THE STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. SUPREME COURT

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

Case No.: 2017-CP-32-00674

State of South Carolina,

Respondent,

v.

Lester Murray,

Appellant.

NOTICE OF APPEAL

Lester Murray, appeals the Order of Dismissal denying his Application for Post-Conviction Relief filed May 20, 2020, and received by counsel on May 22, 2020 issued by the Honorable J. Derham Cole, presiding Judge.

June 19, 2020

Aimee J. Zmroczek, Esq.
P.O. Box 11961
Columbia, South Carolina 29211
Telephone: 803-400-1918
Fax: 803-403-8005
ajzlawfirm@gmail.com
Attorney for Appellant

Other Counsel of Record:
Susannah Cole
PO Box 11549
Columbia, SC 29211
Counsel for Respondent

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON	ELEVENTH JUDICIAL CIRCUIT
Lester Murray, Applicant,	C.A. No. 2017-CP-32-00674
v.	**ORDER OF DISMISSAL**
State of South Carolina, Respondent.	

This matter comes to the Court by way of an application for post-conviction relief (PCR) filed March 1, 2017. Respondent made its return on September 5, 2017. An evidentiary hearing was convened February 21, 2018. Applicant was present and represented by Aimee J. Zmroczek, Esquire. Assistant Attorney General Susannah Cole of the South Carolina Attorney General's Office represented Respondent. Applicant and plea counsel Jason Chehoski, Esquire, testified. The Court had before it records from the Lexington County Clerk of Court, the South Carolina Department of Corrections (SCDC), and Applicant's plea transcript.

Following review of testimony presented at the hearing and all other evidence, this Court finds Applicant received constitutionally effective assistance of counsel at all stages of his plea, and relief must be denied.

PROCEDURAL HISTORY

Applicant Lester Murray is confined in the South Carolina Department of Corrections pursuant to an order of commitment of the Lexington County Clerk of Court. Murray was indicted for criminal sexual conduct with a minor, 2nd degree (2015-GS-32-6017) and for sexual

exploitation of a minor, 1st degree (2015-GS-32-6016). Murray waived presentment to the grand jury. Jason Chehoski, Esquire, represented him on these charges.

On April 12, 2016, Murray pled guilty pursuant to *North Carolina v. Alford*[1] before the Honorable William Seals. Judge Seals sentenced Murray to consecutive terms of ten years for criminal sexual conduct with a minor and ten years for sexual exploitation of a minor. Murray did not appeal his sentences.

On March 1, 2017, Applicant initiated this action by filing a PCR application. In his application, Murray alleged he is being held in custody unlawfully for the following reasons:

(a) "Ineffective Assistance of Counsel"
(b) Counsel failed to raise lack of subject matter.
(c) Counsel failed to raise double jeopardy violation.

In his attachments to his application, Applicant raises numerous additional grounds of ineffective assistance of counsel, including: 1) failure to communicate, 2) failure to advocate, 3) failure to move for a competency hearing, 4) failure to protect Murray from a Confrontation Clause violation, 5) failure to withdraw his involuntary guilty plea, 6) failure to argue subject matter jurisdiction (faulty indictment), 8) failure to move to reconsider the sentence, 9) failure to argue diminished capacity, 10) failure to argue prosecutorial misconduct, 11) failure to investigate, 12) depriving Murray of his right to a fair trial, and 13) conflict of interest. At the hearing, Applicant proceeded on only some of the grounds of ineffective assistance of counsel raised in the application.

Summary of the Plea Hearing Testimony

During the plea proceedings, Murray acknowledged he wished to waive his rights to a jury trial to obtain the benefit of a plea. Murray also understood his terms would run

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

consecutively. Murray told the plea court he was satisfied with his attorney, and he was neither promised anything nor threatened to plead. Murray affirmed he was not under the influence of any drugs or alcohol at the time of the plea and sentencing.

