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October 9, 2018

The Supreme Court of South Carolina
ATTN: Daniel Shearouse, Clerk of Court
PO Box 11330
Columbia, SC 29211

RE : Richard Lee Boatwright v. State of South Carolina
2017CP3201186

Dear Mr. Shearouse:

Enclosed please find a Notice of Appeal along with a Certificate of Service and a copy of the Order being appealed. Also enclosed is a copy which I request you stamp as "filed" and return to me in the enclosed stamped envelope.

Thank you for your assistance in this matter.

Yours very truly,

Christina A. Metze

Christina Metze
Paralegal

cc: Caroline Scrantom, Office of The Attorney General
Lisa Comer, Lexington County Clerk of Court
Richard Lee Boatwright

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED
OCT 12 2018
S.C. SUPREME COURT

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

Case No.: 2017CP3201186

State of South Carolina,

Respondent,

v.

Richard Lee Boatwright,

Appellant.

NOTICE OF APPEAL

Richard Lee Boatwright, #367956, appeals the Order of Dismissal denying his Application for Post-Conviction Relief filed September 13, 2018, and received by counsel on September 17, 2018, issued by the Honorable J. Derham Cole, presiding Judge.

October 9, 2018

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Other Counsel of Record:
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Counsel for Respondent

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED
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Respondent,

v.

Richard Lee Boatwright,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Caroline Scrantom by depositing a copy of it in the United States Mail, postage prepaid, on October 9, 2018, addressed to her office at:

PO Box 11549
Columbia, SC 29211

October 9, 2018

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STATE OF SOUTH CAROLINA COUNTY OF LEXINGTON	IN THE COURT OF COMMON PLEAS FOR THE ELEVENTH JUDICIAL CIRCUIT
Richard Lee Boatwright, #367956, Applicant, v. State of South Carolina, Respondent.	C/A No. 2017-CP-32-01186 **ORDER OF DISMISSAL**

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed by Richard Boatwright (Applicant) on April 6, 2017. The Court convened for an evidentiary hearing in this matter on Wednesday, February 21, 2018, at the Lexington County Courthouse in Lexington, South Carolina. Applicant was present at the hearing and represented by appointed counsel Aimee J. Zmroczek, Esquire. Assistant Attorney General Caroline Scrantom appeared on behalf of Respondent.

PROCEDURAL HISTORY

A. The Underlying Prosecution

Applicant is presently in the custody of the South Carolina Department of Corrections and housed at McCormick Correctional Institution. The Lexington County Grand Jury indicted Applicant in May 2014 for criminal sexual conduct (CSC) with a minor, second degree; and CSC with a minor, third degree. On September 14, 2015, the Lexington County Grand Jury returned additional indictments for two separate charges of sexual exploitation of a minor, third degree. Each charge concerned the same victim, who was Applicant's fifteen-year-old stepdaughter.

Elizabeth Fullwood of the Eleventh Circuit Public Defender's Office represented Applicant. Following jury selection and a day of pre-trial motions, Applicant pled guilty to each

above-named charge on April 26, 2016. The Honorable R. Knox McMahon presided. Suzanne Mayes of the Eleventh Circuit Solicitor's Office appeared on behalf of the State.

Judge McMahon sentenced Applicant to twenty years' incarceration for CSC with a minor, second degree; fifteen years for CSC with a minor, third degree; and ten years for each of two charges of sexual exploitation of a minor, third degree. Applicant's sentences were issued to run consecutively. He was credited for time served.

Applicant did not pursue a direct appeal of his conviction and sentence.

B. The Instant PCR Action

Applicant alleges that he is being held in custody unlawfully and seeks relief premised upon the following reasons, enunciated in questions 10 and 11 of his *pro se* PCR application:

> Ineffective assistance of counsel:
> (a) Failure to investigate potentially exculpatory evidence
> (b) Failure to discover potentially exculpatory evidence
> (c) Failure to investigate or discover potentially exculpatory evidence that would have led counsel to change his recommendation as to the p[lea].

The State made its Return to these allegations on or about June 12, 2017.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

At the evidentiary hearing, this Court had before it the *pro se* PCR application and the State's Return, which included as attachments the Lexington County Clerk of Court records pertaining to Applicant's indictments and sentencing and Applicant's South Carolina Department of Corrections records. This Court also had before it the transcript of Applicant's guilty plea and sentencing, which Respondent formally incorporated as part of the record at the outset of the evidentiary hearing.

