

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Doyet E. Early, III, Circuit Court Judge

2012-CP-02-0471

RECEIVED

APR 17 2013

S.C. Supreme Court

Stephen Corley, #347938Appellant.

v.

The State,Respondent.

NOTICE OF APPEAL

Stephen Corley appeals the denial of post-conviction relief in this case. The Order denying post-conviction relief was signed by the Honorable Doyet A. Early, III, on March 6, 2013. Counsel for the Appellant certifies that she received the Order on March 12, 2013

April 8, 2013



Jacqueline F. Busbee (#12889)
P.O. Box 596
Wagener, SC 29164
803-564-5995
Attorney for Appellant

Other Counsel of Record:
Megan E. Harrigan, Esquire
PO Box 11549
Columbia, SC 29211-1549

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APR 16 2013

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
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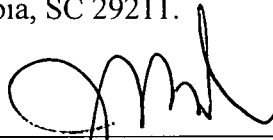
v.

Stephen Corley, # 347938 ,Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on The State by depositing a copy of it in the United States Mail, postage prepaid, on April 15, 2013, addressed to its attorney of record Megan P. Harrigan, P.O. Box 11549, Columbia, SC 29211.

April 8, 2013



Jacqueline F. Busbee (#12889)
P.O. Box 596
Wagener, SC 29164
803-564-5995
Attorney for Appellant

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S.C. Supreme Court

2012-CP-02-0471

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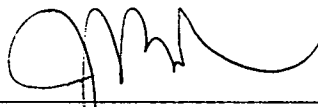
v.

The State,Respondent.

NOTICE OF INDIGENCY

Stephen Corley is an indigent petitioner, having been previously represented by appointed counsel in the post-conviction relief matter for which he now appeals. The order appointing counsel in the post-conviction relief matter is attached hereto as Exhibit "A". The undersigned counsel respectfully requests that the South Carolina Office of Appellate Defense be appointed to this matter for representation of the indigent petitioner in his appeal of the post-conviction relief matter captioned above.

April 8, 2013



Jacqueline F. Busbee (#12889)
P.O. Box 596
Wagener, SC 29164
803-564-5995
Attorney for Appellant

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APR 16 2013

SC Court of Appeals

Jacqueline F. Busbee
Attorney at Law

Office (803) 564-5995
Fax (803) 564-5996
jfbusbee@yahoo.com

4117 Festival Trail Rd.
P.O. Box 596
Wagener, South Carolina 29164

April 15, 2013

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APR 17 2013

S.C. Supreme Court

Hon. Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: The State, Respondent, v. Stephen Corley, Appellant
Case No. 2012 -CP-02-0471

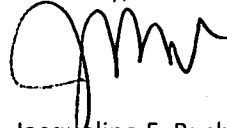
Dear Ms. Kitchings

Enclosed for filing is a Notice of Appeal in the above case. Also, enclosed are the following:

- 1) Proof of Service of the Notice of the Appeal on Respondent;
- 2) Copy of the Order which is to be challenged on appeal;
- 3) Notice of Indigency of Appellant;
- 4) No filing fee is enclosed as Mr. Corley is indigent per the Order which appointed me as his counsel entered on March 2, 2013.

Please return to me a copy of this letter marked filed in the enclosed self-addressed, stamped envelope.

Sincerely,



Jacqueline F. Busbee

CC: Stephen Corley
Megan Harrigan, Assistant Attorney General
PO Box 11549
Columbia, SC 29211

RECEIVED

APR 16 2013

SC Court of Appeals

Exhibit A

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
Stephen Corley,
Plaintiff(s),
-vs-
South Carolina State Of,
Defendant(s).

IN THE COURT OF COMMON PLEAS
SEcond JUDICIAL CIRCUIT
CASE NO.: 2012CP0200471
APPOINTMENT OF COUNSEL OR GAL
(Select one.)

ORDER
 AMENDED ORDER

TYPE OF CASE/PROCEEDING: (Check one.)

- Post-Conviction Relief (PCR)/habeas case
- SVP case
- Minor Name Change
- Adoption
- Custody and/or Visitation
- Other: Post Convict Rel 500
- Juvenile
- Abuse and Neglect

It appears Stephen Corley, who is a litigant in this case, is entitled to court-appointed counsel or a guardian ad litem.

It further appears that: (Select only one.)

