

STATE OF SOUTH CAROLINA

In The Supreme Court

RECEIVED
DEC 19 2025
S.C. SUPREME COURT

APPEAL FROM CHARLESTON COUNTY

Court Of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

Case No. 2025-CP-10-03397

Sidney Fields # 254392

Petitioner.

V.

State Of South Carolina

Respondent.

APPENDIX

Sidney Fields # 254392
B.R.C.I. 4460 Broad River Rd.
Marion # 229
Columbia, S.C. 29210
pro se

The S.C. Office Of The Attorney General
Danielle Dixon (Asst. Attorney General)
P.O. Box 11549
Columbia, S.C. 29211
Attorney For Respondent

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STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS
) IN THE NINTH JUDICIAL CIRCUIT
)

Sidney Fields, #254392,

) CASE NO. 2025-CP-10-03397
)

Applicant,

)

v.

)

State of South Carolina,

)

Respondent.

)

)

ORDER OF DISMISSAL

FILED
2025 AUG 15 AM 10:21
JULIE S. ARLING
CLERK OF COURT

This matter comes before the Court by way of a Summons and Complaint¹ filed by Sidney Fields (Applicant) on June 12, 2025. Respondent moved to dismiss this action as it violates the South Carolina Supreme Court's Order, filed on February 20, 2019, which prohibits Applicant from filing any further collateral action challenging his 1998 convictions and sentences without first obtaining permission from the South Carolina Supreme Court. *See* attached Supreme Court Order, filed February 20, 2019. Because this filing violates the Supreme Court's Order, this action shall be dismissed.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving a life sentence. In August 1997, the Charleston County Grand Jury indicted Applicant for murder (1997-GS-10-05026) and armed robbery (1997-GS-10-05025). On November 6, 1998, Applicant

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Jm/1

appeared before the Honorable Thomas L. Hughston, Jr., and pled guilty to murder and armed robbery. Public Defender D. Ashley Pennington represented Applicant. Judge Hughston sentenced Applicant to confinement for a period of life for murder and a concurrent thirty (30) years for armed robbery. Applicant did not appeal his conviction or sentence.

On May 13, 1999, Applicant filed his first application for post-conviction relief. On June 20, 2000, he filed an amended application, in which he alleged the following grounds for relief:

1. Ineffective assistance of counsel:
 - a. Failed to investigate the case;
 - b. Failed to get Applicant mentally evaluated;
 - c. Pressured the Applicant to plead by "threatening" the Applicant with the death penalty;
 - d. Did not comply with the Applicant's wishes for a jury trial;
 - e. Deceived the Applicant into thinking he would be eligible for furlough;
 - f. Erred in advising the Applicant that if he went to trial the jury would not be instructed on the lesser included offense on manslaughter;
 - g. Misadvised the Applicant that his only two choices were the death penalty or the plea bargain;
 - h. Did not make the Applicant aware that armed robbery carried a minimum sentence of ten (10) years.
2. Violation of due process and equal protection rights.

On September 13, 2000, an evidentiary hearing was held before the Honorable R. Markley Dennis, Jr., at which Applicant was present and was represented by Jack D. Cordray, Esquire. By Order dated September 21, 2001, Judge Dennis denied and dismissed Applicant's application for PCR. Applicant filed a notice of appeal, which was perfected by Appellate Defender Eleanor Duffy Cleary through the filing of a Johnson² Petition for Writ of Certiorari. The South Carolina Supreme Court denied the Petition. The remittitur was sent on October 31, 2002.

Thereafter, Applicant filed four PCR applications that were summarily dismissed. Following the appeal of the denial of his fifth PCR application, the South Carolina Supreme Court

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issued an Order on February 20, 2019, dismissing the notice of appeal and prohibiting Applicant from further challenging his 1998 convictions. The Order states in relevant part as follows:

[W]e hereby prohibit petitioner from filing any further collateral actions in the circuit court, including PCR actions and habeas corpus actions, as well as any motions relating to the previously filed collateral actions, challenging his 1998 convictions and sentences for murder and armed robbery, or any motions in the underlying criminal case, including a motion pursuant to Rule 29, SCRCrimP, without first obtaining permission to do so from this Court.


The remittitur was sent on March 8, 2019.

