



RECEIVED

NOV 21 2018

S.C. SUPREME COURT

November 13, 2018

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

Re: Donetelle D. Cannon vs. State of South Carolina  
C/A No: 2016-CP-21-2950

Dear Mr. Shearouse:

Please find enclosed one (1) original and one (1) copy each of Applicant's Notice of Appeal and Certificate of Service in the above referenced case. I would appreciate you filing the original and returning the clocked copies in the enclosed envelope.

I was appointed to represent Mr. Cannon in this matter and am also enclosing a copy of the Order of Dismissal. If you have any questions, please do not hesitate to ask. My telephone number is 803-520-7278.

Sincerely,

Jonathan D. Waller

Cc: Lindsey A. McCallister, South Carolina Office of Attorney General

Enclosures

Waller Law Group  
1116 Blanding Street, Suite 2B  
Columbia, SC 29201

803-520-7278  
www.wallerlawgroup.com  
jonathan@wallergroupsc.com

STATE OF SOUTH CAROLINA  
In The Supreme Court

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RECEIVED

NOV 21 2018

APPEAL FROM FLORENCE COUNTY  
Michael G. Nettles, Circuit Court Judge

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S.C. SUPREME COURT

2016-CP-21-2950

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Donetelle D. Cannon, # 317657,

Appellant,

v.

STATE OF SOUTH CAROLINA,

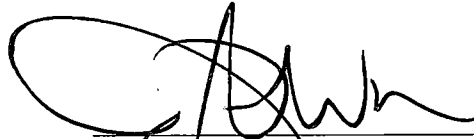
Respondent.

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NOTICE OF APPEAL

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Donetelle D. Cannon, # 317657, appeals the Order of Dismissal denying his Application for Post-Conviction Relief filed October 18, 2018, issued by the Honorable Michael G. Nettles, Presiding Judge, Twelfth Judicial Circuit.



Jonathan D. Waller

Waller Law Group  
SC Bar No.: 76290  
1116 Blanding Street  
Suite 2B  
Columbia, SC 29201  
803-520-7278 (phone)  
jonathan@wallergroupsc.com  
ATTORNEY FOR PETITIONER

November 19, 2018

Other Counsel of Record:

Lindsey A. McCallister, Assistant Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3319

STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM FLORENCE COUNTY  
Michael G. Nettles, Circuit Court Judge

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2016-CP-21-2950

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RECEIVED  
NOV 21 2018  
S.C. SUPREME COURT

Donetelle D. Cannon, # 317657,

Appellant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

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CERTIFICATE OF SERVICE

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The undersigned hereby certifies that one copy of the Appellant's Notice of Appeal in the above-entitled case has been served upon opposing counsel, Lindsey A. McCallister, Assistant Attorney General, by mailing in an envelope properly addressed with postage prepaid on this day, to her office located at P.O. Box 11549, Columbia, SC 29211.

  
Christopher Leventis

November 19, 2018

STATE OF SOUTH CAROLINA )  
COUNTY OF FLORENCE )

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

Donetelle D. Cannon, #317657, )

C.A. No. 2016-CP-21-2950 )

)  
Applicant, )

)  
**ORDER OF DISMISSAL** )

)  
v. )

)  
State of South Carolina, )

)  
Respondent. )  
\_\_\_\_\_ )

2018 OCT 18 AM 11:14  
BORIS POULOS GHARA  
CCCP # 65  
FLORENCE COUNTY, SC

FILED

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed by Donetelle D. Cannon (Applicant) on November 28, 2016, and amended January 25, 2018. Respondent made its Return on April 19, 2017. An evidentiary hearing into the matter was convened on February 1, 2018, at the Florence County Courthouse before the undersigned. Jonathan Waller, Esquire, represented Applicant. Lindsey A. McCallister, Esquire, of the South Carolina Attorney General's Office, represented Respondent.