The State informed the court the victim was fifteen years old when she was assaulted multiple times by the fifty-two year old Murray. The victim met Murray online, believing him to be sixteen years old. When Murray arrived at her house, the victim left with him because she was afraid for her and her family's safety. Murray forced the victim to have oral and vaginal sex with him, and he threatened to hurt her if she attempted to leave without his permission. Murray also sodomized the victim, forced the victim to provide him with photographs of her genitalia, and physically and verbally abused her. After a few days, when Murray left the residence, the victim was able to run away and call her mother to pick her up.

Summary of the PCR Evidentiary Hearing Testimony

At the evidentiary hearing, Murray testified he was arrested on April 4, 2014, and then the case was turned over to the Attorney General's Office. Murray was first appointed representation by public defender Sally Henry, Esquire. Murray claimed Ms. Henry lied to him. Murray said he asked for DNA testing on the victim, but it was not performed. Murray also claimed he was not indicted by the grand jury. Jason Chehoski, Esquire, was later appointed to represent Murray. Applicant met with Chehoski two or three times and "somewhat" discussed the case with him.

Murray said he was misled by the victim about her age. He claimed the victim told him she was twenty-two or twenty-three years old. Murray also testified he told Counsel he was not indicted, but Counsel advised him to accept a plea. Murray said he wrote a statement containing his version of events and asked Counsel to give it to the prosecutor. Murray said he was working

at his job when his roommates called him to let him know the victim was trying to run away. Murray said it was his roommates who were making the girl perform acts she did not want to perform, and she had attempted to leave many times. Murray claimed he did not engage in sexual relations with the victim, and he was unaware of what his roommates were trying to do to her. Murray did acknowledge he asked the victim for sex and she told him to "stop rushing" her. Murray claimed he left work during his lunch break and tried to find the girl. He said as he was looking for the girl, she ran into him. Murray then walked the girl to a church, where she met her mother, whom she had already called to meet her. Murray claimed he returned to work, and when he came home from work later that evening, the police were waiting to arrest him. Murray also claimed the pictures on his phone were not of the victim, but of another girl.

Murray said Counsel did not advise him his sentences would run consecutively, and he did not understand what it meant to plead under *Alford*. Murray said he did not know how the system worked, and he believed he would receive five years for both charges. However, Murray also acknowledged he was told he could receive ten years, and ten years "sounded better than fifty-five" years' imprisonment, so he decided to accept the plea. Murray said he did not ask Counsel to file a motion to reconsider the sentence.

Plea Counsel Jason Chehoski testified he works for the Lexington County Public Defender's Office and was in private practice before that position. Counsel said the State found photographs on Murray's phone of the victim, as well as statements from Murray and the victim. Counsel testified Murray gave a detailed confession, which appeared to be freely given to law enforcement, and he saw no *Miranda*[2] issues by which he could challenge the statement. Counsel said the victim was fifteen years old and Murray was fifty-two years old. Counsel testified he

[2] *Miranda v. Arizona*, 384 U.S. 436 (1966).

explained to Murray that the victim's consent was not a defense, given her age. Counsel said he explained to Murray that sexual exploitation of a minor carried a consecutive term of three to twenty years' incarceration. Counsel said he would have taken the case to trial if Murray had requested it, but Counsel did advise Murray to accept the plea. However, Counsel said it was Murray's decision to accept the offer. Counsel testified he advised Murray of his rights to a trial and explained an *Alford* plea. Counsel said Murray was coherent and articulate in their meetings.

Counsel also said that during the plea hearing, he attempted to mitigate Murray's potential sentence with his employment history and education. Chehoski also testified he did not recall Murray asking him to file a motion to reconsider the sentence after he was sentenced.