FINDINGS OF FACT & CONCLUSIONS OF LAW


Respondent moved to dismiss this Summons and Complaint as violating the Supreme Court's February 2019 order. This action raises allegations that collaterally attack his sentence on his 1998 murder conviction. Applicant, following numerous frivolous and repetitive filings, was served with the South Carolina Supreme Court's Order restricting him from further filing without obtaining the Supreme Court's permission first. Applicant did not seek or receive permission from the South Carolina Supreme Court to file the instant action. Therefore, this Court finds this action shall be dismissed for failing to comply with the South Carolina Supreme Court's Order.

IT IS THEREFORE ORDERED that based on the reasons stated herein, the instant summons and complaint is hereby denied and dismissed with prejudice.

AND IT IS SO ORDERED this 1 day of August, 2025.


JENNIFER B. MCCOY
Chief Administrative Judge
Ninth Judicial Circuit

Charleston, South Carolina

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By 
DEPUTY CLERK

JM/3

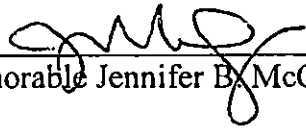
STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 Sidney Fields, #254392,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 CIVIL ACTION NO.: 2025-CP-10-03397

ORDER DENYING APPLICANTS
 MOTION TO RECONSIDER PURSUANT
 TO RULE 59(e) SCRPC

Applicant Sidney Fields filed a Motion to Reconsider on August 29, 2025. Upon careful consideration, this Court hereby DENIES Applicant's Motion.

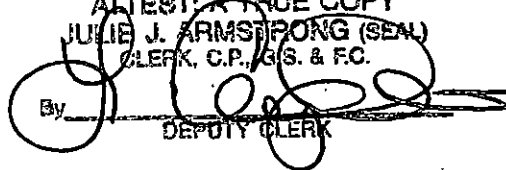
IT IS SO ORDERED!



 The Honorable Jennifer B. McCoy

October 14, 2025
 Charleston, South Carolina

2025 OCT 14 PM 1:40
 CLERK OF COURT

ATTEST: A TRUE COPY
 JULIE J. ARMSTRONG (SEAL)
 CLERK, C.P., G.S. & F.C.
 By 
 DEPUTY CLERK

The Supreme Court of South Carolina

Sidney Fields, Petitioner,

v.

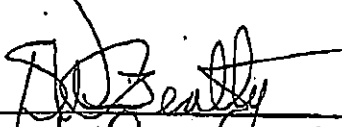
State of South Carolina, Respondent.

Appellate Case No. 2018-001704

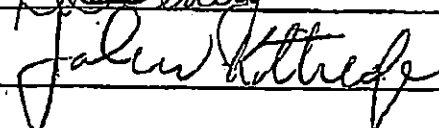
ORDER

Petitioner has filed a notice of appeal from the denial of his fourth application for post-conviction relief (PCR). Petitioner was asked to provide the explanation required by Rule 243(c), SCACR, and, in light of the number of PCR applications petitioner has filed, he was also asked to provide any reasons this Court should not impose restrictions on his filing of collateral actions challenging his 1998 convictions and sentences for murder and armed robbery (1997-GS-10-05026; 1997-GS-10-05025).

Petitioner has failed to show that there is an arguable basis for asserting the dismissal of his fourth PCR application was improper, nor has he asserted any reason this Court should not impose restrictions on his future filings. Accordingly, we dismiss the notice of appeal pursuant to Rule 243(c), SCACR. In addition, we hereby prohibit petitioner from filing any further collateral actions in the circuit court, including PCR actions and habeas corpus actions, as well as any motions relating to the previously filed collateral actions, challenging his 1998 convictions and sentences for murder and armed robbery, or any motions in the underlying criminal case, including a motion pursuant to Rule 29, SCRCrimP, without first obtaining permission to do so from this Court.



C.J.



J.

Kyle L. Gray J.
John Cannon J.
[Signature] J.

Columbia, South Carolina

February 20, 2019

cc:
Benjamin Hunter Limbaugh, Esquire
Sidney Fields, 254392

STATE OF SOUTH CAROLINA,)
)
 COUNTY OF Charleston)
)
Sidney Fields # 254392)
) Plaintiff,)
)
 vs.)
)
State of South Carolina)
) Defendant.)

