

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

OCT 29 2018

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
ROBERT E. HOOD, CIRCUIT COURT JUDGE

Case No. 2016-CP-40-6916
Appellate Case No. 2017-002577

Charles Eugene Carpenter,.....Appellant,

v.

South Carolina Department of Corrections and
The State of South Carolina, Respondents.

**RECORD ON APPEAL
VOLUME III OF III**

ALAN WILSON
Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737

Desa Ballard
Harvey M. Watson III
Ballard & Watson
P.O. Box 6338
West Columbia, South Carolina 29171
Telephone 803.796.9299
ATTORNEYS FOR APPELLANT

J. Clayton Mitchell
Assistant Attorney General
P.O. Box 11549
Columbia, South Carolina 29211
Telephone 803.734.3737
ATTORNEYS FOR RESPONDENT
THE STATE OF SOUTH CAROLINA

Damon C. Wlodarczyk
Riley Pope & Laney, LLC
P.O. Box 11412
Columbia, South Carolina 29211
Telephone 803.799.9993
ATTORNEY FOR RESPONDENT
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

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Certificate of Counsel

From: Harvey Watson
Sent: Friday, June 16, 2017 5:06 PM
To: Clay Mitchell; damonw@rplfirm.com
Cc: Desa Ballard; Beth Cogan
Subject: Carpenter
Attachments: General Release (executed).pdf

We prepared and had Mr. Carpenter sign a release of both the State and SCDC, as Judge Hood instructed, as a condition of habeas corpus being granted. I am delivering that to you via the attached copy, which includes an Exhibit A, a proposed order that would trigger the provisions of the release.

The proposed order must be substantially similar to the Exhibit attached to this release, but I see no reason it wouldn't be, since it gets this matter concluded while protecting you both from collateral attack/use of this order by other inmates, and without attributing any fault to your clients. If you want a word or two changed in the order then we have some leeway to do so, but it is purposefully bare bones, following the path Judge Hood laid out for everyone to reach the desired result as narrowly as possible.

We are prepared to submit the proposed order to Judge Hood as soon as we get the go ahead from you. Hopefully that approval from your end in principal has been in the works long enough by now that we can turn something around on Monday.

Unfortunately, Desa is out dealing with a death in her family, but we can reach her on and off if necessary. Look forward to hearing from you both soon to confirm and wrap this matter up ASAP.

Harvey M. Watson III
BALLARD & WATSON
P.O. Box 6338
West Columbia, SC 29171
P (803) 796-9299
F (803) 796-1066

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
)
 Charles Eugene Carpenter)
)
 Plaintiff)
 vs.)
)
 South Carolina Department of)
 Corrections, and State of South)
 Carolina)
 Defendant)

FIFTH JUDICIAL CIRCUIT
 IN THE COURT OF COMMON PLEAS

Case No. 2016-CP-40-6916

FULL GENERAL RELEASE
(not to be filed with the court)

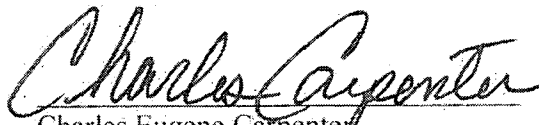
This full general release is executed by Charles Eugene Carpenter (hereafter "Carpenter"), in favor of Defendants South Carolina Department of Corrections (hereafter "SCDC") and the State of South Carolina (hereafter "the State").

In consideration for Defendants not objecting, contesting, appealing or otherwise attempting to invalidate the court's issuance of an order in the above-captioned matter that is substantially similar to the draft order attached hereto and incorporated herein as Exhibit A that resolves the instant matter via determination that Carpenter has fully completed his lawful sentences, Carpenter hereby releases and fully discharges SCDC, the State, and any and all of its present or former agents, employees or officials, and any and all insurers (hereafter "the Released Parties") from any and all claims, whether known or unknown, which Carpenter had, has, or may have in the future against the Released Parties, arising out of any matter from the beginning of time until entry of an order substantially similar to Exhibit A, including but not limited to the subject matter of the instant action or any matters that could have been raised in the instant action.

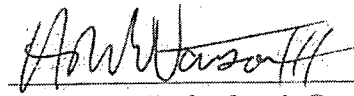
By his signature to this release, Carpenter intends to bind himself, his heirs, successors and assigns, agents, attorneys and all others who may now or in the future assert any claim on Carpenter's behalf against the released parties.

Carpenter understands and agrees that the Released Parties dispute the allegations of the complaint and petition in the above-captioned matter and their agreement not to object, contest, appeal or otherwise attempt to invalidate the Court's issuance of an order substantially similar to the exemplar attached hereto and incorporated herein as Exhibit A does not constitute an admission of liability on the part of any Released Party, each of whom specifically denies the truthfulness of the allegations and specifically denies any liability or wrongdoing of any kind.

WHEREFORE, Carpenter sets forth his hand and seal below, confirming that he intends to be and is bound by the Release set forth herein.


Charles Eugene Carpenter

Sworn to before me this
16 day of June, 2017.


Notary Public for South Carolina
My commission expires: 2-17-26

law have been made. The relief granted here shall not operate as precedent in any other matter, and this order may not be used collaterally in any other case by any person or entity not involved in the above-captioned matter.

IT IS ORDERED THAT the South Carolina Department of Corrections shall mark Carpenter's sentences on 90GS475001 and 90GS475002 as served in full and discharged in all respects. It is further ordered that Carpenter should be immediately released, unconditionally, from the custody of the South Carolina Department of Corrections, no later than 48 hours from service of a copy of this order upon counsel for the Department.

This matter is concluded.

AND IT IS SO ORDERED.

ROBERT E. HOOD
Circuit Court Judge, Fifth Judicial Circuit

June ____, 2017

Beth Cogan

ROA 0974

From: Harvey Watson
Sent: Friday, June 23, 2017 1:30 PM
To: damonw@rplfirm.com; Clay Mitchell
Cc: Desa Ballard; Beth Cogan
Subject: Carpenter v. SC DOC

AmicusFileId: 1938
AmicusFileName: Carpenter, Charles (Civil)
AmicusId: 353257
AmicusStatus: Saved

Gentlemen:

Desa sent you an email on 6/13/17 relaying confirmation from Mr. Carpenter that he was agreeable to the deal proposed by Judge Hood. She also requested input into any proposed order. Still have not heard from you, even after last Friday, when we sent you a proposed order we prepared on our own along with signed confirmation from Carpenter that he was ready to follow through on his end of the proposed resolution of this matter.

