

The Grose Law Firm, LLC
404 Main Street, Greenwood, South Carolina 29646

E. Charles Grose, Jr.
Phone: 864-538-4466 Fax: 864-538-4405
E-mail: charles@groselawfirm.com
Web: GroseLawFirm.com

August 23, 2019

RECEIVED

AUG 27 2019

S.C. SUPREME COURT

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

Re: *Katie Harris v. State of South Carolina*
Case No. 2017-CP-42-02140

Dear Mr. Shearouse:

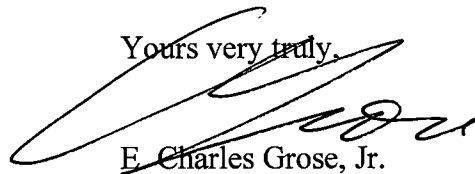
Enclosed for filing, please find Ms. Harris' Notice of Appeal, along with a certificate of service. Also enclosed are copies of the orders of the Honorable R. Lawton McIntosh, dated February 1, 2019 (filed February 8, 2019), July 1, 2019 (filed July 8, 2019), and July 22, 2019 (filed on July 26, 2019).

Please note that I will be representing Ms. Harris on this appeal.

Thank you for your attention to this matter. Please let me know if you have any questions or if I can provide additional information.

With kindest regards, I am

Yours very truly,



E. Charles Grose, Jr.

cc: Johnny James, Esquire

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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AUG 27 2019

APPEAL FROM Spartanburg COUNTY
Court of Common Pleas
R. Lawton McIntosh, Circuit Court Judge

S.C. SUPREME COURT

Case No. 2017-CP-42-02140

Katie Wheeler Harris, Petitioner,

v.

State of South Carolina, Respondent.

Notice of Appeal

Katie Wheeler Harris appeals the orders of the Honorable R. Lawton McIntosh, dated February 1, 2019 (filed February 8, 2019) and July 1, 2019 (filed July 8, 2019) dismissing her application for post-conviction relief. This appeal is taken from the order of Judge McIntosh dated July 22, 2019, filed on July 26, 2019, denying her Rule 59(e), SCRCF motion. Counsel for Ms. Harris received notice of entry of this order on July 26, 2019.

By



E. Charles Grose, Jr.
S.C. Bar Number 66063
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
(864) 538-4466
(864) 538-4405 (fax)
Email: charles@groselawfirm.com

Attorney for Katie Wheeler Harris

August 23, 2019
Greenwood, South Carolina

Other Counsel of Record:

Johnny E. James, Esquire
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211-1549

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED
AUG 27 2019

APPEAL FROM Spartanburg COUNTY
Court of Common Pleas
R. Lawton McIntosh, Circuit Court Judge

S.C. SUPREME COURT

Case No. 2017-CP-42-02140

Katie Wheeler Harris, Petitioner,

v.

State of South Carolina, Respondent.

Certificate of Service

I certify that I have served a copy of this pleading on the State of South Carolina by placing a copy in the US Mail, postage prepaid, on the date reflected below, addressed to

Johnny E. James, Esquire
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211-1549

August 23, 2019



E. Charles Grose, Jr.
The Grose Law Firm, LLC.
404 Main Street
Greenwood, SC 29646
(864) 538-4466

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2017 CP-42-02140

KATIE WHEELER HARRIS SCDC# 370317
PLAINTIFF(S)

STATE OF SOUTH CAROLINA
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. 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

Applicant seeks post-conviction relief on the following grounds:

Ineffective Assistance of Counsel in that:

- A. Trial Counsel abandoned Ms. Harris forcing her to choose between pleading guilty or proceeding to a jury trial without representation thereby, rendering the guilty plea involuntary;
- B. Trial Counsel failed to investigate and prepare a defense;
- C. Trial Counsel failed to keep Mr. Harris informed;

All of Applicant's grounds for post-conviction relief are denied.

- A. The record established that applicants counsel had represented her for many months prior to her plea pursuant to Alford-v-North Carolina 400 US 25 (1970) to the reduced charge of voluntary manslaughter (from homicide by child abuse). Pursuant to the plea, which was done on a negotiated basis, the charges of homicide by child abuse, involuntary manslaughter and unlawful neglect towards a child were nolle prossed.

