

RECEIVED

JUL 23 2019

S.C. SUPREME COURT

ALAN WILSON  
ATTORNEY GENERAL

July 23, 2019

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

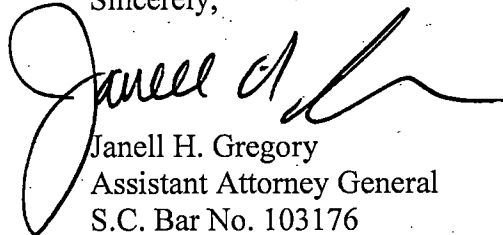
**Re: Robert Antwon Wright, Respondent v. State of South Carolina, Petitioner**  
**Common Pleas Case No. 2017-CP-36-00509**

Dear Mr. Shearouse:

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

1. A copy of the order which is to be challenged on appeal.
2. Proof of service of notice of appeal on the Respondent.
3. A transcript request form ordering the post-conviction relief hearing transcript from the court reporter.

Sincerely,



Janell H. Gregory  
Assistant Attorney General  
S.C. Bar No. 103176

JHG/cc  
Enclosures

cc: J. Falkner Wilkes, Esquire  
Barton Jon Vincent, South Carolina Department of Corrections  
The Honorable Elizabeth P. Folk, Newberry County Clerk of Court  
The Honorable David M. Stumbo, Eighth Circuit Solicitor  
Office of Appellate Defense  
Victim Advocacy Division

STATE OF SOUTH CAROLINA  
In The Supreme Court

RECEIVED

JUL 23 2019

CERTIORARI TO NEWBERRY COUNTY  
Court of Common Pleas  
Brian M. Gibbons, Circuit Court Judge

S.C. SUPREME COURT

Case No. 2017-CP-36-00509

Robert Antwon Wright, #334552 .....Respondent,

v.

State of South Carolina, .....Petitioner.

**NOTICE OF APPEAL**

The State of South Carolina appeals the Honorable Brian M. Gibbons' order granting post-conviction relief filed May 17, 2019. The State's subsequent motion to alter or amend was denied by written order filed on June 18, 2019, and received by the State on June 24, 2019. Copies of both orders are attached hereto.

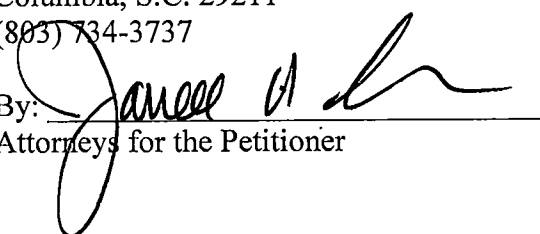
July 23, 2019

Respectfully submitted,

ALAN WILSON  
Attorney General

MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General

JANELL H. GREGORY  
Assistant Attorney General  
S.C. Bar No. 103176  
P.O. Box 11549  
Columbia, S.C. 29211  
(803) 734-3737

By:   
Attorneys for the Petitioner

Other counsel of record:  
J. Falkner Wilkes, Esquire  
114 Whitsett Street  
Greenville, South Carolina 29601  
(864) 282-1292

RECEIVED

JUL 23 2019

STATE OF SOUTH CAROLINA  
In The Supreme Court

CERTIORARI TO NEWBERRY COUNTY S.C. SUPREME COURT  
Court of Common Pleas  
Brian M. Gibbons, Circuit Court Judge

Case No. 2017-CP-36-00509

Robert Antwon Wright, #334552 ..... Respondent,

v.

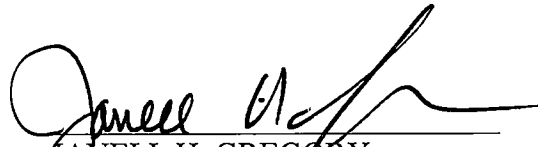
State of South Carolina, ..... Petitioner.

