

# The South Carolina Court of Appeals

Robert D. Schilling, #294085,

Appellant,

v.

State of South Carolina,

Respondent.

RECEIVED

APR 23 2012

The Honorable J. Ernest Kinard, Jr.  
Richland County  
Trial Court Case No. 2009-CP-40-04441

S.C. Supreme Court

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## ORDER

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The appeal in the above captioned matter is transferred to the South Carolina Supreme Court under the filing provisions of Rule 243 of the South Carolina Appellate Court Rules.

IT IS SO ORDERED.

JOHN CANNON FEW, CHIEF JUDGE  
For The Court

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina

cc: Lee W. Zimmerman, Esq.  
Chief Appellate Defender Robert M. Dudek  
Assistant Attorney General Brian T. Petrano  
The Honorable Daniel Shearouse

FILED  
4/20/12

**M C N A I R**  
ATTORNEYS

LEE W. ZIMMERMAN

lzimmerman@mcnair.net

T (803) 753-3319  
F (803) 753-3219

April 12, 2012

*Hand Delivered*

The Honorable Tanya A. Gee  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: *Robert D. Schilling, 00294085, v. State of South Carolina*  
(Civil Action No. 2009-CP-40-04441)

Dear Ms. Gee:

Enclosed for filing is a Notice of Appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the Notice of Appeal on Respondent; and
- (2) A copy of the Order which is to be challenged on appeal.

In accordance with Rule 240(d), SCACR, this post-conviction relief matter requires no filing fee.

Should you have any questions with respect to this filing, please do not hesitate to contact us.

Sincerely,

  
Lee W. Zimmerman

Enclosures

cc: Brian T. Petrano, Esquire

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APR 12 2012

**SC Court of Appeals**

**RECEIVED**

APR 23 2012

**S.C. Supreme Court**

McNair Law Firm, P. A.  
The Tower at 1301 Gervais  
1301 Gervais Street  
11th Floor  
Columbia, SC 29201

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Post Office Box 11390  
Columbia, SC 29211

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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

J. Ernest Kinard, Jr., Circuit Court Judge

Civil Action No. 2009-CP-40-04441

RECEIVED

APR 23 2012

S.C. Supreme Court

Robert D. Schilling, 00294085,

Appellant,

v.

State of South Carolina,

Respondent.

NOTICE OF APPEAL

Robert D. Schilling appeals the Order of Dismissal of the Honorable J. Ernest Kinard, Jr., dated February 23, 2012. Appellant received written notice of entry of this Order on March 20, 2012.

Lee W. Zimmerman, S.C. Bar No. 68809  
*lzimmerman@mcnair.net*  
McNair Law Firm, P.A.  
Post Office Box 11390  
Columbia, South Carolina 29211  
(803) 799-9800

April 12, 2012  
Columbia, South Carolina

By: 

Attorney for Appellant

Other Counsel of Record:

Brian T. Petrano, Esquire  
Assistant Attorney General  
State of South Carolina  
Post Office Box 11549  
Columbia, South Carolina 29211-1549  
(803) 734-3970

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APR 12 2012

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

J. Ernest Kinard, Jr., Circuit Court Judge

Civil Action No. 2009-CP-40-04441

RECEIVED

APR 23 2012

S.C. Supreme Court

Robert D. Schilling, 00294085,

Appellant,

v.

State of South Carolina,

Respondent.

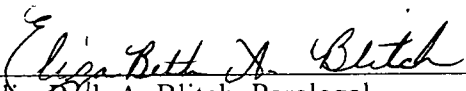
PROOF OF SERVICE

I, ElizaBeth A. Blich, certify that I have served one (1) copy of the Notice of Appeal upon Brian T. Petrano, Esquire, Assistant Attorney General, Post Office Box 11549, Columbia, South Carolina 29211-1549 by causing said copy to be deposited with the United States Postal Service, first class postage prepaid and properly affixed thereto.

