

**MCMAHAN & TAYLOR**  
ATTORNEYS LLC

July 6, 2019

**RECEIVED**

JUL 10 2019

S.C. SUPREME COURT

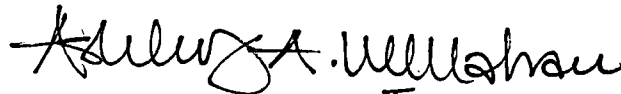
The Honorable Daniel E. Shearouse  
Clerk, Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, SC 29211

RE: Stanley Ali Godbold, #371009, v. State of South Carolina  
2019-CP-32-00408

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. Godbold.

Best regards,



ASHLEY A. MCMAHAN  
ATTORNEY AT LAW

AAM

cc: Stanley Ali Godbold, #371009  
Taylor Z. Smith, Asst. Attorney General  
Lexington County Clerk of Court  
Office of Appellate Offense

**RECEIVED**

JUL 10 2019

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

The Honorable Brooks P. Goldsmith, Circuit Court Judge

Case No. 2019-CP-32-00408

Stanley Ali Godbold, #371009, ..... Petitioner,

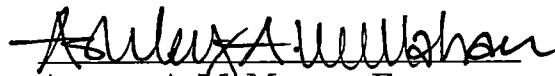
v.

State of South Carolina, ..... Respondent.

NOTICE OF APPEAL

Applicant, Stanley Ali Godbold, appeals the order of the Honorable Brooks P. Goldsmith, dated and filed June 28, 2019.

July 16, 2019



ASHLEY A. McMAHAN, ESQUIRE

McMAHAN & TAYLOR, ATTORNEYS, LLC

PO Box 5501

West Columbia, SC 29171

803-219-1110

ashley@mcmahantaylor.com

SC Bar No. 71676

ATTORNEY FOR APPLICANT

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

STATE OF SOUTH CAROLINA  
In The Supreme Court

**RECEIVED**

JUL 10 2019

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

S.C. SUPREME COURT

The Honorable Brooks P. Goldsmith, Circuit Court Judge

Case No. 2019-CP-32-00408

Stanley Ali Godbold, #371009, ..... Petitioner,

v.

State of South Carolina, ..... Respondent.

**PROOF OF SERVICE**

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

Taylor Z. Smith, 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.

July 6, 2019

  
ASHLEY A. McMAHAN, ESQUIRE

**McMAHAN & TAYLOR, ATTORNEYS, LLC**

PO Box 5501  
West Columbia, SC 29171  
803-219-1110

FILED

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
2019 JUN 28 PM 12:00 FOR THE 11TH JUDICIAL CIRCUIT  
COUNTY OF LEXINGTON ) Case No.: 2019-CP-32-00408

Stanley Ali Godbold, #371009,

LISA H. COOPER  
CLERK OF COURT

Applicant,

v.

State of South Carolina,

Respondent.

ORDER GRANTING BELATED  
APPEAL PURSUANT TO  
AUSTIN V. STATE

This matter comes before the Court by way of an Application for Post-Conviction Relief (PCR) filed January 29, 2019. The Respondent made its Return on or about May 28, 2019. A hearing was held on June 28, 2019, at the Lexington County Courthouse. Present at the hearing was Ashley A. McMahan, Esquire on behalf of the Applicant and Assistant Attorney General Taylor Z. Smith on behalf of the State.

I.

The Applicant is currently confined in the South Carolina Department of Corrections. He was indicted at the November 2016 term of the Lexington County Grand Jury for Armed Robbery (2016-GS-32-03050). Sarah Hahn Mauldin represented the Applicant. The Applicant pled guilty on January 10, 2017, as indicted. The Honorable Jocelyn Newman sentenced him to twenty years imprisonment. The Applicant did not appeal his conviction or sentence.

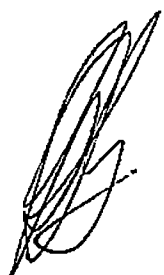
The Applicant filed his first PCR application on May 22, 2017. Arthur K. Aiken, Esquire represented the Applicant. A hearing was held on July 31, 2018, before the Honorable Perry H. Gravely. Judge Gravely dismissed this PCR by written order on September 14, 2018. Applicant did not appeal the denial of his

PCR application. *I find that the Applicant did not knowingly & intelligently waive his right to appeal this order.* II. *AG*

In the Applicant's current PCR application, he argues his PCR attorney failed to file a timely notice of appeal from Judge Gravely's order filed on September 18, 2018, and requests a belated PCR appeal pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991). Generally, claims of ineffective assistance of PCR counsel are not recognized. (See Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991). However, the exception to this is found in Austin, which provides for a belated PCR appeal where the prior PCR attorney fails to timely appeal the denial of a PCR application. Based on the presentation before this Court, the Applicant is entitled to an appeal from the denial of his first PCR application (2017-CP-32-01809).

III.


It appearing that the Applicant is entitled to a belated appeal from his first PCR matter and in light of the fact that this Court has not been made aware of any violations of the Applicant's constitutional rights, this Application for Post-Conviction Relief is dismissed.



**IT IS THEREFORE ORDERED:**

1. That this current Application for Post-Conviction Relief be dismissed.
2. That the Applicant is granted a belated appeal pursuant to Austin v. State from the denial of his first PCR application: 2017-CP-32-01809.

**AND IT IS SO ORDERED!**



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**BROOKS P. GOLDMSITH**  
**PRESIDING CIRCUIT COURT JUDGE**

Lexington, South Carolina.  
June 28, 2019

**FORM 4**

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

**JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2019CP3200408**

Stanley A Godbold 371009		South Carolina State of	
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<b>PLAINTIFF(S)</b>	<b>DEFENDANT(S)</b>
<b>Submitted by:</b>	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> 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	Date
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**For Clerk of Court Office Use Only**

This judgment was entered on June 28th 2019, and a copy mailed first class or placed in the appropriate attorney's box on June 28th 2019, to attorneys of record or to parties (when appearing pro se) as follows:

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

Taylor Zane Smith PO Box 11549 Columbia, SC 29211

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ATTORNEY(S) FOR THE PLAINTIFF(S)

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ATTORNEY(S) FOR THE DEFENDANT(S)

LISA COMER/jp

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Court Reporter

Lisa M. Comer - Clerk of Court

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**Court Reporter:**

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

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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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**MCMAHAN & TAYLOR**  
ATTORNEYS  
PO Box 5501  
West Columbia, SC  
29171

COLUMBIA, SC 293

18 JUL 2019 4 43 PM



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

29211-133030

