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December 10, 2018

RECEIVED

DEC 13 2018

S.C. SUPREME COURT

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

RE: Demetrius T. Summers, #372191 v. State of South Carolina
2017-CP-32-03595

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. Summers.

Best regards,

ASHLEY A. MCMAHAN
ATTORNEY AT LAW

AAM

cc: Demetrius T. Summers, #372191
Kelly Oppenheimer, Asst. Attorney General
Lexington County Clerk of Court
Office of Appellate Offense

RECEIVED

DEC 13 2018

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

The Honorable Walton J. McLeod, IV, Circuit Court Judge

Case No. 2017-CP-32-03595

Demetrius T. Summers, #372191, Petitioner,

v.

State of South Carolina, Respondent.

NOTICE OF APPEAL

Applicant, Demetrius T. Summers, appeals the order of the Honorable Walton J. McLeod, IV, filed November 27, 2018.

12/10, 2018

Ashley A. McMahan

ASHLEY A. MCMAHAN, ESQUIRE

MAC | VANCE ATTORNEYS, LLC

PO Box 5501

West Columbia, SC 29171

803-219-1110

ashley@macvance.com

SC Bar No. 71676

ATTORNEY FOR APPLICANT

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

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

The Honorable Walton J. McLeod, IV, Circuit Court Judge

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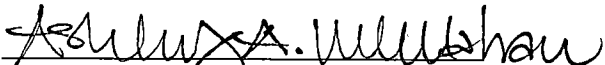
PROOF OF SERVICE

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.

12/10, 2018


ASHLEY A. MCMAHAN, ESQUIRE
MAC | VANCE ATTORNEYS, LLC
PO Box 5501
West Columbia, SC 29171
803-219-1110

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

FILED
2018 NOV 27 PM 3:01
IN THE COURT OF COMMON PLEAS
FOR THE ELEVENTH JUDICIAL CIRCUIT

Demetrius Summers, #372191,
Applicant,

LISA M. COMER
CLERK OF COURT
LEXINGTON, SC

Case No. 2017-CP-32-03595

v.

ORDER OF DISMISSAL

State of South Carolina,
Respondent.

This matter comes before this court by way of an application for post-conviction relief filed October 2, 2017, by Demetrius Summers (Applicant). The State (Respondent) made its return on December 4, 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 November 7, 2018, at the Lexington County Courthouse before the Honorable Walton J. McLeod, IV. 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.

PROCEDURAL HISTORY

The records before this court indicate that 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 May 2016 term, the Lexington County Grand Jury indicted Applicant for second-offense trafficking crack cocaine, more than ten (10) grams but less than twenty-eight (28) grams (2016-GS-32-01404), second-offense manufacturing crack cocaine (2016-GS-32-01405), and second-offense distribution of crack cocaine (2016-GS-32-01406). James Todd

Rutherford, Esquire, represented Applicant on these charges. On April 14, 2017, Applicant appeared before the Honorable Jocelyn Newman and pled guilty as indicted to all charges. Judge Newman accepted the plea, found Applicant made the plea freely, voluntarily, knowingly, and intelligently, and sentenced Applicant to a term of imprisonment of eight years for each charge.¹ 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 where he failed to do pretrial investigation.

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

1. Counsel informed [A]pplicant prior to the plea that he was getting the benefit of a recommendation of a five [(5)] year sentence from the solicitor. However, counsel informed [A]pplicant just prior to the plea hearing that he was going to argue for five years and that there was not a recommendation by the solicitor for a five [(5)] year plea offer. Applicant was not aware it was a straight up plea until the plea hearing started[;]
2. Counsel failed to explain to [A]pplicant the range of time he was exposed to for each charge[;]
3. Never showed the [A]pplicant the underlying video related to his case[; and]
4. Failed to address the solicitor's prejudices towards the [A]pplicant.

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

STATEMENT OF FACTS

Beginning in August 2015,¹ law enforcement began working other low level dope cases.

Tr. 5. In working those cases, law enforcement repeatedly heard Applicant's name come up. Tr.

