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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Petition for Writ of Certiorari to Spartanburg County
Honorable Daniel Dewitt Hall, Circuit Court Judge
Appellate Case No. 2023-000471

STEVEN SCRUGGS,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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STATEMENT OF ISSUE ON CERTIORARI

"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 his case."

COUNTER-STATEMENT OF ISSUE ON CERTIORARI

Did the PCR judge somehow err by denying relief to Scruggs when: (1) no valid sufficiency-of-the-evidence challenge could be raised in Scruggs's case following his entry of guilty pleas; and (2) Scrugg's guilty pleas—including his plea to voluntary manslaughter—were voluntary and valid ones?

STATEMENT OF THE CASE

In June of 2018, Petitioner Steven Scruggs was arrested after leading law enforcement on a high-speed vehicle chase, fleeing on foot when his car ran out of gas, breaking into a home during the course of his flight, and attempting unsuccessfully to steal a vehicle from that burglarized residence. In August of 2018, the Spartanburg County Grand Jury indicted Scruggs for murder, first-degree burglary, attempted grand larceny, distribution of methamphetamine, possession of a stolen vehicle, and failure to stop for a blue light. On August 27, 2019, Scruggs appeared in the Spartanburg County Court of General Sessions before the Honorable J. Mark Hayes, II, circuit court judge, and—based on negotiations with the State—entered guilty pleas to second-degree burglary, attempted grand larceny, possession of methamphetamine, possession of a stolen vehicle, and failure to stop for a blue light. During the same plea hearing, Scruggs also entered a guilty plea pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), to the lesser-included offense of voluntary manslaughter. At the conclusion of the plea hearing, Scruggs's guilty pleas were accepted, and the plea judge sentenced him to an aggregate thirty-year term of imprisonment for his many convictions.

Subsequent to that, Scruggs did not initiate an appeal and, instead, timely filed an application for post-conviction relief ("PCR"). In response, the State filed a return requesting an evidentiary hearing and a more definite statement. Following that, Scruggs—through counsel—filed an amended PCR application raising additional grounds for relief.[1] On August 8, 2022, an evidentiary hearing was conducted in the Spartanburg County Court of Common Pleas with the Honorable Daniel Dewitt Hall, circuit court judge, presiding. At the conclusion of the hearing,

[1] The amended PCR application is presently available through the Spartanburg County Public Index. Records for Steven Scruggs, Spartanburg County Seventh Judicial Circuit Public Index, https://publicindex.sccourts.org/spartanburg/publicindex.

the PCR judge took the matter under advisement. Thereafter, through an order filed on March 9, 2023, the PCR judge denied and dismissed Scruggs's PCR application. Scruggs then timely filed a notice of appeal.

STANDARD OF REVIEW

In PCR cases, the standard of review to be applied on appeal is directly dependent on the specific issues raised. Smalls v. State, 422 S.C. 174, 180, 810 S.E.2d 836, 839 (2018). When reviewing a PCR judge's factual findings on appeal, the appellate court will defer to those findings and uphold them if they are supported by any evidence of probative value appearing in the record. Sellner v. State, 416 S.C. 606, 610, 787 S.E.2d 525, 527 (2016); see Buckson v. State, 423 S.C. 313, 320, 815 S.E.2d 436, 440 (2018) ("Under the proper standard of review, the appellate court's 'view' must be limited to whether there is probative evidence to support the PCR court's factual findings."). Meanwhile, when reviewing a pure question of law, an appellate court will consider such a matter de novo and is not required to give deference to the PCR judge's rulings. Jamison v. State, 410 S.C. 456, 465, 765 S.E.2d 123, 127 (2014). Ultimately, if the PCR judge's decision is controlled by an error of law, an appellate court will reverse that decision on appeal. Goins v. State, 397 S.C. 568, 573, 726 S.E.2d 1, 3 (2012).

ARGUMENT

The PCR judge did not err by denying relief to Scruggs because: (1) no valid sufficiency-of-the-evidence challenge could be raised in Scruggs's case following his entry of guilty pleas; and (2) Scrugg's guilty pleas—including his plea to voluntary manslaughter—were voluntary and valid ones.

Relevant Facts

After Scruggs was indicted for murder along with a litany of other charges, he elected—with the assistance of counsel—to enter guilty pleas to the lesser-included offense of voluntary manslaughter and several connected offenses instead of proceeding forward to trial. (App'x pp. 4-5; p. 7; pp. 117-128). During the ensuing plea hearing conducted in his case, Scruggs, who was thirty-three years old at the time, personally confirmed it was his decision to plead guilty and he was doing so freely and voluntarily. (App'x pp. 7-8). Scruggs further confirmed he understood and wished to waive his constitutional rights, including his right to a jury trial in which the State would bear the burden of proving his guilt beyond a reasonable doubt. (App'x pp. 7-8).