- counsel/guardian ad litem has not yet been appointed by the court; therefore, an appointment for counsel/guardian ad litem is necessary.
- counsel or a guardian ad litem was previously appointed by the court but has indicated either a possible conflict of interest, an entitlement to exemption, or other good cause warranting the appointment of new counsel or guardian ad litem based on:
- counsel was previously appointed by the court but has not indicated that the litigant has retained private counsel and is no longer entitled to appointed counsel.
- court appointed counsel has obtained , Esquire as substitute counsel pursuant to Rule 608(h)(2); provided, however, only the member who originally received the appointment and who sought substitute counsel shall receive credit.
- Other: .

Therefore, it is ordered that Jacqueline Busbee hereby is appointed as (Select one.)

counsel lead counsel (if capital PCR case) guardian ad litem
for the above-named person. Any counsel or GAL previously appointed is/are hereby relieved.

(If Death Penalty PCR Case) It is further ordered that , Esquire, is hereby appointed as second counsel in this capital PCR case.

The clerk of court is directed to forward a copy of this order to all persons entitled to notice.

IT IS SO ORDERED
March 2, 2012

Circuit Judge Clerk of Court

Plaintiff Attorney:

| | |
|-------------------|-------------------------|
| Jacqueline Busbee | Stephen Corley # 347938 |
| PO Box 596 | McCormick CI F2-175-A |
| Wagener SC 29164 | 386 Redemption Way |
| | McCormick SC 29899 |

Defendant Attorney:

| | |
|-----------------------|--|
| Mary Shannon Williams | |
| Attorney General | |
| Po Box 11549 | |
| Columbia, SC 29211 | |

NOTICE: SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online with OID within fifteen (15) days of this appointment at www.sccid.sc.gov, and further directs that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or clerk of court. See SCCID website for further details.

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

IN THE COURT OF COMMON PLEAS
FOR THE SECOND JUDICIAL CIRCUIT

Stephen Corley, #347938,)

Case No. 2012-CP-02-0471

Applicant,)

v.)

ORDER OF DISMISSAL

State of South Carolina,)

Respondent.)

FILED 3.13.13
W. H. Woodard
C.C.P. & C.S.
Anita Knoepfel
Deputy Clerk

PROCEDURAL HISTORY

This matter comes before the Court by way of an application for post-conviction relief filed February 27, 2012 and amended on April 17, 2012. The Respondent made its Return on May 30, 2012. An evidentiary hearing into the matter was convened on January 23, 2013, at the Aiken County Courthouse. The Applicant was present at the hearing and was represented by Jacqueline Busbee, Esquire. The Respondent was represented by Assistant Attorney General Megan E. Harrigan of the South Carolina Attorney General's Office.

The records before this Court indicate that the Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. The Applicant was indicted during the May 2011 term of the Aiken County Grand Jury for two counts of Causing Death by Operating a Vehicle While under the Influence of Drugs or Alcohol (2011-GS-02-0636, -0637). Fred Wallace Woods, Jr., Esquire, represented him. On September 21, 2011, Applicant appeared before the Honorable William H. Seals, Jr., where he pled guilty as indicted to both counts. Judge Seals sentenced Applicant to twenty-two years imprisonment for each count, with the sentences to run consecutively. Applicant did not appeal his convictions or sentence.

DAE
[Signature]

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In his application for post-conviction relief, Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel
 - a. Failure to file appeal
 - b. Conflict of interest
 - c. "Counsel failure to investigate"
 - d. "counsel failed to investigate the crime scene was prejudiced to Mr. Corley's case"
2. Involuntary plea
 - a. "Plea was not entered into with full knowledge of the totality of the circumstances surround the case"

Following the appointment of counsel, Applicant filed a *pro se* amendment to his application on April 17, 2012, where he alleges thirty additional allegations of ineffective assistance of counsel. At the evidentiary hearing, Applicant proceeded forward on allegations that Counsel was ineffective for failing to conduct a sufficient investigate, failing to file an appeal, and that his guilty plea was involuntary.

SUMMARY OF TESTIMONY PRESENTED

At the evidentiary hearing, Applicant testified on his own behalf. The State presented testimony from Applicant's plea counsel, Fred Wallace Woods, Jr., (herein "Counsel"). This Court also had before it a copy of the Applicant's guilty plea transcript, the records of the Aiken County Clerk of Court, and the Applicant's records from the South Carolina Department of Corrections.

During the evidentiary hearing, Applicant testified that he retained Counsel and met with him only once prior to his guilty plea. He testified that he never reviewed any discovery materials with Counsel, but acknowledged that he did discuss possible defenses with Counsel. Applicant testified that Counsel never advised him of possible sentences that he could receive, although the record reflects that Applicant informed the plea court while under oath that he



understood he faced up to twenty-five years imprisonment on each count for an aggregate total of fifty years imprisonment. Applicant testified that he did not know he would be entering a guilty plea until the day of his plea.