RECEIVED

APR 12 2012

SC Court of Appeals

  
ElizaBeth A. Blich, Paralegal  
eblitch@mcnair.net  
McNair Law Firm, P.A.  
Post Office Box 11390  
Columbia, South Carolina 29211  
(803) 799-9800

April 12, 2012

Columbia, South Carolina

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2009CP4004441

Robert David #294085 Schilling

State of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: \_\_\_\_\_

Attorney for :  Plaintiff  Defendant or  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.
- 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 \_\_\_\_\_
- 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 PUBLIC 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
		\$
		\$
		\$

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.**

Circuit Court Judge \_\_\_\_\_ Judge Code \_\_\_\_\_ Date \_\_\_\_\_

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this 13 March 2012 to attorneys of record or to parties (when appearing pro se) as follows:

Robert David #294085 Schilling  
Richard Lee Whitt

Tynika Adams Claxton  
Lee W Zimmerman

Brian T Petrano

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court \_\_\_\_\_

*Jeanette W McBridge*

FILED  
RICHLAND COUNTY  
2012 MAR 13 PM 2:13  
JEANETTE W McBRIDE  
C.C.P. & G.S.

STATE OF SOUTH CAROLINA )

) IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND )

) 2009CP4004441

Schilling, Robert D., 00294085, )

) Applicant, )

) v. )

) ORDER OF DISMISSAL

) State of South Carolina, )

) Respondent. )

2012 MAR 12 PM 12:11  
C.C.P. & G.S.  
RICHLAND COUNTY

**PROCEDURAL HISTORY**

This matter comes before the Court by way of an Application for Post-Conviction Relief filed June 24, 2009. The Respondent made its Return on March 30, 2010. An evidentiary hearing into the matter was convened on January 10, 2012 at the Richland County Courthouse. The Applicant was present at the hearing and was represented by Tynika Claxton, Esquire. Brian T. Petrano of the South Carolina Attorney General's Office represented the Respondent.

After the hearing in this matter several action items have occurred. First, there is an Order dated April 6, 2011 and filed April 11, 2011 by The Honorable Alison Renee Lee in her capacity as Chief Administrative Judge for the Court of Common Pleas here in the Fifth Circuit. The Order relieves Ms. Claxton as the Applicant's appointed attorney and directs the Richland County Clerk of Court to appoint new counsel. The Clerk of Court appointed attorney Richard L. Whitt. Another attorney has also assisted in the matter, attorney Lee W. Zimmerman. There was a "Form 4" Order issued by Judge Barber on December 8, 2010 indicating that the Applicant withdrew his PCR. This Order is erroneous, the "Form 4" Order from December 8, 2010 was to

*Schilling, Robert - Order of Dismissal (2009CP4004441)*

**SCANNED**

reflect a continuance.<sup>1</sup> This Applicant did not withdraw his PCR. This Court held a hearing on the matter on January 13, 2011.

Following the January 13, 2011 hearing, the Honorable G. Thomas Cooper, Jr. – who presided over the PCR hearing – issued a "Form 4" Order dated October 10, 2011 ordering:

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court: **This PCR matter came before the undersigned in early 2011. After the initial hearing, new counsel was appointed for the Applicant. In the interest of fairness and justice, the Applicant's PCR is to be reheard at the next available date.**

Accordingly, the Applicant had another PCR hearing, de novo, with a new attorney appointed, i.e. Lee W. Zimmerman, Esquire.

At the hearing, the Applicant testified on his own behalf. The Applicant's plea counsel, Jennifer Davis from the Public Defender's Office also testified. This Court had before it the records of the Richland County Clerk of Court, the transcript of the proceedings against the Applicant, and the Applicant's records from the South Carolina Department of Corrections.

The Applicant is present serving a twelve (12) year sentence for 2<sup>nd</sup> Degree Burglary (non-violent). He pled guilty on March 11, 2008 before the Honorable L. Casey Manning. As explained in more detail below, the Applicant was not sentenced until April 29, 2009.