Since you've been quiet, we've assumed you were both busy working out details with your clients and would come back with some joint proposal soon. In the interim, we would appreciate a quick status update from one or both of you as to progress in that regard.

Look forward to hearing something from you as soon as possible. Thanks,

Harvey M. Watson III
BALLARD & WATSON
P.O. Box 6338
West Columbia, SC 29171
P (803) 796-9299
F (803) 796-1066

ROA 0974

Desa Ballard

ROA 0975

From: Damon Wlodarczyk <damonW@rplfirm.com>
Sent: Friday, June 23, 2017 1:37 PM
To: Harvey Watson; Clay Mitchell
Cc: Desa Ballard; Beth Cogan
Subject: RE: Carpenter v. SC DOC

All –

As to SCDC, the department is unable to alter or amend Mr. Carpenter's sentence as doing so would be in direct contravention of the unambiguous sentencing sheets and the statutes under which he was sentenced.

Thank you,

Damon C. Wlodarczyk
Attorney and Counselor at Law
Riley Pope & Laney, LLC
2838 Devine Street
Post Office Box 11412 (29211)
Columbia, South Carolina 29205
Office: 803-799-9993
Facsimile: 803-239-1414
E-mail: damonw@rplfirm.com
Web: www.rplfirm.com

Confidential and Privileged

Unless otherwise indicated or obvious from its nature, the information contained in this communication is attorney-client privileged and confidential information/work product. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return email and destroy any copies – electronic, paper or otherwise – which you may have of this communication.

From: Harvey Watson [mailto:harvey@desaballard.com]
Sent: Friday, June 23, 2017 1:30 PM
To: Damon Wlodarczyk <damonW@rplfirm.com>; Clay Mitchell <CMitchell@scag.gov>
Cc: Desa Ballard <desab@desaballard.com>; Beth Cogan <Beth@desaballard.com>
Subject: Carpenter v. SC DOC

Gentlemen:

Desa sent you an email on 6/13/17 relaying confirmation from Mr. Carpenter that he was agreeable to the deal proposed by Judge Hood. She also requested input into any proposed order. Still have not heard from you, even after last Friday, when we sent you a proposed order we prepared on our own along with signed confirmation from Carpenter that he was ready to follow through on his end of the proposed resolution of this matter.

Since you've been quiet, we've assumed you were both busy working out details with your clients and would come back with some joint proposal soon. In the interim, we would appreciate a quick status update from one or both of you as to progress in that regard.

ROA 0975

Look forward to hearing something from you as soon as possible. Thanks,

ROA 0976

Harvey M. Watson III
BALLARD & WATSON
P.O. Box 6338
West Columbia, SC 29171
P (803) 796-9299
F (803) 796-1066

ROA 0976

From: [Clay Mitchell](#)
To: [Damon Wlodarczyk](#); [Harvey Watson](#)
Cc: [Desa Ballard](#); [Beth Cogan](#)
Subject: RE: Carpenter v. SC DOC
Date: Friday, June 23, 2017 2:06:26 PM

ROA 0977

We will not be able to consent to Mr. Carpenter's release. It's our position that the conviction and sentence are valid and that his Constitutional rights have not been and are not being violated.

Clay

From: Damon Wlodarczyk [<mailto:damonW@rplfirm.com>]
Sent: Friday, June 23, 2017 1:37 PM
To: Harvey Watson; Clay Mitchell
Cc: Desa Ballard; Beth Cogan
Subject: RE: Carpenter v. SC DOC

All –

As to SCDC, the department is unable to alter or amend Mr. Carpenter's sentence as doing so would be in direct contravention of the unambiguous sentencing sheets and the statutes under which he was sentenced.

Thank you,

Damon C. Wlodarczyk
Attorney and Counselor at Law
Riley Pope & Laney, LLC
2838 Devine Street
Post Office Box 11412 (29211)
Columbia, South Carolina 29205
Office: 803-799-9993
Facsimile: 803-239-1414
E-mail: damonw@rplfirm.com
Web: www.rplfirm.com

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From: Harvey Watson [<mailto:harvey@desaballard.com>]
Sent: Friday, June 23, 2017 1:30 PM
To: Damon Wlodarczyk <damonW@rplfirm.com>; Clay Mitchell <CMitchell@scag.gov>
Cc: Desa Ballard <desab@desabaliard.com>; Beth Cogan <Beth@desaballard.com>
Subject: Carpenter v. SC DOC

ROA 0977

Gentlemen:

Desa sent you an email on 6/13/17 relaying confirmation from Mr. Carpenter that he was agreeable to the deal proposed by Judge Hood. She also requested input into any proposed order. Still have not heard from you, even after last Friday, when we sent you a proposed order we prepared on our own along with signed confirmation from Carpenter that he was ready to follow through on his end of the proposed resolution of this matter.

Since you've been quiet, we've assumed you were both busy working out details with your clients and would come back with some joint proposal soon. In the interim, we would appreciate a quick status update from one or both of you as to progress in that regard.

Look forward to hearing something from you as soon as possible. Thanks,

Harvey M. Watson III
BALLARD & WATSON
P.O. Box 6338
West Columbia, SC 29171
P (803) 796-9299
F (803) 796-1066

Beth Cogan

ROA 0979

From: Desa Ballard
Sent: Monday, June 26, 2017 12:02 PM
To: Hood, Robert E. Law Clerk,(Alexa Kluska); rhood@sccourts.org
Cc: Damon Wlodarczyk; Clay Mitchell; Beth Cogan; Mara Ballard
Subject: Charles Carpenter v. State, Case No. 2016-CP-40-6916
Attachments: Ex A.pdf; Ex F.pdf; Ex E.pdf; Ex D.pdf; Ex C.pdf; Ex B.pdf; Order Granting Habeas Corpus - for Judge Hood.docx

Judge Hood:

Following our status conference on June 13, 2017, we reached Mr. Carpenter directly by phone, and he agreed to your proposed resolution of the case in principal. At 4:14 PM that same day, I emailed defense counsel and advised them of Mr. Carpenter's indicated consent. I also advised I would begin preparing documents that would effectuate the resolution you suggested. **Exhibit A.** We heard nothing in response from defense counsel, and assumed they were then waiting on proposed documents we had promised to provide.

On June 16, 2017, my partner met personally with Mr. Carpenter at Evans Correctional Institution, and Mr. Carpenter signed a form release to confirm our earlier indication that he had agreed in principal and was ready to finalize the matter. We forwarded a copy of the signed release to defense counsel that afternoon, June 16, 2017. **Exhibits B and C.** Again, we heard nothing in response.

