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NOV 19 2018

November 16, 2018

S.C. SUPREME COURT

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
Post Office Box 11330
Columbia, SC 29211

RE: Joseph O. Morant, #184215 v. State of South Carolina
2017-CP-07-02430

Dear Mr. Shearouse:

Please find enclosed a Notice of Appeal along with the accompanying Order for the above-referenced matter. By way of this letter I am copying the Office of Appellate of Defense, as I was appointed to represent Mr. Morant.

Best regards,

ASHLEY A. MCMAHAN
ATTORNEY AT LAW

AAM

cc: Joseph O. Morant
Kelly Oppenheimer, Asst. Attorney General
Lexington County Clerk of Court
Office of Appellate Offense

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STATE OF SOUTH CAROLINA
In The Supreme Court

NOV 19 2018

S.C. SUPREME COURT

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

The Honorable Perry H. Gravely, Circuit Court Judge

Case No. 2017-CP-32-02430

Joseph O. Morant, #184215, Petitioner,

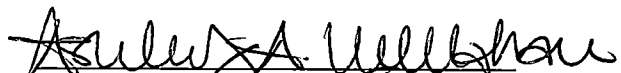
v.

State of South Carolina, Respondent.

NOTICE OF APPEAL

Applicant, Joseph O. Morant, appeals the order of the Honorable R. Lawton McIntosh, dated October 12, 2018, and filed October 29, 2018.

Nov. 16, 2018



ASHLEY A. MCMAHAN, ESQUIRE
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ATTORNEY FOR APPLICANT

Opposing Counsel:
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Columbia, SC 29211-1549

STATE OF SOUTH CAROLINA
In The Supreme Court

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NOV 19 2018

APPEAL FROM LEXINGTON COUNTY S.C. SUPREME COURT
Court of Common Pleas

The Honorable Perry H. Gravely, Circuit Court Judge

Case No. 2017-CP-32-02430

Joseph O. Morant, #1842156, Petitioner,

v.

State of South Carolina, Respondent.

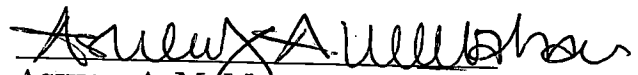
PROOF OF SERVICE

I, Ashley A. McMahan, certify that I have served the within Notice of Appeal on Respondent by depositing a copy of the same in the United States mail, postage prepaid, addressed to:

Kelly Oppenheimer, Asst, Attorney General
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211-1549

I further certify that all parties required by Rule to be served have been served.

Nov. 16, 2018


ASHLEY A. MCMAHAN, ESQUIRE
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ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
Joseph O. Morant, #184215,)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE ELEVENTH JUDICIAL CIRCUIT

Case No. 2017-CP-32-02430

ORDER OF DISMISSAL

FILED
2018 OCT 29 AM 8:41
LISA M. COOPER
CLERK OF COURT
LEXINGTON, SC

This matter comes before the Court by way of an application for post-conviction relief filed July 10, 2017, by Joseph O. Morant (Applicant). The State (Respondent) made its return on September 13, 2017, requesting an evidentiary hearing be held. Thereafter, on July 16, 2018, Applicant, through his counsel, filed an amendment to the application for post-conviction relief. An evidentiary hearing into the matter was convened on August 1, 2018, at the Lexington County Courthouse before the Honorable Perry H. Gravely. Applicant was present at the hearing and represented by Ashley A. McMahan, Esquire. Assistant Attorney General Kelly Oppenheimer of the South Carolina Attorney General's Office represented Respondent.

Following a thorough review of the record in its entirety, and the testimony and evidence presented at the evidentiary hearing, this Court finds Applicant has failed to establish any constitutional violations and denies this application with prejudice.