Applicant's counsel filed Rule 5 and Brady discovery request on the state. The state provided discovery materials to Applicants counsel, who in turn reviewed it with Applicant and provided her copies. All the discovery materials and the states plea offer was provided to Applicant months before the Alford plea, with the exception of a statement Applicant made to DSS in a case it had indicated against Applicant on the same victim. The DSS statement was reviewed with Applicant before her plea.

STATE OF SOUTH CAROLINA
SPARTANBURG COUNTY
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Applicant's assertion that her trial counsel abandoned her requiring Applicant to choose between pleading guilty or representing herself is not supported by the evidence.

The record establishes that Applicant and her attorneys had determined that they would no longer represent Applicant. While not specifically stated, it appears Applicant and her attorney's disagreement stemmed from their recommendation that Applicant accept the State's plea offer and Applicant's refusal to accept it. In fact, prior to her plea, Applicant signed proposed Consent Order relieving her attorneys.

The day of Applicant's plea, the parties were ostensibly before the Court to have Applicant's Motion to Be Relieved heard. Instead, after prolonged discussions, applicant plead under Alford.

Contrary to Applicant's assertions of abandonment, Applicant's counsel diligently continued to represent Applicant throughout the day, culminating in her plea. They continued to represent Applicant and to look after her interest despite what they describe as an "irreconcilable impasse". It is true that the Plea Court appeared to indicate that Applicant would be going to trial the following week if she didn't go through with her plea. However, the Court never definitely ruled that her case would be called the following week. Furthermore, the plea offer had been extended to Applicant for several months and was set to expire. The state did agree to extend the offer by a few days.

Additionally, Applicant had been interviewing other potential attorneys to represent her for a while before her plea. She knew that the plea offer was time sensitive.

It is opined that Applicant did not like the advice she was receiving from her attorneys and therefore sought to terminate their services. Instead of proceeding with the motion to be relieved as they were entitled to do, Applicant's attorneys did the opposite of abandoning her. Her counsel stuck with her to insure that the plea went through. Applicant's allegation to the contrary is unsupported by facts.

Applicant never asked to represent herself nor was there any allegations that her conduct was such that she waived her right to counsel. In fact, Applicant represented to the Court that she had a new lawyer but continued to interview others. Accordingly, Applicant's assertion that the plea court should have reviewed the Faretta factors with her is misplaced.

B. Applicant also asserts counsel failed to investigate and prepare a defense. In support, Applicant submits the affidavit of a Minnesota pediatric "expert". However, Mr. White and Mr. Denton testified concerning the unsuccessful search for an expert to refute the State's case. However, counsel did not find a credible expert that would support Applicant's story. Applicant had given at least four (4) statements to law enforcement, each inconsistent with one another. The existence of multiple statements, beyond being incriminating complicated counsel's search. Applicant's allegation is without factual support and is denied.

C. Applicant's assertion that counsel failed to keep her advised is denied

Applicant admitted that her attorneys provided her with the State's discovery and reviewed it with her months before her plea (except the DSS statement).

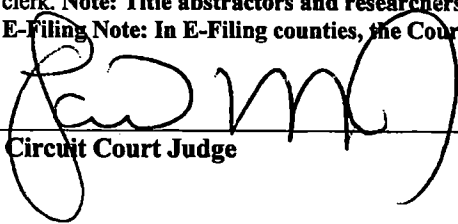
She also acknowledged that her attorneys had relayed the State's plea offer a long time before her plea. Applicant failed to establish what counsel allegedly failed to communicate with her or how this information would have caused her to go to trial instead of pleading. This claim is denied.

Mr. Cox is requested to prepare a formal order incorporating the above findings. The order shall be transmitted to Mr. Grove prior to the order being sent to the court.

This order ends does not end the case.

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.

 _____ 2155 _____ 2-1-19
 Circuit Court Judge Judge Code Date

2019 FEB - 8 AM 9:48
 SPARTANBURG COUNTY
 APPLICABLE

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 _____ day of _____, 20 _____ to attorneys of record or to parties (when appearing pro se) as follows:

 ATTORNEY(S) FOR THE PLAINTIFF(S)

 ATTORNEY(S) FOR THE DEFENDANT(S)

 CLERK OF COURT

Court Reporter:

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

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.