Grand Jury Term	Indictment Number	CDR SC Codes	Charged Offense	Potential Sentence	Offense Description	Sentence Received	Sentenced to Lesser Offense
2008	2008GS4011891	0478 16-13-30(B)(1)	*5*	Grand Larceny \$1000 to \$5000 (deferred sentence)		5 yrs	No
2008	2008GS4011892	0080 16-11-312(A)	*15*	Burglary, second degree		12 yrs	No
2009	2009GS401552	0179 44-53-370	*1st/ 5 yrs and/or \$5k; 2nd/ 10 and/or \$10k; 3rd/ 15-30 and/or \$50k*	Possession of Controlled Substance		30 days	No
2009	2009GS401566	2813 16-13-510(C)	* fine, 10 yrs, or both *	Identity Fraud		5 yrs	No
						TOTAL	POSSIBLE
NOTES: All sentences run concurrent						12	

<sup>1</sup> Judge Barber later issued a "Form 4" dated December 31, 2011 vacating the erroneous withdraw order. Schilling, Robert - Order of Dismissal (2009CP4004441)

It appears that the Applicant attempted to appeal from his guilty plea but that attempt was thwarted by Rule 203(d)(1)(B)(iv), SCACR. The South Carolina Court of Appeals rejected the notice of appeal and the case was remanded on July 31, 2009.

In the PCR Application the Applicant made the following allegations:

[Image inserted on following page]

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) Ineffective Counsel

(b) Deferred Sentence - per Judge Manning

(c) Excessive Sentence - too much time

\* 10. State concisely and in the same order the facts which support each of the grounds set out in (9):

(a) See Back Detective Brian Gwyn - allowing false Allegations by Victim

(a) See Back was advised that the judge was aware of my victims - over

(b) See Back Judge Manning - was mis informed to the original -> back

(c) See Back Judge Manning - told me that he would sentence -> of page

(d) See Back Detective Gwyn, Richland Co. Sheriff's Office allowing Victim to state things against me that are knowingly not true. Also I can prove that Detective has had a problem with a co-defendant in the past and there is record of that incident. Also allow Victim to state charges to the Judge that I was

*[Handwritten signature]*

CONTINUED FROM FRONT

- 10(A) Nature And he Stated things to the Court that did not occur. I was originally told that I would receive a sentence range between 3-5 years. My lawyer said that prior to pleading, the Solicitor as well as ~~the~~ himself talked to the judge and made him aware of the victim's grand standing in this case. Basically in short, the original transcript of my guilty plea March 11, 2008 and my sentencing date of April 29th 2009 will reflect the lack of representation during these hearings. My lawyer obviously allowed things to be said that she knowingly knew to be false. That resulted in my lengthy sentence. Let these (2) transcript records be evidence in this case.
- 10(B) Facts of the case at the sentencing phase. Without the correct information, this resulted in my sentence.
- 10(C) me according to my level of involvement based on my co-defendants (4) four pleadings. Different versions of my involvement was said than initially stated at my guilty plea March 11, 2008. Please allow these transcripts to reflect these false allegations.
- 10(D) not charged with. Please allow these (2) two transcripts to support these points.

18. State clearly the relief you seek in filing this application.

I would ask that the court look at this case to include both transcripts and sentence me according to my level of involvement like (2) of my co-defendants 3-5 year range.

19. Are you now under sentence from any other court that you have not challenged?

NO

At the evidentiary hearing, Applicant proceeded on a general claim that plea counsel was ineffective for failing to better handle the sentencing situation. Specifically, the Applicant claims that it is clear from the records that the plea court wanted to defer sentencing to see what the co-

defendants were sentenced to and that the Applicant insists that he belongs in the lower range amongst the less culpable co-defendants. The Applicant alleges that the plea counsel was ineffective at sentencing because the sentencing court was misinformed and that caused him to be sentenced consistent with the worst of the co-defendants. The Applicant claims that but for counsel's deficient performance, he would have received a more favorable sentence.