PROCEDURAL HISTORY

The records before this Court indicate Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lexington County Clerk of Court. During its March 2015 term, the Lexington County Grand Jury indicted Applicant for first-degree burglary (2015-GS-32-00774). Thereafter, during its May 2015 term,

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the Lexington County Grand Jury indicted Applicant for second-degree burglary, violent (2015-GS-32-01152) and two additional counts of first-degree burglary (2015-GS-32-01149; -01153). Applicant was again indicted by the Grand Jury during its June 2015 term for second-degree burglary, non-violent (2015-GS-32-01390). Michael D. McMullen, Esquire, represented Applicant on these charges. Assistant Solicitor Suzanne Mayes, of the Eleventh Circuit Solicitor's Office, prosecuted the case. On July 14, 2016, Applicant appeared before the Honorable Eugene C. Griffith, Jr. and pled guilty as indicted to all charges. Judge Griffith sentenced Applicant to a term of imprisonment of ten years for second-degree burglary, non-violent, fifteen years for second-degree burglary, violent, and twenty years for each count of first-degree burglary. The sentences were to be served concurrently. Applicant did not appeal his plea or sentence.

CURRENT APPLICATION

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

1. Ineffective Assistance of Counsel.
 - a. Counsel was ineffective for failing to investigate DNA findings along with place of testing.

In his amendment to the application for post-conviction relief, Applicant raises the following additional grounds:

1. Ineffective Assistance of Counsel:
 - a. Counsel had a conflict of interest because he knew the victim; [and]
 - b. Failed to acquire information regarding the footprints the state had.

At the evidentiary hearing, Applicant proceeded forward on the allegations raised in both his original application for post-conviction relief and his amendment to the application for post-

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conviction relief. Applicant also raised an allegation at the evidentiary hearing Counsel was ineffective for failing to have Applicant mentally evaluated.

STATEMENT OF FACTS

On November 23, 2013, Applicant first entered the home of Marie Rawl through a window¹. Tr. 11. Applicant took various items in the home, including electronics and a laptop. Tr. 11-12. He also attempted to take Ms. Rawl's flat-screen television but was unable to, as indicated by the television being left in the yard. Tr. 12. That same evening, Applicant broke into the home of Jewel Gossett Rivera², a law enforcement officer. Tr. 13. Applicant took a window air conditioning unit, as well as two televisions and several pieces of jewelry. Tr. 13. Applicant's fingerprints were found not only on the base of the air conditioning unit but also the point of entry to the home. Tr. 13.

Later, on December 24, 2013, at approximately 4:10 in the morning, law enforcement officers observed Applicant with an orange leaf blower. Tr. 15. That same item had been stolen earlier from a nearby outbuilding. Tr. 15.

Applicant again broke into Ms. Rawl's home during the nighttime hours of January 18, 2014, through January 19, 2014. Tr. 10. During this second break-in, Applicant used a cinder block to break one of the windows on the side porch³. Tr. 11. That time, he took the aforementioned television. Tr. 12. Applicant also returned to Ms. Gosset's home, taking the items that had been previously replaced. Tr. 13.

Applicant also broke into the home of Albert Herman, which was near Ms. Rawl's. Tr. 13-14. In that home, Applicant took electronics and foreign coins and left. Tr. 14. He re-entered the residence, however, through a back door while Mr. Herman was inside. Tr. 14. Mr.

¹ Applicant's blood was found on the window. Tr. 11.

² Ms. Gosset's home is located near Ms. Rawl's. Tr. 12-13.

³ Applicant again left blood at the scene, this time on the door of the side porch. Tr. 11.

PHV

Herman called out to see who the robber was and saw an unknown suspect fleeing on a bicycle. Tr. 14. Law enforcement responded to the scene and stopped Applicant a short distance from the scene. Tr. 14. At that time, law enforcement found some of the stolen items in Applicant's possession. Tr. 14.

TESTIMONY PRESENTED AT THE EVIDENTIARY HEARING

At the evidentiary hearing, Applicant testified on his own behalf. Respondent presented the testimony of Michael D. McMullen, Esquire (Counsel). This Court also had before it a copy of Applicant's plea transcript, the records of the Lexington County Clerk of Court, and Applicant's records from the South Carolina Department of Corrections.