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO 2025-CP-10-03397

2025 JUN 12 PM 10:40
 JULE J. ANDERSON
 CLERK OF COURT

FILED

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Columbia, South Carolina

Sidney Fields
 Plaintiff/Attorney for Plaintiff

Dated: June 9, 2025

Address: B.R.C.I. 4460 Broad River Rd.
Marion # 229
Columbia, S.C. 29210

9

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
Sidney Fields # 254392)
Plaintiff.)
)
V.)
)
The State Of South Carolina)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS

COMPLAINT

Case # 2025-CP10-03397

Plaintiff being an inmate in the South Carolina Dept. Of Corrections is now before this court because the State Of South Carolina is denying Plaintiff Due Process under Parole Statute §24-21-640 by the enactment of "No Parole" Statute §24-13-100 and the "No Parole" amendment to §16-3-20

CIRCUIT COURT JURISDICTION

The S.C. Supreme Court has Ruled that Administrative Law Judges are an Agency of the executive branch and must follow the Law as written until it's constitutionality is Judicially determined. That said, Adm. Law Judges have no Authority to pass upon the constitutionality of a Statute or regulation. Great Games Inc. v. S.C. Dept. Of Revenue 339 S.C. 79,84-85 529 SE2d 6,9 (2000)

Therefore, it is the circuit court's Jurisdiction and duty to address and adjudicate this constitutional matter because the the S.C. Supreme Court has Ruled that constitutional questions like any other issues must be raised to, and filed upon by the trial Judge to be preserved for Appellate Review. Wilder Corp. v. Wilke 330 S.C. 71,76 497 SE2d 731,733 (1998)

FILED
25 JUN 12 AM 10:41
ADMINISTRATIVE
CLERK OF COURT

STATEMENT OF THE FACTS

In the South Carolina's 1986 Omnibus Crime Bill, the General Assembly created Statute Law §16-1-60 which codified the offense of Murder as a violent crime. S.C. Code Ann. §16-3-10 / S.C. Code Ann. §16-1-60 / 1986 Act No.462 §33

Also in this 1986 Bill, the General Assembly amended Parole Statute §24-21-640 in which it prohibited the Parole Board from considering Parole if the Murder conviction is a subsequent conviction following a separate sentencing for a prior conviction for a violent crime defined under §16-1-60. S.C. Code Ann. §24-21-640 / 1986 Act No.462 §30

On January 1, 1996, the General Assembly enacted "No Parole" Statute §24-13-100 prohibiting the Parole Board to consider Parole for the offense of Murder. S.C. Code Ann. §24-13-100 / 1995 Act No.83 §1

Also on January 1, 1996, the General Assembly enacted an amendment to Statute Law §16-3-20 prohibiting the courts to include consideration for Parole to Murder offenses in their sentencing guidelines. S.C. Code Ann. §16-3-20 / 1995 Act No.83 §10

On March 9, 1997, Plaintiff committed Murder and Armed Robbery and was subsequently sentenced to life for Murder without ever being considered for Parole, and was sentenced to 30 years for Armed Robbery to run concurrent.

It must be noted that the Armed Robbery conviction has since been served and the sentence completed. Therefore, the Armed Robbery conviction is not the subject of this suit.

Plaintiff's complaint now follows:

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ARGUMENT

THE STATE OF SOUTH CAROLINA IS DENYING PLAINTIFF DUE PROCESS UNDER PAROLE STATUTE §24-21-640 BEING THAT §24-21-640 WAS NEVER REPEALED BY IMPLICATION BY "NO PAROLE" STATUTE §24-13-100 AND THE "NO PAROLE" AMENDMENT TO §16-3-20

The S.C. Supreme Court has Ruled that the primary purpose in interpreting Statutes is to ascertain and effectuate the intent of Legislature. And under the plain meaning Rule, it is not the court's place to chance the meaning of a clear and unambiguous Statute. Denman v. City Of Columbia 387 S.C. 131,138 691 SE2d 465,468 (2010)

The court further Ruled that where there is one Statute addressing an issue in general terms, and another Statute dealing with the identical issue in a more specific and definite manner, the more specific Statute will be considered an exception to, or qualifier of the general Statute and is given such effect. *Id.*

In the instant case, Parole Statute §24-21-640 is titled: CIRCUMSTANCES WARRANTING PAROLE / SEARCH AND SEIZURE / CRITERIA / REPORT OF PAROLEES / RECORDS SUBJECT TO FREEDOM OF INFORMATION ACT / S.C. Code §24-21-640