At the hearing, Applicant testified on his own behalf, and his mother, Elizabeth Evans, also testified. Vick Meetze, Esquire, (Counsel) Applicant's plea counsel testified for the State. This Court also had before it a copy of the records of the Florence County Clerk of Court regarding these convictions, records from the South Carolina Department of Corrections, Applicant's appellate records, the application, Respondent's Return, and the plea transcript.

**PROCEDURAL HISTORY**

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Florence County Clerk of Court's orders of commitment. Applicant was indicted at the January 2015 term of the Florence County Grand Jury for two counts of attempted murder and one count

of possession of a weapon during the commission of a violent crime (2015-GS-21-00048). Vick Meetze, Esquire, represented him. On January 21, 2016, Applicant appeared before the Honorable D. Craig Brown, and pleaded guilty as indicted to two counts of attempted murder. The charge for possession of a weapon during the commission of a violent crime was dismissed. The sentencing was without negotiations or recommendations. Judge Brown sentenced Applicant to fifteen years in prison for the first charge of attempted murder and ten years for the second charge, to be run consecutively.

Applicant filed a *pro se* notice of appeal, which was ultimately dismissed as untimely by the South Carolina Court of Appeals by Order filed August 15, 2016. The Remittitur was returned on September 1, 2016.

### **ALLEGATIONS**

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

1. Ineffective Assistance of Counsel
  - a. "Failure to Investigate"
    - i. Failure to investigate a defense of "accident"
  - b. Failure to have Applicant evaluated for competency
  - c. "Incorrect advice"
    - i. Counsel led Applicant to believe the sentences would be run concurrent, rather than consecutive, and did not object during the plea.

Through counsel, Applicant amended the application on January 25, 2018, alleging as follows:

1. As to representation rendered by William Vickery Meetze, Esquire:
  - a. Counsel was ineffective for failing to adequately prepare for Applicant's trial, scheduled, unbeknownst to Applicant, for January 21, 2016, causing Applicant to plead guilty under the threat of unprepared counsel, rendering Applicant's plea of guilty involuntarily entered;
  - b. Counsel was ineffective for failing to conduct a complete investigation into the facts and circumstances of Applicant's case, particularly the injuries

- suffered by victims;
- c. Counsel was ineffective for failure to develop the mitigation of diminished capacity;
  - d. Counsel was ineffective for failure to provide Applicant with a complete copy of discovery materials for Applicant's review, thus rendering Applicant's plea of guilty involuntarily entered;
  - e. Counsel was ineffective for failure to file a direct appeal from Applicant's plea of guilt when asked to do so immediately following Applicant's plea.

At the evidentiary hearing, counsel for Applicant informed the court Applicant wished to proceed only on the allegations in the amended application. Therefore, construing the claims in Applicant's original, *pro se* application as separate allegations from those contained in the amendment, all allegations listed in the original application are deemed abandoned and dismissed.

#### **FACTS ADDUCED AT GUILTY PLEA**

Although the shooting took place on October 2, 2014, the events leading up to it began on September 30, 2014, when the victim, Darwin Hamm, noticed Applicant and a female companion sitting in a car in the parking lot of his barbershop for several hours. Tr. pp. 14-15. A neighboring businessman, Robert Frost, also noticed Applicant waiting in the parking lot and later spoke to him at a convenience store down the road. Tr. p. 15. Applicant began complaining to Mr. Frost about the victim, Mr. Hamm. Tr. p. 15. Several years ago, Applicant got a haircut from Mr. Hamm, but refused to pay him the ten dollars he owed, and Applicant believed Mr. Hamm held a grudge against him for it. Tr. p. 15. Applicant then moved to Texas, but continued to keep tabs on Mr. Hamm, and in checking Mr. Hamm's Facebook page, Applicant learned Mr. Hamm had been to visit Texas. Tr. p. 15. Applicant told Mr. Frost he believed Mr. Hamm had put a hit out on him over the ten-dollar haircut. Tr. p. 15.