¹ Judge Newman also ordered Applicant to pay a \$50,000.00 fine for trafficking crack cocaine.

5. Based on this, law enforcement began sending confidential informants to purchase drugs from Applicant. Tr. 5. The confidential informants made three (3) controlled buys, the first on August 31, 2015, and the second on September 7, 2015, all of which were recorded via audio and visual. Tr. 5. In these videos, Applicant is seen handing crack cocaine to the confidential informants in exchange for money. Tr. 5. In fact, one (1) video depicts Applicant in the process of cooking the crack cocaine. Tr. 5.

After executing these buys, law enforcement obtained a search warrant for Applicant's home, which they executed on September 18, 2015. Tr. 6. Inside the home was a myriad of drug paraphernalia, Tupperware containing crack cocaine being cooked, finished product of both cocaine and crack cocaine, various firearms, and marijuana. Tr. 6.

TESTIMONY PRESENTED AT THE EVIDENTIARY HEARING

At the evidentiary hearing, Applicant testified on his own behalf. Respondent presented the testimony of attorney Rutherford (Counsel). This court also had before it a copy of Applicant's plea transcript, the records of the Lexington County Clerk of Court, Applicant's records from the South Carolina Department of Corrections, and the records from this current post-conviction relief application.

During the evidentiary hearing, Applicant testified on his own behalf. Applicant testified he met with Counsel six (6) to eight (8) times while he was out on bond. He testified he usually asked Counsel how much time he was facing, and Counsel told him five (5) years. He elaborated when he asked Counsel what the maximum sentence was, Counsel would tell him they were focusing on five (5) years. He further elaborated Counsel never said anything that would suggest Applicant could receive more than five (5) years, but told Applicant it was

guaranteed he would have to go to prison. Applicant testified based on these conversations, he thought he would only receive a five (5) year sentence.

Applicant further testified he and Counsel discussed the offenses and the evidence against him. He testified Counsel explained to him why he was charged with a second offense and also explained the enhancement. He explained he had a prior possession of crack cocaine. He also testified Counsel never showed him the videos from his case, and he did not know about them until he received his "motion" when he got to the Department of Corrections. Applicant elaborated he still had not watched the videos but knew they were based off of a buy from a confidential informant. Applicant also testified he never gave Counsel and leads or witnesses to investigate. He also testified the solicitor did not like him. He explained after talking with Counsel, he got the feeling the State had a grudge against him.

He testified he decided to plead guilty because he wanted a five-year sentence. He further testified, however, when he saw the sentencing sheet, he became aware he was facing between five (5) and thirty (30) years. He elaborated he asked Counsel about this, and Counsel told him he was facing up to forty-five (45) years if he did not plead guilty. He further elaborated Counsel never told him the maximum sentence he was facing until he signed the sentencing sheet. Applicant also testified he received more time than he thought he would get, and he never talked to Counsel about this. He elaborated he only discovered the minimum and maximum sentences immediately before the plea.

Applicant further testified at the plea, he told the plea court he was satisfied with Counsel and had no complaints of him. He testified he recalled the plea court reviewing potential sentences with him. He explained he informed the plea court he understood each charge carried between five and thirty years and understood he was facing ninety (90) years if the court chose to

run his sentences consecutively. He further explained he informed the plea court understanding everything about the potential sentences, he still wanted to plead guilty. Applicant testified he only received eight (8) years. He further testified he told the plea court he was pleading of his own free will, it was his decision to plead guilty, and no one had promised him anything, threatened him, coerced him, or mistreated him in order to get him to plead guilty. He also testified the plea court reviewed each of his constitutional rights at trial with him, and he told the court he understood each of those rights and wanted to waive those rights. He further testified he asked the plea court to accept his plea of guilty.

