

THE STATE OF SOUTH CAROLINA

In The Court Of Appeals

APPEAL FROM CHARLESTON COUNTY

Court Of Common Pleas

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SC Court of Appeals

Jennifer B. McCoy, Circuit Court Judge

Case No. 2025-CP-10-03397

Sidney Fields # 254392

Appellant.

V.

State Of South Carolina

Respondent.

INITIAL BRIEF OF APPELLANT

Sidney Fields # 254392

B.R.C.I. 4460 Broad River Rd.

Marion # 229

Columbia, S.C. 29210

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STATEMENT OF THE ISSUES ON APPEAL

DID THE CIRCUIT COURT ERRED WHEN IT CONCLUDED THAT APPELLANT WAS IN VIOLATION OF THE S.C. SUPREME COURT'S 2019 ORDER WHEN APPELLANT CHALLENGED HIS PAROLE ELIGIBILITY IN CIRCUIT COURT?

STATEMENT OF THE CASE

On June 9, 2025, Appellant being the Plaintiff submitted a Summons and Complaint in Circuit Court challenging his Parole eligibility by disputing the legitimacy of several Parole Statutes. **Summons and Complaint p.8-15**

On July 14, 2025, the Respondent submitted a Motion To Dismiss contending that Appellant's Summons and Complaint violates the S.C. Supreme Court's 2019 Order which prohibits Appellant from filing any further collateral actions challenging his 1998 conviction and sentence without first obtaining permission from the S.C. Supreme Court. **Respondent's motion to dismiss p.16,18 / S.C. Supreme Court's Order p.6-7**

Also in their motion to dismiss, the Respondent contends that since Appellant is again challenging his 1998 Conviction and Sentence, the Respondent construed Appellant's Summons and Complaint as an Application for PCR, and construed Appellant as being an Applicant in a PCR action. **Respondent's motion to dismiss p.16 footnote # 1, p.18**

The Respondent concluded in their motion to dismiss that since Appellant is again challenging his 1998 Conviction and Sentence, and that he failed to ask for permission from the S.C. Supreme Court before filing this action, this case must be dismissed. **Respondent's motion to dismiss p.18**

On July 21, 2025, Appellant submitted a "Response" to the Respondent's motion to dismiss arguing that according to State and Federal court Rulings, a challenge to his Parole eligibility is not a challenge to his Conviction and Sentence. Therefore, he was not in violation of the S.C. Supreme Court's 2019 Order. **Appellant's "Response" to motion to dismiss p.20-22**

On August 1, 2025, the Circuit Court in its Order Of Dismissal, Ruled in favor of the Respondent's motion by construing Appellant's Summons and Complaint as an Application for PCR, and construed Appellant as being an Applicant in a PCR action. **Order of dismissal p.2 footnote # 1 p.4 / Order denying motion to reconsider p.5**

The Circuit Court further Ruled that since Appellant's actions raises allegations that collaterally attack his 1998 Conviction and Sentence, and the fact that Appellant did not first seek or receive permission from the S.C. Supreme Court before filing this action, this action shall be dismissed for failing to comply with the S.C. Supreme Court's Order. **Order of dismissal p.2,4**

On August 25, 2025, Appellant submitted a motion to reconsider arguing that according to the S.C. Supreme Court along with the Federal Courts, matters relating to Parole is not a challenge to his Conviction and Sentence. Therefore, the S.C. Supreme Court's Order does not have Jurisdiction over the Circuit Court in this matter. **Appellant's motion to reconsider p.24-25 / Appellant's "Response" to motion to dismiss p.20-21**

Appellant further argued in his motion to reconsider that since he is not challenging his 1998 Conviction and Sentence, then the Summons and Complaint cannot be construed as an Application for PCR. **Appellant's motion to reconsider p.25 / Appellant's "Response" to motion to dismiss p.21**

On October 14, 2025, the Circuit Court without an opinion denied Appellant's motion to reconsider. **Order denying motion to reconsider p.5** Appellant received notice of the Order denying motion to reconsider on October 21, 2025. **copy of envelope p.27**

It must be noted that although the Circuit Court construed Appellant's Summons and Complaint as an Application for PCR, the Circuit Court did not determine the Application to be successful nor being beyond the Statute of Limitations. Therefore, an explanation was not required with the notice of appeal pursuant to Rule 203(d)(B) (v) SCACR. **Order of dismissal p.2-4**

Appellant's Initial Brief now follows:

STANDARD OF REVIEW

UPON REVIEW OF THE TRIAL COURT'S FINDING OF FACT, THE TRIAL COURT'S FINDING OF FACT WILL NOT BE DISTURBED ON APPEAL UNLESS WHOLLY UNSUPPORTED BY THE EVIDENCE. Wilder v. Blue Ribbon Taxicab Corp. 396 S.C. 139,144 719 SE2d 703,706 (2011)