Applicant testified that he wanted to proceed to trial on these charges, but testified that it was his decision to plead guilty. Applicant testified that he had no defenses, did drink before operating his motor vehicle, and did cause the fatal wreck. Applicant acknowledged that he pled guilty while under oath and that he is indeed guilty. Applicant also testified that he apologized to the victims numerous times during his guilty plea.

Applicant testified that he has an eighth grade education, but acknowledged that he can read, write, was employed at the time of the accident, and had a Commercial Driver's License. Applicant testified that he was injured during the accident giving rise to these charges and still suffers physical effects, such as headaches. Applicant testified that he has post-traumatic stress disorder from the accident, but did not present any medical reports or testimony to support this. However, Applicant acknowledged that while under oath, he told the plea court he did not have any conditions that affected his ability "to think, reason, and understand and know what [he's] doing" and that he had answered all of the plea court's questions truthfully.

Applicant testified that he informed the plea court while under oath that he was satisfied with Counsel's representation and that Counsel had done everything he had requested. However, Applicant testified that he now thinks that Counsel did not do a good job representing him. Specifically, Applicant testified that Counsel did not adequately investigate his case. Applicant testified that he wanted Counsel to reconstruct the accident. Applicant acknowledged that he has not had an accident reconstruction performed and presented no evidence or witnesses to testify in

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[Signature]

regards to what possible benefit may have been derived from an independent accident reconstruction.

Applicant testified that he believes he is entitled to a belated appeal because Counsel did not file a notice of appeal on his behalf. However, he testified that Counsel informed him of his appellate rights and that the plea court also reviewed these rights with him during his guilty plea. Applicant acknowledged that he knew he only had ten days to file an appeal and that he did not contact Counsel following his guilty plea to pursue an appeal.

Following Applicant's testimony, the State presented testimony from Counsel. Counsel testified that he has been practicing law for approximately seventeen years and that a majority of his practice is comprised of criminal defense work. He testified that he was retained by Applicant's sister to represent Applicant shortly after the incident giving rise to the charges. He testified that he met with Applicant numerous times at his office, as well as corresponded with him by phone and letter. Counsel testified he also met and corresponded with members of Applicant's family. Counsel testified that he reviewed the elements of the charges Applicant was facing and possible defenses with Applicant. Counsel testified that he informed Applicant that the sentence range for each charge was one to twenty-five years for each count and that the court could run these sentences consecutively, which could result in a sentence of up to fifty years imprisonment.

Counsel testified that the evidence against evidence was strong, including a Blood Alcohol level of .133 BAC more than two hours following the accident. Additionally, Counsel testified that Applicant gave a written statement to law enforcement admitting that he had been drinking before driving and that numerous eyewitnesses had seen him driving erratically immediately before the fatal wreck. Counsel testified that he felt the State would be able to

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prove guilt beyond a reasonable doubt if Applicant proceeded to trial and he advised his client of his professional opinion. Counsel testified that he spoke with witnesses, visited the accident scene by himself and with Applicant, and had an accident reconstruction expert visit the scene with him as well. Additionally, Counsel testified that he reviewed the State's accident reconstruction report numerous times in preparation for his defense. Counsel testified that Applicant wanted to enter a guilty plea from the beginning of his representation and that he never indicated that he wanted to proceed to trial. Counsel testified that he entered into plea negotiations with the State at his client's request and the only offer made was to dismiss two related reckless homicide charges.

Counsel testified that he discussed Applicant's appellate rights with him prior to his guilty plea and that the plea court also reviewed his right to appeal during the plea colloquy. Counsel testified that Applicant never asked him to file an appeal on his behalf, nor did any member of Applicant's family request he file an appeal on Applicant's behalf.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Specifically, this Court finds that Counsel's credibility outweighs Applicant's credibility. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

Ineffective Assistance of Counsel

Applicant alleges that Counsel was ineffective for not conducting a sufficient investigation and for failing to file an appeal on his behalf. In a post-conviction relief action, the

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Applicant has the burden of proving the allegations in his application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "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." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813.

The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813. The Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

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, 385 S.E.2d at 625 (citing Strickland). 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. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366 (1985). Below are this Court's findings in regards to each of Applicant's allegations of ineffective assistance of counsel.

Handwritten signature and initials, possibly "ML" with a date "#10" below it.

