

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM FLORENCE COUNTY
George M. McFaddin, Jr., Circuit Court Judge

2017-CP-21-1576

Ronnie Drake, # 318461,

Appellant,

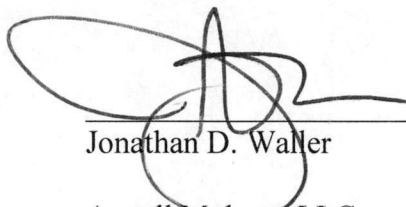
v.

STATE OF SOUTH CAROLINA,

Respondent.

NOTICE OF APPEAL

Ronnie Drake, # 318461, appeals the Order of Dismissal denying his Application for Post-Conviction Relief filed January 14, 2022, issued by the Honorable George M. McFaddin, Jr., Presiding Judge, Twelfth Judicial Circuit.



Jonathan D. Waller

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Aiken, SC 29801
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ATTORNEY FOR PETITIONER

February 3, 2022

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S.C. SUPREME COURT

Other Counsel of Record:
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FILED

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

IN THE COURT OF COMMON PLEAS
FOR THE TWELFTH JUDICIAL CIRCUIT

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Ronnie M. Drake, #318461,
Applicant,

BOBIS MCDONALD O'HARA
CLERK OF COURT
FLORENCE COUNTY, S.C.

Case No.: 2017-CP-21-1576

v.

ORDER OF DISMISSAL

State of South Carolina,
Respondent.

This matter came before the Court by way of Ronnie M. Drake's (Applicant) action for post-conviction relief (PCR) commenced June 12, 2017. The State made its return on November 13, 2017. The Court convened an evidentiary hearing into the matter on September 1, 2021, at the Florence County Judicial Center in Florence, South Carolina. Applicant was present at the hearing and represented by Jonathan D. Waller, Esquire. Michael D. Davidson, Esquire, of the South Carolina Attorney General's Office, appeared on behalf of the State.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's plea counsel, Ralph Wilson, Esquire, ("Counsel") also testified. The Court had before it Applicant's records from the South Carolina Department of Corrections, a copy of the original plea transcript, the records of the Clerk of Court regarding the subject convictions, the pleadings, and the exhibits introduced at the evidentiary hearing. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections (SCDC) pursuant to orders of commitment of the Florence County Clerk of Court. Applicant was indicted at the October 2015 term of the Florence County Grand Jury for possession with intent to distribute ("PWID") cocaine base and trafficking cocaine, 10-28 grams (2015-GS-21-1143). Applicant was

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BOBIS MCDONALD O'HARA
CLERK OF COURT, C.P. & G.S.
FLORENCE COUNTY, S.C.

represented by Ralph Wilson, Esquire. Deputy Solicitor John Jupertinger, Esquire, prosecuted the case.

On December 5, 2016, Applicant pleaded guilty to the lesser included offense trafficking cocaine, 10-28 grams, second offense before the Honorable D. Craig Brown. The PWID charge was dismissed. Pursuant a negotiated sentence, Judge Brown sentenced Applicant to imprisonment for twelve years.

Applicant filed a timely notice of appeal. However, the South Carolina Court of Appeals dismissed Applicant's appeal by order filed April 28, 2017, for failure to provide sufficient explanation as required by Rule 203(b), SCACR. The Remittitur was returned to the circuit court on May 16, 2017.

Applicant timely commenced this PCR action on June 12, 2017. Applicant alleges:

1. Ineffective Assistance of Counsel
 - a. Involuntary guilty plea

At the evidentiary hearing, PCR counsel explained Applicant intended to proceed on allegations of involuntary guilty plea. Specifically, PCR counsel articulated that Applicant's guilty plea was involuntary based on Counsel's failure to investigate the facts and circumstances regarding the incident itself and personal situation and mental health that led to Applicant's plea being not freely and voluntarily entered.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

A. Credibility Findings

The Court finds that the present matter represents an appropriate circumstance to issue broad credibility findings as to the testimony of each of the witnesses at the evidentiary hearing, rather than attempt to parse out in detail which portions of each witness' testimony are credible and which portions are not.

The Court finds Applicant's testimony to not be credible in its entirety and affords it zero probative weight. While in many post-conviction relief actions less-than-credible witnesses can be said to be truthful in at least some respects or as to certain details, Applicant's testimony affords few such opportunities to give credit.

The Court finds the testimony provided by Counsel to be highly credible and affords it substantial probative weight. Counsel was thorough and forthright in each of his answers, and eagerly offered information beyond the narrower scope of the questions asked of him. Counsel's candor to the Court was palpable and informative.