Following that, the solicitor provided a lengthy factual recitation of Scruggs's disturbing crimes. (App'x pp. 9-17). In doing so, the solicitor noted the hogtied body of Scruggs's victim—Jamie Lee Miller—was discovered in the trunk of a vehicle stolen from the victim's residence, Miller died as a result of asphyxiation after he was placed into the vehicle's trunk, and a witness reported Scruggs admitted he was the one who assaulted Miller, tied him up, and placed in the trunk prior to his death. (App'x p. 9; pp. 12-13; pp. 16-17).

Once the solicitor concluded his summary of the relevant facts, Scruggs personally confirmed he admitted to all the offenses to which he was pleading guilty other than voluntary manslaughter. (App'x pp. 18-19). Likewise, regarding that particular offense, Scruggs personally acknowledged the State's evidence of that charge would be "substantial" and—

although he was pleading guilty to that offense pursuant to North Carolina v. Alford, 400 U.S. 25 (1970)—he directly acknowledged he believed the State could produce sufficient evidence of his guilt beyond a reasonable doubt. (App'x pp. 18-20). Beyond that, Scruggs confirmed he understood the potential sentences he was facing for all his charges, including voluntary manslaughter. (App'x pp. 19-21). Ultimately, following all that, the plea judge accepted Scruggs's guilty pleas as freely, voluntarily, knowingly, and intelligently entered and sentenced Scruggs to an aggregate thirty-year term of imprisonment for his crimes. (App'x p. 38).

Subsequently, Scruggs submitted a PCR application raising a number of claims, including a claim plea counsel was constitutionally ineffective for failing to—amongst other things—appropriately challenge the evidence related to the murder charge. (App'x pp. 42-48). In response, an evidentiary hearing was convened on the matter. (App'x p. 69).

During that hearing, Scruggs testified on his own behalf and asserted he no longer believed the State could prove his guilt for murder due to the supposed absence of any direct evidence he committed that particular offense. (App'x p. 76). Scruggs further claimed he was actually innocent of that crime. (App'x p. 82).

In addition to that testimony, Scruggs's plea counsel testified about his representation of Scruggs. (App'x p. 84). Through his testimony, plea counsel confirmed he believed the State could have proved Scruggs was guilty of the indicted offense of murder since there was "no question" from the evidence Scruggs "hit someone" and "put him in the trunk" where he subsequently suffocated to death. (App'x p. 85). Beyond that, plea counsel confirmed he reviewed the evidence with Scruggs, negotiated an offer with the solicitor, and then let *Scruggs* decide whether he wanted to accept that offer, which Scruggs did. (App'x p. 85; p. 88).

Ultimately, upon considering the matter, the PCR judge denied relief in Scruggs's case. (App'x pp. 104-116). In denying relief, the PCR judge concluded Scruggs's guilty pleas were freely, voluntarily, knowingly, and intelligently entered based on the information contained in the record. (App'x p. 114). Furthermore, the PCR judge found plea counsel was not deficient in any way and there was no likelihood Scruggs would have elected to go forward to trial but for plea counsel's performance. (App'x p. 115).

Analysis

Through his petition for a writ of certiorari, Scruggs contends on appeal—in a somewhat confusing manner—the PCR erred by declining to grant relief in his case. As support for that contention, Scruggs seems to now suggest relief should have been granted because plea counsel was purportedly ineffective for "allowing" him to plead guilty to voluntary manslaughter even though there was supposedly insufficient evidence he was guilty of either that offense or the indicted offense of murder. Scruggs further appears to challenge the validity and voluntariness of his voluntary manslaughter guilty plea because he maintains he "credibly" asserted his innocence when entering that particular plea pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), and, thus, should not have had that plea accepted by the plea judge.

Significantly, "[f]ew 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." State v. Sims, 423 S.C. 397, 400, 814 S.E.2d 632, 633 (Ct. App. 2018) (citation and internal quotations omitted). In light of that, the entry of a valid guilty plea—including one entered pursuant to Alford—leaves open for review *only* the sufficiency of the indictment. See State v. Thomason, 341 S.C. 524, 526, 534 S.E.2d 708, 710 (Ct. App. 2000); see also North Carolina v. Alford, 400 U.S. 25, 37

