NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APPEAL FROM LEXINGTON COUNTY
COURT OF COMMON PLEAS

Edgar W. Dickson, Circuit Court Judge

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Case No. 2011-CP-32-0674

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THE STATE OF SOUTH CAROLINA, Respondent,

V.

RODNEY C. BRYAN, pro se
S.C.D.C. No. 329517 Appellant.

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# NOTICE OF APPEAL, RULE 201, SCRCP

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Rodney C. Bryan appeals the judgment to "applicants other allegations" of the Honorable Edgar W. Dickson dated January 30, 2018. Appellant recieved written notice of entry of this judgment on February 8, 2018.

March 7, 2018

Rodney C. Bryan #329517 pro se
Lee CI/F-5/235-D
990 Wisacky Highway
Bishopville, SC 29070

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

RODNEY C. BRYAN, #329517

Applicant

VS.

STATE OF SOUTH CAROLINA

Respondent.

IN THE COURT OF COMMON PLEAS
IN THE ELEVENTH JUDICIAL CIRCUIT

2011-CP-32-0674

AFFIDAVIT OF SERVICE

U.S. POSTAL MAIL

FILED
2018 MAR 13 AM 10:21
LISA M. COMER
CLERK OF COURT
LEXINGTON SC

I Rodney C Bryan #329517 pro se and hereby attest that the above captioned matter was served on this same day to:

1. OFFICE OF ATTORNEY GENERAL
STATE OF SOUTH CAROLINA
P.O. BOX 11549
COLUMBIA SC 29211

2. Edgar W Dickson, Judge
P.O. BOX 1949
ORANGEBURG, SC 29116

MARCH 7, 2018

Rodney C Bryan #329517
Lee CI / F-5 / 235-D
990 Wisacky Hwy
Bishopville SC 29070

| | | |
|---|---|---|
| STATE OF SOUTH CAROLINA | ) | IN THE COURT OF COMMON PLEAS |
| | ) | |
| COUNTY OF LEXINGTON | ) | ELEVENTH JUDICIAL CIRCUIT |
| | ) | |
| Rodney C. Bryan,<br>S.C.D.C. No. 329517 | ) | **C.A. No. 2011-CP-32-0674** |
| | ) | |
| Applicant, | ) | |
| | ) | |
| v. | ) | **ORDER GRANTING BELATED APPEAL** |
| | ) | |
| State of South Carolina, | ) | |
| | ) | |
| Respondent. | ) | |
| | ) | |



This matter comes before the Court by way of a post-conviction relief (PCR) application filed on February 17, 2011. Respondent filed its Return on or about August 1, 2011. An evidentiary hearing into the matter was convened on August 15, 2013, at the Lexington County Courthouse. Applicant was present at the hearing and proceeded *pro se*. Respondent was represented by Walt Whitmire, Esquire, of the South Carolina Attorney General's Office.

## PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lexington County Clerk of Court. Applicant was indicted at the October 2007 term of the Lexington County Grand Jury for criminal domestic violence of a high and aggravated nature (2007-GS-32-3034); violation of a court order of protection (2007-GS-32-3033); kidnapping (2007-GS-32-3042); and two counts of spousal sexual battery (2007-GS-32-3040; -3041). On July 14, 2008, Applicant proceeded to trial before the Honorable R. Knox McMahon and a jury. He was represented by Theo Williams, Esquire. The Jury convicted Applicant as charged. Judge McMahon sentenced Applicant on July 16, 2008 to twenty-five (25) years for kidnapping; ten (10) years for each count of spousal sexual battery; ten

(10) years for criminal domestic violence of a high and aggravated nature; and thirty (30) days for the violation of an order of protection.

A timely Notice of Appeal was filed on Applicant's behalf and an appeal was perfected by Robert Pachak, Esquire, of the South Carolina Office of Appellate Defense, pursuant to Anders v. California, 386 U.S. 738 (1967). The South Carolina Court of Appeals dismissed the appeal and relieved appellate counsel in an unpublished opinion filed February 22, 2010. State v. Brown, No. 2010-UP-136 (S.C. Ct. App. Feb. 22, 2010). Applicant thereafter filed a Petition for Writ of Certiorari seeking review by the South Carolina Supreme Court. Respondent submitted a letter waiving a formal response. The South Carolina Supreme Court issued an order dated May 26, 2010, dismissing the matter because it does not entertain petitions for writs of certiorari where the South Carolina Court of Appeals has dismissed an appeal after conducting an Anders review.[1] The Remittitur was issued by the South Carolina Court of Appeals on May 28, 2010.