B. Ineffective Assistance of Counsel & Involuntary Guilty Plea

Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*. First, Applicant must prove that counsel's

performance was deficient. *Strickland*, 466 U.S. at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Applicant must so prove his factual allegations by a preponderance of the evidence. Rule 71.1(e), SCRPC. Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Id.* (citing *Strickland*, 466 U.S. at 690). "When counsel focuses on some issues to the exclusion of others, there is a strong presumption that he [or she] did so for tactical reasons rather than through sheer neglect." *Yarborough v. Gentry*, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690). The Court, in determining deficiency, must affirmatively entertain the range of possible reasons counsel may have had for proceeding as they did. *Cullen v. Pinholster*, 563 U.S. 170, 196 (2011); *Harrington v. Richter*, 562 U.S. 86, 109-10 (2011). "[E]ven if an omission is inadvertent, relief is not automatic. The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight." *Yarborough*, 540 U.S. at 6; *see also Murphy v. Davis*, 901 F.3d 578, 592 (5th Cir. 2018) ("[C]ounsel's performance need not be optimal to be reasonable."). Applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625.

Second, counsel's deficient performance must have prejudiced 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. "This does not require a showing that counsel's actions 'more likely than not altered the outcome,' but the difference



between *Strickland*'s prejudice standard and a more-probable-than-not standard is slight and matters 'only in the rarest case.'" *Harrington*, 562 U.S. at 111-12 (quoting *Strickland*, 466 U.S. at 697). "The likelihood of a different result must be substantial, not just conceivable." *Id.* at 112. "The prejudice analysis requires the court deciding the ineffectiveness claim to consider the totality of the evidence before the judge or jury." *United States v. Basham*, 789 F.3d 358, 371-72 (4th Cir. 2015) (quoting *Elmore v. Ozmint*, 661 F.3d 783, 858 (4th Cir. 2011)).

In the context of a guilty plea, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he/she would not have pleaded guilty and would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. *See Blackledge v. Allison*, 431 U.S. 63, 73-74 (1977) ("Solemn declarations in open court carry a strong presumption of verity. The subsequent presentation of conclusory allegations unsupported by specifics is subject to summary dismissal, as are contentions that in the face of the record are wholly incredible."). Statements made during a guilty plea should be considered conclusively, unless an Applicant presents valid reasons why he or she should be allowed to depart from the truth of his statements. *Dalton v. State*, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Cl. App. 2007) (citing *Crawford v. United States*, 519 F.2d 347, 350 (4th Cir. 1975)).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. *Strickland*, 466 U.S. at 696. A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is



easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. *Id.* at 696-97.

Applicant further claims his plea was not entered knowingly or voluntarily. To find a guilty plea is voluntarily and knowingly entered into, the record must establish Applicant had a full understanding of the consequences of the plea and the charges against him or her. *Dover v. State*, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991); *see also Boykin v. Alabama*, 395 U.S. 238, 243 (1969) (Courts must make sure defendants have "a full understanding of what the plea connotes and of its consequence. When the judge discharges that function, he leaves a record adequate for any review that may be later sought, and forestalls the spin-off of collateral proceedings that seek to probe murky memories."). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence presented at the PCR hearing. *See Harris v. Leeke*, 282 S.C. 131, 134, 318 S.E.2d 360, 361 (1984).

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 trial 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 instead. *Roscoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001); *Richardson v. State*, 310 S.C. 360, 363, 362 426 S.E.2d 795, 797 (1993). Given Applicant's burden of proof and the analysis to be applied to this claim, Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it will be treated as such.

1. Failure to investigate the facts and circumstances regarding the incident

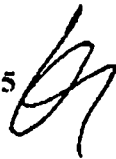
Applicant alleges Counsel was ineffective in failing to adequately to investigate the facts and circumstances regarding the incident. This Court disagrees.



Counsel must, at a minimum, make some effort to interview potential witnesses identified by the defendant, and make an independent investigation of the facts and circumstances of the case. *Edwards v. State*, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011); *Walker v. State*, 407 S.C. 400, 405, 756 S.E.2d 144, 147 (2014). “[S]trategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable; and strategic choices made after less than complete investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation.” *Strickland*, 466 U.S. at 690-91. “In other words, counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary.” *Id.* at 691. “In any ineffectiveness case, a particular decision not to investigate must be directly assessed for reasonableness in all the circumstances, applying a heavy measure of deference to counsel’s judgments.” *Id.*

“The reasonableness of counsel’s actions may be determined or substantially influenced by the defendant’s own statements or actions.” *Id.* “Counsel’s actions are usually based, quite properly, on informed strategic choices made by the defendant and on information supplied by the defendant.” *Id.* “In particular, what investigation decisions are reasonable depends critically on such information.”