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 has reviewed the records submitted to it by the parties and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80, this Court denies the application and, in doing so, makes the following findings based upon all of the probative evidence presented.

A. Standard for Post-Conviction Relief

When an applicant "enters a plea on the advice of counsel, [he] may only attack the voluntary and intelligent character of the plea" by fulfilling a two-prong test established regarding proof of ineffective assistance of counsel. *Frasier v. State*, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) (citing *Hill v. Lockhart*, 474 U.S. 52, 58-59, 106 S.Ct. 366, 370 (1985) (adopting seminal ineffective assistance of counsel standard from *Strickland v. Washington*, 466 U.S. 668, 687, 104 S.Ct. 2052 (1984), and applying to cases resolved via guilty plea)). "A claim of ineffective assistance of guilty plea counsel requires the applicant present evidence satisfying two prongs: first, evidence that counsel's performance was deficient; and second, evidence that the applicant was prejudiced by that deficiency." *Stalk v. State*, 383 S.C. 559, 560–61, 681 S.E.2d 592, 593 (2009) (citing *Hill v. Lockhart, supra*). In regards to the first prong, "[t]he proper measure of attorney performance remains reasonableness under prevailing professional norms." *Strickland v. Washington, supra* at 688, 104 S.Ct. at 2065. In order to satisfy the prejudice requirement, "the defendant must show that there is a reasonable probability that, but for counsel's errors, he would not have pled guilty and would have insisted on going to trial." *Hill v. Lockhart, supra* at 59, 106 S.Ct. at 370.

At all times during the proceeding, the Applicant maintains the burden of establishing that he is entitled to relief. *Suber v. State*, 371 S.C. 554, 558, 640 S.E.2d 884, 886 (2007). Moreover, the proceeding is coupled with "a strong presumption that counsel rendered adequate

assistance and exercised reasonable professional judgment in making all significant decisions in the case." *Morris v. State*, 371 S.C. 278, 282, 639 S.E.2d 53, 55 (2006). "Judicial scrutiny of counsel's performance must be highly deferential, as it is all too tempting for a defendant to second-guess counsel's assistance after conviction or an adverse sentence, and it is all too easy for a court, examining counsel's defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable." *Strickland*, 466 U.S. at 689, 104 S.Ct. at 2065.

A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. *Strickland*, 466 U.S. at 697, 104 S.Ct. at 2069.

B. The Merits of the Ineffective Assistance Allegation

Applicant generally alleges plea counsel rendered ineffective assistance in her investigation of Applicant's case. "[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." *Edwards v. State*, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011); *Lounds v. State*, 380 S.C. 454, 460, 670 S.E.2d 646, 649 (2008); *see also McKnight v. State*, 378 S.C. 33, 46, 661 S.E.2d 354, 360 (2008) ("A criminal defense attorney has the duty to conduct a reasonable investigation to discover all reasonably available mitigation evidence and all reasonably available evidence tending to rebut any aggravating evidence introduced by the State."). "[W]hile the scope of a reasonable investigation depends upon a number of issues, at a minimum, counsel has the duty to interview potential witnesses and to make an independent investigation of the facts and

circumstances of the case." *Ard v. Catoe,* 372 S.C. 318, 331, 642 S.E.2d 590, 597 (2007). Our courts have additionally cautioned not to lose sight "of the reasonableness standard regarding counsel's duty to investigate. *Edwards v. State*, 392 S.C. at 456, 710 S.E.2d at 64 "Indeed, it would be an absurdity to require criminal defense lawyers to interview *every* potential witness when they can articulate reasonable grounds not to. When counsel makes such a reasonable decision, he will have fulfilled the duty he owes to his client." *Id.* at 457, 710 S.E.2d at 64–65.

At the evidentiary hearing, Applicant testified that he was arrested during the summer of 2013 and met with appointed counsel, Beth Fullwood, less than a dozen times over the course of 34 months. He proceeded to trial, then pled, in April 2016. He testified that counsel was not quick to respond to his inquiries and that she advised him against requesting a speedy trial because it would result in a 20-year sentence. He testified there were three to four pre-trial meetings. Applicant testified that his counsel said she hired a detective but no detective came to speak with him.