**PROOF OF SERVICE**

I, Janell H. Gregory, Counsel for the Petitioner, certify that I have today served the within notice of appeal upon the Respondent by depositing a copy of it in the United States Mail, postage prepaid, addressed to his attorney of record:

**J. Falkner Wilkes, Esquire  
114 Whitsett Street  
Greenville, South Carolina 29601**

I further certify that all parties required by Rule to be served have been served this 23rd day of July, 2019

  
\_\_\_\_\_  
JANELL H. GREGORY  
S.C. Bar. No. 103176  
Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3737  
**Attorney for the Petitioner**

STATE OF SOUTH CAROLINA )  
COUNTY OF NEWBERRY )  
Robert Wright, 00334552 )  
v. )  
State of South Carolina. )

IN THE COURT OF COMMON PLEAS  
8TH JUDICIAL CIRCUIT

ORDER GRANTING POST-  
CONVICTION RELIEF

2017-CP-36-00509

FILED  
2017 APR 11 11:14  
CLERK OF COURT  
GREENWOOD COUNTY

This matter comes before the Court by way of an application for post conviction relief (PCR) filed September 22, 2017. The Respondent filed a return on March 22, 2018. An evidentiary hearing was held on February 26, 2019, at the Greenwood County Courthouse, the Hon. Brian M. Gibbons, presiding. Linda Moffitt was the Court's reporter for the proceedings. The Applicant was present and represented by J. Falkner Wilkes. The State was represented by Janell H. Gregory, Assistant Attorney General.

The Applicant's trial counsel, the Applicant, Deputy Solicitor Dale Scott, and Assistant Solicitor Taylor Daniel testified at the PCR hearing. The Court had before it the transcript for the trial, the transcript for the motion for a new trial, records of the Newberry Clerk of Court, the Applicant's records from the South Carolina Department of Corrections, the PCR application, the Respondent's return, and the appellate records. Also before the Court were post trial memorandums submitted by the parties at the Court's request.

**PROCEDURAL HISTORY**

The Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Newberry County Clerk of Court. The Applicant was indicted at the August 2014 term of the Newberry County Grand Jury. Applicant was indicted for two counts of accessory before the fact to a felony (burglary first degree and armed robbery) (2014-GS-36-528) and criminal conspiracy (2014-GS-36-530) arising from an incident that occurred on



April 30, 2014. The case was tried in Newberry County before the Honorable Donald B. Hocker, by jury, beginning on January 4, 2016. Applicant was represented by Mindy Zimmerman. The state was represented by Christopher Dale Scott, Deputy Solicitor and Taylor Daniel, Assistant Solicitor for Newberry County. On January 6, 2016, the jury returned a verdict of not guilty as to the criminal conspiracy, and guilty on both counts of accessory before the fact of a felony. On January 7, 2016, the Hon. Donald B. Hocker sentenced the Applicant to sixteen years incarceration. The Applicant timely filed post trial motions seeking relief from the conviction. On May 6, 2016, Judge Hocker issued an order denying the requested relief. The Applicant filed a timely notice of appeal which was subsequently withdrawn by the Applicant. The court of appeals issued an Order of Dismissal on November 26, 2016.

#### **ALLEGATIONS**

In his application the Applicant, through counsel, alleges he is being held in custody unlawfully for the following reasons:

**1. Ineffective assistance of trial counsel.**

Trial counsel failed to properly investigate the case and prepare an adequate defense based on the evidence in the case; Trial counsel failed to request a continuance in order to allow her to properly investigate the case and prepare an adequate defense; Trial counsel failed to move for the suppression of statements and evidence; Trial counsel failed to make necessary objections during the trial or otherwise properly raise and/or preserve issues for appeal; Trial counsel failed to effectively cross-examine the State's witnesses during the trial; Trial counsel failed to introduce relevant evidence in the defense case in chief, or proffer evidence when necessary; Trial counsel failed to state and/or argue relevant facts and law to the jury in his statements and arguments to the jury. Trial attorney failed to properly explain, convey, and advise client on plea offer; Failed to properly convey, review and advise as to the charges, potential sentences and the evidence;

**2. Ineffective assistance of appellate counsel.**

Appellate counsel failed to properly raise and argue viable issues on appeal.

3. The State failed to provide discovery materials that were in its possession or which were known or should have been known to the State.

Incorporated into the application is an Amendment and Memorandum prepared by the Applicant alleging:

Amendment One: Ineffective assistance of trial counsel for failing to move to quash the indictments based on a failure to sufficiently allege the elements of the offenses charged.

Amendment Two: Ineffective assistance of trial counsel for failing to move to quash the indictments based on the allegations being overly broad.