My mother-in-law died, and I was out of the office traveling and attending to the usual matters in such circumstances for a few days thereafter. Having waited long enough for a response by the end of that period, however, we reached out for a status update this past Friday, June 23, 2017. **Exhibit D.** Both defense counsel responded within minutes and definitively indicated no deal would be made. I have attached their responses. **Exhibit E and F.**

I have carefully studied both responses. Damon says SCDC "is unable to alter or amend Mr. Carpenter's sentence. . ." **Exhibit E.** Clay says the AG "will not be able to consent to Mr. Carpenter's release. . ." **Exhibit F.**

Ready strictly, neither response actually objects to the release or proposed order which incorporate your suggested resolution; the responses carefully say neither will take any affirmative actions. I cannot tell if the responses are carefully worded to prevent a record of either defendant affirmatively consenting to the relief you indicated would result from Mr. Carpenter's execution of a release; or whether the wording is intended to be an affirmative objection from one or both defendants.

For those reasons, we are attaching a proposed order for your consideration (in Word format). This proposed order seems to accomplish what you instructed on June 13, 2017, reaching a very narrow resolution to the matter without requiring any affirmative action by either defendant **ROA 0979**

If this proposed order is not in line with your instructions, or Defendants object and want to force a detailed order to be issued as to the depth and breadth of all meritorious claims raised by Plaintiff that were discussed at the motions hearing, Plaintiff requests an opportunity to submit a more detailed proposed order granting the relief requested by Mr. Carpenter in his petition and complaint. That would, of course, not include a release to SCDC or the AG as contemplated with this narrow order, and would require additional time beyond today to draft and submit for your consideration.

We await further direction. If you believe another status conference is in order, I am working from my second home, so I would need approximately a day's notice before I could attend. Even so, I can be there as early as tomorrow because we have sought to expedite this matter from the start and are committed to having this matter resolved as expeditiously as justly possible.

The contents of this e mail will be incorporated into a letter to be filed with the Clerk of Court to preserve the record.

Thank you for your assistance.

Desa Ballard

ROA 0980

From: Desa Ballard
To: "[Damon Wlodarczyk](#)"; [Clay Mitchell](#)
Cc: [Harvey Watson](#); [Beth Cogan](#); [Beth Cogan](#); [Mara Ballard](#)
Subject: Charles Carpenter
Date: Tuesday, June 13, 2017 4:14:00 PM

ROA 0981

We finally were able to reach Mr. Carpenter by phone. He is agreeable to the deal proposed by Judge Hood.

I will begin preparing documents. Suggestions for the order are welcome.

db

ROA 0981

From: [Beth Cogan](#)
To: [Desa Ballard](#)
Cc: [Harvey Watson](#)
Subject: FW: Carpenter
Date: Monday, June 26, 2017 10:27:16 AM
Attachments: [General Release \(executed\).pdf](#)

ROA 0982

From: Harvey Watson
Sent: Friday, June 16, 2017 5:06 PM
To: Clay Mitchell <CMitchell@scag.gov>; damonw@rplfirm.com
Cc: Desa Ballard <desab@desaballard.com>; Beth Cogan <Beth@desaballard.com>
Subject: Carpenter

We prepared and had Mr. Carpenter sign a release of both the State and SCDC, as Judge Hood instructed, as a condition of habeas corpus being granted. I am delivering that to you via the attached copy, which includes an Exhibit A, a proposed order that would trigger the provisions of the release.

The proposed order must be substantially similar to the Exhibit attached to this release, but I see no reason it wouldn't be, since it gets this matter concluded while protecting you both from collateral attack/use of this order by other inmates, and without attributing any fault to your clients. If you want a word or two changed in the order then we have some leeway to do so, but it is purposefully bare bones, following the path Judge Hood laid out for everyone to reach the desired result as narrowly as possible.

We are prepared to submit the proposed order to Judge Hood as soon as we get the go ahead from you. Hopefully that approval from your end in principal has been in the works long enough by now that we can turn something around on Monday.

Unfortunately, Desa is out dealing with a death in her family, but we can reach her on and off if necessary. Look forward to hearing from you both soon to confirm and wrap this matter up ASAP.

Harvey M. Watson III
BALLARD & WATSON
P.O. Box 6338

ROA 0982

West Columbia, SC 29171

P (803) 796-9299

F (803) 796-1066

ROA 0983

ROA 0983

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 Charles Eugene Carpenter)
)
 Plaintiff)
 vs.)
)
 South Carolina Department of)
 Corrections, and State of South)
 Carolina)
 Defendant)

FIFTH JUDICIAL CIRCUIT
 IN THE COURT OF COMMON PLEAS

Case No. 2016-CP-40-6916

FULL GENERAL RELEASE
(not to be filed with the court)

This full general release is executed by Charles Eugene Carpenter (hereafter "Carpenter"), in favor of Defendants South Carolina Department of Corrections (hereafter "SCDC") and the State of South Carolina (hereafter "the State").

In consideration for Defendants not objecting, contesting, appealing or otherwise attempting to invalidate the court's issuance of an order in the above-captioned matter that is substantially similar to the draft order attached hereto and incorporated herein as Exhibit A that resolves the instant matter via determination that Carpenter has fully completed his lawful sentences, Carpenter hereby releases and fully discharges SCDC, the State, and any and all of its present or former agents, employees or officials, and any and all insurers (hereafter "the Released Parties") from any and all claims, whether known or unknown, which Carpenter had, has, or may have in the future against the Released Parties, arising out of any matter from the beginning of time until entry of an order substantially similar to Exhibit A, including but not limited to the subject matter of the instant action or any matters that could have been raised in the instant action.

By his signature to this release, Carpenter intends to bind himself, his heirs, successors and assigns, agents, attorneys and all others who may now or in the future assert any claim on Carpenter's behalf against the released parties.

Carpenter understands and agrees that the Released Parties dispute the allegations of the complaint and petition in the above-captioned matter and their agreement not to object, contest, appeal or otherwise attempt to invalidate the Court's issuance of an order substantially similar to the exemplar attached hereto and incorporated herein as Exhibit A does not constitute an admission of liability on the part of any Released Party, each of whom specifically denies the truthfulness of the allegations and specifically denies any liability or wrongdoing of any kind.

WHEREFORE, Carpenter sets forth his hand and seal below, confirming that he intends to be and is bound by the Release set forth herein.


Charles Eugene Carpenter

Sworn to before me this
16 day of June, 2017.