Mr. Frost and Applicant returned to the parking lot, and Mr. Frost called Mr. Hamm to come outside and talk to them. Tr. pp. 15-16. Applicant explained his memory of the haircut to

Mr. Hamm, and implored Mr. Hamm to take ten dollars from him, which Mr. Hamm did, although he told Applicant he did not remember the incident at all. Tr. p. 16. Applicant then wrote out a statement, which Mr. Hamm signed, attesting he had "no beef" with Applicant. Tr. p. 16. Applicant then asked Mr. Hamm to swear on his mother's grave that he had "no beef" with Applicant, at which point Applicant's female companion intervened, and they left. Tr. p. 16.

The next day, Applicant return to the barber shop and requested a haircut. Tr. p. 17. One of the stylists in the shop, Tina Gabbison, saw and spoke to Applicant and then told Mr. Hamm she felt something was off with the situation. Tr. p. 17. Mr. Frost also saw Applicant had returned and confronted him. Tr. p. 17. Mr. Hamm, in an attempt to keep the peace, gave Applicant a haircut. Tr. p. 17. During the course of cutting Applicant's hair, Mr. Hamm learned Applicant was an aspiring rapper and offered to put some of his CDs out in the shop. Tr. p. 17. Applicant paid for his haircut and left without any further incident. Tr. p. 17.

The next day, October 2, 2014, around 9:30 a.m., Applicant returned to Mr. Hamm's shop for the third time. Tr. pp. 17-18. At that time, the shop was crowded with customers, both men and women, and several small children. Tr. p. 18. Mr. Hamm was cutting the hair of another customer, Mr. King, and, thinking Applicant was returning with the CDs, pointed to where Applicant could put them. Tr. p. 18. Instead, Applicant drew a gun and shot Mr. Hamm, striking him five times. Tr. p. 18. Mr. King jumped out of the barber chair and attempted to take the gun from Applicant, but Applicant turned the gun on Mr. King and shot him in the head. Tr. p. 18. Applicant left via the front door and drove off in a car driven by a woman. Tr. pp. 18-19.

Witnesses gave police Applicant's nickname, Michi Mich, through which they found Applicant's Facebook profile. Tr. p. 19. Mr. Hamm, Mr. Frost, and another witness all identified

Applicant as the perpetrator in a photo lineup. Tr. p. 19. Applicant was apprehended later the same day. Tr. p. 20.

### SUMMARY OF TESTIMONY

Applicant testified he had problems with the victim starting in 2007. According to Applicant, the bad blood started when the victim gave him a haircut he did not like, and he refused to pay. Applicant testified he spoke with the victim afterwards, and although the victim always told him it was a problem, he felt threatened anyway. Applicant testified he was afraid, but the incident bothered him. According to Applicant, he left South Carolina for Texas from 2008 until right before the incident in 2014, but he had some contact with the victim on Facebook during that time, and once thought he saw the victim in Texas.

Applicant testified he turned himself in to law enforcement shortly after this incident, and Counsel was appointed to represent him. According to Applicant, he and Counsel met twice during the eight-to-twelve month period of Counsel's representation. Applicant testified he had questions about the victim's injuries and the evidence against him, but he never saw any of it. Applicant testified Counsel brought him a CD, but not the items he asked for. Applicant also testified Counsel never asked for any background on the case or the history between Applicant and the victims. However, Applicant testified he told his side of the story to the investigator from the Public Defender's Office, though he did not know if Counsel did any further investigation. Applicant testified Counsel told him the State had a good case.

Applicant testified he remained in jail while awaiting trial, but he did not have notice of the trial beforehand. According to Applicant, he only found out his trial was scheduled the day before he ultimately pleaded guilty. Applicant testified he wanted a trial and only agreed to the

plea under duress because he was facing a sentence of up to sixty years, and he did not feel prepared to start a trial. Applicant testified he had not received a full copy of the discovery materials at that time.