CLERK OF COURT
SPRINGFIELD COUNTY
2019 FEB -8 AM 9:48



STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FOR THE SEVENTH JUDICIAL CIRCUIT
 COUNTY OF SPARTANBURG)
)
 Katie Harris,) Case No.: 2017-CP-42-02140
 S.C.D.C. No. 370317,)
)
 Applicant,)
) **ORDER OF DISMISSAL**
 v.)
)
 State of South Carolina,)
)
 Respondent.)

This matter comes before the Court by way of an application for post-conviction relief filed by Katie W. Harris ("Applicant") on June 15, 2017. Respondent made its return on or about April 6, 2018. The Court convened an evidentiary hearing into the matter on January 16, 2019, at the Spartanburg County Courthouse in Spartanburg, South Carolina. Applicant was present at the hearing and represented by E. Charles Grose, Jr., Esq. Jordan A. Cox, Esq. of the South Carolina Attorney General's Office, represented Respondent.

Applicant testified on her own behalf at the evidentiary hearing. Applicant also called Dr. Peter Dohnel, to testify during her case-in-chief, and her mother Lou Ann Wheeler in reply. The State called Applicant's plea counsels to testify: Robert E. Ianuario, Stephen L. Deaton, John B. White, Jr., Esqs. The Court had before it Applicant's records from the South Carolina Department of Corrections, a copy of the original plea transcript, the records of the Spartanburg County Clerk of Court regarding the subject convictions, the pleadings, and the exhibits introduced at the evidentiary hearing. The Court finds as follows:

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I. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant was indicted at the March 2016 term of the Spartanburg County Grand Jury for homicide by child abuse, involuntary manslaughter, and unlawful conduct towards a child (2016-GS-42-01747, Cts. I-III). John B. White, Jr., Robert E. Ianuario, and Stephen Lee Denton, Esqs., represented Applicant. Barry J. Barnette, Esq., Solicitor for the Seventh Judicial Circuit, prosecuted the case. On October 14, 2016, Applicant waived presentment to the grand jury and entered an Alford¹ plea to voluntary manslaughter. Accepting terms negotiated between Applicant and the State, the Honorable J. Derham Cole sentenced Applicant to imprisonment for a term of 30 years, provided that upon the service of 15 years imprisonment,² the remainder would be suspended upon 5 years of probation. Applicant did not appeal her plea or sentence.

Present Application

In her post-conviction relief application, Applicant alleges she is being held unlawfully for the following reasons:

1. "Trial Counsel abandoned Ms. Harris, forcing her to choose between pleading guilty or proceeding to a jury trial without representation thereby, rendering the guilty plea involuntary;"
2. "Trial Counsel failed to investigate and prepare a defense;"
3. "Trial Counsel failed to keep Ms. Harris informed."

Applicant requests this Court order a new trial.

¹ North Carolina v. Alford, 400 U.S. 25 (1970)

² The plea court further divided the imprisonment itself, to include 10 years of incarceration in the South Carolina Department of Corrections, followed by 5 years of home detention.

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II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the records submitted to it by the parties and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings based upon all of the probative evidence presented.

A. Ineffective Assistance of Counsel

In a post-conviction relief action, an applicant has the burden of proving the allegations in his or her application. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant alleges ineffective assistance of counsel as a ground for relief, he or she 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.” Butler, 286 S.C. 442, 334 S.E.2d 441 (quoting Strickland v. Washington, 466 U.S. 668, 686 (1984)). The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Id.

“[C]ounsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Butler, 286 S.C. at 442, 334 S.E.2d at 814 (quoting Strickland, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989). “Judicial scrutiny of counsel’s performance must be highly deferential, as it is all too tempting for a defendant to second-guess counsel’s assistance after conviction or an adverse sentence, and it is all too easy for a court, examining counsel’s defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable.” Strickland, 466 U.S. at

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689; Edwards v. State, 392 S.C. 449, 456-57, 710 S.E.2d 60, 64 (2011). “[W]hen counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel.” Smith v. State, 386 S.C. 562, 567, 689 S.E.2d 629, 632 (2010) (citing Caprood v. State, 338 S.C. 103, 110, 525 S.E.2d 514, 517 (2000)).

