

STATE OF SOUTH CAROLINA  
In The Supreme Court

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**RECEIVED**

APR 18 2022

APPEAL FROM FLORENCE COUNTY  
Eugene C. Griffith, Jr., Circuit Court Judge

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S.C. SUPREME COURT

2019-CP-21-01249

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Edwin Small, Jr., # 323402,

Appellant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

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NOTICE OF APPEAL

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Edwin Small, Jr., # 323402, appeals the Order of Dismissal denying his Application for Post-Conviction Relief filed March 30, 2022, issued by the Honorable Eugene C. Griffith, Jr., Presiding Judge, Twelfth Judicial Circuit.



Jonathan D. Waller

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Angell Molony, LLC  
SC Bar No.: 76290  
210 Newberry Street, NW  
Aiken, SC 29801  
803-335-1449 (phone)  
jonathan@angellmolony.com  
ATTORNEY FOR PETITIONER

April 12, 2022

Other Counsel of Record:  
Megan Jameson, Senior Assistant Deputy Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3319

**FILED**

STATE OF SOUTH CAROLINA  
COUNTY OF FLORENCE

) IN THE COURT OF COMMON PLEAS  
) TWELFTH JUDICIAL CIRCUIT  
2022 MAR 30 AM 10:41

Edwin Evander Small, Jr., #323402

CASE NO. 2019-CP-21-1249

Applicant,

DORIS POOLUS O'HARA  
CLERK OF COURT C.P. & G.S.  
FLORENCE COUNTY, S.C.

v.

**ORDER OF DISMISSAL**

State of South Carolina,

Respondent.

This matter comes before this Court by way of Edwin Evander Small, Jr.'s (Applicant) application for post-conviction relief (PCR) commenced May 6, 2019. The State made its return on August 7, 2019, requesting an evidentiary hearing to resolve the issues set forth in the application. Applicant, through PCR Counsel, amended his application on September 11, 2020. This Court convened an evidentiary hearing into the matter on September 17, 2020, in this Court's virtual courtroom on the Cisco Webex platform. Applicant was present at the hearing and represented by Jonathan D. Waller, Esquire. Samuel L. Key, 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, Marshall S. Weaver, Sr., Esquire. ("Counsel") also testified. Also before the Court was the Florence County Clerk of Court records for the underlying conviction, Applicant's records from the South Carolina Department of Corrections (SCDC), a copy of the original plea transcript, and the records of this PCR action.

After observing the testimony presented and a full review of the record before the Court, this Court finds, for the reasons discussed below, Counsel was not constitutionally ineffective, and

CERTIFIED: A TRUE COPY

*Doris Poolus O'Hara*  
CLERK OF COURT C.P. & G.S.  
FLORENCE COUNTY, S.C.

Applicant knowingly and voluntarily pleaded guilty. Therefore, the Court denies relief and dismisses the action with prejudice.

### I. PROCEDURAL HISTORY

Applicant is confined in SCDC pursuant to orders of commitment of the Florence County Clerk of Court. Applicant was indicted at the November 2017 term of the Florence County Grand Jury for attempted murder, accessory before the fact to a felony, and kidnapping (2017-GS-21-1585). Applicant was represented by Marshall S. Weaver, Esquire. Assistant Solicitor J. Ryan White of the Twelfth Circuit Solicitor's Office prosecuted the case.

On October 2, 2018, Applicant appeared before the Honorable Thomas A. Russo and waived presentment to the grand jury to enter a plea pursuant to North Carolina v. Alford<sup>1</sup> for accessory after the fact to murder. Pursuant to negotiations entered into between Applicant and the State for a determinate ten year sentence and the dismissal of all related charges, Judge Russo accepted Applicant's plea and sentenced him to incarceration for ten years..<sup>2</sup> Applicant did not appeal.

### II. STATEMENT OF FACTS

Applicant's charges stem from an incident, and the aftermath of the incident, that occurred on September 24, 2016. Early in September 2016, a drug dealer was robbed of fifty pounds of marijuana. On September 24, Applicant gave Raheem Williams a gun and told Williams to take care of the marijuana situation. Williams then went and picked up Bobby Evans, Jr., who Applicant believed to have stolen the marijuana. If the case had proceeded to trial, the State would

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<sup>1</sup> 400 U.S. 25 (1970).