Finally, Applicant testified he and Counsel discussed his right to appeal prior to the plea, and he told Counsel he wanted to do so. According to Applicant, that was the only conversation he had with Counsel about an appeal. However, Applicant also testified he and Counsel never discussed his right to appeal. Applicant testified he sent a letter to the Court of Appeals on February 2nd asking for an appeal.

Elizabeth Evans, Applicant's mother, also testified on his behalf and confirmed his version of events. Ms. Evans testified she noticed her son was acting strangely, like he was scared, starting in 2007 when he would refuse to leave the house. Ms. Evans testified when she asked Applicant what was going on, he told her about refusing to pay for the haircut. Ms. Evans further testified she helped send Applicant to Texas, and while he was there, he called her in a panic saying the victim was there as well. Ms. Evans testified Applicant returned to South Carolina a day or two before the incident, and she advised him to go back to Texas because he was still scared. Ms. Evans also testified she spoke with Counsel and gave him this same information.

Counsel testified he was appointed on this case in October 2014 until Applicant's plea in January 2016. Counsel testified he sent an investigator, Thomas McKenzie (McKenzie), to the jail to make the first contact with Applicant. Counsel further testified McKenzie took notes regarding the background and history between Applicant and the victim, which Counsel reviewed. Counsel testified Applicant told him a different story – that he had gone to the barber shop, asked the barber to buy some CDs from him, and shot the barber and a customer. Counsel testified the

first victim, the barber, was shot in the chest, and the second victim, the customer, was shot in the head. According to Counsel, Applicant had gone into the barbershop the previous day for a haircut, and he was identified by several witnesses.

Counsel further testified Applicant never gave an alibi or offered any defense to the shooting. Counsel testified he reviewed discovery with Applicant and asked for his version of the story, but Applicant did not have much to say about the incident. Counsel testified Applicant never asked to see any further discovery, and if Applicant had asked for something, Counsel would have gone to the jail and shown him whatever he wanted to see. He could not recall whether he and Applicant ever discussed a lack of malice as a potential defense. Additionally, Counsel testified he did not believe there was any issue regarding Applicant's competency based on their conversations and because Applicant's flight after the shooting indicating his understanding of the wrongfulness of his conduct.

Counsel testified the State made a plea offer of twenty or twenty-five years, which Applicant was not interested in, so the case was added to the trial list. Counsel testified Applicant did not want a trial, and also did not want to accept an offer of twenty-five years. Counsel testified he typically receives notice of all eligible cases ten days prior to the start of the term, and he would have gone to the jail to tell Applicant his case was on the list. Counsel further testified the term starts with guilty pleas, so in total there would have been seventeen to eighteen days before a trial could start. Counsel testified he was familiar with the facts and the evidence, but he would not have started preparing specific questions at that point. Counsel also testified he still had enough time to subpoena witnesses, if needed.

Counsel agreed he spoke with Applicant's mother around the time of the plea and once on the phone afterwards. Counsel testified, to the best of his recollection, Ms. Evans called to ask if Applicant should file an appeal, and he told her no because the plea narrows potential issues to errors of law, and he would have to put in the notice that he did not see any meritorious issues. Counsel testified the right to appeal and the time frame was included in the guilty plea affidavit he completed with Applicant. According to Counsel, Applicant did not ask him to file an appeal, and if Applicant had, he would have done so. Counsel also testified he did not believe there was any basis for an appeal.

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

This Court has had the opportunity to review the record in its entirety, particularly the transcript and the guilty plea affidavit, and has heard the testimony at the PCR 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 (2003).