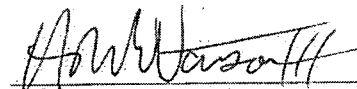

Notary Public for South Carolina
My commission expires: 2-17-26

EXHIBIT A

ROA 0986

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Charles Eugene Carpenter)
)
Plaintiff)
vs.)
)
South Carolina Department of)
)
Corrections, and State of South)
)
Carolina)
Defendant)

FIFTH JUDICIAL CIRCUIT
IN THE COURT OF COMMON PLEAS

Case No. 2016-CP-40-6916

ORDER GRANTING HABEAS CORPUS

Plaintiff Charles Eugene Carpenter (hereafter "Carpenter") brought this declaratory judgment action and petition for writ of habeas corpus asserting he was being detained after the expiration of his sentence and should be immediately released from the custody of the South Carolina Department of Corrections. A hearing was held in which the parties agreed the facts were undisputed and each party put forth their respective legal arguments as to the merits. The matter was under advisement by the Court until notification that the parties reached a resolution as to all issues in the case.

This Court now issues a writ of habeas corpus to Carpenter, directing his unconditional release from custody on 90GS475001 and 90GS475002 based upon his completion of his lawful period of confinement and all other terms of his sentences. Defendants maintain their defenses raised in this action, continue to dispute the claims asserted in this action, and expressly assert that the issuance of this writ does not constitute an acknowledgement of any wrongdoing on their part or that the claims raised by Carpenter in this action have merit.

Having reviewed the pleadings and after hearing argument from all parties, I conclude a writ of habeas corpus releasing Carpenter from custody adequately and appropriately resolves all issues raised in the action as a just and fair result under the circumstances. No findings of fact or

law have been made. The relief granted here shall not operate as precedent in any other matter, and this order may not be used collaterally in any other case by any person or entity not involved in the above-captioned matter.

IT IS ORDERED THAT the South Carolina Department of Corrections shall mark Carpenter's sentences on 90GS475001 and 90GS475002 as served in full and discharged in all respects. It is further ordered that Carpenter should be immediately released, unconditionally, from the custody of the South Carolina Department of Corrections, no later than 48 hours from service of a copy of this order upon counsel for the Department.

This matter is concluded.

AND IT IS SO ORDERED.

ROBERT E. HOOD
Circuit Court Judge, Fifth Judicial Circuit

June ____, 2017

From: [Harvey Watson](#)
To: damonw@rplfirm.com; [Clay Mitchell](#)
Cc: [Desa Ballard](#); [Beth Cogan](#)
Subject: Carpenter v. SC DOC
Date: Friday, June 23, 2017 1:30:09 PM

ROA 0988

Gentlemen:

Desa sent you an email on 6/13/17 relaying confirmation from Mr. Carpenter that he was agreeable to the deal proposed by Judge Hood. She also requested input into any proposed order. Still have not heard from you, even after last Friday, when we sent you a proposed order we prepared on our own along with signed confirmation from Carpenter that he was ready to follow through on his end of the proposed resolution of this matter.

Since you've been quiet, we've assumed you were both busy working out details with your clients and would come back with some joint proposal soon. In the interim, we would appreciate a quick status update from one or both of you as to progress in that regard.

Look forward to hearing something from you as soon as possible. Thanks,

Harvey M. Watson III
BALLARD & WATSON
P.O. Box 6338
West Columbia, SC 29171
P (803) 796-9299
F (803) 796-1066

ROA 0988

From: [Damon Wlodarczyk](#)
To: [Harvey Watson](#); [Clay Mitchell](#)
Cc: [Desa Ballard](#); [Beth Cogan](#)
Subject: RE: Carpenter v. SC DOC
Date: Friday, June 23, 2017 1:37:22 PM

ROA 0989

All –

As to SCDC, the department is unable to alter or amend Mr. Carpenter's sentence as doing so would be in direct contravention of the unambiguous sentencing sheets and the statutes under which he was sentenced.

Thank you,

Damon C. Wlodarczyk
Attorney and Counselor at Law
Riley Pope & Laney, LLC
2838 Devine Street
Post Office Box 11412 (29211)
Columbia, South Carolina 29205
Office: 803-799-9993
Facsimile: 803-239-1414
E-mail: damonw@rplfirm.com
Web: www.rplfirm.com

Confidential and Privileged

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From: Harvey Watson [mailto:harvey@desaballard.com]
Sent: Friday, June 23, 2017 1:30 PM
To: Damon Wlodarczyk <damonW@rplfirm.com>; Clay Mitchell <CMitchell@scag.gov>
Cc: Desa Ballard <desab@desaballard.com>; Beth Cogan <Beth@desaballard.com>
Subject: Carpenter v. SC DOC

Gentlemen:

Desa sent you an email on 6/13/17 relaying confirmation from Mr. Carpenter that he was agreeable to the deal proposed by Judge Hood. She also requested input into any proposed order. Still have not heard from you, even after last Friday, when we sent you a proposed order we prepared on our own along with signed confirmation from Carpenter that he was ready to follow through on his end of the proposed resolution of this matter.

ROA 0989

ROA 0990

Since you've been quiet, we've assumed you were both busy working out details with your clients and would come back with some joint proposal soon. In the interim, we would appreciate a quick status update from one or both of you as to progress in that regard.

Look forward to hearing something from you as soon as possible. Thanks,

Harvey M. Watson III
BALLARD & WATSON
P.O. Box 6338
West Columbia, SC 29171
P (803) 796-9299
F (803) 796-1066

ROA 0990

From: [Clay Mitchell](#)
To: [Damon Wlodarczyk](#); [Harvey Watson](#)
Cc: [Desa Ballard](#); [Beth Cogan](#)
Subject: RE: Carpenter v. SC DOC
Date: Friday, June 23, 2017 2:06:26 PM

ROA 0991

We will not be able to consent to Mr. Carpenter's release. It's our position that the conviction and sentence are valid and that his Constitutional rights have not been and are not being violated.

Clay

From: Damon Wlodarczyk [<mailto:damonW@rplfirm.com>]
Sent: Friday, June 23, 2017 1:37 PM
To: Harvey Watson; Clay Mitchell
Cc: Desa Ballard; Beth Cogan
Subject: RE: Carpenter v. SC DOC

All –

As to SCDC, the department is unable to alter or amend Mr. Carpenter's sentence as doing so would be in direct contravention of the unambiguous sentencing sheets and the statutes under which he was sentenced.