On August 19, 2010, Applicant filed a Petition for Writ of Certiorari to the United States Supreme Court. That petition was denied on January 10, 2010.

**ALLEGATIONS**

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

1. Ineffective assistance counsel:
    a. Trial counsel failed to object to Dr. Ross testifying and bolstering the State's hypothesis;
    b. Trial counsel failed to object when the victim consistently refused to deny or accept facts;
    c. Trial counsel failed to object when the trial court denied Applicant's motion for a directed verdict;
    d. Trial counsel erred to concur with the trial judge when he opined to solicit a waiver on not having to notify Applicant his rights;

[1] See State v. Lyles, 381 S.C. 442, 673 S.E.2d 811 (2009).

e. Trial counsel failed to request the charge of false imprisonment;
f. Trial counsel failed to elaborate on Applicant's motion for trial judge to recuse himself;
g. Trial counsel failed to object to improper comments and interruptions made by the trial judge; and
h. Trial counsel failed to object to the State improperly amending indictments.

On August 19, 2013, Applicant amended his application to include the following allegations:

1. Ineffective assistance of appellate counsel for failing to brief issue of directed verdict on kidnapping indictment.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This Court has reviewed the testimony and evidence 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, the post-conviction relief transcript, and the legal arguments of counsel. Pursuant to S.C. Code Ann. §17-27-80 (2015), this Court makes the following findings of fact based upon all of the probative evidence presented.

**Ineffective Assistance of Counsel**

In a post-conviction relief action, the applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). 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." Id. at 117-18, 386 S.E.2d at 625.

**a. Bolstering**

This Court finds Applicant has not met his burden to prove counsel was ineffective for failing to object to purported bolstering by the State's expert witness, Dr. Catherine Ross. First, Dr. Ross's testimony did not impermissibly bolster the victim. Dr. Ross – an expert in the field of criminal domestic violence – testified about the effects of abusive relationships on victims *generally*. Tr., p. 346-352. She explained different types of abuse, and went over common misconceptions about domestic violence. Tr. p. 348-49.

Dr. Ross further testified that the victim's symptoms were consistent with those of a woman who had been a victim of domestic violence, Tr. p. 354-55, and that some of her actions were consistent with a "post-traumatic stress response." Tr. p. 356. Crucially, Dr. Ross did not

testify that she believed the victim, or that the victim had testified credibly. Because Dr. Ross did not improperly bolster the victim's testimony, this Court finds counsel's failure to object did not constitute deficient performance.

This Court further finds Applicant has failed to meet his burden to show prejudice. Counsel testified credibly at the PCR hearing that his strategy was, in part, "to indicate that [Applicant] had already been convicted" of a separate, unrelated criminal domestic violence offense, as a result of the very damaging video evidence against Applicant. PCR Tr. p. 68. Because this strategy involved admitting that Applicant had abused his wife in the past, this Court finds any improper vouching by Dr. Ross concerning that issue does not call into question the outcome of the proceeding in this case. This allegation is therefore denied and dismissed.

**b. Removal from the Courtroom**

Applicant's allegation that counsel was ineffective in failing to object to his removal from the courtroom while his children testified is also without merit. Circuit courts must treat sensitively witnesses who are very young by using closed or taped sessions when appropriate. S.C. Code § 16-3-1550(E). Accordingly, where specific findings are made and certain safeguards are taken, allowing a witness to testify outside the physical presence of a criminal defendant may not implicate the confrontation clause. See Starnes v. State, 307 S.C. 247, 414 S.E.2d 582 (1992) (criminal defendant's right to confrontation not violated when videotaped testimony of victim used, where trial judge had made specific factual finding that child was fearful of testifying in front of defendant and would be traumatized and intimidated if required to testify in her presence, and where defendant's trial attorney was present when child's testimony was taken by video tape, and defendant was able to view proceeding by way of closed one-way

circuit television monitor and was in constant contact with her attorney through use of headphones).