INEFFECTIVE ASSISTANCE OF COUNSEL

In a PCR action, the applicant bears the burden of proving the allegations in their application. *Butler v. State*, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing *Griffin v. Martin*, 278 S.C. 620, 300 S.E.2d 482 (1983)). First, the Applicant must demonstrate that his attorney's "representation fell below an objective standard of reasonableness." *Strickland v. Washington*, 466 U.S. 668, 687-88 (1984). "Judicial scrutiny of counsel's performance must be highly deferential." *Id.* at 689. "A fair assessment of attorney performance requires that every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct from counsel's perspective at the time. Because of the difficulties inherent in making the evaluation, a court must indulge a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance; that is, the defendant must overcome the presumption that, under the circumstances, the challenged action 'might be considered sound trial strategy.' " *Id.* (Citation omitted).

Even if an inmate proves deficient performance, he must also prove that he was prejudiced by his attorneys' ineffectiveness because "[a]n error by counsel, even if professionally unreasonable, does not warrant setting aside the judgment of a criminal proceeding if the error had no effect on the judgment." *Strickland*, at 691. Unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Id.* at 694. It is insufficient to prove "that the errors had some conceivable effect on the outcome of the proceeding." *Id* at 693. Instead, "[c]ounsel's errors must be 'so serious as to deprive the defendant of a fair trial, a trial whose result is reliable.' " *Harrington v. Richter*, 562 U.S. 86, 104 (2011) (quoting *Strickland*, at 687).

Moreover, a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, and an inmate's right to contest the validity of such a plea is usually foreclosed. *Dalton v. State*, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Blackledge v. Allison*, 431 U.S. 63 (1977)). Representations of the defendant, counsel, and the solicitor, as well as any findings made by the plea judge, "constitute a formidable barrier in any subsequent collateral proceedings." *Blackledge*, 431 U.S. at 73-74.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety, including the transcript of the *Alford* plea hearing, the Lexington County Clerk of Court records, Applicant's South Carolina Department of Corrections records, and the PCR application. The Court further had the opportunity to observe the witnesses presented at the evidentiary hearing, closely pass upon their credibility, and weigh their testimony accordingly. Pursuant to S.C. Code Ann. §17-27-80, the Court makes the following findings of fact and conclusions of law based upon all of the probative evidence presented.

Applicant made numerous claims of ineffective assistance of counsel in his application, but offered testimony on only some of those grounds at the evidentiary hearing. Applicant's claims appear to fall generally into four allegations: failure to recognize a conflict of interest, failure to raise subject matter jurisdiction arguments, failure to investigate and advocate for Applicant based on his assertion he was innocent, and failure to file a motion to withdraw his guilty plea or reconsider the sentence. As a matter of general impression, this Court finds plea Counsel's testimony is credible and persuasive on all matters, while also finding Applicant's testimony and assertions lack credibility. These credibility findings have been applied to the Court's findings set forth below.

Failure to recognize a conflict of interest.

Applicant testified his first appointed counsel, public defender Sally Henry, refused to ask for DNA testing, failed to obtain a bond reduction, and lied about his indictment by the grand jury. Applicant claims Counsel Chehoski's appointment was a conflict of interest because he also worked for the public defender's office.

"An actual conflict of interest occurs where an attorney owes a duty to a party whose interests are adverse to the defendant's." *Staggs v. State,* 372 S.C. 549, 551, 643 S.E.2d 690, 692 (2007). The Court has further stated that a conflict of interest occurs when "a defense attorney places himself in a situation inherently conducive to divided loyalties." *Lomax v. State,* 379 S.C. 93, 101, 665 S.E.2d 164, 168 (2008). Until a defendant shows that his counsel actively represented conflicting interests, he has not established the constitutional predicate for a claim of ineffective assistance of counsel. *See Langford v. State,* 310 S.C. 357, 359, 426 S.E.2d 793, 795 (1993) (citing *Cuyler v. Sullivan,* 446 U.S. 335, 350 (1980); *see also Burger v. Kemp,* 483 U.S. 776, 783 (1987)). A defendant need not demonstrate prejudice if there is an actual conflict of

interest." *State v. Gregory*, 364 S.C. 150, 153, 612 S.E.2d 449, 450 (2005). The Supreme Court of the United States also recognized that in certain circumstances "prejudice is presumed" because prejudice "is so likely that case-by-case inquiry . . . is not worth the cost." *Nance v. Ozmint*, 367 S.C. 547, 551-52, 626 S.E.2d 878, 880 (2006) (citing *Strickland v. Washington*, 466 U.S. 668, 692 and *U.S. v. Cronic*, 466 U.S. 648, 658 (1984)).