### **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).

The Applicant testified he was satisfied with his plea attorney up until sentencing. The Applicant explained that he had a minimal role in the crime(s). The Applicant explained that he elected to plea guilty in an effort to receive a favorable sentence especially considering his minimal role. The Applicant explained that counsel failed to point out issues during sentencing to correct some of the misinformation that caused him to receive a harsher sentence. The Applicant explained that he did not think there was that much damage to the home compared to what the victim articulated.

Plea counsel testified that she recalled her representation of the Applicant. Plea counsel explained that they met several times prior to the plea. Plea counsel explained that the Applicant did not want a trial and that he wanted to plea guilty early on in their meetings. Plea counsel

explained that there were no plea offers from the State. Plea counsel explained that for a period of time there was discussion that the Applicant could work with the State for information as to the co-defendants but that the Applicant was not cooperative in that matter. Plea counsel explained that she was aware of the sentences of the co-defendants. Plea counsel explained that she did not object or make any motions when the plea court explained that he too had been the victim of a housebreaking.

In a post-conviction relief action, the 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). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). The Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989). When there has been a guilty plea, the applicant must prove that counsel's representation was below the standard of reasonableness and that, but for counsel's unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going

to trial. Hill v. Lockhart, 474 U.S. 52, 58-59 (1985); Alexander v. State, 303 S.C. 539, 542, 402 S.E.2d 484, 485 (1991).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625, (citing Strickland). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. As discussed above, the Applicant has failed to carry his burden in this action. Therefore, this Court finds that the application must be denied and dismissed.

Plea counsel's testimony is credible. Including his review of the undisputed procedural history, this Court finds Applicant's testimony, for the most part, to be credible. The Applicant was sincere in his belief that he played a smaller part in this crime compared to the co-defendants. The Applicant was credible when he said that he did not think that the residence was as damaged as the victim held it out to be during the plea. However, the Applicant's "issues" are not genuine PCR claims that warrant relief. Accordingly, this Court finds Applicant has failed to prove the first prong of the Strickland test – that counsel failed to render reasonably effective assistance under prevailing professional norms. This Court also finds Applicant has failed to prove the second prong of Strickland – that he was prejudiced by counsel's performance.

The Applicant claims that counsel should have attempted to correct some of the misinformation he claims was before the plea court regarding sentencing. Specifically, the

Applicant claims that the victim was exaggerating the damage done to his house. *See* plea transcript, p. 23. This Court does not agree with the Applicant's claim that plea counsel should have attempted to dispute the victim's subjective claims regarding the damage. First, there was never any claim that the Applicant's conduct did all of the damage. Second, it is obvious from the reading of the victim's words at the plea that the real damage was the violation itself associated with the burglary and the intangible loss associated with the highly personal items with little actual street value. For example, the victim commented, "furniture and stuff can be replaced." (Transcript, p. 23 L. 18). The impact of the victim's statement was not the money damage; it was his explanation of how he lost his children's first teeth, his deceased grandparents' notes and cards, his deceased grandfather's old fireman's badge, of particular significance were mementos from his dead daughter, etc. (Transcript, p. 23). The victim went on to explain that he was violated and his wife and children do not feel safe in the house. The victim explained that it was his understanding that some of his child's toys were actually taken by the Applicant to give to his (the Applicant's) child. (Transcript, p. 24).

It was the victim who articulated the personal damage done to him and his home and it was he who begged the plea court to apply the maximum sentence possible. (Transcript, p. 24). A trial court has broad discretion in imposing criminal sentences within the limits prescribed by law. State v. Franklin, 267 S.C. 240, 226 S.E.2d 896 (1976); Clark v. State, 259 S.C. 378, 192 S.E.2d 209 (1972); State v. Cogdell, 273 S.C. 563, 257 S.E.2d 748 (1979). The Applicant's allegation that his sentence is too harsh lacks merit. While the Applicant may be correct that some of the other co-defendants may have received a lesser sentence, it is not clear if the victim provided similarly powerful impact statements at those pleas. The court has the discretion to

sentence codefendants to different punishment or treatment. State v. Dozier, 263 S.C. 267, 210 S.E.2d 225 (1974). The Applicant had an extensive prior record.