Thank you,

Damon C. Wlodarczyk
Attorney and Counselor at Law
Riley Pope & Laney, LLC
2838 Devine Street
Post Office Box 11412 (29211)
Columbia, South Carolina 29205
Office: 803-799-9993
Facsimile: 803-239-1414
E-mail: damonw@rplfirm.com
Web: www.rplfirm.com

Confidential and Privileged

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From: Harvey Watson [<mailto:harvey@desaballard.com>]
Sent: Friday, June 23, 2017 1:30 PM
To: Damon Wlodarczyk <damonW@rplfirm.com>; Clay Mitchell <CMitchell@scag.gov>
Cc: Desa Ballard <desab@desaballard.com>; Beth Cogan <Beth@desaballard.com>
Subject: Carpenter v. SC DOC

ROA 0991

Gentlemen:

Desa sent you an email on 6/13/17 relaying confirmation from Mr. Carpenter that he was agreeable to the deal proposed by Judge Hood. She also requested input into any proposed order. Still have not heard from you, even after last Friday, when we sent you a proposed order we prepared on our own along with signed confirmation from Carpenter that he was ready to follow through on his end of the proposed resolution of this matter.

Since you've been quiet, we've assumed you were both busy working out details with your clients and would come back with some joint proposal soon. In the interim, we would appreciate a quick status update from one or both of you as to progress in that regard.

Look forward to hearing something from you as soon as possible. Thanks,

Harvey M. Watson III
BALLARD & WATSON
P.O. Box 6338
West Columbia, SC 29171
P (803) 796-9299
F (803) 796-1066

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 Charles Eugene Carpenter)
)
 Plaintiff)
 vs.)
)
 South Carolina Department of)
 Corrections, and State of South)
 Carolina)
 Defendant)

FIFTH JUDICIAL CIRCUIT

IN THE COURT OF COMMON PLEAS

Case No. 2016-CP-40-6916

ORDER GRANTING HABEAS CORPUS

Plaintiff Charles Eugene Carpenter (hereafter “Carpenter”) brought this declaratory judgment action and petition for writ of habeas corpus asserting he was being detained after the expiration of his sentence and should be immediately released from the custody of the South Carolina Department of Corrections. A hearing was held in which the parties agreed the facts were undisputed and each party put forth their respective legal arguments as to the merits. The matter was under advisement by the Court. Counsel met with the Court for a status conference on June 13, 2017 to further discuss the issues. At that time, the Court asked both defendants to notify the Court and the parties if they had any affirmative objections to the relief granted herein. No objections have been received from either defendant.

This Court now issues a writ of habeas corpus to Carpenter, directing his unconditional release from custody on 90GS475001 and 90GS475002 based upon his completion of his lawful period of confinement and all other terms of his sentences. Defendants maintain their defenses raised in this action, continue to dispute the claims asserted in this action, and expressly assert that the issuance of this writ does not constitute an acknowledgement of any wrongdoing on their part or that the claims raised by Carpenter in this action have merit.

Having reviewed the pleadings and after hearing argument from all parties, I conclude a

writ of habeas corpus releasing Carpenter from custody adequately and appropriately resolves all issues raised in the action as a just and fair result under the circumstances. No findings of fact regarding the allegations made by Plaintiff have been made. The relief granted here shall not operate as precedent in any other matter, and this order may not be used collaterally in any other case by any person or entity not involved in the above-captioned matter.

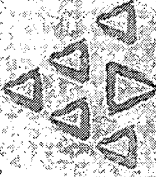
IT IS ORDERED THAT the South Carolina Department of Corrections shall mark Carpenter's sentences on 90GS475001 and 90GS475002 as served in full and discharged in all respects. It is further ordered that Carpenter should be immediately released, unconditionally, from the custody of the South Carolina Department of Corrections, no later than 48 hours from service of a copy of this order upon counsel for the Department.

This matter is concluded.

AND IT IS SO ORDERED.

ROBERT E. HOOD
Circuit Court Judge, Fifth Judicial Circuit

June ____, 2017



Ballard & Watson
Attorneys at Law

PERSISTENT. UNWAVERING.

Desa Ballard
ROA 0995 M. Watson III

June 28, 2017

Via U.S. Mail

Honorable Jeanette McBride
Richland County Clerk of Court
Post Office Box 2766
Columbia, South Carolina 29202

Post Office Box 6338 | West Columbia, SC 29171
226 State Street | West Columbia, SC 29169
ph 803.796.9299 | fx 803.796.1066 | desaballard.com

Re: *Charles Eugene Carpenter v. South Carolina Department of Corrections*
Case No. 2016-CP-40-6916

Dear Ms. McBride:

Enclosed for filing, please find an original and one copy of recent correspondence and a proposed order provided to Judge Hood earlier this week. We have been in contact with his assistant and are aware that Judge Hood is currently on vacation. However, we are submitting the enclosed documents and requesting that they be filed of record in the above-referenced matter. Also enclosed is a check for \$25.00 for the fee that may be applicable because there was a proposed order provided for Judge Hood's consideration.

Please have your office file this correspondence and its attachments before returning a clocked-in copy via our self-addressed stamped envelope that is provided. If you have any questions or concerns, please do not hesitate to contact our office.

With warm personal regards, I am,

Sincerely yours,

Desa Ballard
desab@desaballard.com

Enclosure

cc: *Via U.S. Mail*
The Honorable Robert Hood
Damon Wlodarczyk, Esquire
Clay Mitchell, Esquire
Charles Collini, Esquire (via email)
Charles Carpenter (via U.S. mail)

ROA 0995

From: Desa Ballard
Sent: Monday, June 26, 2017 12:02 PM
To: Hood, Robert E. Law Clerk (Alexa Kluska); rhood@sccourts.org
Cc: Damon Wlodarczyk; Clay Mitchell; Beth Cogan; Mara Ballard
Subject: Charles Carpenter v. State, Case No. 2016-CP-40-6916
Attachments: Ex A.pdf; Ex F.pdf; Ex E.pdf; Ex D.pdf; Ex C.pdf; Ex B.pdf; Order Granting Habeas Corpus - for Judge Hood.docx

Judge Hood:

Following our status conference on June 13, 2017, we reached Mr. Carpenter directly by phone, and he agreed to your proposed resolution of the case in principal. At 4:14 PM that same day, I emailed defense counsel and advised them of Mr. Carpenter's indicated consent. I also advised I would begin preparing documents that would effectuate the resolution you suggested. **Exhibit A.** We heard nothing in response from defense counsel, and assumed they were then waiting on proposed documents we had promised to provide.

On June 16, 2017, my partner met personally with Mr. Carpenter at Evans Correctional Institution, and Mr. Carpenter signed a form release to confirm our earlier indication that he had agreed in principal and was ready to finalize the matter. We forwarded a copy of the signed release to defense counsel that afternoon, June 16, 2017. **Exhibits B and C.** Again, we heard nothing in response.