This Statute outlines the criteria and conditions to facilitate and effectuate the Parole process, including 1) Examining the inmate's disciplinary Records. 2) Examining the inmate's ability to reform into society. 3) Make sure the inmate agrees to search and seizure without a Warrant. 4) And to ensure that the Paroled sentence is not a subsequent violent crime conviction defined under §16-1-60 S.C. Code Ann. §24-21-640

However, "No Parole" Statute §24-13-100 is titled: DEFINITION OF "NO PAROLE" OFFENSE. This Statute codifies which felony offenses the Parole Board cannot consider for Parole. And the "No Parole" amendment to §16-3-20 prohibits the courts to include consideration for Parole in the sentencing guidelines for the offense of Murder. S.C. Code Ann. §24-13-100 / S.C. Code Ann. §16-3-20

Upon review of the two Statutes and amendment, Parole Statute §24-21-640 is the more specific Statute outlining the criteria and conditions to facilitate the Parole process. While the "No Parole Statute and amendment is more general in nature being that it only identifies which felony offenses that can't be considered for Parole.

the S.C. Supreme Court also Ruled that specific Statutes are not to be considered repealed by a later general Statute unless there is a direct reference to the earlier Statute or the intent of Legislature to do so explicitly implied. Denman 387 S.C. at 138 691 SE2d at 469

Furthermore, when faced with the question of whether Parole Statute §24-21-640 has been repealed by implication by the "No Parole" Statute and amendment, an Appellate court must consider several principles of Statutory construction and interpretations. And their primary function in interpreting a Statute is to ascertain the intent of Legislature. Justice v. Pantry 330 S.C. 37,43 496 SE2d 871,874 (1998)

However, repeal by implication is disfavored and is found only when two Statutes are incapable of reconciliation. The repugnancy must not only be plain, but the provisions of the two Statutes must be incapable of any reasonable reconciliation. For if they can be construed so that both can stand, the court will so construe them. Id.

To effect an implied repeal of one Statute by another, they must both relate to the same subject, and cover the same situation. Since one Statute is not repugnant to the other unless there is such relation. Id.

As stated earlier, Parole Statute §24-21-640 outlines the criteria and conditions to facilitate the Parole process. And the "No Parole" Statute and amendment codifies which felony offenses that cannot be considered for Parole. S.C. Code Ann. §24-21-640 / S.C. Code Ann. §24-13-100 / S.C. Code Ann. §16-3-20

Plaintiff argues that these Statutes and amendment are not repugnant to each other and are not incapable of a reasonable reconciliation. To the contrary, these Statutes and amendment are consistent being that they share the same goal of stipulating guidelines through different means via the Parole process. Justice v. Pantry 330 S.C. at 45 496 SE2d at 875

In short, each Statute addresses different subjects pertaining to the Parole process. One deals with the criteria and conditions of the Parole process, and the other outlines which offense fails to qualify for consideration for Parole. Therefore, there is nothing in the language that suggest that Parole Statute §24-21-640 was repealed by implication by "No Parole" Statute §24-13-100 and the "No Parole" amendment to §16-3-20. Justice v. Pantry 330 S.C. at 45 496 SE2d at 875

DUE PROCESS

In order to claim entitlement to the protections of the Due Process clause, a Plaintiff must first show that he has a constitutionally protected Liberty Interest, and that he has been deprived of that protected Interest by some form of State action. Fleming v. Rose 338 S.C. 524,539-540 526 SE2d 732,740 (2000)

In order to establish a State created Liberty Interest, the Statute or regulation must contain explicitly mandatory language i.e. specific directives to the decision maker that if the regulation's substantive predicates are present, a particular outcome must follow. Allen v. S.C. Dept. Of Corrections 434 S.C. 114,118-119 862 SE2d 268, 270 (2021)

In short, a State creates a protected Liberty Interest by placing substantive limitations on official discretion. And if a regulation explicitly mandates an outcome based on the existence of relevant criteria, the State has created a Liberty Interest. *Id.*

Statute Law §24-21-640 states:

The Parole Board must not grant Parole nor is Parole Authorized to any prisoner serving a sentence for a second or subsequent conviction following a separate sentencing for a prior conviction for violent crimes defined under §16-1-60. S.C. Code Ann. §24-21-640