Counsel was ineffective for failing to conduct an adequate investigation

After careful review based on the standard discussed above, this Court finds that the Applicant has failed to prove that Counsel was ineffective in his investigation of Applicant's case. Counsel's credible testimony reveals that he spoke with numerous witnesses, visited the accident scene multiple times and reviewed the State's accident reconstruction report numerous times in preparation of his defense. Applicant presented no reports, offered no expert testimony, and otherwise provided no evidence to support this allegation. Applicant was unable to even speculate as to what benefit could have been derived from any such 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). As Applicant was unable to provide any evidence to support this allegation, this Court finds that this allegation must be denied and dismissed.

Counsel was ineffective for failing to file a direct appeal

Applicant alleges that he is entitled to a belated direct appeal pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974). "[C]ounsel has a constitutionally imposed duty to consult with the defendant about an appeal when there is reason to think either (1) that a rational defendant would want to appeal (for example, because there are non-frivolous grounds for appeal), or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing." Roe v. Flores-Ortega, 528 U.S. 470, 480, 120 S.Ct. 1029 (2000). "Even in cases when the defendant pleads guilty, the court must consider such factors as whether the defendant received the sentence bargained for as part of the plea and whether the plea expressly reserved or waived some or all appeal rights." Id. Absent extraordinary circumstances, there is no constitutional requirement that a defendant be informed of the right to a direct appeal

from a guilty plea. Turner v. State, 380 S.C. 223, 224, 670 S.E.2d 373, 374 (2008). "One extraordinary circumstance which would require counsel to advise a defendant of the right to appeal from a guilty plea would arise when the defendant inquires about an appeal." Weathers v. State, 319 S.C. 59, 61, 459 S.E.2d 838, 839 (1995).

After careful review based on the standard discussed above, this Court finds that Applicant has failed to carry his burden in this action. Counsel testified that he never received any requests from Applicant, or any member of Applicant's family, to file an appeal on his behalf and had no reason to believe that Applicant wished to file an appeal. Counsel testified that he reviewed Applicant's right to appeal with him prior to his guilty plea and that the plea court also reviewed these rights during the guilty plea. This Court finds that Counsel's performance was reasonable and effective. Therefore, this Court finds that this allegation must be denied and dismissed.

Involuntary Guilty Plea

Applicant also alleges that his guilty plea was involuntary. To find a guilty plea is voluntarily and knowingly entered into, the record must establish the Applicant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709 (1969); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence presented at the post-conviction relief hearing. Harris v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984).

The guilty plea transcript reflects that Applicant's plea was knowingly and voluntarily entered with a full understanding of the charges and consequences of the plea. Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, [an



Applicant's] right to contest the validity of such a plea is usually, but not invariably, foreclosed. Blackledge v. Allison, 431 U.S. 63, 97 S.Ct. 1621 (1977). Statements made during a guilty plea should be considered conclusively, unless an [Applicant] presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. United States, 519 F.2d 347 (4th Cir. 1975), overruled on other grounds by United States v. Whitley, 759 F.2d 327 (4th Cir. 1985). This Court finds that the Applicant presented no reasons to show that he should be allowed to depart from the truth of the statements he made during his guilty plea hearing. During his guilty plea, Applicant freely admitted his guilt to the plea court while under oath and testified that he did not have any defenses to present. Applicant also told the plea court under oath that he understood his plea was without any negotiations or recommendations from the State and that he could receive a sentence of up to fifty years imprisonment. Additionally, during the evidentiary hearing, Applicant testified that he is indeed guilty.

An applicant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial. Roscoe v. State, 345 S.C.16, 546 S.E.2d 417 (2001); Richardson v. State, 310 S.C. 360, 426 S.E.2d 795 (1993). Given the Applicant's burden of proof and the analysis to be applied to this claim, the Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it will be treated as such. As shown in Applicant's allegation of ineffective assistance of counsel presented above, this Court finds that Counsel acted reasonably and effectively. Therefore, this allegation must be denied and dismissed with prejudice.

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CONCLUSION

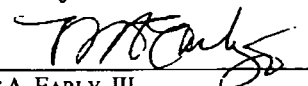
Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.


This Court notes that that Applicant must file and serve a notice of appeal within thirty 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 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

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 Respondent.

AND IT IS SO ORDERED this 6 day of March, 2013.


DOYET A. EARLY, III
Presiding Judge
Second Judicial Circuit

 South Carolina

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF AIKEN)

Stephen Corley, 347938,
 Plaintiff)

CASE NO.
2012-CP-02-0471

v.)