My mother-in-law died, and I was out of the office traveling and attending to the usual matters in such circumstances for a few days thereafter. Having waited long enough for a response by the end of that period, however, we reached out for a status update this past Friday, June 23, 2017. **Exhibit D.** Both defense counsel responded within minutes and definitively indicated no deal would be made. I have attached their responses. **Exhibit E and F.**

I have carefully studied both responses. Damon says SCDC "is unable to alter or amend Mr. Carpenter's sentence. . ." **Exhibit E.** Clay says the AG "will not be able to consent to Mr. Carpenter's release. . ." **Exhibit F.**

Ready strictly, neither response actually objects to the release or proposed order which incorporate your suggested resolution; the responses carefully say neither will take any affirmative actions. I cannot tell if the responses are carefully worded to prevent a record of either defendant affirmatively consenting to the relief you indicated would result from Mr. Carpenter's execution of a release; or whether the wording is intended to be an affirmative objection from one or both defendants.

For those reasons, we are attaching a proposed order for your consideration (in Word format). This proposed order seems to accomplish what you instructed on June 13, 2017, reaching a very narrow resolution to the matter without requiring any affirmative action by either defendant.

If this proposed order is not in line with your instructions, or Defendants object and want to force a detailed order to be issued as to the depth and breadth of all meritorious claims raised by Plaintiff that were discussed at the motions hearing, Plaintiff requests an opportunity to submit a more detailed proposed order granting the relief requested by Mr. Carpenter in his petition and complaint. That would, of course, not include a release to SCDC or the AG as contemplated with this narrow order, and would require additional time beyond today to draft and submit for your consideration.

We await further direction. If you believe another status conference is in order, I am working from my second home, so I would need approximately a day's notice before I could attend. Even so, I can be there as early as tomorrow because we have sought to expedite this matter from the start and are committed to having this matter resolved as expeditiously as justly possible.

The contents of this e mail will be incorporated into a letter to be filed with the Clerk of Court to preserve the record.

Thank you for your assistance.

Desa Ballard



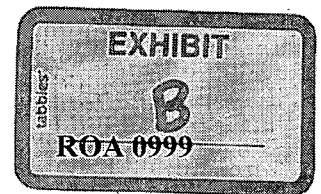
From: Desa Ballard
To: "Damon Wlodarczyk"; Clay Mitchell
Cc: Harvey Watson; Beth Cogan; Beth Cogan; Mara Ballard
Subject: Charles Carpenter
Date: Tuesday, June 13, 2017 4:14:00 PM

We finally were able to reach Mr. Carpenter by phone. He is agreeable to the deal proposed by Judge Hood.

I will begin preparing documents. Suggestions for the order are welcome.

db

ROA 0998



From: [Beth Cogan](#)
To: [Desa Ballard](#)
Cc: [Harvey Watson](#)
Subject: FW: Carpenter
Date: Monday, June 26, 2017 10:27:16 AM
Attachments: [General Release \(executed\).pdf](#)

From: Harvey Watson
Sent: Friday, June 16, 2017 5:06 PM
To: Clay Mitchell <CMitchell@scag.gov>; damonw@rplfirm.com
Cc: Desa Ballard <desab@desaballard.com>; Beth Cogan <Beth@desaballard.com>
Subject: Carpenter

We prepared and had Mr. Carpenter sign a release of both the State and SCDC, as Judge Hood instructed, as a condition of habeas corpus being granted. I am delivering that to you via the attached copy, which includes an Exhibit A, a proposed order that would trigger the provisions of the release.

The proposed order must be substantially similar to the Exhibit attached to this release, but I see no reason it wouldn't be, since it gets this matter concluded while protecting you both from collateral attack/use of this order by other inmates, and without attributing any fault to your clients. If you want a word or two changed in the order then we have some leeway to do so, but it is purposefully bare bones, following the path Judge Hood laid out for everyone to reach the desired result as narrowly as possible.

We are prepared to submit the proposed order to Judge Hood as soon as we get the go ahead from you. Hopefully that approval from your end in principal has been in the works long enough by now that we can turn something around on Monday.

Unfortunately, Desa is out dealing with a death in her family, but we can reach her on and off if necessary. Look forward to hearing from you both soon to confirm and wrap this matter up ASAP.

Harvey M. Watson III
BALLARD & WATSON
P.O. Box 6338

ROA 0999

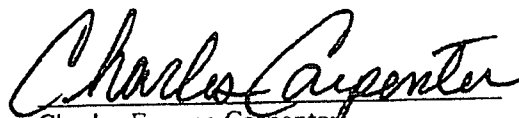
West Columbia, SC 29171
P (803) 796-9299
F (803) 796-1066

ROA 1000

ROA 1000

Carpenter understands and agrees that the Released Parties dispute the allegations of the complaint and petition in the above-captioned matter and their agreement not to object, contest, appeal or otherwise attempt to invalidate the Court's issuance of an order substantially similar to the exemplar attached hereto and incorporated herein as Exhibit A does not constitute an admission of liability on the part of any Released Party, each of whom specifically denies the truthfulness of the allegations and specifically denies any liability or wrongdoing of any kind.

WHEREFORE, Carpenter sets forth his hand and seal below, confirming that he intends to be and is bound by the Release set forth herein.


Charles Eugene Carpenter

Sworn to before me this
16 day of June, 2017.


Notary Public for South Carolina

My commission expires: 2-17-26

law have been made. The relief granted here shall not operate as precedent in any other matter, and this order may not be used collaterally in any other case by any person or entity not involved in the above-captioned matter.

IT IS ORDERED THAT the South Carolina Department of Corrections shall mark Carpenter's sentences on 90GS475001 and 90GS475002 as served in full and discharged in all respects. It is further ordered that Carpenter should be immediately released, unconditionally, from the custody of the South Carolina Department of Corrections, no later than 48 hours from service of a copy of this order upon counsel for the Department.

This matter is concluded.

AND IT IS SO ORDERED.

ROBERT E. HOOD
Circuit Court Judge, Fifth Judicial Circuit

June ____, 2017



From: [Harvey Watson](#)
To: [damonw@rolfirm.com](#); [Clay Mitchell](#)
Cc: [Desa Ballard](#); [Beth Cogan](#)
Subject: Carpenter v. SC DOC
Date: Friday, June 23, 2017 1:30:09 PM

Gentlemen:

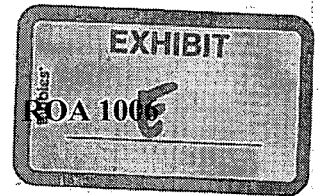
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Since you've been quiet, we've assumed you were both busy working out details with your clients and would come back with some joint proposal soon. In the interim, we would appreciate a quick status update from one or both of you as to progress in that regard.