ARGUMENT

IN IT'S 2019 ORDER, THE S.C. SUPREME COURT MANDATED THAT APPELLANT MUST FIRST ASK FOR PERMISSION FROM THE SUPREME COURT ONLY IF HE IS CHALLENGING HIS 1998 CONVICTION AND SENTENCE IN CIRCUIT COURT. HOWEVER, THERE WAS NO PROCEDURAL NEED FOR APPELLANT TO SEEK PERMISSION FROM THE SUPREME COURT BEFORE FILING HIS PAROLE ELIGIBILITY COMPLAINT IN CIRCUIT COURT BECAUSE THE S.C. SUPREME COURT ALONG WITH THE FEDERAL COURTS HAS LONG RULED THAT MATTERS RELATING TO PAROLE IS NOT A CHALLENGE TO A PERSON'S CONVICTION AND SENTENCE.

In it's fact finding and conclusion of law, the Circuit Court Ruled that since Appellant's actions raises allegations in Circuit Court that collaterally attack his 1998 Conviction and Sentence, and the fact that Appellant did not seek or receive permission from the S.C. Supreme Court before filing the action in Circuit Court, the action shall be dismiss for failing to comply with the S.C. Supreme Court's Order.

Order of dismissal p.2,4 / S.C. Supreme Court's Order p.6-7

The Circuit Court further concluded that since Appellant's Summons and Complaint raises allegations that collaterally challenge his 1998 Conviction and Sentence, the Circuit Court not only construed Appellant's Summons and Complaint as an Application for PCR, the Circuit Court construed Appellant as being an Applicant in a PCR action.

Order of dismissal p.2 footnote # 1 p.4 / Order denying motion to reconsider p.5

Appellant asserts that according to the Appellate courts of South Carolina, they have a long standing Rule that states that once a mandate is issued from the Appellate court to the trial court, the trial court is vested with Jurisdiction only to the extent conferred by the Appellate court's opinion and mandate. Milton P. Demetre Family LTD Partnership v. Beckmann 413 S.C. 38,52 773 SE2d 596,604 (2014) / Appellant's motion to reconsider p.24

According to Black's Law Dictionary, the word "MANDATE" is defined as an Order from the Appellate court directing a lower court to take a specific action. **Black's Law Dictionary / Appellant's motion to reconsider. p.24**

To interpret and enforce a mandate, a trial court should refer not only to the mandate itself, but also to the opinion of the Appellate court. The Appellate court's mandate is not to be applied in a vacuum. The Appellate court's opinion is part of the mandate and must be used in interpreting the mandate. **5 Am Jur 2d Appellate Review §685 / Appellant's motion to reconsider p.24**

In the instant case, upon Review of the S.C. Supreme Court's Order to the Circuit Court, the S.C. Supreme Court opined that because of Appellant's numerous pleadings attacking his Conviction and Sentence in the past, the S.C. Supreme Court's Order mandated that Appellant must first ask for permission from the S.C. Supreme Court only if Appellant is collaterally challenging his 1998 Conviction and Sentence in Circuit Court. **S.C. Supreme Court's Order p.6-7 / Appellant's motion to reconsider p.24 / Appellant's "Response" to motion to dismiss p.20**

With that being said, Appellant argues that there was no procedural need to seek permission from the S.C. Supreme Court before filing his Parole eligibility Complaint in Circuit Court, because the S.C. Supreme Court in conjunction with the Federal Courts has long Ruled that matters relating to Parole is not a challenge to a person's Conviction and Sentence. **Appellant's motion to reconsider p.24**

This is because Parole is a leave of absence from prison in which the inmate continues to serve his/her Conviction and Sentence imposed by the trial court. In other words, while on Parole, the inmate remains in legal custody until the expiration of their sentence. **Sanders v. MacDougall 244 S.C. 160,163 135 SE2d 836,837 (1964)** / **Appellant's motion to reconsider p.24 / Appellant's "Response" to motion to dismiss p.21**

Also, the Fourth Circuit Court Of Appeals has Ruled that Parole is an extension of the prison walls. United States ex rel Rowe v. Nicholson 78 F.2d 468,469-470 (4th Cir 1935)

The Fourth Circuit Court Of Appeals further Ruled that Parole does not remove nor invalidate a Conviction and Sentence because Parole is imprisonment. Alvarado v. McLaughlin 486 F.2d 541,544 (4th Cir 1973) citing Nicholson / Appellant's motion to reconsider p.25

Other Federal Courts including the United States Supreme Court has Ruled that it is fiction to contend that Parole is not essentially punishment. Howie v. Byrd 396 F.Supp 117,121 (U.S. Dist NC 1995) / Jones v. Cunningham 371 U.S. 236 83 Sct. 373 9 LE2d 285 (1962) / Appellant's motion to reconsider p.25 / Appellant's "Response" to motion to dismiss p.21

And since Sanders v. MacDougall is a S.C. Supreme Court precedent, this court has Ruled that it lacks the Authority to Rule against prior published precedent from the State's Supreme Court, but is bound by the decisions of the State's Supreme Court. S.C. Const. Art V §9 / State v. Cheeks 400 S.C. 329,342 733 SE2d 611,618 (2012)

And if you take into account the Federal citings that coincide with Sanders v. MacDougall, this court further Ruled that it is not improper to cite cases from the Federal court as persuasive Authority even on a matter litigated in a State court that does not present a Federal question. Chase Home Finance LLC v. Risher 405 S.C. 202,213 746 SE2d 471,477 (2013)

Therefore, according to the S.C. Supreme Court's own Ruling in Sanders v. MacDougall and in conjunction with other Federal Court Rulings on this matter, Appellant's challenge to his Parole eligibility is not a challenge to his 1998 Conviction and Sentence.