In the present case, the trial court carefully considered the testimony of an expert and made specific findings that the young children – who witnessed a large amount of the abuse – would be traumatized if required to face Applicant in the courtroom. Tr. p. 66. The trial court therefore determined that a special courtroom procedure was necessary to protect the welfare of the children pursuant to section 1550(E). Id. Counsel objected to this ruling on the record, and the issue was briefed on appeal. Accordingly, this Court finds Applicant has failed to show deficiency with regard to Applicant's performance.

Applicant has similarly failed to prove that he was prejudiced as a result of any alleged deficiency. While a defendant has a constitutional right to be present at every stage of the criminal proceeding against him, no presumption of prejudice arises from a defendant's exclusion. State v. Shuler, 344 S.C. 604, 625, 545 S.E.2d 805, 815 (2001). This Court notes that Applicant has failed to even *assert* any prejudice that resulted from his exclusion during the testimony of his children. See State v. Lopez, 306 S.C. 362, 365, 412 S.E.2d 390, 392 (1991). Moreover, an examination of the record reveals no prejudice from Applicant's exclusion during this portion of the trial. Applicant saw and heard the testimony of his children through the "media room" and with counsel. Tr. p. 120-21. Applicant's trial counsel was in the courtroom and was able to conduct cross-examination. Finally, the trial judge instructed the jury that they were not to take into account or even discuss during deliberations the fact that Applicant was not present for the testimony of either witness. Tr. p. 122; 154. See Foye v. State, 335 S.C. 586, 590 n. 1, 518 S.E.2d 265, 267 n. 1 (1999) (A jury is presumed to follow instructions). Accordingly,

this Court finds Applicant has failed to meet his burden with regard to this allegation. It is therefore denied.

**c. Conceding Guilt and Prior Bad Act Evidence**

Applicant has also failed to meet his burden to prove counsel was ineffective for "conceding guilt." Counsel did not concede guilt, but rather conceded that Applicant had previously pled guilty to a separate criminal domestic violence offense. Counsel testified that his trial strategy was to concede that Applicant had been convicted of criminal domestic violence

> "[n]ot the CDV that he was being tried for, but to indicate that he had already been convicted of the CDV. If they were going to use that video, and if they were going to say that that video [was] indicative of what happened, then, then what [the victim is] referring to is another CDV, not anything that was occurring then." PCR Tr. p. 68. The video, admitted over counsel's objection,[2] apparently portrayed evidence of domestic violence.

Counsel's credible testimony is dispositive to this issue – because he had a valid trial strategy, this Court finds no deficiency. See, e.g., Dempsey v. State, 363 S.C. 365, 370, 610 S.E.2d 812, 815 (2005) (*citing* McLaughlin v. State, 352 S.C. 476, 483-84, 575 S.E.2d 841, 844-45 (2003)). Accordingly, this allegation is without merit and is dismissed.

**Ineffective Assistance of Appellate Counsel**

*Failure to Brief Issue of Directed Verdict on Kidnapping Indictment*

Applicant alleged at the evidentiary hearing that appellate counsel was ineffective for failing to draft a merits brief on trial counsel's motion for a directed verdict of not guilty on the indictment for kidnapping on the basis that the indictment alleges that the victim was prevented from leaving between the dates of September 14, 2007 and September 16, 2007. This Court finds this allegation is also without merit.

A defendant is constitutionally entitled to the effective assistance of appellate counsel.

[2] Tr. p. 298.

Evitts v. Lucey, 469 U.S. 387, 105 S.Ct. 830 (1985). "However, appellate counsel is not required to raise every non-frivolous issue that is presented by the record." Thrift v. State, 302 S.C. 535, 539, 397 S.E.2d 523, 526 (1990) (citing Jones v. Barnes, 463 U.S. 745 (1983)). Appellate counsel has a professional duty to choose among potential issues according to their merit. Jones v. Barnes, 463 U.S. 745 (1983). Where the strategic decision to exclude certain issues on appeal is based on reasonable professional judgment, the failure to appeal all trial errors is not ineffective assistance of counsel. Griffin v. Aiken, 775 F.2d 1226 (4th Cir. 1985).

The applicant must show that appellate counsel's performance was deficient and that he was prejudiced by the deficiency. Thrift, 302 S.C. at 537, 397 S.E.2d at 526; Strickland, 466 U.S. at 687. When a claim of ineffective assistance of appellate counsel is based upon failure to raise viable issues, the court must examine the record to determine "whether appellate counsel failed to present significant and obvious issues on appeal." Gray v. Greer, 800 F.2d 644, 646 (7th Cir. 1986). Generally, the presumption of effective assistance of appellate counsel will be overcome only when the alleged ignored issues are clearly stronger than those actually raised on appeal. Id.