The sentencing transcript explains that after the plea was taken, the Applicant was inadvertently released from the detention center. The State explained there was a bench warrant issued. The Applicant later gave a phony name at the jail. *See* sentencing transcript, p. 3 – 4. The Applicant's post plea but pre-sentencing behavior is not irrelevant and the sentencing court surely could take that into account. The defendant's conduct prior to sentencing may give the judge insights into his moral character and suitability for rehabilitation.

A trial judge generally has wide discretion in determining what sentence to impose. It is also true that before making that determination, a judge may appropriately conduct an inquiry broad in scope, largely unlimited either as to the kind of information he may consider or the source from which it may come.

State v. Franklin, 267 S.C. 240, 246, 226 S.E.2d 896, 898 (1976).

Finally, as to the Applicant's issue with the plea court's statement that he too had been a victim of housebreaking, this Court does not share the Applicant's concern. Part of the judicial branch's role is to placate, the Court was simply reassuring the victims that life goes on, etc. The Applicant has failed to satisfy his burden of proof and demonstrate that counsel's performance was deficient and that he was prejudiced.

#### CONCLUSION

Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Counsel 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.

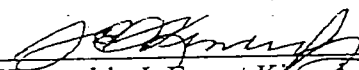
Except as discussed above, this Court finds that the Applicant failed to raise the remaining allegations set forth in his application at the hearing and has, thereby, waived them. As to any and all allegations that were or could have been raised in the application or at the hearing in this matter, but were not specifically addressed in this Order, this Court finds Applicant failed to present any probative evidence regarding such allegations. Accordingly, this Court finds that Applicant waived such allegations and failed to meet his burden of proof regarding them. Accordingly, they are dismissed with prejudice. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BMI, Inc., 292 S.C. 153, 158-59, 355 S.E.2d 282 (Ct. App. 1987). The Applicant's failure to address these issue at the hearing indicates a voluntary and intentional relinquishment of his right to do so. Therefore, any and all remaining allegations are denied and dismissed.

This Court cautions the Applicant that he 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 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant and counsel are directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

**IT IS THEREFORE ORDERED:**

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

AND IT IS SO ORDERED this 23 day of Feb, 2012.

  
The Honorable J. Ernest Kinard, Jr.  
Presiding Judge  
Fifth Judicial Circuit

\_\_\_\_\_, South Carolina.

STATE OF SOUTH CAROLINA )

COUNTY OF RICHLAND )

Robert D Schilling )

Plaintiff )

v. )

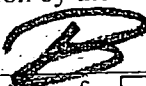
State Of South Carolina )

Defendant. )

IN THE COURT OF COMMON PLEAS

CASE NO.  
2009-CP-400-4441

MOTION AND ORDER INFORMATION  
FORM AND COVER SHEET

Plaintiff's Attorney: Lee W. Zimmerman, Bar No. Address: McNair Law Firm Columbia, South Carolina 29211 phone:            fax: e-mail:            other:	Defendant's Attorney: Brian T. Petrano, Bar No. Address: Post Office Box 11549 Columbia, South Carolina 29211 phone: 803-734-3737 fax: 803-734-4113 e-mail: bpetrano@scag.gov other:
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
<b>SECTION I: Hearing Information</b>	
Nature of Motion: Estimated Time Needed:            Court Reporter Needed: <input type="checkbox"/> YES / <input checked="" type="checkbox"/> NO	
<b>SECTION II: Motion/Order Type</b>	
<input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
 Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant	January 25, 2012 Date submitted
<b>SECTION III: Motion Fee</b>	
<input type="checkbox"/> PAID - AMOUNT: <input type="checkbox"/> EXEMPT: <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support (check reason) <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input checked="" type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: <input type="checkbox"/> Other:	
<b>JUDGE'S SECTION</b> <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other:	JUDGE _____ CODE: _____ Date: _____
<b>CLERK'S VERIFICATION</b>	
Date Filed: _____ Collected by: _____	
<input type="checkbox"/> MOTION FEE COLLECTED: _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: _____	