In a post-conviction relief action, the applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 443, 334 S.E.2d at 814. The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel rendered adequate assistance and made all significant decisions in the

exercise of reasonable professional judgment. Strickland, 466 U.S. at 689. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Id. (quoting Strickland, 466 U.S. at 688 (1984)). 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. When there has been a guilty plea, the applicant must prove counsel's representation was below the standard of reasonableness and that, but for counsel's unprofessional errors, there is a reasonable probability he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

"[C]riminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an independent investigation of the facts and circumstances of the case." Walker v. State, 397 S.C. 226, 235, 723 S.E.2d 610, 615 (Ct. App. 2012) (reversed on other grounds by Walker v. State, 407 S.C. 400, 756 S.E.2d 144 (2014)). Failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to result. Porter v. State, 368 S.C. 378, 385-86, 629 S.E.2d 353, 357 (2006) (citing Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998)). In any ineffectiveness case, a particular decision not to investigate must be directly assessed for reasonableness in all the circumstances, applying a heavy measure

of deference to counsel's judgments." Wiggins v. Smith, 539 U.S. 510, 521-22 (2003). Additionally, to establish counsel failed to adequately prepare for trial, Petitioner must present evidence of what counsel could have discovered or what other defenses could have been pursued had counsel more fully prepared. See Palacio v. State, 333 S.C. 506, 513, 511 S.E.2d 62, 66 (1999) (finding trial counsel not ineffective for failing to timely request discovery because the contents of the documents were not presented at the PCR hearing); Moorehead, 329 S.C. at 334, 496 S.E.2d at 417 (holding trial counsel's failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to the result); Davis v. State, 326 S.C. 283, 288, 486 S.E.2d 747, 749 (1997) (denying relief where applicant failed to present witnesses or specific testimony establishing applicant would have had a defense with additional time to prepare for trial); Skeen v. State, 325 S.C. 210, 217, 481 S.E. 2d 129, 133 (1997) (finding applicant was not entitled to relief where no evidence was presented at the PCR hearing to show how additional preparation would have had any possible effect on the result at trial).

To find a guilty plea is voluntarily and knowingly entered into, the record must establish Applicant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238 (1969); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence presented at the PCR hearing. Harris v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984). Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, an applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Blackledge v. Allison, 431 U.S. 63 (1977). Statements made during a guilty plea should be considered conclusive, unless an applicant presents valid reasons why he should be allowed to

depart from the truth of his statements. Crawford v. United States, 519 F.2d 347 (4<sup>th</sup> Cir. 1975) overruled on other grounds by United States v. Whitley, 759 F.2d 327 (4th Cir. 1985).

This Court finds Applicant has failed to prove Counsel's performance was deficient or Applicant was prejudiced in any way. Counsel and his investigator met with Applicant, and Counsel reviewed the discovery with Applicant. Further, this Court finds credible Counsel's testimony Applicant did not request any additional information or investigation, as Applicant himself admitted he did not want to watch the video Counsel provided to him. This Court finds Counsel's investigation and preparation was reasonable, and Counsel would have been prepared to take the case to trial. Therefore, Applicant has failed to prove Counsel's assistance was ineffective regarding the investigation or preparation for trial.

Further, this Court finds the plea colloquy is determinative as to all of Applicant's issues regarding an allegedly involuntary plea. Applicant chose to plead guilty in order to decrease the possibility of being sentenced to sixty years imprisonment, which is a reasonable and valid reason to enter a guilty plea. This Court also finds the decision to plead guilty was freely and voluntarily made. During the guilty plea, Applicant testified he understood the plea was without any negotiation or recommendation from the State, and he could receive up to sixty years. Tr. pp. 4-5. After the plea court recessed the plea hearing in order to allow Applicant, Counsel, and the assistant solicitor to meet so Applicant could ask for the sentence he wanted, Applicant testified he was satisfied with the services of his attorney, and there was nothing else he wished Counsel to do for him. Tr. pp. 11-12. Applicant also told the plea court he wished to plead guilty and was doing so voluntarily, and no one had made any threats or promises in order to induce his plea. Tr. pp. 12-14. Admissions "made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements." Id.

(citing Crawford, 519 F.2d at 347); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)). This Court finds Applicant failed to present any such reason in this case, and Applicant's guilty plea was freely and voluntarily given. Therefore, Counsel's assistance was not deficient, nor was Applicant prejudiced by the entry of a guilty plea.