Here, the Court finds Counsel was not ineffective for failing to recognize a conflict of interested in representing Applicant simply because he also worked for the Lexington County Public Defender's Office. In Counsel's capacity as the public defender of Lexington County, he necessarily represents the clients to whom he is appointed, even if the client is dissatisfied with previous counsel from the same office. That dissatisfaction, however, creates no actual conflict. Notably, there was no testimony Counsel's representation of Applicant was at all affected by previous counsel's actions. This Court finds Counsel did not have an actual conflict of interest, and, thus, finds no deficiency in his representation. Applicant has also failed to show any resulting prejudice from the alleged conflict. This allegation must be denied and dismissed.

Failure to raise subject matter jurisdiction arguments.

Applicant alleges Counsel was ineffective for failing to argue the court lacked subject matter jurisdiction to accept his plea because he was never indicted by the grand jury. This Court finds this allegation is meritless. The indictment is a notice document, and any challenges to its sufficiency must be made in accordance with S.C. Code Ann. § 17-19-90 (2003). Subject matter jurisdiction is the power of a court to hear a particular class of cases, and it has nothing to do with the indictment document. *See State v. Gentry*, 363 S.C. 93, 610 S.E.2d 494 (2005). Further, it is clear from the face of Applicant's indictments he waived presentment to the grand jury.

Applicant's signature indicating his intention to waive presentment is on the indictments for both crimes.

An applicant may still challenge the subject matter jurisdiction of the trial court, and such a claim is one that may be raised at any time. However, "circuit courts obviously have subject matter jurisdiction to try criminal matters." *Gentry, supra*, 610 S.E.2d at 499; *See also* S.C. Const. Art. V, § 7. Applicant failed to present evidence his case is of some class over which the circuit court does not have the authority to preside. Applicant's conviction involved a criminal charge in Lexington County. Thus, the circuit court had subject matter jurisdiction.

Accordingly, Applicant has failed to prove Counsel was deficient in any way for failing to raise this claim, nor can he show prejudice from Counsel's failure to argue the circuit court lacked jurisdiction. . Further, Applicant cannot claim Counsel was ineffective for failing to argue subject matter jurisdiction when he voluntarily waived presentment as part of his plea arrangement. Therefore, this Court dismisses this allegation.

Failure to investigate and advocate for Applicant.

Applicant alleged he was he was not guilty of the crimes charged because he did not engage in any sexual activity with the victim. However, this testimony appears to be a departure from his claims to Counsel the victim consented to the encounter and the victim told Applicant she was twenty-two. Applicant also claimed the explicit pictures on his cell phone were not of the victim, but of another female. Applicant alleges Counsel failed to obtain DNA testing of the victim and neglected to talk to his roommates to confirm his version of the story. However, Applicant also testified Counsel did submit to the prosecutor his four page written statement detailing his version of events. Counsel testified Applicant's statement was damaging, as were

the pictures on Applicant's phone, and Counsel had to explain to Applicant the victim's consent would not be a viable defense under the statute.