In the instant case, Plaintiff argues that since the Murder he committed in 1997 was not a subsequent violent crime conviction defined under §16-1-60, and the fact that Parole Statute §24-21-640 was not repealed by implication by the "No Parole" Statute and amendment, this caused Parole Statute §24-21-640 to be the controlling Law at the time of Plaintiff's 1997 Murder offense. S.C. Code Ann. §24-21-640

And even though this provision was an amendment to Parole Statute §24-21-640 in 1986, nevertheless, this amended Statute is to be considered as if the original Statute had been repealed, and a new and independent Act in the amended form adopted. Under this Rule Of construction, the amendment becomes part of the original Statute as if it had always been contained therein. Windham v. Pace 192 S.C. 271,275 6 SE2d 270 (1939)

And since Due Process must involve deprivation of a Liberty Interest, the State Of South Carolina is depriving Plaintiff of this protected Liberty Interest pursuant to Parole Statute §24-21-640. Kearse v. State Health And Human Services Finance Com'n 318 S.C. 198,201, 456 SE2d 892,894 (1995)

Plaintiff lastly asserts that the State Of South Carolina has a fundamental legitimate interest for implementing additional layers of sanctions on violent offenders pertaining to the Parole process. Bird v. Wyoming Attorney General 712 Fed Appx 742,745 (10th cir 2017)

However, the State Of South Carolina is without an excuse for denying Plaintiff's Due Process by enacting a "No Parole" Statute and amendment that did not impliedly repeal Parole Statute §24-21-640.

Because when the "No Parole" Statute and amendment was created, the Legislature could have easily amended or repealed any provision of Parole Statute §24-21-640. However, they did not do so. Therefore, Parole Statute §24-21-640 along with all of it's provisions must be construed as continuing to be effective. Butler v. Unisun Ins. Co 323 S.C. 402,407 475 SE2d 758,761 (1998)

STATUTE OF LIMITATIONS

As stated earlier in this work, the State Of South Carolina through "No Parole" Statute §24-13-100 and the "No Parole" amendment to §16-3-20 is denying Plaintiff Due Process under Parole Statute §24-21-640. This is a continuous on-going violation of the Due Process clause of the 14th Amendment of the U.S. Constitution, and Art 3 §1 of South Carolina Constitution.

This continuous on-going violation implicates the continuous accrual doctrine, thus barring the Statute of Limitations. To establish a continuous violation, the Plaintiff must establish an unconstitutional or illegal act was fixed and continuing in practice. National Advertising Co. v. City Of Raleigh 497 F2d 1158,1166-1167 (4th cir 1991)

In the instant case, a continuous on-going constitutional violation accrued when the State Of South Carolina enacted "No Parole" Statute §24-13-100 and the "No Parole" amendment to §16-3-20 to repeal by implication Parole Statute §24-21-640

And since Plaintiff has a protected Liberty Interest under Parole Statute §24-21-640, this is a continuous on-going violation of the Due Process clause. Therefore, Plaintiff has the Right to exercise this complaint through the continuous accrual doctrine so long as the violation continues and Plaintiff is being damage thereby. Dave & Busters v. White Flint Mall LLLP 616 Fed Appx 552,556-557 (4th cir 2015)

It must be noted that the U.S. Court Of Appeals (5th cir) calls this doctrine "The Continuous Violation Doctrine". Texas v. United States 891 F.3d 553,562 (5th cir 2018)

In Broom v. Strickland, the U.S. Court Of Appeals (6th cir) Ruled that a continuous violation exist if 1) The defendant engaged in continuing wrongful conduct. 2) Injury to the Plaintiff accrues continuously. 3) Had the defendant at anytime cease their wrongful conduct, further injury would have been avoided. Broom v. Strickland 579 F.3d 553,555 (6th cir 2009)

Plaintiff argues that while being incarcerated, the State Of South Carolina is continuously engaging in wrongful conduct by deliderately enforcing the "No Parole" Statute and amendment. Injury to Plaintiff accrues continuously because the Legislation is continuously prohibiting Authority to the Parole Board to consider plaintiff for Parole. And at anytime the State Of South Carolina cease it's enforcement of this unconstitutional Legislation, Plaintiff would incur no further injury. see Broom

In conclusion, it will be a miscarriage of Justice not to allow Plaintiff to exercise his complaint through the continuous accrual doctrine in this matter. Because the State's continued enforcement of an unconstitutional Legislation cannot be insulated by a Statute Of Limitations. In other words, a limitation period cannot protect a Legislation that is unconstitutional. National Advertising Co. v. City of Raleigh 497 F.2d at 1167 (4th cir 1991)

Wherefore, Plaintiff Sidney Fields now Pray that this Honorable court to declare Parole Statute §24-21-640 the controlling Law in this matter, to allow Plaintiff access to a hearing before the Parole Board for consideration for Parole. And pursuant to the continuous accrual doctrine, bar the Statute Of Limitation in this matter.