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, 386 S.E.2d at 625 (citing Strickland, 466 U.S. at 688). 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 (citing Strickland, 466 U.S. at 694). With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel’s alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be the fundamental fairness of the proceeding whose result is being challenged. Strickland, 466 U.S. at 696. A court need not first determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. Id. at 696-97.

1. Abandonment by Counsel

Applicant fails to demonstrate any abandonment by her counsels. To the contrary, the record establishes that Applicant’s counsels represented her for many months prior to her Alford

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plea. Pursuant to the *negotiated* plea, the charges of homicide by child abuse, involuntary manslaughter and unlawful neglect towards a child were dismissed *nolle prosequi*.

Applicant's counsels served the State with a discovery request pursuant to Rule 5, SCCrimP, and Brady v. Maryland, 373 U.S. 83 (1963). The State provided discovery materials to Applicant's counsels, who in turn reviewed them with Applicant and provided her copies. All the discovery materials and the State's plea offer were provided to Applicant months before the Alford plea, with the exception of a statement Applicant made to DSS in a case it had initiated against Applicant with respect to the same victim. The DSS statement was reviewed with Applicant before her plea.

Applicant's assertion that her trial counsel abandoned her requiring Applicant to choose between pleading guilty or representing herself is not supported by the evidence. The record establishes that Applicant and her attorneys had determined they would no longer represent Applicant. While not specifically stated, it appears Applicant and her attorneys' disagreement stemmed from their recommendation that Applicant accept the State's plea offer and Applicant's refusal to accept it. In fact, prior to her plea, Applicant signed a proposed Consent Order to relieve her attorneys.

The day of Applicant's plea, the parties were ostensibly before the Court to have Applicant's motion to be relieved heard. Instead, after prolonged discussions, Applicant plead under Alford.

Contrary to Applicant's assertions of abandonment, Applicant's counsel diligently continued to represent Applicant throughout the day, culminating in her plea. They continued to represent Applicant and to look after her interest despite what they describe as an "irreconcilable impasse." It is true that the plea court appeared to indicate that Applicant would be going to trial

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the following week if she didn't go through with her plea. However, the court never definitely ruled that her case would be called the following week. Furthermore, the plea offer had been extended to Applicant for several months and was set to expire. The state did agree to extend the offer by a few days.

Additionally, Applicant had been interviewing other potential attorneys to represent her for a while before her plea. She knew that the plea offer was time sensitive.

It is opined that Applicant did not like the advice she was receiving from her attorneys and therefore sought to terminate their services. Instead of proceeding with the motion to be relieved as they were entitled to do, Applicant's attorneys did the opposite of abandoning her. Her counsel stuck with her to insure that the plea went through. Applicant's allegation to the contrary is unsupported by facts.

Applicant never asked to represent herself nor were there any allegations that her conduct was such that she waived her right to counsel. In fact, Applicant represented to the Court that she had a new lawyer but continued to interview others. Accordingly, Applicant's assertion that the plea court should have reviewed the Faretta factors with her is misplaced. For all of these reasons, Applicant has failed to demonstrate abandonment by her counsels, and her request for relief by way of this allegation is **DENIED**.

2. Failure to Investigate

Applicant has failed to meet her burden of proof that her attorneys were ineffective in failing to adequately investigate her case and prepare a defense. In order to prevail upon a claim that counsel did not adequately prepare or investigate a case, an applicant must present evidence of what counsel could have discovered or what other defenses applicant could have requested counsel develop and present had counsel been more prepared. Harris v. State, 377 S.C. 66, 75-

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76, 659 S.E.2d 140, 145-46 (2008) (citing Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998)). Furthermore, an applicant must also present evidence to show how the discoverable matters or defenses would have resulted in a different outcome. Id. (citing Davis v. State, 326 S.C. 283, 288, 486 S.E.2d 747, 749 (1997); Skeen v. State, 325 S.C. 210, 214, 481 S.E.2d 129, 132 (1997)). Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id., 377 S.C. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

In support of her allegation, Applicant submits the testimony of Dr. Peter J. Dehnel, a Minnesotan pediatric "expert." First, the Court does not find Dr. Dehnel's testimony credible. Second, Mr. Ianuario did contact Dr. Dehnel, who was favorable, but was unable to find a *neurological* specialist willing and able to fill the gaps in Dr. Dehnel's own expertise. Though Dr. Dehnel testified at the evidentiary hearing in reliance upon the report of a separate expert, Dr. Gregory M. Shoukimas (Applicant's Exhibit #12), Dr. Shoukimas was not called to testify at the evidentiary hearing.