This Court first finds Applicant has failed to meet his burden to show appellate counsel failed to present a "significant and obvious issue" with respect to directed verdict on the kidnapping indictment. In a motion for a directed verdict in a criminal case, the trial court is concerned with the existence or non-existence of evidence, not its weight. State v. Burdette, 335 S.C. 34, 45, 515 S.E.2d 525, 531 (1999). If the State presents **any evidence** which reasonably tends to prove the defendant's guilt, or from which the defendant's guilt could be fairly and logically deduced, the case must go to the jury. State v. Poindexter, 314 S.C. 490, 431 S.E.2d 254 (1993) (emphasis added). On appeal from the denial of a motion for directed verdict,

reviewing courts must view the evidence in a light most favorable to the State. State v. Schrock, 283 S.C. 129, 322 S.E.2d 450 (1984).

In the present case, the State submitted evidence that could reasonably be said to prove Applicant's guilt of kidnapping. The victim testified that she as prevented from leaving by "[i]ntimidation" from Applicant. Tr. p. 323; PCR Tr. p. 24. Applicant's daughter further testified that he cut the phone lines to the house during the time period in question. Tr. p. 131. Applicant's son testified that he was unable to leave the house and get to the neighbor's house. Tr. p. 158-59. Clearly there was direct and circumstantial evidence that indicated Applicant was guilty of kidnapping, as the trial court ruled following counsel's motion. Tr. p. 368. As Applicant has failed to meet his burden, this allegation is dismissed.

**Trial Judge Recusal**

This Court further finds Applicant has failed to show any constitutional violation or deprivation as a result of the trial court's refusal to recuse himself. Initially, this allegation is a direct appeal issue, and is therefore not appropriate for consideration on post-conviction relief. Post-conviction relief "is not a substitute for nor does it affect any remedy incident to the proceedings in the trial court, or of direct review of the sentence or conviction." S.C. Code Ann. § 17-27-20(b); *see, also, Simmons v. State*, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1975) ("It is uniformly held that an application for post-conviction relief is not a substitute for an appeal."). Therefore, a post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal unless couched as claims of ineffective assistance of counsel. *Drayton v. Evatt*, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993) (*citing, Hyman v. State*, 278 S.C. 501, 299 S.E.2d 330 (1983)). Applicant could have raised the issue of the trial judge's refusal to recuse himself on appeal. The failure to do so bars this allegation as a ground for relief.

Applicant simply cannot use post-conviction relief to bring this free standing claim of a constitutional violation.

In any event, Applicant's underlying claim is entirely without merit. A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned. Canon 3(E)(2)(a) of Rule 501, SCACR. It is not enough for a party seeking disqualification to simply allege bias or prejudice. Roche v. Young Bros., Inc., of Florence, 332 S.C. 75, 5034 S.E.2d 311 (1998). The alleged bias or prejudice must stem from an extra-judicial source and result in a decision based on information other than what the judge learned from his or her participation in the case as a judge. Payne v. Holiday Towers, Inc., 283 S.C. 210, 321 S.E.2d 179 (Ct. App. 1984). If there is no evidence of judicial bias or prejudice, a judge's failure to disqualify himself will not be reversed. Ellis v. Procter & Gamble Distrib. Co., 315 S.C. 283, 433 S.E.2d 856 (1993).

During Applicant's trial, the judge disclosed on the record that his daughter was employed with the Lexington County Solicitor's Office. Neither the Solicitor nor Applicant objected to the trial judge continuing on the case. In addition, when asked by the Court during his PCR evidentiary hearing whether he wanted a mistrial "based on the fact that Judge McMahon's daughter worked for the Solicitor's Office," Applicant said "[a]bsolutely not, not on this basis." PCR Tr. p. 41. Applicant failed to object or indicate his objections to counsel when prompted by the trial judge. Applicant's contrary testimony – that counsel lied to the trial court when he said he had discussed the matter with Applicant for fifteen minutes – is not credible.