At the PCR hearing the Applicant proceeded on four issues; 1) Ineffective assistance of counsel for failing to adequately cross-examine the state's witness; 2) Ineffective assistance of counsel for failing to object to references that the Applicant was a drug dealer; 3) Ineffective assistance of counsel for failing to object to prejudicial comments made by the solicitor during closing argument, and; 4) Ineffective assistance of counsel for failing to adequately advise Applicant as to plea offers. The Applicant waived all other issues at the hearing and therefore the Court finds those issues to be abandoned.

#### **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 and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80.

#### **Ineffective Assistance of Counsel - Failure to Object to Improper Argument**



The Applicant alleges ineffective assistance of counsel based on counsel's failure to raise contemporaneous objections to numerous improper comments made by the solicitor in closing argument. This Court agrees.

In a PCR action "[t]he burden of proof is on the applicant to prove his allegations by a preponderance of evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002). For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel's ineffective performance. See Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052 (1984); Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006). In order to prove prejudice, an applicant must show "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceedings would have been different." Cherry v. State, 300 S.C. 115, 117-18, 386 S.E.2d 624, 625 (1989). "A reasonable probability is a probability sufficient to undermine confidence of the outcome of the trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1999) (citing Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052).

#### Comments by the Solicitor During Closing Argument

Throughout closing the solicitor phrased his comments in a way that could only be interpreted by the jury as an expression of personal knowledge or opinion on the evidence and guilt of the Applicant: "You know, the Court allowed me two hours to stand up here and argue. I'm not gonna do that, and I know y'all are thankful for that, but there's not really a whole lot in my mind to argue about. I think its pretty crystal clear." (T. p. 207, 1.6-10). The solicitor then went on to reverse the burden of proof and outright state to the jury that he was telling them that the Applicant was guilty: "Do any of you have a reasonable doubt that Robert Wright is *not*



*guilty of what I'm telling you he's guilty of? Do any of you have a reasonable doubt that it didn't happen this way? Do any of you have a reasonable doubt that your mind and your eyes are fooling you when you look at those phone records? No. The answer is no."* (T. pg. 213, l. 12-15). This was quickly followed by: "I'm gonna sit down. I think y'all are firmly convinced and I think there is only one verdict. And I think there ought to be twelve united voices here speaking together and I think y'all ought to go back there and deliberate and consider everything and I think y'all ought to come up with the only reasonable conclusion, and that is to find the third person involved with this accountable. Hold him accountable. Find him guilty." (T. p. 213, l. 22-p. 214, l. 4).

The expression of a prosecutor's personal opinion about the guilt of a defendant creates a risk that the jury will "trust the Government's judgment rather than its own view of the evidence." See United States v. Young, 470 U.S. 1, 18-19, 105 S.Ct. 1038, 84 L.Ed.2d 1 (1985):

The line separating acceptable from improper advocacy is not easily drawn; there is often a gray zone. Prosecutors sometimes breach their duty to refrain from overzealous conduct by commenting on the defendant's guilt and offering unsolicited personal views on the evidence. Accordingly, the legal profession, through its Codes of Professional Responsibility, and the federal courts, have tried to police prosecutorial misconduct. In complementing these efforts, the American Bar Association's Standing Committee on Standards for Criminal Justice has promulgated useful guidelines, one of which states that "[i]t is unprofessional conduct for the prosecutor to express his or her personal belief or opinion as to the truth or falsity of any testimony or evidence or the guilt of the defendant." ABA Standards for Criminal Justice 3-5.8(b)(2d ed. 1980).

United States v. Young, 470 U.S. 1, 7-8, 105 S. Ct. 1038, 1042, 84 L. Ed. 2d 1 (1985) *footnotes omitted*. Here the solicitor not only expressed his personal opinion as to guilt, he clearly stated that he was telling them that the Applicant was guilty, and that he believed that the jury "ought"



to agree with him and find the Applicant guilty. This is precisely the type of overzealous conduct that is prohibited under Young.