As to the issue of an appeal, this Court finds Applicant was informed of his rights three times – by Counsel, in the guilty plea affidavit, and by the plea court during the plea hearing. On the issue of whether Applicant specifically asked Counsel to file a notice of appeal, this Court finds Counsel's testimony credible. Applicant's testimony was equivocal and is insufficient to meet his burden of proof. This Court therefore finds Counsel was not deficient for not filing a notice of appeal as he unequivocally testified he saw no meritorious reason to do so.

Finally, this Court finds the record reflects Applicant was clearly competent at the time of the plea and during this evidentiary hearing. There is no established law regarding "diminished capacity" in this context in South Carolina, but it likely would have been brought out at trial had Applicant chosen that option. Further, the Court finds credible Counsel's testimony that Applicant was asked about defenses and his side of the story, and Applicant did not bring up this ongoing issue when given the chance. Therefore, this Court finds no deficiency in Counsel's handling of mitigation at the guilty plea.

Accordingly, for all of the forgoing reasons, these allegations are denied and dismissed.

#### CONCLUSION

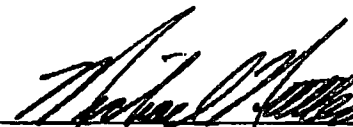
This Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Counsel's representation was not deficient in any manner, nor was Applicant prejudiced by Counsel's representation. Therefore, this application 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 PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRPC, 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.

**IT IS THEREFORE ORDERED:**

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant shall be remanded to the custody of the Respondent.

**AND IT IS SO ORDERED.**

  
MICHAEL G. NETTLES  
Presiding Circuit Court Judge  
Twelfth Judicial Circuit

Oct 18, 2018

**FILED**  
2018 OCT 18 AM 11:14  
BOBIS POLLOS O'RAHA  
CCCP & CS  
FLORENCE COUNTY, SC



ALAN WILSON  
ATTORNEY GENERAL

October 15, 2018

The Honorable Michael G. Nettles  
Presiding Judge, Twelfth Judicial Circuit  
South Carolina Circuit Court  
180 North Irby Street, MSC-XX  
Florence, South Carolina 29501

BORIS PAULOS O'BAMA  
CCCP & CS  
FLORENCE COUNTY, SC

2018 OCT 18 AM 11:14

FILED

**Re: Donetelle D. Cannon, #317657 v. State of South Carolina**  
**2016-CP-21-2950**

Dear Judge Nettles:

Enclosed please find the State's original proposed **Order of Dismissal** in the above-captioned case. If this order meets your approval, please sign and forward to the Florence County Clerk of Court to be filed and served.

Sincerely,

Lindsey McCallister  
Assistant Attorney General

LM/can  
Enclosures

cc: Jonathan D. Waller, Esquire

**FILED** FORM 4

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

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2016CP2102950

Donetelle D Cannon

~~FILED~~ OCT 18 AM 11:42

South Carolina State Of

DORIS POULOS O'HARA

PLAINTIFF(S)

CCCP & GS  
FLORENCE COUNTY, SC

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

10/18/2018

Date

**For Clerk of Court Office Use Only**

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

Jonathan D Waller 1116 Blanding Street Suite 2B  
Columbia, SC 29201

Samuel Leonard Key Rembert C. Dennis Building 1000  
Assembly St. Columbia, SC 29201

---

ATTORNEY(S) FOR THE PLAINTIFF(S)

---

ATTORNEY(S) FOR THE DEFENDANT(S)

*Doris P. O'Hara*

---

Court Reporter

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Doris Poulos O'Hara - Clerk of Court

**Court Reporter:**

**E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Fileers or who are appearing pro se. See Rule 77(d), SCRPC.**

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**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

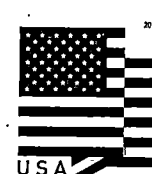
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