During the evidentiary hearing, Applicant testified on his own behalf. Applicant testified he was initially represented by Lexington Public Defender Elizabeth C. Fullwood, but then his family hired Counsel to represent him. He further testified counsel Fullwood told him he would receive a sentence of fifteen years. He also testified counsel Fullwood did the majority of the work on his case, and Counsel did not do much. Applicant testified he did not provide Counsel with any leads or witnesses to investigate.

Applicant also testified he met with Counsel two or three months prior to his guilty plea, and Counsel visited him in the jail two or three times. He testified he was close with Counsel, but they argued a lot, because Counsel would tell Applicant he was going to prison for life and that he "shouldn't have done it." He further testified Counsel told him if he were convicted, he would receive a sentence of life without the possibility of parole. He elaborated Counsel told him he did not want to see Applicant get a life sentence. He also testified, however, Counsel never reviewed the potential sentences with him, but counsel Fullwood did. He testified he did not review the discovery with Counsel, though Counsel had the discovery. Applicant did not

recall telling the plea court he had reviewed each case file with Counsel. He further testified they did review his constitutional rights, and he told Counsel he wanted to proceed to trial. He elaborated, however, he did not understand he was waiving those rights. Applicant further testified the first plea offer was for a sentencing range of twenty to twenty-five years, but he plead for a range of fifteen to twenty years.

Applicant testified the South Carolina Law Enforcement Division (SLED) tested the DNA evidence, which was found in the burglarized house, but then a privately owned company in Florida did. He further testified he saw the DNA test. He explained the DNA was a match to him and was a match to two different burglaries. He also testified this was one reason he pled guilty. He elaborated SLED is "scary," and he needed to plead guilty if SLED tested the DNA. He further elaborated he was unaware the private company was testing the DNA until after he pled guilty. He further testified there were footprints at the crime scene, which was included in the discovery motion. He testified, however, he did not see anything.

He also testified Counsel told him he went to school with one of the victims, and he hated this happened to her. He explained Counsel told him he hated this type of crime, and it is traumatic. He further explained Counsel told Applicant his house had been burglarized. Applicant further testified Counsel was caught in the middle. Applicant testified he did not ask for Counsel to be relieved, though he knew he could.

Applicant testified he suffers from psychosis, post-traumatic stress disorder, and depression. He explained he has been dealing with these diagnoses his whole life. He further explained he told both counsel Fullwood and Counsel about these diagnoses.

Applicant also testified at the plea, he told the court he was satisfied with the advice and counsel of Counsel. He testified he also informed the plea court he was pleading freely and

voluntarily and was pleading guilty because he had committed these six burglaries. He further testified he informed the plea court no one had threatened him, coerced him, or promised him anything in order for him to plead guilty. Applicant recalled the plea court reviewing each of his rights at trial with him, and he informed the plea court he understood each of those rights. He elaborated he told the plea court understanding each of those rights, he wanted to plead guilty. He further elaborated he told the plea court he was waiving his rights at trial freely and voluntarily. Applicant testified, however, he pled in order to put it behind him.

Following Applicant's testimony, Applicant rested his case. Respondent then presented the testimony of Counsel. Counsel testified he has been practicing law since 1992, and one hundred percent of his practice is criminal law. He testified he was retained to represent Applicant approximately one month prior to the plea. He further testified he had known Applicant for approximately fifteen years, and he has represented him four different times in a criminal matter.

He testified he was aware Applicant suffered from post-traumatic stress disorder, as Applicant was raped as a young man and left in the woods and, therefore, has undergone mental evaluation for most of his life. He further testified Applicant never told him he was psychotic. Counsel testified he never had the indication Applicant did not understand something. Indeed, Applicant would ask intelligent questions along the way. Counsel also testified at times, Applicant would have lapses in taking his medication, which could have possibly been a full defense. He further testified, however, Applicant seemed lucid and as though he was taking his medications, and he had no problems communicating with Applicant. Counsel explained he had no reason to seek a mental evaluation of Applicant.