<sup>2</sup> The plea court informed Applicant his ten-year sentence was non-violent, and the sentencing sheet is marked as non-violent. (Plea Tr. 16); Sentencing Sheet.



have argued Applicant believed Williams was also involved in the marijuana theft. (Plea Tr. 18). Unaware of Applicant's suspicion, Williams picked up Evans, drove out to a field in a rural area, and executed Evans by shooting him one time in the back of the head. (Plea Tr. 17). After executing Evans, Williams returned to his residence. (Plea Tr. 18).

When Williams arrived home, the drug dealer, his associates, and Applicant were waiting for Williams to return. Applicant held Williams at gunpoint and ordered Williams to strip off his clothes and shower. Williams complied, and his clothes were burned behind the residence. Simultaneously, Applicant collected all cell phones of everyone present, including Williams' cellphone, and put the phones in a bag. The cellphones were never recovered. After exiting the shower, Williams was beaten and interrogated about his involvement in the marijuana theft for several hours. After interrogating Williams, Applicant and the others attempted to force Williams into the trunk of a car. Remarkably, Williams escaped. Williams would have testified for the State at trial. (Plea Tr. 18).

Applicant disagreed with the State's version of the facts, as he was pleading under Alford; however, Applicant stated, "I wasn't concerned about [the facts] at all. . . . *I just didn't want to take the risk of life.*" (Plea Tr. 19) (emphasis added). The plea court accepted Applicant's plea and found: the facts supported Applicant's plea; Applicant knowingly and voluntarily pleaded guilty pursuant to Alford; and Applicant knowingly and voluntarily waived presentment to the grand jury. (Plea Tr. 20).

### III. ISSUES BEFORE THIS COURT

In Applicant's original application, timely commenced on May 6, 2019, , Applicant alleges he is being held in custody unlawfully based on:

scj

1. Ineffective Assistance of Counsel

- a. After seeing that there was no concrete evidence other than hearsay, [plea counsel] told [Applicant] it was best to take a negotiated plea sentence. [Plea counsel] was not getting paid to represent [Applicant] and did not want to go to trial, even after [Applicant's] codefendants were found "Not Guilty."

2. No evidence.

On September 20, 2020, pursuant to Rule 71.1, SCRCP, Applicant, through PCR counsel, amended his application to include the following allegations:

1. Ineffective Assistance of Counsel

- a. Counsel was ineffective for failing to properly investigate the facts and circumstances surrounding the allegations against Applicant, thus rendering Applicant's plea unknowingly and involuntarily entered into.

Applicant proceeded forward on the allegation of ineffective assistance of counsel raised in his original and amended PCR applications. At the PCR hearing, counsel advised this Court that the amended PCR application was a clarification on the ineffective assistance of counsel allegation and Applicant knew that the evidence allegation was not proper for PCR. All other allegations raised in his initial application and amendments are deemed waived and abandoned and, accordingly, will not be addressed in this order.

#### **IV. STANDARD OF REVIEW**

An applicant may seek PCR upon the following types of allegations:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;

4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy . . . .

S.C. Code Ann. § 17-27-20(A).

Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive *effective* assistance of counsel guaranteed by the Sixth Amendment. The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right and raises a question of fact that an evidentiary hearing can only determine. Rogers v. State, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

The reviewing court applies the two-part test outlined in Strickland v. Washington to determine whether counsel's conduct "was so defective as to require reversal" of the applicant's conviction. 466 U.S. 668, 687 (1984). To obtain relief, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. Id. at 687-88; Cherry v. State, 300 S.C. 115, 117-18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. Strickland, 466 U.S. at 700; see also Bell v. Cone, 535 U.S. 685, 695 (2002) (explaining that "[w]ithout proof of both deficient performance and prejudice to the defense, . . . it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable" (citation and internal quotation marks omitted)).



The applicant has the burden of establishing both deficiency and prejudice in order to be entitled to relief. Hughes v. State, 346 S.C. 554, 558, 552 S.E.2d 315, 317 (2001); Rule 71.1(e), SCRPC. To prove deficient performance, the applicant must establish that, in light of all the circumstances, the acts or omissions complained of “were outside the wide range of [competence]” demanded of attorneys in criminal cases. Strickland, 466 U.S. at 690. To prove prejudice, the applicant must establish “a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Id. at 694. A reasonable probability is a probability “sufficient to undermine confidence in the outcome.” Id. Significantly, “the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged.” Id. at 696.