Regarding the facts of his case warranting investigation, Applicant testified that he did not have an amicable end to his marriage. According to Applicant, he refused to pay his ex-wife and in turn became a wanted man for the acts to which he pled. Applicant acknowledged that his stepdaughter was the victim in his case. His testimony established that while married to the victim's mother, they all lived together in Kentucky prior to moving to South Carolina. Applicant testified that the Kentucky Department of Social Services had previously investigated him in 2012, but halted the investigation. Applicant testified that at some point his ex-wife was also arrested. He indicated he wanted his attorney to look into these events in preparation of a defense. Applicant, a former truck driver, testified that the factual allegations concerned him because his trucking logbook should have shown that he was driving during one of the alleged

instances of CSC with a minor. Applicant testified that his trucking company indicated they would assist in his defense.

This Court finds Applicant's testimony concerning counsel's investigation and representation not credible. Applicant advised the plea judge that he was totally and completely satisfied with counsel at the time of the plea, (Plea Tr. pp. 161-62), a representation he acknowledged during his PCR testimony. Moreover, Applicant's testimony is contradicted by that of his counsel, who demonstrated at the evidentiary hearing that she kept detailed records of her preparation of Applicant's case.

This Court finds applicable the strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in his representation of Applicant at all stages. *Ard v. Catoe*, 372 S.C. at 331, 642 S.E.2d at 596 (citing *Strickland, supra*). "[W]hen counsel articulates a *valid* reason for employing a certain strategy, such conduct generally will not be deemed ineffective assistance of counsel. The validity of counsel's strategy is viewed under an 'objective standard of reasonableness.'" *Lounds v. State,* 380 S.C. at 462, 670 S.E.2d at 650 (emphasis in original). The United States Supreme Court has cautioned that "every effort be made to eliminate the distorting effects of hindsight" and evaluate counsel's decisions at the time they were made. *Strickland,* 466 U.S. at 689, 104 S.Ct. 2052. Any post-conviction relief court must be "wary of second-guessing trial counsel's tactics." *Edwards v. State*, 392 S.C. 449, 457, 710 S.E.2d 60, 64 (2011); *Whitehead v. State,* 308 S.C. 119, 122, 417 S.E.2d 529, 531 (1992). "[W]hen 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)).

This Court finds counsel's PCR testimony credibly establishes that her performance in preparing and presenting Applicant's defense was not objectively unreasonable in any manner. *Strickland, supra* at 688, 104 S.Ct. at 2065. Counsel has been practicing criminal defense for almost 40 years and has been with the Eleventh Circuit Public Defender's Office since 1991. Counsel testified she had previously defended clients charged with CSC. Counsel's testimony credibly established that she in fact met with Applicant or spoke with him over the phone about his case a recorded 14 times. Counsel brought with her to the evidentiary hearing a small portion of Applicant's criminal defense file, which she testified was comprised of three larger files in addition to the folder she brought to the stand to refresh her recollection. She did not recall any plea offers being made nor did she recall any unusual issues obtaining discovery from the State.

Counsel credibly testified as to her recollection of the facts of Applicant's case. Counsel testified that this was a case of delayed disclosure by the stepdaughter victim of a number of acts which occurred over a series of years. She testified that there was a quantity of sexual images found on Applicant's computer, including images of the stepdaughter. Counsel established that as part of her representation of Applicant she discussed the nature of his charges with and the factual basis of those charges many times. She discussed the possibility of a guilty plea with her client. Counsel credibly testified that Applicant was engaged in the defense of his case and would rationally and intelligently discuss it with her, which this Court finds to be corroborated by Applicant's own PCR testimony.

Counsel testified as to the specific type and amount of pre-trial investigation conducted in Applicant's case. She testified that her investigation was directed by information divulged during conversations with her client. Counsel testified that she obtained Applicant's divorce records as part of her investigation. Counsel testified that she hired private investigator to locate records

from Applicant's previous states of residency that may assist in a defense. Counsel testified she retained Al Johnson to independently examine the contents of the computer seized from Applicant as part of the State's investigation but his examination failed to uncover any exculpatory data. Counsel testified that she subpoenaed Applicant's former trucking employer for logbooks but received in response a letter stating that the company did not have any electronic logbooks or logs pertaining to Applicant, and that he was employed at a flat rate. Counsel testified she consulted with a handwriting analyst Mickey Dalton regarding discovery in this case. Counsel testified that she requested the victim's own mental health records from Kentucky, which were produced under seal shortly before trial. Counsel moved to continue the trial to further examine these records but the continuance was denied. Counsel also sought *in camera* review of those mental health records by the trial court as a means of gaining access to impeachment material on the victim.