In order to prevail upon a claim that counsel did not adequately prepare or investigate a case, an applicant must present evidence of what counsel could have discovered or what other defenses applicant could have requested counsel develop and present had counsel been more prepared. *Harris v. State*, 377 S.C. 66, 75-76, 659 S.E.2d 140, 145-46 (2008) (citing *Jackson v. State*, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998)). Furthermore, an applicant must also present evidence to show how the discoverable matters or defenses would have resulted in a different outcome. *Id.* (citing *Davis v. State*, 326 S.C. 283, 288, 486 S.E.2d 747, 749 (1997); *Skeen*



v. State, 325 S.C 210, 214, 481 S.E.2d 129, 132 (1997)). Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. *Id.*, 377 S.C. at 75, 659 S.E.2d at 145 (citing *Glover v. State*, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

In the present case, Applicant alleges Counsel failed to adequately investigate the incident leading to his arrest. However, this Court disagrees. At the PCR hearing, Applicant testified he thought he was set up, and he asked Counsel to get the film from the store where he was arrested in order to locate the person who gave him the bag of drugs. Counsel testified he received discovery and there was not a video as part of the discovery. Counsel testified Applicant never asked him about a video or asked him to obtain the video from the store.

Counsel explained the State's evidence against Applicant. Counsel testified on the day of the incident, an officer received a phone call from the store that there was a male who had a marijuana joint in his possession, and that the man was trying to sell or give it to others. An officer went to the location, and as the officer pulled up, Applicant was getting into his car. The officer pulled up behind Applicant's car and approached the driver side door to ask Applicant for some identification. Applicant rolled up the window, and the officer proceeded to open the door. Once the door was open, drugs fall onto the ground and the officer attempts to place Applicant under arrest; however, Applicant was able to get past the officer. Applicant began to run away, so the officer tased Applicant. The officer then tackled Applicant to the ground. As the officer tried to place Applicant under arrest, Applicant resisted the officer and tried to keep something under his body. Because Applicant would not place his hands behind his back, the officer tased Applicant a second time. The officer finally got Applicant's hands cuffed and did a search incident to arrest. The officer noticed a bulge in Applicant's pants, which the officer found to be more drugs.

Applicant gave a statement to the officer at the scene admitting he purchased the drugs for some lady at a sorority. Applicant explained he was getting the drugs for the lady and he was not buying the drugs for himself.

Applicant offered that Counsel should have obtained a video from the store on the day of the incident; however, Counsel's testimony clearly refutes that Applicant ever asked him about a video. Applicant offers nothing further that Counsel could have or should have investigated in furtherance of his defense. Counsel, on the other hand, demonstrated through his testimony a thorough command of the facts and circumstances of Applicant's charges, and credibly testified to fully reviewing the evidence against Applicant in its entirety. Based on his review, Counsel's strategy was to attempt to get the best plea offer possible for Applicant. Considering the evidence against Applicant, this Court finds Counsel's strategy to be reasonable.

Accordingly, this Court does not find Applicant's allegations have merit as they do not rise to the level of deficient performance, nor do they prejudice the Applicant in the entry of his plea. "[W]here counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel." *Watson v. State*, 370 S.C. 68, 72, 634 S.E.2d 642, 644 (2006) (citing *Stokes v. State*, 308 S.C. 546, 419 S.E.2d 778 (1992)). "Counsel's performance is accorded a favorable presumption, and a reviewing court proceeds from the rebuttable presumption that counsel 'rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.'" *Smith v. State*, 386 S.C. 562, 567, 689 S.E.2d 629, 632 (2010) (quoting *Strickland*, 466 U.S. at 690, 104 S.Ct. 2052). "Accordingly, when counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel." *Id.* (citing *Caprood v. State*, 338 S.C. 103, 110, 525 S.E.2d 514, 517 (2000)). "Courts must be wary of second-guessing counsel's trial tactics; and where counsel

articulates a valid reason for employing certain strategy, such conduct will not be deemed ineffective assistance of counsel. *Whitehead v. State*, 308 S.C. 119, 417 S.E.2d 529 (1992) (citing *Goodson v. United States*, 564 F.2d 1071 (4th Cir. 1977)). Applicant has produced no probative evidence towards meeting his burden as to either prong of *Hill*; accordingly, his demand for relief by way of this allegation is **DENIED**.