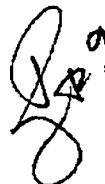
Imbedded in the repeated expressions of his personal belief as to the Applicant's guilt the solicitor also reversed the burden of proof by asking the jury whether any of them had a reasonable doubt that Robert Wright is not guilty of what he was telling them the Applicant was guilty of. In doing so the solicitor not only called on the jury to trust and rely on his judgment as to guilt, but reversed the burden of proof as well. This was not a simple misstatement, as the solicitor repeated it to make the point again, asking the jury if any had any reasonable doubt that it did not happen he had stated. These comments could only be interpreted by the jury as allowing them to convict if the evidence failed to prove beyond a reasonable doubt that the Applicant was not guilty. The burden of proof as to guilt is never on a defendant in a criminal case. Although the trial court later charged the jury on reasonable doubt, no curative instructions were requested or given to correct any confusion or misdirection arising from the solicitor's comments. Here the solicitor's comments "tended to 'overthrow the presumption of innocence.'" United States v. Smith, 500 F.2d 293, 297 (6th Cir. 1974) quoting Pierce v. United States, *supra*, 86 F.2d at 953.

The solicitor then went on to imply that, although he couldn't outright say it, he personally knew important incriminating information not presented to the jury [that the Applicant was a drug dealer and wanted the victims robbed because they were his competition]: "I have my own idea I've got my idea of why this happened. I think it's very shallow -- or a very shallow burial, just under the layers, of the intent of Mr. Wright, why he needed him out of the way, why he needed his neighbor out of the way. I'm gonna respect you guys in coming up

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with that on your own. Y'all heard Lorenzo Jones' testimony yesterday, didn't you? I think the inference is there, but we won't talk about it, but I think we understand why he needed them out of the way." (T. p. 212, l. 14-22). This was a clearly an improper reference to evidence that had been the subject of a suppression motion and later an objection during trial and excluded by the court. (T. pp. 127-133). "A solicitor may not rely on statements not in evidence during closing argument." State v. Huggins, 325 S.C. 103, 107, 481 S.E.2d 114, 116 (1997). These comments also improperly indicated to the jury that the solicitor had personal knowledge of facts proving the Applicant's guilt that were not presented. "What the prosecutor may not do is suggest a belief in the defendant's guilt that is not explicitly tied to the strength of the evidence, because such an argument may suggest to the jury that the prosecutor has independent knowledge of the defendant's guilt." 75A Am.Jur.2d Trial § 634 (Westlaw 2005); see Pupo, 841 F.2d at 1240." United States v. Smith, 441 F.3d 254, 264 (4th Cir. 2006)

The solicitor's comments also included inflammatory statements about the Applicant's character. After finding a reason to bring up Charles Manson, the solicitor improperly called upon the jury to ponder the Applicant's potential to commit future crimes: "Do you ever wonder if somebody has the gall to do this to a neighbor what they could be capable of?" (T. p. 202, l. 6; T. p. 203, l. 19-21). And again: "But let me tell you because I was talking about justice is blind. Nothing justifies that crime. There's nothing that justifies kicking in a door in the middle of the night and holding a gun on somebody. If you do that to your neighbor, where does it stop?" (T. p. 212, l. 23-T. p. 213, l. 2). Clearly this was a play to the jurors passions. "In keeping their closing arguments within the record, solicitors additionally must tailor their remarks 'so as not to



appeal to the personal biases of the jury' or "arouse the jurors' passions or prejudices."

Tappeiner v. State, 416 S.C. 239, 251, 785 S.E.2d 471, 477 (2016) quoting Von Dohlen v. State, 360 S.C. 598, 609, 602 S.E.2d 738, 744 (2004). "A solicitor's closing argument must be carefully tailored so it does not appeal to the personal biases of the jurors." State v. Copeland, 321 S.C. 318, 468 S.E.2d 620 (1996); State v. Linder, 276 S.C. 304, 278 S.E.2d 335 (1981). Here, the solicitor's comments of what else the Applicant was capable of clearly was intended to arouse the jurors' passions and thus improper.

The solicitor's closing also improperly called on the jury to bring about justice for the victims: "So how about a little justice for the [victims]? (T. p. 201, l. 5). Again, the solicitor's argument improperly called on the jurors' passions. See Brown, 383 S.C. at 512, 517, 680 S.E.2d at 912, 915 (finding the solicitor improperly appealed to the jurors' emotions during closing argument when telling them to "speak up" for the child victim and "make sure that the perpetrator is punished"). The solicitor also made additional improper comments calling on the jury to convict the Applicant based on the guilt of the co-defendants. Although neither had actually been convicted at the time of the Applicant's trial, the solicitor stated: "Justice is coming for those two. But why not hold them all accountable? Make it three for three." (T. p. 201, l. 6-15).