He testified he discussed the elements of each charge with Applicant and also discussed potential sentences. He further testified he informed Applicant of his constitutional rights. Counsel also testified he reviewed the discovery with Applicant. He testified DNA evidence was obtained from blood left on a broken glass window, which was used to enter one of the homes. He explained he had no reason to question the results of the DNA and no reason to have the DNA independently tested. Counsel also testified when executing a search warrant at Applicant's home, law enforcement found the stolen property. He testified there was a footprint on the door of one of the homes, which matched Applicant. He explained there was not much analysis done with the print, but the size was consistent with that of Applicant. He further explained the State did not take an impression of the footprint, but it was consistent with Applicant. Counsel testified in light of the DNA evidence and the proximity of the scenes, the evidence was overwhelming. He further testified he explained this to Applicant.

He also testified Applicant wanted to proceed to trial, and they fought about that. He explained the solicitor was insistent on a trial sooner rather than later, and LWOP notice had been properly served. He further explained Applicant's family feared he would receive a sentence of LWOP at trial, and they asked Counsel to talk to Applicant. Counsel testified Applicant's family asked him to advise Applicant to plead guilty. He testified he advised Applicant of the possibility of a sentence of life without the possibility of parole. Counsel testified he explained the sentencing range of the plea offer, and that the offer was for a maximum sentence of twenty years. He explained he informed Applicant this was a negotiated offer for a range of fifteen to twenty years, and their goal was for fifteen years. He further testified it was Applicant's decision to plead guilty. Counsel explained had Applicant wanted to proceed to trial, he would have been prepared.

Counsel also testified he knew one of the victim's, who was a sheriff's deputy. He explained he was an assistant solicitor from 1995 to 1998, and he knew her fifteen years earlier. He further explained they did not have a close relationship, and he merely knew her professionally. Counsel also testified he told Applicant he knew this victim, but he did not present their relationship as being that of friends. He testified he was not biased, and he had no reason to be relieved.

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 at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

Ineffective Assistance of Counsel

In a post-conviction relief action, an applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRPC; *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant alleges ineffective assistance of counsel as a ground for relief, the 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. 441, 334 S.E.2d 813.

The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Courts presume 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. 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 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." *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625. In order to satisfy the prejudice prong of this test following a guilty plea, the applicant "must show that there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial." *Hill v. Lockhart*, 474 U.S. 52, 59 (1985).

After careful review based on the standard discussed above, this Court finds Applicant has failed to carry his burden in this action. Below are this Court's findings in regards to each of Applicant's allegations of ineffective assistance of counsel.

Counsel's alleged conflict of interest

Applicant alleges Counsel was ineffective for having a conflict of interest. Specifically, Applicant alleges Counsel had a conflict of interest because he knew one of the victims. "An actual conflict of interest occurs where an attorney owes a duty to a party whose interests are adverse to the defendant's." *Staggs v. State*, 372 S.C. 549, 551, 643 S.E.2d 690, 692 (2007). Furthermore, a conflict of interest occurs when "a defense attorney places himself in a situation inherently conducive to divided loyalties." *Lomax v. State*, 379 S.C. 93, 101, 665 S.E.2d 164,

168 (2008). “Until a defendant shows that his counsel actively represented conflicting interests, he has not established the constitutional predicate for a claim of ineffective assistance of counsel arising from multiple representation.” *Langford v. State*, 310 S.C. 357, 359, 426 S.E.2d 793, 795 (1993). “The mere possibility defense counsel may have a conflict of interest is insufficient to impugn a criminal conviction.” *State v. Gregory*, 364 S.C. 150, 152-53, 612 S.E.2d 449, 450 (2005).

Here, Counsel testified he knew the victim in a professional capacity when he was an assistant solicitor from 1995 to 1998, nearly fifteen years prior to Applicant’s case. He further testified he was not biased due to this professional relationship, and he informed Applicant that he knew one of the victims. There is no indication whatsoever Counsel actively represented conflicting interests. Indeed, Counsel had a professional relationship with this victim well before Applicant’s charges arose. This Court finds Counsel did not have a conflict of interest and, therefore, Applicant has failed to establish any deficiency or resulting prejudice. This Court further finds this allegation must be denied and dismissed with prejudice.