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

State Of South Carolina
 Defendant.)

| | |
|--|--|
| Plaintiff's Attorney: Jacqueline Busbee, Bar No. Address: Post Office Box 596 Wagener, SC 29164 phone: (803) 564-5995 fax: e-mail: other: | Defendant's Attorney: Megan E. Harrigan, Bar No. Address: Post Office Box 11549 Columbia SC 29211-1549 phone: (803) 734-3737 fax: (803) 734-4113 e-mail: other: |
| <input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III) | |
| SECTION I: Hearing Information | |
| Nature of Motion: Estimated Time Needed: Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO | |
| SECTION II: Motion/Order Type | |
| <input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. | |
| <u>Megan E. Harrigan</u> Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant | <u>March 4, 2013</u> Date submitted |
| SECTION III: Motion Fee | |
| <input type="checkbox"/> PAID - AMOUNT: <input checked="" type="checkbox"/> EXEMPT: <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support (check reason) <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input checked="" type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: <input type="checkbox"/> Other: | |
| JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: | JUDGE _____ CODE: _____ Date: _____ |
| CLERK'S VERIFICATION | |
| Collected by: _____ <input type="checkbox"/> MOTION FEE COLLECTED: _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: _____ | Filed: _____ Date Filed: <u>3/13/2013</u> <u>Liz Feders</u> CC, CP & GS <u>Anita Knoepfle</u> Deputy Clerk |

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2012CP0200471

| | |
|----------------|-------------------------|
| Stephen Corley | South Carolina State Of |
| PLAINTIFF(S) | DEFENDANT(S) |

| | |
|---------------|---|
| Submitted by: | Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant |
|---------------|---|

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- 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: _____
- 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:

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

Stephen Corley, 347938,
 Plaintiff

v.

State Of South Carolina
 Defendant.

IN THE COURT OF COMMON PLEAS

CASE NO.
2012-CP-02-0471

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

| | |
|--|--|
| Plaintiff's Attorney: Jacqueline Busbee, Bar No. Address: Post Office Box 596 Wagener, SC 29164 phone: (803) 564-5995 fax: e-mail: other: | Defendant's Attorney: Megan E. Harrigan, Bar No. Address: Post Office Box 11549 Columbia SC 29211-1549 phone: (803) 734-3737 fax: (803) 734-4113 e-mail: other: |
| <input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III) | |
| SECTION I: Hearing Information | |
| Nature of Motion: Estimated Time Needed: Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO | |
| SECTION II: Motion/Order Type | |
| <input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. | |
| <u>Megan E. Harrigan</u> Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant | <u>March 4, 2013</u> Date submitted |
| SECTION III: Motion Fee | |
| <input type="checkbox"/> PAID - AMOUNT: <input checked="" type="checkbox"/> EXEMPT: <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support (check reason) <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input checked="" type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: <input type="checkbox"/> Other: | |
| JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: | JUDGE _____ CODE: _____ Date: _____ |
| CLERK'S VERIFICATION | |
| Collected by: _____ <input type="checkbox"/> MOTION FEE COLLECTED: _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: _____ | Filed: _____ Date Filed: <u>3/13/2013</u> <u>Liz Anderson</u> CC, C.P. & G.S. <u>Anita Knoepfle</u> Deputy Clerk |

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2012CP0200471

| | |
|----------------|-------------------------|
| Stephen Corley | South Carolina State Of |
| PLAINTIFF(S) | DEFENDANT(S) |

| | |
|---------------|---|
| Submitted by: | Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant |
|---------------|---|

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- 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: _____
- 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. 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.**

| | | |
|---------------------|------------|------|
| | 3/13/2013 | |
| Circuit Court Judge | Judge Code | Date |

For Clerk of Court Office Use Only

This judgment was entered on 3-13-13, and a copy mailed first class or placed in the appropriate attorney's box on 3-13-13, to attorneys of record or to parties (when appearing pro se) as follows:

Jacqueline Fogle Busbee PO Box 596 4117 Festival Trail
Road Wagener, SC 29164

Megan Elizabeth Harrigan PO Box 11549 Columbia, SC
29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Liz Godard by Utknepple

Liz Godard - Clerk of Court

Court Reporter

acqueline F. Busbee
P. Box 596
Agener, South Carolina 29164

HON. JENNY ABBOTT KITCHINGS
CLERK, SOUTH CAROLINA COURT OF APPEALS
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

RECEIVED

APR 16 2013

30 Court of Appeals