Concerning Applicant's allegation that the trial judge should have recused himself "based on the totality of the circumstances," he has failed to show any substantive basis for recusal. PCR Tr. p. 39. Applicant has failed to show any actual evidence of judicial prejudice. This

Court also finds credible counsel's testimony that he did not believe there was a reason for a mistrial in this case, and that the judge did not "cross the line to where it appear[ed] he [was] favoring one side or the other." PCR Tr. P. 82-83. Accordingly, this allegation is denied and dismissed.

**Right to Testify**

The sole issue remaining is whether Applicant was denied the right to testify. A defendant's decision whether or not to testify must be made with the understanding of the consequences of either choice. Brown v. State, 340 S.C. 590, 594, 533 S.E.2d 308, 310 (2000). A defendant's waiver of his Fifth Amendment right must be made knowingly and voluntarily. Id.

Here the record is unclear as to whether Applicant knowingly and intelligently waived his right to testify. Defense Counsel merely stated to the trial judge that Applicant did not want to testify and that the trial judge did not need to interview him. Tr. P. 374. Applicant testified at his PCR hearing that defense counsel did not fully discuss the right to testify with him and that Applicant wanted to testify in his defense but defense counsel informed the trial judge otherwise. PCR Tr. P. 29-33. This issue was not addressed by appellate counsel in Applicant's original appeal. The State produced no evidence as to why the issue was not addressed. In Brown, the Supreme Court declined to state that failure to question the defendant on the record would automatically require a new trial but granted a new trial nonetheless due to the fact that neither the trial judge nor defense counsel apprised Brown of his Fifth Amendment rights. As a precautionary measure, an on the record colloquy between the trial judge and the defendant would ensure that the defendant was aware of his right to testify. The dissent by Judge Finney more aptly addressed that the violation of a constitutionally protected right should require a new trial. This Court is of the belief that the failure to address this issue on appeal without explanation to the court is ineffective

assistance of appellate counsel. Therefore, Applicant is entitled to a belated appeal on the sole issue as to whether he was properly apprised of and then waived his Fifth Amendment right to testify.

## 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

Accordingly, THEREFORE, Applicant is entitled to a new appeal as a result of appellate counsel's deficient performance regarding his right to testify. Applicant has not established any constitutional violations or deprivations beyond this sole issue. Counsel was not deficient in any other manner, nor was Applicant prejudiced by the remainder of counsel's representation.

Therefore, IT IS FURHER ORDERED that each of Applicant's other allegations must be denied and dismissed with prejudice

**IT IS THEREFORE ORDERED:**

1. That the Application for Post-Conviction Relief be denied and dismissed with prejudice;

2. Within thirty (30) days of service of this Order, Applicant must file a notice of appeal to secure the appropriate review of Applicant's conviction.

AND IT IS SO ORDERED!

Edgar W. Dickson
Presiding Judge, Eleventh Judicial Circuit

January 30, 2018
Orangeburg, South Carolina

ALAN WILSON
ATTORNEY GENERAL

January 31, 2018

The Honorable Lisa M. Cromer
Lexington County Clerk of Court
205 East Main St, Suite 128
Lexington, SC 29072



Re: Rodney C. Bryan v. State of South Carolina
2011-CP-32-0674

Dear Ms. Comer:

Please find the original Order Granting Belated Appeal signed by the Honorable Edgar W. Dickson, January 30, 2018, in the above referenced post-conviction relief action, for filing in your office. Please serve a filed copy of this Order on the parties in this case.

Sincerely,

Troyeshi Brailey

Troyeshi Brailey
Paralegal for Melody J. Brown
Senior Assistant Deputy Attorney General

/trb
(Enclosures)

cc: Rodney C. Bryan, #329517 (w/enclosures)
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC 29010

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2011CP3200674

| Rodney Calvin Bryan #329517 | | State of South Carolina | |
|---|---|---|---|
| PLAINTIFF(S) | | DEFENDANT(S) | |
| Submitted by: | | Attorney for: ☐ Plaintiff ☐ Defendant ☐ Self-Represented Litigant | |

**DISPOSITION TYPE (CHECK ONE)**

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

☐ **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 | 2/2/2018 Date |
|---|---|---|

**For Clerk of Court Office Use Only**

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

Rodney Calvin Bryan #329517
Lee Correctional Institution
990 Wisacky Highway Bishopville, SC 29010

Melody Jane Brown
PO Box 11549 Columbia, SC 29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Lisa Comer/jp

Court Reporter

Lisa M. Comer - 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), SCRCP.**

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.