Throughout closing argument the solicitor made numerous improper remarks to the jury. In addition to the potential impact of each comment singularly, this Court also considers the cumulative effect of such remarks. "Although prejudice may be magnified by the cumulative effect of repeated improper conduct, *e.g.*, Volkmor v. United States, 13 F.2d 594 (6th Cir. 1926), we have recognized that even a 'single misstep on the part of the prosecutor may be so



destructive of the right of the defendant to a fair trial that reversal must follow.' Pierce v. United States, *supra* 86 F.2d at 952. Pharr v. United States, 48 F.2d 767 (6th Cir. 1931)." United States v. Smith, 500 F.2d 293, 297 (6th Cir. 1974).

Despite numerous objectionable and prejudicial comments by the solicitor, defense counsel failed to raise a single contemporaneous objection, or request curative instructions. In reviewing the decisions of trial counsel courts must strongly presume that counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Strickland, 466 U.S. at 690, 104 S.Ct. 2052; Edwards v. State, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011). Thus, "[j]udicial scrutiny of counsel's performance must be highly deferential." Strickland, 466 U.S. at 689, 104 S.Ct. 2052. Here, counsel apparently recognized at least some of the solicitor's comments as objectionable as she raised a burden shifting argument as part of a written post trial motion. At the post trial motion hearing, and again at the PCR hearing, trial counsel characterized her practice of staying in her seat and not objecting during closing argument as a common courtesy rather than being part of any defense strategy. (PTH T. p. 9, l. 25-T. p. 10, l. 3). At the PCR hearing, trial counsel agreed that timely objection to the solicitor's repeated remarks would not have harmed the defense strategy in the Applicant's case. At the post trial hearing counsel stated that the failure to object to the solicitor's improper argument was an error in judgment on her part. (PTH T. p. 9, l. 23-25). Based on the foregoing I find that trial counsel was deficient in failing to object to the solicitor's improper argument.

Having found the solicitor's comments improper, and trial counsel's failure to object deficient, the next step of review focuses on whether such deficiency prejudiced the Applicant.

In assessing the propriety of remarks made during the State's closing argument, appellate courts must determine "whether the solicitor's comments 'so infected the trial with unfairness as to make the resulting conviction a denial of due process.'" Vaughn, 362 S.C. at 169-70, 607 S.E.2d at 75 (quoting Donnelly v. DeChristoforo, 416 U.S. 637, 642, 94 S.Ct. 1868, 40 L.Ed.2d 431 (1974)); Von Dohlen, 360 S.C. at 609, 602 S.E.2d at 744. This requires consideration of the record as a whole. Appellate courts must consider the impropriety of the solicitor's argument in the context of the entire record, including whether there is overwhelming evidence of the defendant's guilt. State v. Simmons, 331 S.C. 333 at 338, 503 S.E.2d 164 at 166 (1998); Tappeiner v. State, 416 S.C. 239, 252-53, 785 S.E.2d 471, 478 (2016).

In reviewing the entire record this Court has carefully considered trial counsel's testimony at the PCR hearing. Counsel testified that prior to and during the trial she believed that the case could go either way. At the time of the PCR hearing, counsel stated that she still believed that the Applicant's case could go either way if tried again. Counsel's evaluation of the state's case is supported by the record. The trial transcript shows that the State's case was made largely on the testimony of two co-defendants that had entered plea agreements to cooperate. Neither had pled guilty at the time of the Applicant's trial. Tarakus Coleman stated that he was testifying against the Applicant hoping that some of his nine charges "would go away". (T. p. 117, l. 2-9). When asked "And is that why you are telling the story that you're telling today about [Applicant] being involved?" Coleman responded "Yes." (T. p. 117, l. 9-13). Lorenzo Jones admitted that he had given multiple versions of the events and that he initially implicated two other individuals, not the Applicant, as having participated in the burglary and robbery of the victims. Jones testified that he didn't name the Applicant as being involved until

