

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Jul 26 2023

Certiorari to Spartanburg County

S.C. SUPREME COURT

Honorable Daniel D. Hall, Circuit Court Judge

STEVEN C. SCRUGGS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-000471

PETITION FOR WRIT OF CERTIORARI

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ISSUE PRESENTED

Trial counsel erred in allowing petitioner, who declared his innocence on the murder charge, to plead guilty to voluntary manslaughter because there was no substantial circumstantial evidence in existence to obtain a conviction on murder or manslaughter in the case.

STATEMENT

Petitioner Steven C. Scruggs pled guilty to voluntary manslaughter, second degree burglary (non-violent), possession of methamphetamine, grand larceny, possession of a stolen vehicle, and failure to stop for a blue light during the August 2019 term of the Spartanburg County General Sessions Court before Judge J. Mark Hayes, II, and was sentenced to imprisonment for an aggregate thirty-year period. App. 1-38. Richard W. Vieth, Esquire, represented petitioner at the guilty plea proceeding, and Assistant Solicitor Derrick Balsa appeared on behalf of the state. Petitioner did not appeal his guilty plea or sentence.

On July 16, 2020, petitioner filed a PCR application with the Spartanburg County Office of the Clerk of Court. App.42-48. The respondent filed a Return dated February 14, 2022. App. 49-65.

A PCR hearing in the case was convened on August 8, 2022, at the Spartanburg County Courthouse before Judge Daniel D. Hall. App. 6789. Petitioner was present at the hearing and represented by Rodney W. Richey, Esquire, and Assistant Attorney General Chelsey F. Marto appeared on behalf of the state.

On March 3, 2022, Judge Hall issued an Order of Dismissal therein denying petitioner's allegations of ineffective assistance of counsel in the case. App. 104-116.

Petitioner appealed Judge Hall's Order of Dismissal. This petition follows.

ARGUMENT

Trial counsel erred in allowing petitioner, who declared his innocence on the murder charge, to plead guilty to voluntary manslaughter because there was no substantial circumstantial evidence in existence to obtain a conviction on murder or manslaughter in the case.

At the plea proceeding, the solicitor apprised the trial judge of the facts in the case. The summary of the state's case follows:

The deceased was a male named Jamie Lee Miller, who lived with his grandmother at his grandmother's residence in Spartanburg, SC. On June 13, 2019, Brenda Thomas, who was the deceased's grandmother, was transported to the hospital.

Also on June 13, 2018, neighbors recalled an altercation later on during the night that occurred outside of said grandmother's house. In addition, neighbors recalled that June 13, 2018 was the last sighting of the deceased.

Furthermore, the neighbors noticed subsequently that the grandmother's vehicles that were previously parked at her residence (Pontiac Grand Prix and Toyota Camry) were missing from there.

On June 16, 2018, a Pontiac Grand Prix was found disabled in the area, and thereafter witnesses saw a man stranded there and a female who arrived later in a red truck to "jump the car off."

Later, local police followed a speeding vehicle that was driven by a male driver, who was later identified as petitioner. The vehicle being driven was a Camry. The driver stopped the Camry, fled on foot, and entered a home nearby. The police apprehended him there at the scene.

At that same time, there was a female inside the Camry named Tabitha Cook. Cook claimed she was in the neighborhood on the night of the altercation involving the deceased, and that petitioner told her that the deceased was in the trunk of a car.

A subsequent discovery revealed that Cook was in the red truck that appeared at the place where the Grand Prix was disabled in order to help jump start the car.

When the Grand Prix was ultimately recovered, the body of the deceased man was found in the trunk therein. The cause of death was asphyxiation. App. 9, l.1 - p. 17, l.20.

During the PCR hearing held in the case, petitioner testified that it was not his intent to plead guilty to voluntary manslaughter, and that he wanted to go to trial on the murder charge because there was no evidence to prove his guilt on the murder charge. Petitioner stated that he never committed this murder. App. 71, lines 19-21; App. 76, lines 1-2; App. 76, lines 6-21; App. 82, lines 3-8.

Trial counsel testified at the PCR hearing and admitted that this case was mainly a circumstantial evidence case, and that petitioner informed him that he did not murder the deceased. Counsel added that the plea bargain did not end well because the trial judge handed down the maximum sentence (thirty years) on the voluntary manslaughter plea, which was totally unexpected and undercut the reason behind the gamble with the plea negotiations and the purpose of pleading guilty in the case. Counsel stated that the problem petitioner faced was that the solicitor might try the murder and burglary cases separately, which could have resulted in consecutive convictions and a life without parole sentence. App. 85, l. 19 – p. 88, l. 19. Note that petitioner entered Alford pleas pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), which was consistent with the state's lack of proof and his innocence in the case.

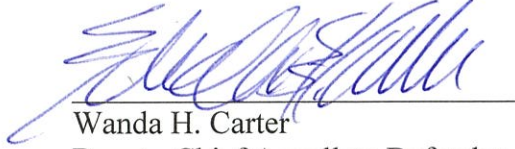
A case cannot be submitted to the jury unless the state has presented either direct evidence or substantial circumstantial evidence which reasonably tends to prove the guilt of the accused, or from which his guilt may be fairly or logically deduced. State v. Hepburn, 401 S.C. 416, 753 S.E.2d 402 (2013). Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact. State v. Logan, 405 S.C. 83, 747 S.E.2d 444 (2013). In this case, there were no eyewitnesses to testify regarding the decedent's demise, and no confession, and no forensic evidence establishing any proof connecting petitioner to the

murder of the deceased. One female offered hearsay evidence, which could have been discredited easily, that pointed to petitioner's tenuous possible connection to the case, but this was hardly substantial circumstantial evidence of guilt. Clearly, the state could not prove all elements of murder or manslaughter in the case. Jackson v. Virginia, 443 U.S. 307 (1979).

A trial court can reject a guilty plea if the defendant protests his innocence. State v. Paris, 354 S.C. 1, 578 S.E.2d 751 (2003). Here, petitioner credibly asserted his innocence. A plea received despite a defendant's protests of innocence cannot be considered voluntarily given. See Rolen v. State, 384 S.C. 409, 683 S.E.2d 471 (2009), where counsel was found ineffective in failing to move to withdraw appellant's guilty plea where the plea was accepted despite "appellant's protestation of his innocence." Likewise, petitioner's guilty plea to manslaughter was involuntarily given because he too claimed his innocence on the charge. Counsel erred in allowing petitioner to plead guilty to manslaughter despite his declaration of innocence on that charge, and because there was insufficient evidence to obtain a conviction on either murder or manslaughter in the case. Counsel's representation in this regard constituted ineffective legal assistance in violation of the Sixth Amendment (see Hill v. Lockhart, 474 U.S. 52 (1985)), such that but for counsel's error, a reasonable probability exists that the outcome of this aspect of petitioner's case would have ended differently.

CONCLUSION

Based on the foregoing argument, counsel for petitioner would request that this Court grant the petition and allow full briefing on the above raised issue.



Wanda H. Carter
Deputy Chief Appellate Defender

ATTORNEY FOR PETITIONER

This 26th day of July, 2023.