Respectfully Submitted,



Sidney Fields # 254392

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

Marion # 229

Columbia, S.C. 29210

June 9, 2025

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON)	IN THE NINTH JUDICIAL CIRCUIT
)	
Sidney Fields, #254392,)	CASE NO. 2025-CP-10-03397
)	
Applicant,)	
)	
v.)	ANSWER/ RETURN & MOTION TO
)	DISMISS
State of South Carolina,)	
)	
Respondent.)	
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1. Ineffective assistance of counsel:
 - a. Failed to investigate the case;
 - b. Failed to get Applicant mentally evaluated;
 - c. Pressured the Applicant to plead by "threatening" the Applicant with the death penalty;
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 - e. Deceived the Applicant into thinking he would be eligible for furlough;
 - f. Erred in advising the Applicant that if he went to trial the jury would not be instructed on the lesser included offense on manslaughter;
 - g. Misadvised the Applicant that his only two choices were the death penalty or the plea bargain;
 - h. Did not make the Applicant aware that armed robbery carried a minimum sentence of ten (10) years.
2. Violation of due process and equal protection rights.

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² Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988).

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The remittitur was sent on March 8, 2019.

MOTION TO DISMISS

Respondent moves to dismiss this Summons and Complaint as violating the Supreme Court's February 2019 order. This action raises allegations that collaterally attack his sentence on his 1998 murder conviction. Applicant, following numerous frivolous and repetitive filings, was served with the South Carolina Supreme Court's Order restricting him from further filing without obtaining the Supreme Court's permission first. Applicant did not seek or receive permission from the South Carolina Supreme Court to file the instant action. Therefore, this action should be dismissed for failure to comply with the South Carolina Supreme Court's Order.

GENERAL DENIAL

Each and every allegation contained within the complaint not expressly admitted, qualified, or explained in this return is hereby denied.

[Conclusion and Signature on following page]

CONCLUSION

WHEREFORE, Respondent requests that this Court dismiss the application with prejudice.

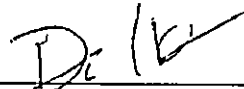
Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

D. RUSSELL BARLOW, II
Senior Assistant Deputy Attorney General

DANIELLE DIXON
Assistant Attorney General

By: 

Danielle Dixon
Bar Number: 73999

ATTORNEYS FOR RESPONDENT
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

July 14, 2025

Because before the Defendant filed their July 14, 2025 motion to dismiss, Plaintiff addressed this matter before the Circuit Court in his July 9, 2025 motion for leave. (see Plaintiff's motion for leave attached)

In his motion, Plaintiff acknowledged that he is not challenging his conviction and sentence, but is challenging the Constitutionality of certain Statute laws pertaining to Parole eligibility.

Because according to South Carolina's Appellate Court precedent, matters relating to Parole is not a challenge to a conviction and sentence, Parole is a leave of absence from prison in which the inmate continues to serve his conviction and sentence imposed by the court. In other words, while on Parole, the inmate remains in legal custody until the expiration of their sentence. Sanders v. MacDougal 244 S.C. 160,163 135 SE2d 836,837 (1964)

Also, the Fourth Circuit Court Of Appeals has Ruled that being on Parole is not a release of an inmate from all disciplinary restraints, but merely an extension of the prison walls. United States v. Nicholson 78 F2d 468,469-470 (4th Cir 1935)

Furthermore, 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)

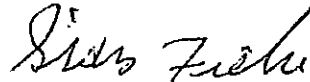
Therefore, Plaintiff has shown through State and Federal Appellate Court precedent that a challenge to his Parole eligibility is not a collateral challenge nor is it a collateral attack on his 1998 conviction and sentence. (see Plaintiff's Summons and Complaint attached).

Plaintiff further argues that since the Record shows that he is not collaterally challenging his 1998 conviction and sentence, then the Summons and Complaint CANNOT be construed as an Application for PCR. Thus, the Defendant is in ERROR for construing the Summons and Complaint as an Application for PCR in their motion to dismiss.