Because the Sixth Amendment right to counsel also applies to a defendant entering a guilty plea, Hill v. Lockhart, 474 U.S. 52 (1985), extended the two-part Strickland test to challenge guilty pleas based on ineffective assistance of counsel. See Padilla v. Kentucky, 559 U.S. 356, 373 (2010) (recognizing that the guilty plea process is a “critical phase of litigation” for purposes of the Sixth Amendment right to effective assistance of counsel). The analysis of counsel’s performance under the first prong of Strickland remains unchanged—the applicant must show that counsel’s representation fell below an objective standard of reasonableness demanded of attorneys in criminal cases. Hill, 474 U.S. at 58–59; accord Thompson v. State, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel’s advice to plead guilty was not “within the range of competence demanded of attorneys in criminal cases.” Hill, 474 U.S. at 56.

The second, or “prejudice” prong, however, “focuses on whether counsel’s constitutionally ineffective performance affected the outcome of the plea process.” Id. Specifically, when an applicant

claims counsel's deficient performance caused him to accept a plea, the applicant "must show that there is a reasonable probability that, but for [plea] counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial." Id. at 59. The applicant must further convince the court that a decision to reject the plea bargain would have been rational under the circumstances. Padilla, 559 U.S. at 372.

This inquiry "focuses on a defendant's decision making" and does not turn on the outcome of a defendant's actual criminal proceeding or potential outcome had a defendant chosen to proceed to trial. Lee v. United States, 582 U.S. \_\_\_, 137 S. Ct. 1958, 1966 (2017). However, an applicant must convince the court that a decision to reject the plea bargain would have been rational under the circumstances. Padilla, 559 U.S. at 372. The question here is whether the applicant, if correctly informed of circumstances surrounding the plea, would have pleaded guilty—*not* whether counsel would have still advised him or her to plead guilty. Turner v. State, 335 S.C. 382, 385, 517 S.E.2d 442, 444 (1999).

#### V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the PCR evidentiary hearing, observed the witnesses, passed upon their credibility, and weighed their testimony accordingly. After hearing the testimony presented and considering the legal arguments by counsel, as well as the record in this action incorporated by way of the State's return, this Court proceeds to the claims raised in the application and amended application and finds each to be without merit. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings of facts and conclusions of law based upon all of the probative evidence presented.



### A. Involuntary Guilty Plea

Applicant further alleges his plea was involuntary as a result of Counsel's ineffective assistance. This Court disagrees and finds the combined record from the plea hearing, and the PCR hearing establishes Applicant freely, knowingly, and voluntarily pleaded guilty.

#### 1. Plea Testimony

Near the outset of the plea colloquy, Judge Russo explained to Applicant the constitutional rights he would waive by pleading guilty; including his right to remain silent, his right to a jury trial, to challenge the State's evidence, and to present a defense. (Plea Tr. 5 – 7). Judge Russo further advised Applicant that if he elected to continue with his trial, the burden of proof would be upon the State to prove every element of every charge against him. (Plea Tr. 5 – 7). Applicant informed Judge Russo he was knowingly, voluntarily, and freely waiving his constitutional rights by pleading guilty. (Plea Tr. 8 – 17).

Judge Russo confirmed that Applicant understood the potential maximum sentence for the charge of accessory after the fact to murder or an A, B, or C felony. (Plea Tr. 8). Judge Russo confirmed that Applicant's Counsel had discussed with Applicant his charges, constitutional rights, that his indictment had not been presented to the grand jury, and the meaning of an Alford plea. (Plea Tr. 10). Judge Russo further detailed the grand jury process, and Applicant affirmed his understanding of waiver and his doing so voluntarily. (Plea Tr. 11 – 13). Judge Russo then detailed the meaning of an Alford plea in which Applicant affirmed that he understood and was doing so voluntarily. (Plea Tr. 13 – 16). Judge Russo confirmed that Applicant was pleading guilty under Alford to the accessory charge, and all other charges would be dismissed or *nolle prosequed*. (Plea Tr. 15).

Applicant then pled guilty pursuant to North Carolina v. Alford of his own free will. (Plea Tr. 17). Applicant advised the court he had not been threatened, coerced, or promised anything in exchange for his guilty plea. (Plea Tr. 16). Applicant further indicated he was satisfied with the representation and advice that his Counsel had provided. (Plea Tr. 16).

## 2. PCR Testimony

At the PCR hearing, Applicant was asked about the portion of the plea proceeding where Applicant told Judge Russo that his Counsel explained to him his constitutional rights. (PCR Tr. 23, ll. 1 – 4). Applicant testified that plea Counsel explained the sentences he could receive if they were to proceed to trial. (PCR Tr. 23). Applicant testified that he understood what waiver of presentment of his indictments to the grand jury meant. (PCR Tr. 27). Applicant testified that he understood the meaning of a negotiated plea and that a judge may accept or deny it. (PCR Tr. 27). Applicant further testified that he took the Alford plea because he knew what it was and he was “convinced that that would be the best [he would get].” (PCR Tr. 27-28). Applicant recalled that he was not worried about the State’s evidence against him; instead, he was more concerned with receiving a 30-year sentence versus the negotiated 10-year sentence<sup>3</sup>. (PCR Tr. 28; Trial Tr. 19).

Prior to Applicant entering his Alford plea, Counsel testified that Judge Russo decided not to proceed with trial because hurricane evacuation orders were being issued in the area, and they would not finish the trial before the storm arrived. (PCR Tr. 34-35). Counsel further testified that the State was willing to offer ten years violent and would not budge from that offer. (PCR Tr. 35). However, after Judge Russo announced the decision to continue the trial, Counsel testified that Applicant turned to Ryan White, the assistant solicitor, and said, “I’ll plead to ten nonviolent.”

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<sup>3</sup> Applicant’s PCR testimony stated, “I would rather do 10 years in lieu (ph) of my life.” (PCR Tr. 28).

(PCR Tr. 35). Counsel testified that Mr. White agreed to the plea and produced a plea agreement. (PCR/Tr. 35).

Further, Counsel testified that he reviewed with Applicant the initial charges, explained an Alford plea, and discussed the mandatory minimum and maximum sentences he potentially faced at trial. (PCR Tr. 36-39). Counsel indicated that he told Applicant that if he could get the State to agree to 10 years, he should seriously consider taking it. (PCR Tr. 39). Counsel testified that the State continued to gather evidence against Applicant, and he presented that evidence and the impact it potentially would have at trial. (PCR Tr. 39). Specifically, Counsel testified to a damaging video of a deceased State's witness that the court was allowing into evidence against counsel's objection. (PCR Tr. 40). Counsel testified that in this video, the witness claims to have been at the house and that Applicant was the "enforcer" and the "shooter." (PCR Tr. 40).

Counsel further testified that he provided the negatives and the positives regarding the State's case. (PCR Tr. 41). Counsel provided that while the evidence was circumstantial, their defense would be on his ability to impeach the witnesses. (PCR Tr. 41). Counsel also testified that "in the tenth hour," the State produced two inmates who were going to testify that Applicant had conversations with them and told them all about the events that took place. (PCR Tr. 42).

### 3. Discussion

"[I]t is the prerogative of any person to waive his rights, confess, and plead guilty, under judicially defined safeguards, which are adequately enforced." Reed v. Becka, 333 S.C. 676, 685, 511 S.E.2d 396, 401 (Ct. App. 1999). Accordingly, because a criminal defendant waives several constitutional rights by pleading guilty, the Due Process Clause requires that guilty pleas are entered into voluntarily, knowingly, and intelligently. Boykin v. Alabama, 395 U.S. 238 (1969);

Pittman v. State, 337 S.C. 597, 524 S.E.2d 623 (1999). To be intelligent, a plea must be made by a mentally competent defendant who understands both the charges against him, and the consequences of his plea. Brady v. United States, 397 U.S. 742, 748 (1970). To be voluntary, a plea must be free of threats or other coercion that would impermissibly distort the defendant's choice. Id. at 755; see also United States v. Smith, 440 F.2d 521, 528-529 (7th Cir.) (Stevens, J., dissenting) (explaining that voluntariness relates to the trustworthiness of the admission of guilt and binding character of the waiver of the constitutional protections which would be available to the accused if he elected to stand trial).

The test for determining the validity of a guilty plea is "whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant." North Carolina v. Alford, 400 U.S. 25, 31 (1970). The State may properly encourage guilty pleas either by being more lenient to those who enter such pleas, Brady, 397 U.S. at 750-53, or by increasing the risks of punishment on those who do not. Alford, 400 U.S. at 37 (1970); cf. United States v. Cox, 464 F.2d 937, 942 (6th Cir. 1972) ("It is . . . well established that a guilty plea is not rendered invalid because it represents a compromise by defendant, thrusts a difficult judgment upon him, or is motivated by fear of greater punishment." (citing Brady, 397 U.S. 742)). An applicant who enters a plea on the advice of counsel may "only attack the voluntary and intelligent character of a plea by showing that [plea] counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel's errors, the [applicant] would not have pled guilty but would have insisted on going to trial." Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citing Hill, 474 U.S. 52).

The voluntariness of a guilty plea, however, "is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made



at the time of the entry of the guilty plea and the record of the post-conviction hearing.” Harres v. Leeke, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984). In evaluating an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing. Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 370 (1997); cf. Rayford v. State, 314 S.C. 46, 443 S.E.2d 805 (1994) (finding that where the transcript of the guilty plea proceeding refuted applicant’s claim that he did not understand the terms of a plea bargain, granting PCR was inappropriate notwithstanding applicant’s claim his lawyer misadvised him).

Before a court can accept a guilty plea, the defendant must be advised of the constitutional rights he or she is waiving; the right to a jury trial, the right to confront one’s accusers, and the privilege against self-incrimination. Boykin, 395 U.S. at 243. Additionally, the defendant “must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived.” Pittman v. State, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999).

This Court finds Applicant knew the nature of the charges against him, the terms of the plea agreement, and the consequences of pleading guilty pursuant to the requirements of Boykin and Pittman. The plea transcript reflects Applicant understood the proceedings, interacted intelligently with the plea court, and entered his guilty plea knowingly and voluntarily. Moreover, the information conveyed at the plea hearing cured any possible deficiency or error by counsel.

Because a guilty plea is a “solemn, judicial admission of the truth of the charges against an individual . . . , a criminal inmate’s right to contest the validity of such a plea is usually, but not invariably, foreclosed.” Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63, 74 (1977); see also Jamison v. State, 410 S.C. 456,

469–71, 765 S.E.2d 123, 129–30 (2014) (observing that “guilty plea[s] must be treated as final in the vast majority of cases” and instructing that caution must be exercised so as not to “undermine the solemn nature of a guilty plea and the finality that generally attaches to a guilty plea”). This Court finds Applicant failed to “present[ ] [any] valid reasons why he should be allowed to depart from the truth of [the] statements” made during the plea proceeding. Dalton, 376 S.C. at 137–38, 654 S.E.2d at 874; see Crawford v. United States, 519 F.2d 347, 350 (4th Cir. 1975) (finding that the accuracy and truth of an accused’s statements at a guilty plea proceeding are “conclusively” established unless he makes some reasonable allegation why this should not be so), overruled on other grounds by United States v. Whitley, 759 F.2d 327 (4th Cir. 1985).

Surmounting Strickland’s high bar is never an easy task, and the strong societal interest in finality has “special force with respect to convictions based on guilty pleas.” Lee, 582 U.S. \_\_\_, 137 S. Ct. at 1967; cf. Hill, 474 U.S. at 58 (“[R]equiring a ‘prejudice’ showing from defendants who seek to challenge the validity of their guilty pleas on the ground of ineffective assistance of counsel ‘will serve the fundamental interest in the finality of guilty pleas.’ ”). Based on the evidence presented at the PCR hearing and the record of the plea proceeding, this Court finds Applicant’s plea was freely, knowingly, and voluntarily entered into. Accordingly, Applicant’s request for relief by way of this allegation is DENIED.

## VI. CONCLUSION

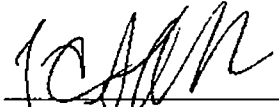
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

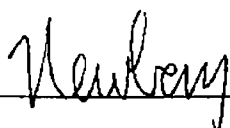
This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRPC, provides that PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf if the Applicant wishes to seek appellate review. 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 23<sup>rd</sup> day of March, 2022.

  
EUGENE C. GRIFFITH, JR.  
Presiding Judge  
Twelfth Judicial Circuit

  
\_\_\_\_\_, South Carolina

2022 MAR 30 AM 10:41  
DORIS FOLLOS O'HARA  
SCRPC § 63  
REC'D - CIVIL DIVISION

FILED

FORM 4  
**FILED**

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

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2019CP2101249

2022 MAR 30 AM 11:16 South Carolina State Of

DORIS POULOS O'HARA

PLAINTIFF(S)

DEFENDANT(S)

CCCC & G  
FLORENCE COUNTY, SC

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), 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

3/30/2022

Date

**For Clerk of Court Office Use Only**

This judgment was entered on **March 30, 2022**, and a copy mailed first class or placed in the appropriate attorney's box on **March 31, 2022**, to attorneys of record or to parties (when appearing pro se) as follows:

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

D Russell Barlow II PO Box 11549 Columbia, SC 29211

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ATTORNEY(S) FOR THE PLAINTIFF(S)

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ATTORNEY(S) FOR THE DEFENDANT(S)

*Doris P O'Hara*

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Court Reporter

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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.**

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

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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