Applicant rested after his testimony, and Respondent presented the testimony of Counsel. Counsel testified he has been practicing law for twenty-two (22) years, and eighty-five (85) to ninety (90) percent of his practice involves criminal law. He also testified he was retained to represent Applicant. He testified he met with Applicant approximately eight (8) times and also spoke with Applicant on the phone. Counsel testified these meetings were lengthy, and they reviewed everything. He further testified during these meetings, he and Applicant discussed Applicant's interactions with law enforcement and also discussed possible scenarios. Counsel testified he reviewed the discovery material with Applicant and reviewed the elements of the charges and the State's burden of proof. He further testified they discussed the buys from the confidential informant, and he explained to Applicant "we cannot win these," which Applicant understood. He explained there was overwhelming evidence of Applicant's guilt, particularly in light of the CI-buy and the fact law enforcement knew who Applicant was. He further explained although law enforcement was fed up with Applicant and "wanted to get him," their focus on him was justified by the belief Applicant was still dealing drugs. Counsel also testified he watched the videos from the CI-buys, and he showed them to Applicant. He further testified

there was nothing unique about these videos and he did not see a way to suppress these videos, based on his familiarity with drug cases.

He testified shortly after meeting with Applicant, he met with the solicitor about this case. He explained the solicitor was upset with Applicant and Counsel could not tell why. He further explained after this conversation, he realized this would not be a case in which he could get Applicant probation. Counsel also testified Applicant was a former USC football player, and he believed the solicitor thought Applicant had been given the benefit of the doubt before and the State was fed up with Applicant. Counsel explained Applicant had been in trouble several times before, and law enforcement was finally fed up with Applicant. He further explained the solicitor believed Applicant had gotten away with things in the past. He further testified because of this, the solicitor refused to offer probation.

Counsel also testified he discussed potential sentences with Applicant and informed Applicant at a minimum, he would get a five-year sentence at trial. He testified he explained to Applicant he would not get probation due to his priors and issues with law enforcement. He further testified Applicant was aware of the amount of time he was facing, including the minimum and maximum sentences. He explained he never guarantees his clients anything, and he believed the eight-year sentence was the best possible outcome he could have gotten for Applicant, particularly in light of the fact Applicant was facing ninety years imprisonment. Counsel further explained the solicitor's recitation of the facts at the plea was detailed, which he believed explains the eight-year sentence from the court.

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 (2017).

Applicant's allegations are ineffective assistance of counsel for: (1) ensuring Applicant he would plead to five years imprisonment when, in fact, he was pleading to a straight up plea; (2) failing to explain to Applicant the potential sentence; (3) failing to show Applicant the underlying video from the CI-buy; and (4) failing to address the solicitor's prejudices towards Applicant.

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, 442, 334 S.E.2d 813, 814 (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); see also *Butler*, at 441, 334 S.E.2d at 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*, at 441, 334 S.E.2d at 813. The applicant must overcome this presumption to receive relief. *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (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." *Id.* (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*, 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 promise to Applicant regarding his sentence and alleged failure to inform Applicant of the potential sentences he was facing

Applicant contends Counsel was ineffective for assuring Applicant he would receive a five (5) year sentence, when in reality, he was pleading straight up. Specifically, Applicant argues Counsel promised him he would receive five (5) years and never made him aware of the potential sentences he was facing.

Applicant testified Counsel never told him the maximum sentence he was facing on these charges, and he only discovered the potential sentences he was facing immediately before the plea. He further testified when he asked Counsel about the potential sentences, Counsel assured him they were only focusing on a five (5) year sentence and Applicant would only be sentenced to five (5) years. Counsel, however, testified he made Applicant very aware of the potential sentences, including the maximum and minimum sentences Applicant was facing. He further testified he never promised Applicant he would only receive a five-year sentence. This court finds Counsel's testimony with respect to this allegation credible, whereas Applicant's testimony

is not. Based on the foregoing, this court further finds Applicant has failed to prove Counsel was deficient.

