testimony credible. Accordingly, Applicant has failed to meet his burden even *with* the above proffered testimony.

## **Non-Austin Claims for Relief**

### *i. Statute of Limitations*

This Court finds that this Application for Post-Conviction Relief should 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. (2003). South Carolina 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 Applicant was convicted of the offenses he challenges in this application on July 23, 1996 and the South Carolina Court of Appeals affirmed on December 10, 1997. This application was filed on June 29, 2012, which was several 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. See McDonnell v. Consolidated Sch. Dist. of Aiken, 315 S.C. 487, 489, 445 S.E.2d 638, 639 (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, the Respondent requests that this Court summarily dismiss the application for post-conviction relief for failure to file within the time mandated by the Uniform Post-Conviction Procedure Act.

### *Successive*

Summary dismissal of the remaining allegations is also warranted because they are

successive to the previous application for post-conviction relief. Successive applications for post-conviction relief are disfavored. See Land v. State, 274 S.C. 243, 246, 262 S.E.2d 735, 737 (1980). South Carolina 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.

Under this statute, successive post-conviction relief applications are forbidden unless an applicant can point to a “sufficient reason” why new grounds for relief were not raised or were not properly raised in previous applications. Aice v. State, 305 S.C. 448, 450, 409 S.E.2d 392, 394 (1991). Any new ground raised in a subsequent application is limited to those grounds that “could not have been raised . . . in the previous application.” Id. (emphasis in original). If the Applicant could have raised these allegations in a previous application, then the Applicant may not raise those grounds in successive applications. Id. The Applicant bears the burden of showing that the allegations could not have been raised previously. Id.

As the Applicant has failed to present any reasons why he could not have raised the current allegations in his previous post-conviction relief application, the Respondent moves for a summary dismissal of the application because it is successive.

### ALL OTHER ALLEGATIONS

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this order, the Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

*[Signature follows]*

## CONCLUSION

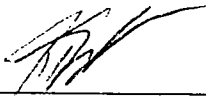
Based on the foregoing, this Court finds that the Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

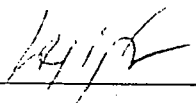
This Court notes that Applicant must file and serve a notice of intent to appeal within thirty (30) days from receipt of this Order to secure the appropriate appellate review. See Rule 203, SCACR. Rule 71.1(g), SCRCP; Bray v. State, 336 S.C. 137, 620 S.E.2d 743 (2005), for the obligation of Applicant's 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 the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 29 day of July, 2016.

  
\_\_\_\_\_  
R. KNOX MCMAHON  
Presiding Judge  
Thirteenth Judicial Circuit

  
\_\_\_\_\_, South Carolina

STATE OF SOUTH CAROLINA )

COUNTY OF GREENVILLE )

Stanley Lewis Butler, 233704 )

Plaintiff )

v. )

State Of South Carolina )

Defendant. )

IN THE COURT OF COMMON PLEAS

CASE NO.  
2012-CP-23-4208

MOTION AND ORDER INFORMATION  
FORM AND COVER SHEET

Plaintiff's Attorney:  
Brian P. Johnson, Esquire, Bar No. 73996  
Address:  
522 North Church Street Greenville SC 29601  
phone: (864) 331-1630 fax:  
e-mail: Brian@brianjohnsonlaw.com other:

Defendant's Attorney:  
Patrick Schmeckpeper, Aag, Bar No. 68331  
Address:  
Post Office Box 11549 Columbia SC 29211-1549  
phone: (803) 734-3737 fax: (803) 734-4113  
e-mail: other:

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
- FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

**SECTION I: Hearing Information**

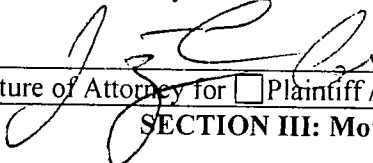
Nature of Motion:

Estimated Time Needed: Court Reporter Needed:  YES /  NO

**SECTION II: Motion/Order Type**

- Written motion attached
- Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

  
Signature of Attorney for  Plaintiff /  Defendant

June 27, 2016  
Date submitted

**SECTION III: Motion Fee**

- PAID - AMOUNT:
- EXEMPT:  Rule to Show Cause in Child or Spousal Support  
(check reason)  Domestic Abuse or Abuse and Neglect  
 Indigent Status  State Agency v. Indigent Party  
 Sexually Violent Predator Act  Post-Conviction Relief  
 Motion for Stay in Bankruptcy  
 Motion for Publication  Motion for Execution (Rule 69, SCRCPP)  
 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:  
 Other:

**JUDGE'S SECTION**

- Motion Fee to be paid upon filing of the attached order.
- Other:

JUDGE

CODE: Date:

**CLERK'S VERIFICATION**

Collected by: \_\_\_\_\_

Date Filed:

- MOTION FEE COLLECTED: \_\_\_\_\_
- CONTESTED - AMOUNT DUE: \_\_\_\_\_

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

JUDGMENT IN A CIVIL CASE

CASE NO: 2012CP2304208

FILED-CLERK OF COURT  
GREENVILLE, S.C.  
PAUL B. WICKENSIMER  
2016 AUG 9 PM 4 21

Stanley Butler vs. South Carolina State Of

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):  
SCRC (Vol. Nonsuit);  Rule 43(k), SCRC (Settled);  Other: \_\_\_\_\_  
 Rule 12(b), SCRC;  Rule 41(a),
- ACTION STRICKEN (CHECK REASON):  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other: \_\_\_\_\_  
 Rule 40(j) SCRC;  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;  Statement of Judgment by the Court:

Dated at Greenville, South Carolina, this .

Court Reporter:

PRESIDING JUDGE - R Knox McMahon

This judgment was entered on the , and a copy mailed first class this , to attorneys of record or to parties (when appearing pro se) as follows:

~~Stanley Butler 233704 Kershaw~~ Corr Insti/Smu 7  
4848 Goldmine Hwy Kershaw, SC 29067  
Brian P. Johnson 522 North Church Street  
Greenville, SC 29601

Patrick Lowell Schmeckpeper PO Box 11549  
Columbia, SC 29211

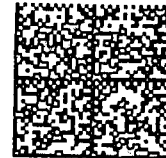
ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Paul B. Wickensimer Greenville County Clerk Of Court  
- Clerk of Court

**Law Office of Brian P. Johnson**

522 North Church Street  
Greenville, SC 29601



02 1P \$ 000.885  
0000284392 AUG 16 2016  
MAILED FROM ZIP CODE 29601

**Supreme Court of South Carolina**

**P.O. Box 11330**

**Columbia, SC 29211**

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