"[C]riminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an independent investigation of the facts and circumstances of the case." *Walker v. State*, 397 S.C. 226, 235, 723 S.E.2d 610, 615 (Ct. App. 2012), overruled on other grounds by *Walker v. State*, 407 S.C. 400, 756 S.E.2d 744 (2014). In the instant case, Applicant claims his roommates would have confirmed his story. However, in order to prevail on a claim of ineffectiveness based on Counsel's failure to call a favorable witness, the South Carolina Supreme Court has repeatedly held a PCR applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice from the witness' failure to testify at trial. *Bannister v. State*, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998). Applicant's speculation the witness' testimony would have been favorable cannot, by itself, satisfy his burden of showing prejudice. *Glover v. State*, 318 S.C. 396, 498-99, 458 S.E.2d 538, 540 (1995). Similarly, Applicant cannot show DNA testing would have exonerated him, nor did he present testimony from another female affirming she was the subject of the explicit images on Applicant's phone.

This Court finds Applicant has failed to prove Counsel was deficient or failed to render reasonably effective assistance under prevailing professional norms by failing to investigate his claims. Applicant failed to show how further investigation by Counsel would have benefited him at trial. Applicant's assertion Counsel should have investigated further is purely speculative. Applicant did not present what Counsel would have found if he had hired an investigator done further investigation. "Failure to conduct an independent investigation does not constitute

ineffective assistance of Counsel when the allegation is supported only by mere speculation as to the result." *Moorehead v. State*, 329 S.C. 329, 496 S.E.2d 415 (1998). This Court finds Applicant failed to prove he was prejudiced by any lack of investigation by Counsel.

Further, as to any claim Counsel failed to advocate for Applicant by asserting his Confrontation Clause rights, this Court notes Applicant waived those rights when he elected to plead guilty. "[I]n South Carolina, a guilty plea constitutes a waiver of nonjurisdictional defects and claims of violations of constitutional rights." *State v. Rice*, 401 S.C. 330, 331–32, 737 S.E.2d 485, 485–86 (2013) (citing *Hyman v. State*, 397 S.C. 35, 44, 723 S.E.2d 375, 379 (2012)). " 'A guilty plea represents a break in the chain of events which has preceded it in the criminal process.' " *Id.* at 332, 737 S.E.2d at 486 (quoting *Tollett v. Henderson*, 411 U.S. 258, 267 (1973)). By entering a guilty plea, "[a]n accused [ ] waives the right to trial and the incidents thereof and the constitutional guarantees with respect to criminal prosecutions." *Rivers v. Strickland*, 264 S.C. 121, 124, 213 S.E.2d 97, 98 (1975) (citation omitted). "A plea of guilty is an admission or a confession of guilt, and [is] as conclusive as a verdict of a jury; it admits all material fact averments of the accusation, leaving no issue for the jury, except in those instances where the extent of the punishment is to be imposed or found by the jury." *State v. Fuller*, 254 S.C. 260, 266, 174 S.E.2d 774, 777 (1970) (citations omitted); *see North Carolina v. Alford*, 400 U.S. 25, 37 (1970) (noting guilty pleas constitute a waiver of trial and an express admission of guilt upon which a sentence may be imposed).

As noted earlier, Applicant presented no evidence at the evidentiary hearing of any viable defense he could have presented at trial had Counsel investigated his case more thoroughly or advocated more vehemently for Applicant's Constitutional rights. This Court finds Applicant failed to prove Counsel was either deficient in his investigation and advocacy or that he was

prejudiced by Counsel's representation such that there was a reasonable probability Applicant would have insisted on going to trial rather than plead guilty. Accordingly, this Court denies and dismisses this allegation.

Failure to file post-trial motions.