Similarly, this court finds Applicant has wholly failed to establish any prejudice as a result of this alleged deficiency. A trial court has broad discretion in imposing criminal sentences within the limits prescribed by law. *State v. Franklin*, 267 S.C. 240, 246, 226 S.E.2d 896, 898 (1976); *Clark v. State*, 259 S.C. 378, 382, 192 S.E.2d 210 (1972). The courts normally have no discretion to correct a sentence given within statutory limits. To be entitled to relief, the applicant must prove the alleged excessive sentence was the result of partiality, prejudice, oppression or corrupt motive, or that the sentence constitutes cruel and unusual punishment per se. *Clark*, at 382, 192 S.E.2d at 210; *State v. Cogdell*, 273 S.C. 563, 568, 257 S.E.2d 748, 751 (1979). Here, Applicant was charged with second-offense trafficking crack, more than ten (10) grams but less than twenty-eight (28) grams, second-offense manufacturing crack cocaine, and second-offense distribution of crack cocaine. A person convicted of second-offense trafficking crack, more than ten (10) grams but less than twenty-eight (28) grams, must be sentenced to “a term of imprisonment of not less than five years nor more than thirty years, no part of which may be suspended nor probation granted.” S.C. Code Ann. § 44-53-375(C)(1) (2017). A person convicted of second-offense manufacturing crack cocaine and distribution of crack cocaine must be sentenced to a term of imprisonment “not less than five years nor more than thirty years.” S.C. Code Ann. § 44-53-375(B)(2) (2017). Applicant was sentenced to a term of imprisonment of eight (8) years for each charge. The sentence Applicant received was well within the sentencing range-prescribed.

Additionally, at the plea, Applicant informed the plea court he understood each charge carried a minimum of five (5) years imprisonment and a maximum of thirty (30) years

imprisonment. Tr. 9-10. He further understood the charge of trafficking crack carried a mandatory fine of \$50,000.00. Tr. 10. He also understood he faced a maximum of ninety (90) years imprisonment if the court chose to run the sentences consecutively. Tr. 10. Understanding the potential sentences he faced, Applicant chose to plead guilty. Tr. 11. For the foregoing reasons, Applicant cannot establish he was prejudiced from Counsel's alleged deficiency. Accordingly, this allegation must be denied and dismissed with prejudice.

Counsel's alleged failure to review the evidence

Applicant further alleges Counsel was ineffective for failing to review all of the evidence with Applicant. Specifically, Applicant alleges Counsel never showed him the underlying videos, which depicted the controlled buys between Applicant and a confidential informant. Applicant testified he never viewed the videos with Counsel and did not know they existed until after he got to the Department of Corrections. On the other hand, Counsel testified he and Applicant had several lengthy meetings, during which they reviewed everything. Counsel specifically testified he reviewed the discovery material with Applicant, including the videos of the CI-buy. This court finds Counsel's testimony credible, whereas Applicant's testimony is not credible. This court further finds, based on the foregoing testimony, Applicant has failed to establish any deficiency on the part of Counsel.

Similarly, this court finds Applicant has failed to establish any resulting prejudice from this alleged deficiency. Applicant wholly failed to present this court with any concrete evidence as to what benefit would have been realized from these videos. Indeed, Counsel testified after reviewing the videos, he saw no basis upon which he could suppress them at trial. Furthermore, law enforcement was familiar with Applicant, making any suppression of these videos or defenses at trial difficult. Because Applicant failed to produce the videos at the evidentiary

hearing, any testimony as to how these videos could have been beneficial 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.

Counsel's alleged failure to address the solicitor's prejudices towards Applicant