Look forward to hearing something from you as soon as possible. Thanks,

Harvey M. Watson III
BALLARD & WATSON
P.O. Box 6338
West Columbia, SC 29171
P (803) 796-9299
F (803) 796-1066

ROA 1005



From: [Damon Wlodarczyk](#)
To: [Harvey Watson](#); [Clay Mitchell](#)
Cc: [Desa Ballard](#); [Beth Cogan](#)
Subject: RE: Carpenter v. SC DOC
Date: Friday, June 23, 2017 1:37:22 PM

All –

As to SCDC, the department is unable to alter or amend Mr. Carpenter's sentence as doing so would be in direct contravention of the unambiguous sentencing sheets and the statutes under which he was sentenced.

Thank you,

Damon C. Wlodarczyk
Attorney and Counselor at Law
Riley Pope & Laney, LLC
2838 Devine Street
Post Office Box 11412 (29211)
Columbia, South Carolina 29205
Office: 803-799-9993
Facsimile: 803-239-1414
E-mail: damonw@rplfirm.com
Web: www.rplfirm.com

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From: Harvey Watson [<mailto:harvey@desaballard.com>]
Sent: Friday, June 23, 2017 1:30 PM
To: Damon Wlodarczyk <damonW@rplfirm.com>; Clay Mitchell <CMitchell@scag.gov>
Cc: Desa Ballard <desab@desaballard.com>; Beth Cogan <Beth@desaballard.com>
Subject: Carpenter v. SC DOC

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ROA 1006

Since you've been quiet, we've assumed you were both busy working out details with your clients and would come back with some joint proposal soon. In the interim, we would appreciate a quick status update from one or both of you as to progress in that regard.

Look forward to hearing something from you as soon as possible. Thanks,

Harvey M. Watson III
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West Columbia, SC 29171
P (803) 796-9299
F (803) 796-1066



From: Clay Mitchell
To: Damon Wlodarczyk; Harvey Watson
Cc: Desa Ballard; Beth Cogan
Subject: RE: Carpenter v. SC DOC
Date: Friday, June 23, 2017 2:06:26 PM

We will not be able to consent to Mr. Carpenter's release. It's our position that the conviction and sentence are valid and that his Constitutional rights have not been and are not being violated.

Clay

From: Damon Wlodarczyk [mailto:damonW@rplfirm.com]
Sent: Friday, June 23, 2017 1:37 PM
To: Harvey Watson; Clay Mitchell
Cc: Desa Ballard; Beth Cogan
Subject: RE: Carpenter v. SC DOC

All -

As to SCDC, the department is unable to alter or amend Mr. Carpenter's sentence as doing so would be in direct contravention of the unambiguous sentencing sheets and the statutes under which he was sentenced.

Thank you,

Damon C. Wlodarczyk
Attorney and Counselor at Law
Riley Pope & Laney, LLC
2838 Devine Street
Post Office Box 11412 (29211)
Columbia, South Carolina 29205
Office: 803-799-9993
Facsimile: 803-239-1414
E-mail: damonw@rplfirm.com
Web: www.rplfirm.com

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From: Harvey Watson [mailto:harvey@desaballard.com]
Sent: Friday, June 23, 2017 1:30 PM
To: Damon Wlodarczyk <damonW@rplfirm.com>; Clay Mitchell <CMitchell@scag.gov>
Cc: Desa Ballard <desab@desaballard.com>; Beth Cogan <Beth@desaballard.com>
Subject: Carpenter v. SC,DOC

ROA 1008

Gentlemen:

Desa sent you an email on 6/13/17 relaying confirmation from Mr. Carpenter that he was agreeable to the deal proposed by Judge Hood. She also requested input into any proposed order. Still have not heard from you, even after last Friday, when we sent you a proposed order we prepared on our own along with signed confirmation from Carpenter that he was ready to follow through on his end of the proposed resolution of this matter.

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Harvey M. Watson III
BALLARD & WATSON
P.O. Box 6338
West Columbia, SC 29171
P (803) 796-9299
F (803) 796-1066

CLERK'S VERIFICATION

ROA 1011

Collected by: _____ Date Filed: _____

MOTION FEE COLLECTED: \$ _____

CONTESTED - AMOUNT DUE: \$ _____

SCCA 233 (11/2003)

ROA 1011

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 Charles Eugene Carpenter)
)
 Plaintiff)
 vs.)
)
 South Carolina Department of)
 Corrections, and State of South)
 Carolina)
 Defendant)

FIFTH JUDICIAL CIRCUIT

IN THE COURT OF COMMON PLEAS

Case No. 2016-CP-40-6916

ORDER GRANTING HABEAS CORPUS

Plaintiff Charles Eugene Carpenter (hereafter “Carpenter”) brought this declaratory judgment action and petition for writ of habeas corpus asserting he was being detained after the expiration of his sentence and should be immediately released from the custody of the South Carolina Department of Corrections. A hearing was held in which the parties agreed the facts were undisputed and each party put forth their respective legal arguments as to the merits. The matter was under advisement by the Court. Counsel met with the Court for a status conference on June 13, 2017 to further discuss the issues. At that time, the Court asked both defendants to notify the Court and the parties if they had any affirmative objections to the relief granted herein. No objections have been received from either defendant.

This Court now issues a writ of habeas corpus to Carpenter, directing his unconditional release from custody on 90GS475001 and 90GS475002 based upon his completion of his lawful period of confinement and all other terms of his sentences. Defendants maintain their defenses raised in this action, continue to dispute the claims asserted in this action, and expressly assert that the issuance of this writ does not constitute an acknowledgement of any wrongdoing on their part or that the claims raised by Carpenter in this action have merit.

Having reviewed the pleadings and after hearing argument from all parties, I conclude a

writ of habeas corpus releasing Carpenter from custody adequately and appropriately resolves all issues raised in the action as a just and fair result under the circumstances. No findings of fact regarding the allegations made by Plaintiff have been made. The relief granted here shall not operate as precedent in any other matter, and this order may not be used collaterally in any other case by any person or entity not involved in the above-captioned matter.

IT IS ORDERED THAT the South Carolina Department of Corrections shall mark Carpenter's sentences on 90GS475001 and 90GS475002 as served in full and discharged in all respects. It is further ordered that Carpenter should be immediately released, unconditionally, from the custody of the South Carolina Department of Corrections, no later than 48 hours from service of a copy of this order upon counsel for the Department.

This matter is concluded.

AND IT IS SO ORDERED.

ROBERT E. HOOD
Circuit Court Judge, Fifth Judicial Circuit

June ____, 2017

From: Desa Ballard
Sent: Monday, June 26, 2017 12:02 PM
To: Hood, Robert E. Law Clerk (Alexa Kluska); rhood@sccourts.org
Cc: Damon Wlodarczyk; Clay Mitchell; Beth Cogan; Mara Ballard
Subject: Charles Carpenter v. State, Case No. 2016-CP-40-6916
Attachments: Ex A.pdf; Ex F.pdf; Ex E.pdf; Ex D.pdf; Ex C.pdf; Ex B.pdf; Order Granting Habeas Corpus - for Judge Hood.docx

Judge Hood:

Following our status conference on June 13, 2017, we reached Mr. Carpenter directly by phone, and he agreed to your proposed resolution of the case in principal. At 4:14 PM that same day, I emailed defense counsel and advised them of Mr. Carpenter's indicated consent. I also advised I would begin preparing documents that would effectuate the resolution you suggested. **Exhibit A.** We heard nothing in response from defense counsel, and assumed they were then waiting on proposed documents we had promised to provide.

On June 16, 2017, my partner met personally with Mr. Carpenter at Evans Correctional Institution, and Mr. Carpenter signed a form release to confirm our earlier indication that he had agreed in principal and was ready to finalize the matter. We forwarded a copy of the signed release to defense counsel that afternoon, June 16, 2017. **Exhibits B and C.** Again, we heard nothing in response.

My mother-in-law died, and I was out of the office traveling and attending to the usual matters in such circumstances for a few days thereafter. Having waited long enough for a response by the end of that period, however, we reached out for a status update this past Friday, June 23, 2017. **Exhibit D.** Both defense counsel responded within minutes and definitively indicated no deal would be made. I have attached their responses. **Exhibit E and F.**

I have carefully studied both responses. Damon says SCDC "is unable to alter or amend Mr. Carpenter's sentence. . ." **Exhibit E.** Clay says the AG "will not be able to consent to Mr. Carpenter's release. . ." **Exhibit F.**

Ready strictly, neither response actually objects to the release or proposed order which incorporate your suggested resolution; the responses carefully say neither will take any affirmative actions. I cannot tell if the responses are carefully worded to prevent a record of either defendant affirmatively consenting to the relief you indicated would result from Mr. Carpenter's execution of a release; or whether the wording is intended to be an affirmative objection from one or both defendants.

For those reasons, we are attaching a proposed order for your consideration (in Word format). This proposed order seems to accomplish what you instructed on June 13, 2017, reaching a very narrow resolution to the matter without requiring any affirmative action by either defendant.

ROA 1015

If this proposed order is not in line with your instructions, or Defendants object and want to force a detailed order to be issued as to the depth and breadth of all meritorious claims raised by Plaintiff that were discussed at the motions hearing, Plaintiff requests an opportunity to submit a more detailed proposed order granting the relief requested by Mr. Carpenter in his petition and complaint. That would, of course, not include a release to SCDC or the AG as contemplated with this narrow order, and would require additional time beyond today to draft and submit for your consideration.

We await further direction. If you believe another status conference is in order, I am working from my second home, so I would need approximately a day's notice before I could attend. Even so, I can be there as early as tomorrow because we have sought to expedite this matter from the start and are committed to having this matter resolved as expeditiously as justly possible.

The contents of this e mail will be incorporated into a letter to be filed with the Clerk of Court to preserve the record.

Thank you for your assistance.

Desa Ballard

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

DEC 29 2017

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
ROBERT HOOD, CIRCUIT COURT JUDGE
Case No. 2016-CP-40-06916

Currently pending before the South Carolina Court of Appeals

Charles E. Carpenter Petitioner

VS.

South Carolina Department of Corrections
and The State of South Carolina Respondents.

**PETITION FOR CERTIFICATION OF APPEAL TO THIS COURT
AND CONSOLIDATION WITH ORIGINAL JURISDICTION PROCEEDINGS**

Petitioner Charles E. Carpenter (hereafter "Carpenter") petitions this Honorable Court pursuant to Rule 205(b), SCACR, for an order certifying the pending appeal in this matter (filed this date with the South Carolina Court of Appeals). In support of his petition, Carpenter will show:


1. Carpenter's trial court proceedings, in which he sought a declaratory judgment and writ of habeas corpus, was unnecessarily delayed at the circuit court, despite the efforts of Chief Administrative Judge Benjamin to expedite it per Carpenter's request.
2. Upon finally receiving the Order denying his Motion for Reconsideration on December 18, 2017, Carpenter was finally able to prepare and file his Notice of Appeal with the South Carolina Court of Appeals, which is being filed this date.

3. Also being filed this date with this Honorable Court is Carpenter's Petition in the Original Jurisdiction which, among other things, results from the trial court's ruling that the relief Carpenter sought at the trial court level was proper only in the Original Jurisdiction of This Court. The Petition in the Original Jurisdiction also details improper steps taken by the trial judge to advocate on behalf of respondents South Carolina Department of Corrections and State of South Carolina.
4. The issues decided by the trial court (other than the trial court's own misconduct) and which are the subject of the appeal to the South Carolina Court of Appeals, are identical to the issues raised in the Petition in the Original Jurisdiction in This Court.
5. Among the issues to be raised in this appeal is whether the trial court erred in overruling a prior order of Special Circuit Court Judge Jean Toal, who had earlier ruled that Carpenter's petition for writ of habeas corpus and complaint for declaratory relief were properly before the circuit court.
6. Because the issues raised in this appeal overlap, at least in part, the issues raised in the Petition in the Original Jurisdiction, and because Carpenter's expedited trial court proceedings dragged on for more than one year, it is respectfully submitted that the appeal currently pending at the South Carolina Court of Appeals be certified to this Court and consolidated with the Petition in the Original Jurisdiction so that the issues raised can be fully and finally heard by this Court. Carpenter is informed and believes that it is in the interests of justice for these matters to be heard together

Wherefore, Carpenter moves this Honorable Court for an order, pursuant to Rule 204(b), SCACR, certifying the appeal currently pending at the South Carolina Court of Appeals to this

Court, and consolidating it with the Petition in the Original Jurisdiction filed with this Court this date.

Respectfully submitted,


Desa Ballard
Harvey M. Watson III

BALLARD & WATSON
Post Office Box 6338
West Columbia, South Carolina 29171
Telephone 803.796.9299
desab@desaballard.com
harvey@desaballard.com

ATTORNEYS FOR APPELLANT

December 20, 2017