(1970) ("[W]hile most pleas of guilty consist of both a waiver of trial and an express admission of guilt, the latter element is not a constitutional requisite to the imposition of criminal penalty. An individual accused of crime may voluntarily, knowingly, and understandingly consent to the imposition of a prison sentence even if he is unwilling or unable to admit his participation in the acts constituting the crime."); Baxley v. State, 255 S.C. 283, 286, 178 S.E.2d 535, 536 (1971) (recognizing the validity of guilty pleas entered pursuant to Alford in South Carolina). Accordingly, a defendant who pleads guilty in our state is precluded from challenging—collaterally or otherwise—the sufficiency of the evidence, *including* through the PCR process. See State v. Munsch, 287 S.C. 313, 314, 338 S.E.2d 329, 330 (1985) (explaining a defendant "waived any right to complain of the sufficiency of the evidence against him with his plea of nolo contendere"); Ramey v. State, 257 S.C. 127, 130, 184 S.E.2d 544, 546 (1971) (instructing a defendant has no right in PCR proceedings to attack a guilty plea upon sufficiency-of-the-evidence grounds); see also S.C. Code Ann. § 17-27-20(a)(6) ("[T]his section shall not be construed to permit collateral attack on the ground that the evidence was insufficient to support a conviction."); State v. Garrett, 305 S.C. 203, 206, 406 S.E.2d 910, 911 (Ct. App. 1991) ("A motion to quash an indictment addresses the sufficiency of the indictment, not the sufficiency of the State's evidence."), overruled on other grounds by State v. Ramsey, 311 S.C. 555, 430 S.E.2d 511 (1993).

In the case sub judice, Scruggs—pursuant to Alford—entered a guilty plea to voluntary manslaughter after he was indicted for murder in connection to his victim's death. As a result of doing so, Scruggs was—and continues to be—precluded from challenging the sufficiency of the evidence in his case no matter how such a challenge is framed. See State v. Allen, 261 S.C. 448, 451, 200 S.E.2d 684, 686 (1973) ("Where a defendant voluntarily, intelligently and

understandingly enters a plea of guilty, this makes it unnecessary for the State to offer evidence to prove the offense charged in the warrant or indictment."); cf. LoPiano v. State, 270 S.C. 563, 569, 243 S.E.2d 448, 451 (1978) ("We are not here concerned with the weight or sufficiency of the evidence to sustain a conviction. By entering a plea of guilty, LoPiano waived his right to attack his conviction on this ground. Since we have determined that LoPiano's plea was entered voluntarily and understandingly, he does not now have the right, in post-conviction proceedings, to attack the plea upon the ground that the facts were insufficient to establish the offense to which he pled.").

Meanwhile, to the extent Scruggs's current appellate claims could be construed as a challenge to the validity or voluntariness of his voluntary manslaughter guilty plea based on the fact it was accompanied with a claim of innocence, Scruggs's plea to that offense was unquestionably valid, voluntary, and proper despite being entered pursuant to Alford, which—as our appellate courts have repeatedly and consistently recognized—is a constitutionally-appropriate manner in which a guilty plea may be entered in South Carolina. See State v. Herndon, 403 S.C. 84, 91, 742 S.E.2d 375, 379 (2013) (instructing a defendant "may voluntarily and knowingly consent to the imposition of a prison sentence even if he is unwilling or unable to admit he participated in the acts constituting the crime"); State v. Fraley, 437 S.C. 135, 137, 876 S.E.2d 703, 704 (Ct. App. 2022) (recognizing defendants have "the right to plead guilty when they cannot or will not admit their guilt"). Beyond that, the record from Scruggs's guilty plea plainly established both he freely, voluntarily, knowingly, and intelligently entered his guilty plea to voluntary manslaughter and a factual basis for that plea indisputably existed. See Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) ("In order for a defendant to knowingly and voluntarily plead guilty, he must have a full understanding of the consequences of the plea. .

. . Defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." (citations and internal quotations omitted)).

Resultantly, notwithstanding any other issues that may exist with Scruggs's current appeal, the PCR judge did not err by denying relief to Scruggs since: (1) no valid sufficiency-of-the-evidence challenge could be raised in Scruggs's case following his entry of guilty pleas; and (2) Scrugg's guilty pleas—including his plea to voluntary manslaughter—were voluntary and valid ones.[2] See Whetsell v. State, 276 S.C. 295, 297, 277 S.E.2d 891, 892 (1981) ("The general rule is that guilty 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. *This rule applies to the claim that counsel was ineffective*." (emphasis added and citations omitted)); see also Zurcher v. Bilton, 379 S.C. 132, 137, 666 S.E.2d 224, 227 (2008) ("[T]he entry of an Alford plea at a criminal proceeding has the same preclusive effect as a standard guilty plea."); cf. Commonwealth v. Rounsley, 717 A.2d 537, 539 (Pa. Super. Ct. 1998) ("It is well established that any issue relating to sufficiency of the evidence is waived by entry of a guilty plea and is not subject to attack in a post conviction proceeding. When Mr. Rounsley entered into the guilty plea, he conceded that the Commonwealth's evidence was sufficient to support that conviction. He cannot now try to revisit this issue under the [Post Conviction Relief Act]." (citation omitted)). Scruggs's petition for a writ of certiorari should be denied.

[2] Amongst the potential problems with Scruggs's appeal, the claims Scruggs seems to currently be raising through his petition for a writ of certiorari do not appear to be consistent with the ones actually raised to and ruled upon by the PCR judge. (App'x p. 108).

CONCLUSION

For all the foregoing reasons, it is respectfully submitted the petition for a writ of certiorari should be denied.

Respectfully submitted,

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