And since Appellant is not challenging his Conviction and Sentence in this matter, the S.C. Supreme Court's Order with it's mandate has no Jurisdiction over the Circuit Court in this matter. **Appellant's motion to reconsider p.25 / Appellant's "Response" to motion to dismiss p.20-21**

It must be noted that since Parole eligibility is the prerequisite to being Paroled into society, and the fact that serving a Conviction and Sentence on Parole is the same as serving the same Conviction and Sentence in prison, it's axiomatic that Appellant's challenge to his Parole eligibility is not a challenge to his 1998 Conviction and Sentence. **Appellant's motion to reconsider p.25**

Furthermore, according to the Circuit Court's Order of dismissal, the Circuit Court in it's fact finding and conclusion of law, construed Appellant's Summons and Complaint as an Application for PCR, and construed Appellant as an Applicant in a PCR action because Appellant's Summons and Complaint raises allegations that is a collateral challenge to his 1998 Conviction and Sentence. **Order of dismissal p.2 footnote # 1 p.4**

However, since the Record shows that the allegations in Appellant's Summons and Complaint is not a challenge to his 1998 Conviction and Sentence, the Circuit Court was in error for construing Appellant's Summons and Complaint as an Application for PCR. And for construing Appellant as an Applicant in a PCR action. **Order of dismissal p.2 footnote # 1 p.4 / Order denying motion to reconsider p.5 / Appellant's motion to reconsider p.25 / Appellant's "Response" to motion to dismiss p.21**

Lastly, in a hypothetical argument, the Respondent could argue that since Appellant was sentenced by the trial court to Life without Parole on a Murder conviction, Appellant's current challenge to his Parole eligibility is a challenge to the trial court's Judgment. Thus a challenge to his Conviction and Sentence.

Appellant argues that this argument is unsound, because this argument cannot overcome the Ruling dictated by the S.C. Supreme Court in Sanders v. MacDougall nor it's corresponding Federal citings on this matter. Because as stated earlier, Parole does not remove nor invalidate a person's Conviction and Sentence because Parole is imprisonment. **Alvarado v. McLaughlin 486 F.2d at 544 (4th Cir 1973)**

In another hypothetical argument, the Respondent could argue that even if Appellant had prima facie proof that he was not challenging his Conviction and Sentence in Circuit Court, Appellant would still have to seek permission from the S.C. Supreme Court before filing his Summons and Complaint in Circuit Court.

Appellant argues that this argument is also unsound because the S.C. Supreme Court's Order plainly states that only if Appellant is challenging his 1998 Conviction and Sentence in Circuit Court that Appellant must first seek permission from the Supreme Court. **S.C. Supreme Court's Order p.6-7**

As stated earlier, once a mandate is issued from the Appellate court to the trial court, the trial court is vested with Jurisdiction only to the extent conferred by the Appellate court's opinion and mandate. **Milton P. Demetre Family LTD Partnership v. Beckmann 413 S.C. at 52 773 SE2d at 604 (2014)**

And since Appellant is not challenging his Conviction and Sentence in Circuit Court, the Circuit Court is not obligated to adhere to the mandate of the S.C. Supreme Court's 2019 Order. **S.C. Supreme Court's Order p.6-7**

The S.C. Appellate courts has long Ruled that it will not disturb the trial Judge's findings of fact unless those findings are wholly unsupported by the evidence. **Coakley v. Horace Mann Ins. Co. 376 S.C. 2,6 656 SE2d 17,19 (2007)**

According to the Circuit Court's Order of dismissal, the findings by the Circuit Court that Appellant's challenge to his Parole eligibility is a challenge to his 1998 Conviction and Sentence is not supported by the evidence. And the findings by the Circuit Court that Appellant violated the S.C. Supreme Court's 2019 Order is not supported by the evidence either. **Appellant's motion to reconsider p.25**

CONCLUSION

Wherefore, Appellant Sidney Fields now pray that this Honorable Court Reverse the Circuit Court's Order of dismissal and Remand this matter to the Circuit Court for a non-Jury trial on the merits of his complaint. And to reinstate Appellant's status in Circuit Court as being the Plaintiff in the action. And to reinstate the State Of South Carolina's status as being the Defendant in the action

Respectfully Submitted,


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November 21, 2025