Furthermore, Mr. White and Mr. Denton also testified to the unsuccessful search for an expert to refute the State's case. The counsels did not find a credible expert that would support Applicant's story. Mr. Denton noted with particular emphasis that Dr. Dehnel was a pediatrician, not a forensic pediatric pathologist, and that two other experts he investigated, Dr. Joel S. Sexton and Dr. Kim Collins, informed counsels that the victim could not have died as Applicant indicated. Applicant gave at least four (4) statements to law enforcement, each inconsistent with one another. The existence of multiple statements, beyond being incriminating complicated counsel's search. Applicant's allegation is without factual support and is denied.

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3. Failure to Keep Informed, Advised

Applicant's assertion that counsels failed to keep her advised is denied. Applicant admitted that her attorneys provided her with the State's discovery and reviewed it with her months before her plea (except the DSS statement).

She also acknowledged that her attorneys had relayed the State's plea offer a long time before her plea. Applicant failed to establish what counsel allegedly failed to communicate with her or how this information would have caused her to go to trial instead of pleading. This claim is denied.

[Conclusion and signature on following page]

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III. CONCLUSION

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

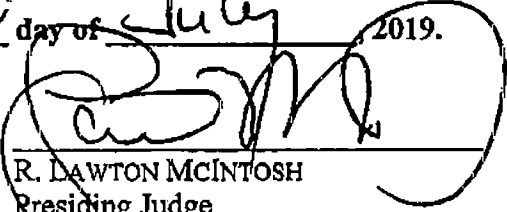
This Court notifies the Applicant that she must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRPC 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. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

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SPARTANBURG COUNTY
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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 South Carolina Department of Corrections.

AND IT IS SO ORDERED this 1ST day of July 2019.


R. DAWTON MCINTOSH
Residing Judge
Seventh Judicial Circuit

Anderson, South Carolina



State of South Carolina
The Circuit Court of the Tenth Judicial Circuit

R. Lawton McIntosh
Judge

Post Office Box 8002
100 South Main Street
Anderson, SC 29622-8002
Phone: (864) 260-4059
Fax: (864) 224-6320
lmcintoshj@sccourts.org

July 2, 2019

The Honorable M. Hope Blackley
Post Office Box 3483
Spartanburg, South Carolina 29304-3483

Dear Madame Clerk:

Please find enclosed an Order on Plaintiff's Motion for Expert Forensic IT Fees and Costs, which has been signed by Judge McIntosh in the following case:

Katie Harris SCDC 37017
CA No. 2017CP4202140

Please file this in your office and provide certified copies as appropriate to the attorneys of record pursuant to your customary procedure.

Thank you for your assistance in this matter.

Sincerely,

Tammy Jennings, Admin Assistant to
R. Lawton McIntosh, Judge
Tenth (10th) Judicial Circuit

tij

Enclosure

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2017 CP-42-02140

KATIE HARRIS
PLAINTIFF(S)

STATE OF SOUTH CAROLINA
DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <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), SCRCP; Rule 41(a), SCRCP (Vol. Nonsuit); Rule 43(k), SCRCP (Settled); Other -
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRCP; 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, TRIUNAL 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

PLAINTIFF'S MOTION FOR RECONSIDERATION IS DENIED WITHOUT THE NECESSITY OF A FORMAL HEARING. NO FORMAL ORDER IS REQUESTED UNLESS REQUESTED BY COUNSEL.

This order ends does not end the case.

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

2155
Judge Code

7-22-19
Date

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2018 JUL 26 AM 11:27

For Clerk of Court Office Use Only

This judgment was entered on the 16 day of July, 20 19 and a copy ^{emailed} ~~mailed~~ first class or placed in the appropriate attorney's box on this 16 day of July, 20 19 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Handwritten signature: Amy S. ...

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.

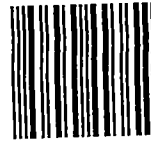
ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

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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CLERK OF COURT
SPARTANBURG COUNTY
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The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211