Applicant further contends Counsel was ineffective for failing to address the solicitor's prejudices towards Applicant. “[T]he solicitor has discretion in choosing how to proceed with a case, including whether to prosecute in the first place and whether he brings it to trial or offers a plea bargain.” *State v. Langford*, 400 S.C. 421, 436 n. 6, 735 S.E.2d 471, 479 n. 6 (2012). Indeed, “there is no constitutional right to plea bargain; the prosecutor need not do so if he prefers to go to trial.” *Weatherford v. Bursey*, 429 U.S. 545, 561 (1977). Moreover, counsel cannot be found deficient for failing to obtain a plea offer when the solicitor is under no obligation to make an offer. *See Collins v. State*, 422 S.C. 250, 261-62, 810 S.E.2d 871, 877 (2018) (finding counsel was not deficient for failing to discuss an expired plea offer with the solicitor when “the solicitor would have been under no obligation whatsoever to revive the expired offer.”). Counsel testified he attempted to negotiate a probationary sentence with the solicitor, but the solicitor was unwilling to offer probation. He further testified because Applicant had gotten in trouble before and been given a break, the solicitor was unwilling to continue to give Applicant a break for these offenses. Although Counsel was unable to negotiate a probationary sentence for Applicant, he was able to get the solicitor to drop approximately ten other charges in connection with these CI-buys and the search of Applicant's home. *See Tr. 6*. Based on the foregoing, this court finds Applicant has failed to establish Counsel was deficient.

Similarly, this court finds Applicant has failed to establish any resulting prejudice from the alleged deficiency. At the plea, the solicitor asked the court to “sentence [Applicant] to something higher than the minimum.” Tr. 14. He did not request any specific amount of time. Counsel, however, highlighted to the court there was “nothing in this case that separate[d] it from any other garden variety drug case.” Tr. 15. Moreover, Counsel requested the minimum sentence, stating: “[W]e do not believe that any other sentence other than the minimum would be appropriate in this case.” Tr. 16. Applicant received a sentence of eight (8) years for each charge, which were to be served concurrently. The sentence Applicant received was vastly lower than the ninety (90) years he was facing. Accordingly, this allegation must be denied and dismissed with prejudice.

CONCLUSION

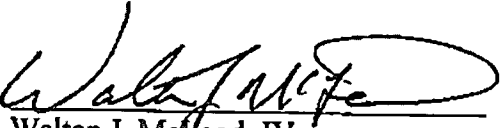
Based on all the foregoing, this court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This court notes Applicant must file and serve a notice of appeal within thirty (30) 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, 454 409 S.E.2d 395, 396 (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-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.


Walton J. Mofeod, IV
Presiding Judge

November 27, 2018
Lexington, South Carolina

FORM 4

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

**JUDGMENT IN A CIVIL CASE
CASE NUMBER 2017CP3203595**

Demetris Terrell Summers
372191

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.

11/28/2018

Circuit Court Judge Judge Code Date

For Clerk of Court Office Use Only

This judgment was entered on November 27th 2018, and a copy mailed first class or placed in the appropriate attorney's box on November 27th 2018, 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 COMER/jp

Court Reporter

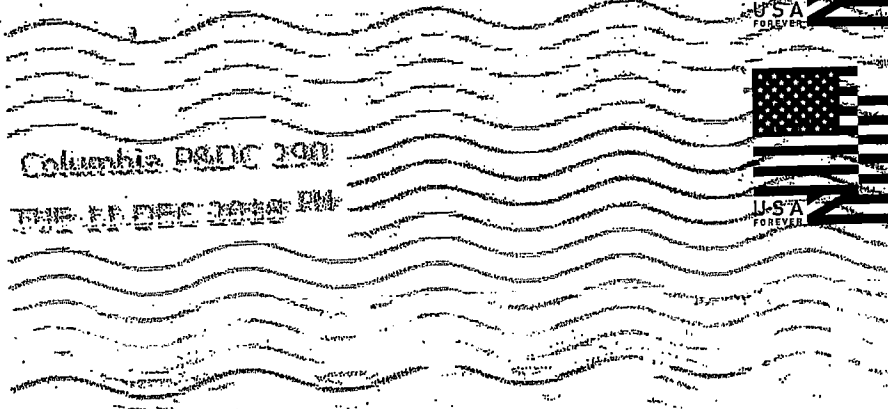
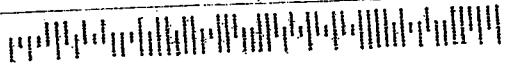
Lisa M. Comer - Clerk of Court

Court Reporter:

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



MAC | VANCE ATTORNEYS, LLC
PO Box 5501
West Columbia, SC
29171

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