In regards to counsel's presentation at the trial and plea proceedings, testimony presented at PCR and the plea transcript demonstrate that counsel argued a series of pre-trial motions prior to the guilty plea in an attempt to suppress the evidence in anticipation of trial. None of those motions were successful and a wealth of photographic and other documentary evidence concerning the totality of the charges would be introduced by the State at Applicant's jury trial. At PCR, counsel credibly recalled the veracity of the victim's pre-trial testimony. Counsel testified that pre-trial she felt there were a number of inconsistencies pertaining to the victim that she could utilize for impeachment at trial. However, the victim's pre-trial testimony proved credible and extraordinary in that the victim was poised for her age. Counsel recalled the victim testifying in mature, impressionable manner. After the victim's pre-trial testimony, counsel's

assessment of the strength of the case changed. Counsel testified she felt the State's case was strong.

This Court accordingly finds that counsel not only conducted a rational and thorough pre-trial investigation into Applicant's case, but additionally initiated a vigorous defense during the pre-trial phase as exhibited in the transcript of Applicant's criminal proceedings. This Court finds counsel credibly established that took care to corroborate any defense or alibi presented by her client for the acts charged and was not successful even after a thorough investigation. This Court finds counsel's investigation into the facts giving rise to the charges essentially dead-ended at each turn. This Court finds Applicant has failed to demonstrate a deficiency on the part of trial counsel. *See Strickland, supra; Hill v. Lockhart, supra.*

This Court also finds Applicant was not prejudiced by counsel's representation. Applicant has failed to produce any additional exculpatory evidence during the PCR proceeding. Where a PCR applicant fails to proffer any evidence at PCR in support of the alleged deficient investigation and preparation of defense, that applicant wholly fails to meet his burden of showing that he was prejudiced by the alleged omission. *Edwards v. State*, 392 S.C. at 459, 710 S.E.2d at 66; *Glover v. State,* 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995); *Cherry v. State,* 300 S.C. 115, 118–19, 386 S.E.2d 624, 625–26 (1989). Applicant has not demonstrated a reasonably likelihood that had counsel done some additional deed or pursued some additional angle in pursuit of his defense that he would have proceeded with trial instead of pleading guilty. *Hill v. Lockhart, supra* at 59, 106 S.Ct. at 370. Nor, based upon the evidence in the plea record, has Applicant established that had he continued with trial that it would have resulted in a not guilty verdict. The plea record delineates a great weight of admissible evidence which supported the charges against Applicant, including detailed handwritten confessions, photographs from his

computer, and victim testimony regarding the acts charged and prior bad acts ruled admissible by during pre-trial motions. (Plea Tr. pp. 52-149, 162-71).

The ineffective assistance allegation is **DENIED.**

C. Knowing Intelligent and Voluntary Guilty Plea Made

This Court further finds that Applicant entered a knowing, intelligent and voluntary guilty plea, and finds not credible any contrary assertion made by Applicant during the course of the evidentiary hearing in this matter. Applicant testified at PCR that he changed his plea to guilty after the completion of post-trial motions because the Circuit Solicitor at the time had just been arrested for DUI. This Court finds this particular point irrelevant to the determination before it.

Applicant also testified that he changed his plea to guilty because the deputy who transported him to the courthouse that morning warned him not to look at his wife of stepdaughter. The plea court gave Applicant an opportunity to address whether he had complaints against any officers in his case and Applicant answered no. (Plea Tr. p. 162). Moreover, trial counsel testified at PCR that Applicant did not report any alleged threat to her. Applicant testified at PCR he believed he deserved another trial. He also testified at PCR that he was not aware of any charge for CSC with a minor, third degree, until he was he was presented with his sentencing sheets. As expounded upon below, this Court notes that Applicant signed each sheet, indicating he wanted to plead guilty, and did so of his own free will.

A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a defendant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. *Dalton v. State*, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Blackledge v. Allison,* 431 U.S. 63, 97 S. Ct. 1621 (1977)). To find a guilty plea is

voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. *Boykin v. Alabama,* 395 U.S. 238, 89 S. Ct. 1709 (1969). "In addition to the requirements of *Boykin,* a defendant entering a guilty plea must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." *Anderson v. State,* 342 S.C. 54, 57, 535 S.E.2d 649, 651 (2000). A defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." *Roddy v. State,* 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000). Therefore, statements made during a guilty plea should be considered conclusive unless an applicant presents valid reasons why he should be allowed to depart from their truth. *Blackledge v. Allison, supra*; *Crawford v. United States,* 519 F.2d 347 (4th Cir. 1975).

This Court finds Applicant was advised of the charges and potential sentences in advance of the plea, finding very credible counsel's testimony regarding her preparation and advice concerning those charges. Counsel established that she had a number of rational communications with her client prior to trial concerning his charges, the pursuit of potential defenses, and the proceedings to follow. The plea transcript corroborates that counsel did address with her client the elements of the charges pled and the benefit of accepting the plea bargain, as well as the rights waived by deciding to withdraw from the ongoing trial and enter the plea. The plea court delivered a complete colloquy, and Applicant acknowledged at every stage that he wished to so plead. Applicant was specifically advised of each potential maximum sentence. This Court finds the record reflects Applicant was advised of the waiver of his constitutional rights by the plea court, including his right to continue with trial by jury. (Plea Tr. pp. 150-72).

This Court finds meritless any contention by Applicant that he did not plead guilty knowingly and voluntarily. Applicant decided to so plead following the denial of each pre-trial challenge to the evidence that would be presented. Applicant also pled guilty after pre-trial testimony by his stepdaughter who was the victim in this case. During sentencing, Applicant took responsibility for his actions and apologized to the victim directly. He indicated during this exchange that he did not want her to have to testify in front of the jury. (Plea Tr. pp. 176-77). At the PCR hearing, Applicant testified that he issued the apology in hopes that it would lead to a lighter sentence.

"Courts naturally look with a jaundiced eye upon any defendant who seeks to withdraw a guilty plea after sentencing on the ground that he expected a lighter sentence." *United States v. Crusco*, 536 F.2d 21, 24 (3rd Cir. 1976); *see Daniel v. Cockrell*, 283 F.3d 697, 703 (5th Cir. 2002) (absent a showing of force of threat by some other actor, the "guilty plea is not rendered involuntary by the defendant's mere subjective understanding that [he] would receive a lesser sentence . . ."). Contrary to Applicant's PCR testimony, "[t]he colloquy establishes that [Applicant] did not have any misconceptions regarding sentencing." *Roddy v. State*, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (reversing PCR court's finding of an involuntary guilty plea). A defendant's subjective hope of a lesser sentence is unavailing. Not only is the plea record void of any threat in Applicant's case, but this Court finds Applicant failed to establish at PCR that he pled guilty by force of any improper influence.

This Court finds Applicant failed to meet his burden in regards to any allegation of an involuntary guilty plea. *Blackledge v. Allison, supra.* The record reflects Applicant admitted his guilt to the plea court after being fully informed of the nature and consequences of his plea by his attorney and by the plea court. The record further reflects and this Court further finds Applicant

entered his plea on his own accord, while acknowledging the waiver of his right to continue with his jury trial. Therefore, any allegation that Applicant did not plead guilty voluntarily is **DENIED.**

CONCLUSION

Upon consideration of the testimony presented at the evidentiary hearing, a review of the pertinent portions of the file made part of this record by way of attachment to the State's Return, the guilty plea and sentencing transcript, and the applicable case law, the undersigned finds that Applicant has failed to meet his burden of establishing any constitutional deprivation which would warrant relief. Even if Applicant had put forth sufficient evidence that trial counsel's performance was in some way unreasonable under prevailing professional norms, which this Court finds he did not, Applicant has failed to present any evidence that would tend to establish that he was prejudiced by some act or omission of counsel, or that had counsel not acted in the manner complained of, that there is a reasonable likelihood that the Applicant would have instead proceeded to trial.

IT IS THEREFORE ORDERED THAT:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and

2. Applicant shall remain in the custody of the South Carolina Department of Corrections to complete service of his sentence.

This Court additionally notes Applicant must file and serve a notice of appeal within 30 days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. 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), SCRCP, provides that if Applicant wishes to seek appellate

review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

AND IT IS SO ORDERED this 10 day of September, 2018.

J. DERHAM COLE
PRESIDING JUDGE

Spartanburg, South Carolina

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2017CP3201186

Richard Lee Boatwright 367956		**South Carolina State of**	

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**	9/17/2018 **Date**

For Clerk of Court Office Use Only

This judgment was entered on **September 13th 2018**, and a copy mailed first class or placed in the appropriate attorney's box on **September 17th 2018**, to attorneys of record or to parties (when appearing pro se) as follows:

Aimee Jendrzejewski Zmroczek A.J.Z. Law Firm, LLC PO Box 11961 Columbia, SC 29211

Kelly Oppenheimer Rembert C. Dennis Building PO Box 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

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.