Counsel’s alleged failure to investigate

Applicant further contends Counsel was ineffective for failing to investigate. Specifically, Applicant alleges Counsel was ineffective for failing to further investigate the DNA evidence and the footprints found at one of the scenes. “Counsel’s concern is the faithful representation of the interest of his client and such representation frequently involves highly practical considerations as well as specialized knowledge of the law.” *Tollett v. Henderson*, 411 U.S. 258, 267-68 (1973). “Although counsel should conduct a reasonable investigation into potential defenses, *Strickland* does not impose a constitutional requirement that counsel uncover

every scrap of evidence that could conceivably help their client.” *Tucker*, 350 F.3d at 442 (quoting *Green v. French*, 143 F.3d 865, 892 (4th Cir. 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.” *Strickland*, 466 U.S. at 691; *Wiggins v. Smith*, 539 U.S. 510, 521-22 (2003). Moreover, “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, *abrogated on other grounds by Smalls*, 422 S.C. 174, 810 S.E.2d 836 (citing *Moorehead v. State*, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998)).

Here, Applicant wholly failed to identify what further investigation he wanted Counsel to do with the DNA evidence and the footprints. Indeed, Applicant admitted he did not provide Counsel with any independent leads or witnesses to investigate. Furthermore, Counsel testified he had no reason to question the DNA results and also had no reason to have the DNA independently tested. He also testified the footprint was consistent with that of Applicant. Given Applicant’s complete failure to identify any further investigation in which he wanted Counsel to take part, this Court finds Applicant has wholly failed to establish Counsel was deficient.

This Court further finds Applicant has failed to establish any resulting prejudice from the alleged deficiency. Applicant did not present any results of any additional tests performed on the DNA evidence or the footprints at the evidentiary hearing. Applicant’s bare assertions as to what further tests would have shown, without more, do not give rise to the level of proof required for Applicant to meet his burden. *See Porter*, 368 S.C. at 385-86, 629 S.E.2d at 357 (“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.”). Accordingly, this allegation must be denied and dismissed with prejudice.

Counsel’s alleged failure to have Applicant evaluated

Applicant alleges Counsel was ineffective for failing to have Applicant psychologically evaluated. Applicant specifically contends because he has been diagnosed with post-traumatic stress disorder, psychosis, and depression, Counsel should have had Applicant evaluated. However, Applicant failed to present a psychological expert at the evidentiary hearing or offer any evidence of how such an expert would have changed his decision to plead guilty. Because Applicant neither produced such an expert “nor offered [his] testimony in some other manner consistent with the rules of evidence,” what his additional testimony would have been is “purely speculative.” *Bannister v. State*, 333 S.C. 298, 304, 509 S.E.2d 807, 810 (1998). This Court finds this allegation must be denied and dismissed with prejudice.

CONCLUSION

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

This Court notes Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel 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 (1991), an applicant has a right to an appellate counsel’s assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides if the applicant wishes to seek appellate review, post-

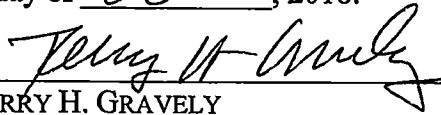
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conviction relief counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That this application for post-conviction relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to and remain in the custody of the State.

AND IT IS SO ORDERED this 12th day of Oct, 2018.



PERRY H. GRAVELY
Presiding Judge
Eleventh Judicial Circuit

Pickens, South Carolina

FORM 4

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

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2017CP3202430

Joseph O Morant 184215

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), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- 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

10/26/2018

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 on _____, to attorneys of record or to parties (when appearing pro se) as follows:

Ashley A. McMahan
PO Box 5501 West Columbia, SC 29169

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

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Lisa M Comer / mh

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), SCRPC.

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.

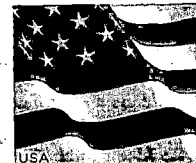


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The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
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Columbia, SC 29211



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