



# The Supreme Court of South Carolina

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June 28, 2013

The Honorable Richard A. Shirley  
Clerk of Court  
PO Box 8002  
Anderson SC 29622-8002

## REMITTITUR

Re: Thomas C. Heaton v. State of SC  
Lower Court Case No. 2004CP0400767  
Appellate Case No. 2011-205087

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court along with the earlier decision of the South Carolina Court of Appeals is enclosed.

Very truly yours,

CLERK

cc: Ricky ~~Keith~~ Harris, Esquire  
Salley W. Elliott, Esquire

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT  
AS PROVIDED BY RULE 268(d)(2), SCACR.

**THE STATE OF SOUTH CAROLINA**  
**In The Supreme Court**

Thomas Chad Heaton, Respondent,

v.

State of South Carolina, Petitioner.

Appellate Case No. 2011-205087

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**ON WRIT OF CERTIORARI TO THE COURT OF APPEALS**

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Appeal from Anderson County  
John C. Hayes, III, Post-Conviction Relief Judge

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Memorandum Opinion No. 2013-MO-020  
Heard June 6, 2013 – Filed June 12, 2013

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**DISMISSED AS IMPROVIDENTLY GRANTED**

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Attorney General Alan M. Wilson, Chief Deputy  
Attorney General John W. McIntosh, and Senior  
Assistant Deputy Attorney General Salley W. Elliott, all  
of Columbia, for Petitioner.

Ricky K. Harris, of Spartanburg, for Respondent.

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**PER CURIAM:** We granted a writ of certiorari to review the court of appeals' decision in *Heaton v. State*, Op. No. 2011-UP-456 (S.C. Ct. App. filed Oct. 13, 2011), affirming the grant of Respondent's post-conviction relief (PCR) application. We now dismiss the writ as improvidently granted.

**DISMISSED AS IMPROVIDENTLY GRANTED.**

**TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ.,  
concur.**

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Thomas Chad Heaton, Respondent,

v.

State of South Carolina, Petitioner.

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Appeal From Anderson County  
John C. Hayes, III, Circuit Court Judge

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Unpublished Opinion No. 2011-UP-456  
Heard October 4, 2011 – Filed October 13, 2011

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**AFFIRMED**

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Attorney General Alan Wilson, Chief Deputy John W. McIntosh, and Assistant Deputy Attorney General Salley W. Elliott, of Columbia, for Petitioner.

Ricky Keith Harris, of Spartanburg, for Respondent.

**PER CURIAM:** The State appeals the trial court's order granting post-conviction relief (PCR) to Thomas Heaton. We affirm pursuant to Rule 220(b)(1), SCACR, and the following authorities:

1. As to the standard of review: Cherry v. State, 300 S.C. 115, 119, 386 S.E.2d 624, 626 (1989) (declaring that on appeal, this court should uphold the PCR court's ruling if it is supported by any evidence of probative value in the record); Solomon v. State, 313 S.C. 526, 529, 443 S.E.2d 540, 542 (1994) (providing if matters of credibility are involved, this court gives deference to the PCR judge's findings because this court lacks the opportunity to directly observe the witnesses); Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006) (stating this court gives great deference to the PCR court's findings of fact and conclusions of law).

2. As to the guilty plea: Boykin v. Alabama, 395 U.S. 238, 242-44 (1969) (noting that generally, a guilty plea must be entered voluntarily, knowingly, and intelligently); State v. Lambert, 266 S.C. 574, 580, 225 S.E.2d 340, 342 (1976) (holding the record should reflect that the trial court has assured itself that the plea was voluntary and intelligently entered with full knowledge of the nature of the offense); State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993) ("A defendant's knowing and voluntary waiver of a statutory or constitutional right must be established by a complete record; and may be accomplished by colloquy between the court and the defendant, between the court and defendant's counsel, or both."); Pittman v. State, 337 S.C. 597, 599, 524 S.E.2d 623, 624-25 (1999) ("When determining issues relating to guilty pleas, the court will consider the entire record, including the transcript of the guilty plea, and the evidence presented at the PCR hearing."); Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 651 (2000) (stating the defendant must be aware of (1) the nature and crucial elements of the offense; (2) the maximum and any mandatory minimum penalty; and (3) the constitutional rights being waived); Roddy v. State, 339 S.C. 29, 33, 528 S.E.2d 418, 421 (2000) ("To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him."); State v. Rikard, 371 S.C. 295, 301, 638 S.E.2d 72, 75 (Ct. App. 2006) (quoting State v. Armstrong, 263 S.C. 594, 598, 211 S.E.2d 889, 891 (1975) and instructing that in accepting a guilty plea the trial court may "use any appropriate procedure for determining the accuracy of the guilty plea;" however, the trial court must ensure the defendant "understands the charge and the consequences of the plea and that the record indicates a factual basis for the plea").

3. As to the other issues: Futch v. McAllister Towing of Georgetown, Inc., 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (ruling an appellate court need not review remaining issues when its determination of a prior issue is dispositive of the appeal).

**AFFIRMED.**

**SHORT, WILLIAMS, and GEATHERS, JJ., concur.**