Lastly, before the Defendant filed their July 14, 2025 motion to dismiss, Plaintiff's July 9, 2025 motion for leave was already pending in the Circuit Court. However, the Defendant in their motion to dismiss deliberately omitted Plaintiff's motion for leave and the facts contained therein from their motion to dismiss. This is prejudicial to Plaintiff being that the Defendant's argument in their motion to dismiss is one-sided.

Wherefore, Plaintiff Sidney Fields now pray that this Honorable Court deny the Defendant's motion to dismiss and to allow this matter to proceed in Circuit Court.

Respectfully Submitted,



Sidney Fields # 254392
B.R.C.I. 4460 Broad River Rd.
Marion # 229
Columbia, S.C. 29210

July 21, 2025

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) 9th JUDICIAL CIRCUIT
Sidney Fields # 254392)
Plaintiff.) PLAINTIFF'S MOTION TO RECONSIDER
) PURSUANT TO RULE 59(e) SCRPC
V.)
) Case # 2025-CP-10-03397
The State Of South Carolina)
Defendant.)

Plaintiff Sidney Fields being an inmate in the S.C. Dept. Of Corrections (Broad River Inst.) is now before this court to Reconsider It's Order Of Dismissal dated August 1, 2025 and received by Plaintiff on August 19, 2025 (see envelope attached)

On June 9, 2025, Plaintiff submitted a Summons and Complaint challenging his Parole eligibility by disputing the legitimacy of several Parole Statutes (see Plaintiff's Summons and Complaint attached)

On July 14, 2025, the Defendant submitted a Motion To Dismiss contending that Plaintiff's Summons and Complaint violates the S.C. Supreme Court's 2019 Order which prohibits Plaintiff from filing any further collateral actions challenging his 1998 conviction and sentence without first obtaining permission from the S.C. Supreme Court. (see pg 1 & 3 of Defendant's Motion To Dismiss attached) / (see S.C. Supreme Court's 2019 Order attached)

Also in their Motion To Dismiss, the Defendant contends that since Plaintiff is again challenging his 1998 conviction and sentence, the Defendant is construing the Plaintiff's Summons and Complaint as an application for PCR. (see footnote # 1 on pg 1 on Motion To Dismiss attached)

The Defendant concluded in their Motion To Dismiss that since Plaintiff 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. (see pg 3 of Motion To Dismiss attached)

On August 1, 2025, the Honorable Jennifer B. McCoy in her Order of Dismissal Ruled in favor of the Defendant's Motion by construing Plaintiff's Summons and Complaint as an application for PCR. (see footnote # 1 on pg 1 of Order of Dismissal attached)

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SOUTH CAROLINA
JUDICIAL DISTRICT OF CHARLESTON

The Honorable McCoy further Ruled that since Plaintiff's actions raises allegations that collaterally attack his 1998 conviction and sentence, and the fact that Plaintiff 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. (see pg 1 & 3 of Order of Dismissal attached)

Plaintiff 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 an Appellate court to a 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)

According to Blacks Law Dictionary, the word "Mandate" is defined as an Order from the Appellate court directing a lower court to take a specified action. (Blacks Law Dictionary)

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)

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 Plaintiff's numerous pleadings attacking his conviction and sentence in the past, the S.C. Supreme Court's Order mandated that Plaintiff must first ask for permission from the S.C. Supreme Court only if Plaintiff is collaterally challenging his 1998 conviction and sentence. (see S.C. Supreme Court's Order attached) / (see pg 1 of Plaintiff's Response to motion to dismiss attached)

Plaintiff argues that there was no procedural need to seek permission from the S.C. Supreme Court before filing this action because the S.C. Supreme Court has Ruled that matters relating to Parole is not a challenge to a conviction and sentence.

Because Parole is a leave of absence from prison in which the inmate continues to serve his conviction and sentence imposed by the 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) / (see pg 2 of Plaintiff's Response to motion to dismiss attached)

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 F2d 468,469-470 (4th Cir 1935) / (see pg 2 of Plaintiff's Response to motion to dismiss attached)

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 F2d 541,544 (4th Cir 1973) citing Nicholson.

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) / (see pg 2 of Plaintiff's Response to motion to dismiss attached)

Therefore, according to the S.C. