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**Jan 05 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Abbeville County  
Honorable Donald B. Hocker, Circuit Court Judge  
Appellate Case No. 2020-000091

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THE STATE,

Respondent,

vs.

SHI HEME RAQUAN PRICE,

Appellant.

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**RETURN TO APPELLANT'S PETITION FOR REHEARING**

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Through an unpublished decision issued on December 7, 2022, this Court affirmed the Appellant Shi Heme Raquan Price's conviction for voluntary manslaughter. State v. Price, Op. No. 2022-UP-432 (S.C. Ct. App. filed Dec. 7, 2022). In affirming that conviction, this Court—relying on its earlier decision in State v. Sims, 423 S.C. 397, 814 S.E.2d 632 (Ct. App. 2018)—found Price—like Sims—waived his ability to appeal the circuit court judge's ruling denying his pre-trial immunity claim by subsequently entering an unconditional guilty plea. Pursuant to Rule 221(a) of the South Carolina Appellate Court Rules, Price has now petitioned this Court for rehearing, and this Court asked the State to file a return to Price's petition. For the reasons that follow, Price's petition should be denied.

In seeking rehearing, Price maintains he should not be precluded from challenging the trial judge's ruling finding he failed to meet his burden of establishing he was entitled to immunity from prosecution merely because he subsequently admitted he was criminally

responsible for his victim's death by entering an unconditional guilty plea to the lesser-included offense of voluntary manslaughter. However, as this Court aptly recognized in the virtually-identical case of Sims, the entry of a guilty plea in South Carolina constitutes a waiver of *all* non-jurisdictional defects and defenses, including a claim of entitlement to immunity from prosecution. See State v. Sims, 423 S.C. 397, 400, 814 S.E.2d 632, 633 (Ct. App. 2018) ("Few principles of South Carolina criminal law are as ingrained as the notion that a knowing, voluntary, and intelligent guilty plea constitutes a waiver of nonjurisdictional defects and claims of violations of constitutional rights." (citation and internal quotations omitted)). Therefore, just as this Court correctly concluded in Price's case, Price—by choosing to enter a guilty plea and unconditionally admitting his guilt for the criminal offense of voluntary manslaughter—waived his ability to challenge the circuit court judge's pre-trial ruling on his immunity claim on appeal and renew his earlier assertion he should be found not to be criminally responsible for his victim's death. See Vogel v. City of Myrtle Beach, 291 S.C. 229, 231, 353 S.E.2d 137, 138 (1987) ("A plea of guilty constitutes a waiver of nonjurisdictional defects and defenses, including claims of violations of constitutional rights prior to the plea. *It conclusively disposes of all prior issues* including independent claims of deprivations of constitutional rights." (emphasis added and citations omitted)).

Accordingly, for all those reasons coupled with the arguments raised in the Final Brief of Respondent, this Court should deny Price's petition for rehearing and uphold its decision correctly affirming Price's conviction that followed his entry of a valid guilty plea. By doing so, this Court will be doing nothing but continuing to faithfully adhere to our state's longstanding precedent on the significance of guilty pleas, including its own well-reasoned decision in Sims. See Sims, 423 S.C. at 402, 814 S.E.2d at 634 ("Sims' statutory immunity claim warrants no

exception to the rule against conditional pleas and the key role it plays in ensuring the finality of judgments.”); cf. State v. Rice, 401 S.C. 330, 333, 737 S.E.2d 485, 486 (2013) (holding Rice, who was a juvenile at the time of his offense, could not appeal an order transferring his case from family court to the court of general sessions after entering a guilty plea because such an order was not jurisdictional in nature and, thus, any claimed error Rice wished to appeal “would be a judicial error—not a jurisdictional error”); Whetsell v. State, 276 S.C. 295, 297, 277 S.E.2d 891, 892 (1981) (“[G]uilty pleas, freely and voluntarily entered, act as a waiver of all non-jurisdictional defects and defenses, including the claims of a violation of a constitutional right prior to the plea.”); State v. Tucker, 376 S.C. 412, 418, 656 S.E.2d 403, 406-407 (Ct. App. 2008) (holding Tucker waived any and all claims related to a violation of the Interstate Agreement on Detainers Act, which would require dismissal if violated, by entering a valid guilty plea); State v. Thomason, 341 S.C. 524, 529, 534 S.E.2d 708, 711 (Ct. App. 2000) (concluding “Thomason waived his double jeopardy claim by pleading guilty and thereby admitting the factual allegations in the indictments”).

Respectfully submitted,

ALAN WILSON  
Attorney General

MARK R. FARTHING  
Senior Assistant Attorney General

By: 

Mark R. Farthing  
S.C. Bar Number 76901

January 5, 2023

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**PROOF OF SERVICE**

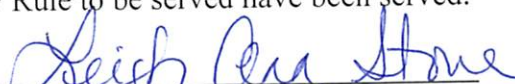
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I, Leigh Ann Stone, certify I have served the within Return to Appellant's Petition for Rehearing on Appellant by sending an electronic copy via email to the addresses listed in AIS for the following individuals:

Stephen D. Geoly, Esq.  
Geoly Law Firm  
222 Phoenix Street  
Greenwood, SC 29646

R. Jamison Tinsley, Jr., Esq.  
Tinsley & Tinsley, P.C.  
109 Oak Avenue  
Greenwood, SC 29646

I further certify all parties required by Rule to be served have been served.  
This 5th day of January, 2023.

  
LEIGH ANN STONE  
Legal Assistant  
Office of the Attorney General  
Post Office Box 11549  
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**From:** [Leigh Ann Stone](#)  
**To:** [geolylawfirm@yahoo.com](mailto:geolylawfirm@yahoo.com); [tinslerj@gmail.com](mailto:tinslerj@gmail.com)  
**Cc:** [Mark Farthing](#); [William Blitch](#)  
**Subject:** State v. Shi H. R. Price (2020-000091)  
**Date:** Thursday, January 5, 2023 10:27:21 AM  
**Attachments:** [image001.png](#)  
[Price.Return to Petition for Rehearing \(03187772xD2C78\).PDF](#)

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Good Morning Mr.Tinsley and Mr. Geoly,

Attached please find the Return to Petition for Rehearing in The State v. Shi H. R. Price (2020-000091). This return will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System.

If you will, please reply to confirm receipt of this email.

Thank you!

**LEIGH ANN STONE**, Legal Assistant  
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