Applicant alleged Counsel failed to file a motion to withdraw his involuntary guilty plea or reconsider his sentence. Applicant claimed he would not have pleaded guilty if he had known he would receive consecutive ten year sentences, yet the plea transcript reveals the court cautioned Applicant that criminal sexual conduct with a minor carried up to twenty years in jail and sexual exploitation of a minor carried up to an additional twenty years. (Plea Tr. p. 4.) Applicant said he understood. The court further asked Applicant if he understood the sentences would run consecutively, and Applicant answered affirmatively. (Plea Tr. p. 5.) Further, the plea court transcript reveals no indication Applicant expressed any desire to withdraw his plea. At the evidentiary hearing, Counsel credibly testified he did not recall Applicant asking him to file any post-sentencing motions and that Applicant seemed to understand the proceedings and was coherent and articulate. In contrast, Applicant testified he did not understand what was happening at the plea hearing, although he offered no basis as to why he did not understand the plea court's questions. Applicant provided no credible testimony as to why he should be allowed to depart from the truth of the statements made at the plea hearing. Moreover, Applicant provided no credible testimony at the PCR hearing that he actually asked Counsel to withdraw his plea or move to reconsider his sentence.

Even if Applicant had requested Counsel file post sentencing motions, and Counsel refused, Applicant cannot show he was prejudiced in any way by Counsel's failure to do so. The only requirements for a plea to be accepted are that the defendant "understand the nature and

crucial elements of the charges, the consequences of the plea, and the constitutional rights he is waiving, and that the record reflect a factual basis for the plea." *Rollison v. State*, 346 S.C. 506, 511, 522 S.E.2d 290, 292 (2001). Once a defendant has entered a guilty plea, he is not entitled to withdraw it as a matter of right. *State v. Thomason*, 355 S.C. 278, 285, 584 S.E.2d 143, 146 (2003); *Riddle v. State*, 278 S.C. 148, 292 S.E.2d 795 (1982). In this instance, a defendant's withdrawal of guilty plea is "left in the sound discretion of the circuit court." *Thomason*, 355 S.C. at 283. Moreover, "[a]n accused is not permitted to speculate on the supposed clemency of the judge and enter a plea of guilty with the right to retract it if he finds that his expectation was not realized." *State v. Cantrell*, 250 S.C. 376, 380, 158 S.E.2d 189, 191-192 (1967). Applicant's argument that Counsel was ineffective in failing to withdraw the guilty plea is based on a mere allegation of prejudice in that he received a harsher sentence than expected. This Court notes that the plea judge sentenced Applicant to far less than he could receive under the statutory scheme. This Court finds Applicant has not shown his pot sentencing motions would have been granted. Thus, Applicant cannot meet his burden to show prejudice from Counsel's failure to make post-sentencing motions. This Court denies and dismisses this allegation.

All Other Allegations

As to any and all allegations that were raised in the application and not specifically addressed in this order, the Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

CONCLUSION

Based upon the evidence presented at the evidentiary hearing held in this matter, the argument of Counsel, and consideration of the applicable statutory and case law, this court finds that Counsel provided reasonably effective assistance under prevailing professional norms but, if

Counsel did err, there is no reasonable probability that, but for any professional error committed by Counsel, the result of the proceeding would have been different or that the applicant would not have pled guilty and insisted on going to trial. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes Applicant must file and serve a notice of appeal within thirty (30) days from receipt 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), Applicant has a right to appellate Counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, his post-conviction relief attorney must serve and file a notice of appeal on Applicant's behalf. Applicant and his attorney are directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. The Application for post-conviction relief is denied and dismissed with prejudice; and

2. Applicant is remanded to the custody of the Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 14 day of May, 2020

J. Derham Cole
Presiding Judge
Eleventh Judicial Circuit

_____, South Carolina

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2017CP3200674

Lester Murray 367761		**South Carolina State of**	
PLAINTIFF(S)		**DEFENDANT(S)**	
Submitted by:		**Attorney for:** ☐ Plaintiff ☐ Defendant ☐ 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, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.
Note: Title abstractors and researchers should refer to the official court order for judgment details.
E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge	**Judge Code**	5/20/2020 **Date**

For Clerk of Court Office Use Only

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

Aimee Jendrzejewski Zmroczek
PO Box 11961 Columbia, SC 29211

SC Attorney Generals Office

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Lisa M. Comer - 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), 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.