2. Failure to Investigate Applicant's personal situation and mental health

Applicant alleges Counsel was ineffective in failing to investigate Applicant's personal situation and mental health. However, this Court disagrees. In applying the above-cited case law to the testimony presented at the evidentiary hearing, this Court cannot find any reason to believe that Counsel's representation was deficient or prejudicial.

At the PCR hearing, Applicant testified he had a history of mental health issues, and he asked Counsel to obtain records of his treatment history. Applicant testified he did not know if Counsel got his mental health records. Applicant testified prior to his plea, he was evaluated for mental health issues, but the evaluation report indicated Applicant had no mental health issues and that he was faking being mentally ill. Applicant testified he took medication since he was fourteen and that he took Ritalin, then Adderall later in his life. Applicant testified he was on medication for PTSD while in prison. Applicant testified he was placed on Remeron for depression and another medication for bipolar disorder. Applicant testified when he was released from prison on an earlier charge, he was discharged with a thirty-day supply of his medications. Applicant testified on the day of the incident he had been out of his medication for three days. Applicant testified he told Counsel he was out of medication on the day of the incident, and he asked Counsel to contact the social security office about the doctor who helped him get the medication. Applicant also testified he asked Counsel to ask school officials for his mental health records.

Applicant testified Counsel asked Applicant's mother to try to get Applicant to plead guilty. Applicant testified Counsel succeeded in getting his mother to coerce him to plead guilty because at the time he was not on his proper medication, so in his mind, he did not want to plead guilty but did so out of respect for his mother. Applicant clarified he thought Counsel tricked his mother into convincing Applicant to plead guilty. Applicant testified he recalled telling the judge that he had taken his medication the day of the plea and admitted he had in fact taken his medication that day.

Counsel testified regarding Applicant's mental health. Counsel testified he spoke to Applicant and his mother who informed Counsel that Applicant was on Ritalin. Counsel testified Ritalin had nothing to do with bipolar disorder or schizophrenia. Counsel testified Applicant underwent a mental health evaluation and, in the report, there was nothing to suggest Applicant had any major mental illness of any type. Counsel testified the report indicated Applicant was faking most of his symptoms. Counsel testified Applicant never asked him to investigate his school records or the records at the social security office, but even if Applicant had asked, Counsel explained those records would not have been helpful as the doctors performing the mental health evaluation would have attempted to locate those records based on Applicant's own reported history.

Counsel testified after reviewing the evidence in the case, he thought working out a plea would be in Applicant's best interest. Counsel testified he explained this to Applicant honestly and eventually was able to work out a plea deal. Counsel testified the solicitor offered a negotiated plea of fifteen years, but the offer was lowered it to a negotiated twelve-year sentence at the last minute. Counsel testified the solicitor made it clear that there would be no other plea offers after the twelve-year offer. Counsel testified he informed Applicant of the twelve-year offer and

explained that it was a negotiated, not a recommended sentence. Counsel testified he explain to Applicant that because it was negotiated, if Applicant took the plea and the judge accepted it, then the judge would have to sentence him to twelve years. Counsel testified he told Applicant that this would be the last offer and if he did not accept it, then they would have to proceed with a trial. Counsel testified there was nothing that occurred during the plea hearing that led him to believe Applicant's plea was not voluntary. Counsel testified it was Applicant's decision to plead. Applicant pleaded freely and voluntarily, and had Applicant not taken the plea offer, Counsel would have been ready to go to trial.

This Court finds Counsel was not deficient for failing to obtain Applicant's medical records from his school or the social security office, and Counsel's investigation into Applicant's mental health was reasonable under the circumstances. This Court finds credible Counsel's testimony Applicant never asked him to investigate his school records or the records at the social security office, but even if Applicant had asked, Counsel explained those records would not have been helpful as the doctors performing the mental health evaluation would have attempted to locate those records based on Applicant's own reported history. Accordingly, Counsel's alleged failure was not deficient. Additionally, Applicant cannot show prejudice, as he was evaluated prior to the plea hearing and the report found nothing medically wrong with Applicant. Further the report indicated that Applicant was faking most of his mental health symptoms. This Court finds Applicant has failed to produce probative evidence towards meeting his burden as to either prong of *Hill*; accordingly, his demand for relief by way of this allegation is **DENIED**.

3. Involuntary Guilty Plea

Applicant alleges his guilty plea was involuntarily entered due to Counsel's failures outlined above. Furthermore, Applicant testified his plea was involuntary because Counsel tricked

his mother into convincing him to plead guilty. However, this Court finds Applicant's plea was freely and voluntarily entered based on the plea transcript and the testimony presented at the PCR hearing.