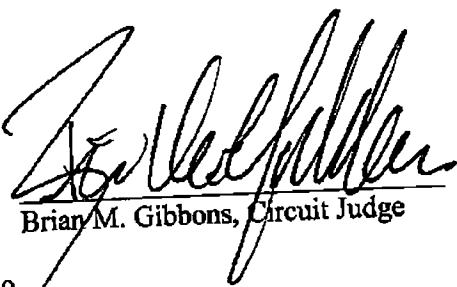
investigators specifically mentioned the Applicant and asked Jones how the Applicant was involved. (T. p. 153). While the state introduced the Applicant's cell phone records and text messages, on their face the records themselves did not rule out other possible exculpatory explanations as to their meaning. At the PCR hearing, the Applicant testified that he was aware of the plan of Jones and Coleman, but that he had no part in it and actually attempted to discourage them. The cell phone records and text messages are not inconsistent with the Applicant's testimony at the PCR hearing. The bulk of any incriminating content of the calls or text messages came by way of the testimony of Jones and Coleman. While inconsistent verdicts are not prohibited, it is also noteworthy that the jury found the Applicant not guilty of the criminal conspiracy charge. Given the record as a whole, this Court finds that evidence of the Applicant's guilt is not overwhelming.

Considering the propriety of the solicitor's argument in the context of the entire record, including whether there is overwhelming evidence of the defendant's guilt, I find that the solicitor's comments so infected the trial with unfairness as to make the resulting conviction a denial of due process. The Applicant is therefore entitled to the relief requested on that ground. As to all other issues raised in the Application and amendments that were not presented at the hearing, I find those to be waived, and to those other issues presented at the hearing, whether raised in the Application or tried by consent, I find that the Applicant has failed to carry his burden as to error and prejudice under the Strickland analysis.

It is therefore the Order of this Court that the Applicant's convictions be hereby reversed and a new trial granted on both counts of the indictment.

A handwritten signature in black ink, appearing to be "S. J. II", is located at the bottom right of the page.

SO ORDERED.



Brian M. Gibbons, Circuit Judge

Signed this \_\_\_\_\_ day of 5/14, 2019,  
Caro, South Carolina.

STATE OF SOUTH CAROLINA )

COUNTY OF NEWBERRY )

Robert Antwon Wright, #334552 )  
Applicant, )

vs. )

State of South Carolina, )

Respondent. )

IN THE COMMON PLEAS COURT  
FOR THE EIGHTH JUDICIAL CIRCUIT

C.A. #: 2017-CP-36-509

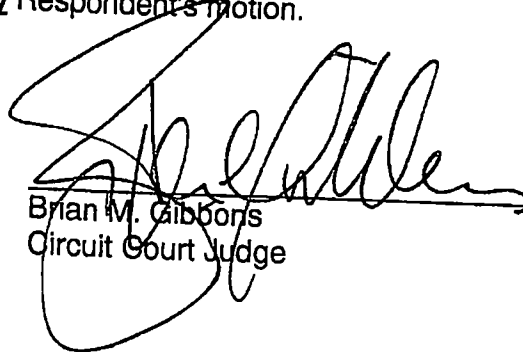
**ORDER DENYING RESPONDENT'S  
MOTION TO ALTER OR AMEND**

After having considered Respondent's motion to alter or amend the Order Granting for Post-Conviction Relief in this case and after reviewing all of the submissions and the Court's notes, applicable statutory law, case law and evidence presented, I respectfully deny Respondent's motion.

**AND IT IS SO ORDERED.**

Chester, SC

June 18, 2019

  
\_\_\_\_\_  
Brian W. Gibbons  
Circuit Court Judge

FILED  
JUN 19 2019  
CLERK OF COURT

**FORM 4**

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

**JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2017CP3600509**

Robert Antwon Wright		Souh Carolina State Of	
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<b>PLAINTIFF(S)</b>	<b>DEFENDANT(S)</b>
<b>Submitted by:</b>	<b>Attorney for:</b> <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.

S/Brian M Gibbons  
Circuit Court Judge

\_\_\_\_\_  
Judge Code

06/18/2019  
Date

**For Clerk of Court Office Use Only**

This judgment was entered on **June 24, 2019**, and a copy mailed first class or placed in the appropriate attorney's box on **June 25, 2019**, to attorneys of record or to parties (when appearing pro se) as follows:

J. Falkner Wilkes 114 Whitsett St. Greenville, SC 29601

Janell H Gregory Attorney General's Office P.O.Box 11549  
Columbia, SC 29211

---

ATTORNEY(S) FOR THE PLAINTIFF(S)

---

ATTORNEY(S) FOR THE DEFENDANT(S)

Elizabeth P Folk (jt)

Court Reporter

Elizabeth P. Folk - 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.**

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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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