The testimony described in the above allegations is applicable in this allegation, as well. When evaluating the voluntariness of a guilty plea, a defendant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel's performance was deficient and (2) there is a reasonable probability that, but for counsel's errors, the defendant would not have pled guilty. *Johnson v. Catoe*, 336 S.C. 354, 520 S.E.2d 617 (1999); *Wolfe v. State*, 326 S.C. 158, 485 S.E.2d 367 (1997); *Satterwhite v. State*, 325 S.C. 254, 481 S.E.2d 709 (1997). As this Court has already determined above, Counsel's performance was not deficient. Applicant could not satisfy that burden. Further case law states that,

in many guilty plea cases, the 'prejudice' inquiry will closely resemble the inquiry engaged in by courts reviewing ineffective-assistance challenges to convictions obtained through a trial. For example, where the alleged error of counsel is a failure to investigate or discover potentially exculpatory evidence, the determination whether the error "prejudiced" the defendant by causing him to plead guilty rather than go to trial will depend on the likelihood that discovery of the evidence would have led counsel to change his recommendation as to the plea. This assessment, in turn, will depend in large part on a prediction whether the evidence likely would have changed the outcome of a trial.

Stalk v. State, 383 S.C. 559, 562, 681 S.E.2d 592, 594 (2009) (citing *Hill v. Lockhart*, 474 U.S. 52, 106 S.Ct. 366 (1985)). Additionally, this Court does not find that any evidence or testimony presented that would amount to prejudice. Counsel thoroughly investigated and prepared for trial and presented his findings and analysis to the Applicant over the course of many meetings. Applicant understood the adversities and options that he faced, and he chose to plead guilty to avoid facing a harsher sentence if he lost at trial. Furthermore, this Court finds the plea transcript clearly establishes that Applicant's plea was freely and voluntarily entered. For these reasons, his

demand for relief by way of this allegation is **DENIED**.

{Conclusion and signature to follow on the next page}

III. CONCLUSION

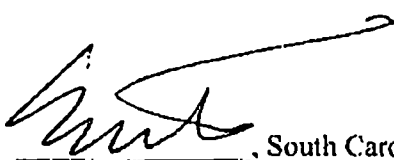
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

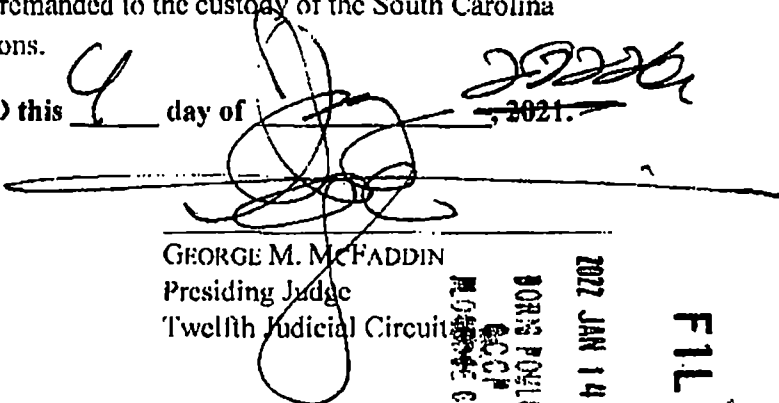
This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991),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

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 9 day of ~~January~~, 2021.


_____, South Carolina



GEORGE M. MCFADDIN
Presiding Judge
Twelfth Judicial Circuit

BORIS POPELOS O'HARA
SCCP & GS
MORGAN CONERTY, SC

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S.C. SUPREME COURT

FORM 4

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

**JUDGMENT IN A CIVIL CASE
CASE NUMBER 2017CP2101576**

Ronnie Mickell Drake		South Carolina State Of	
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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. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(h), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

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

ORDER INFORMATION

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

INFORMATION FOR THE JUDGMENT INDEX

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

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

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

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge	Judge Code	1/14/2022 Date
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For Clerk of Court Office Use Only

This judgment was entered on **January 14, 2022**, and a copy mailed first class or placed in the appropriate attorney's box on **January 18, 2022**, to attorneys of record or to parties (when appearing pro se) as follows:

Jonathan D Waller 210 Newberry Street, NW Aiken, SC
29801

Michael D. Davidson 1000 Assembly Street Rembert C.
Dennis Building, PCR Division Columbia, SC 29201

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Doris P O'Hara

Court Reporter

Doris Poulos O'Hara - 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.
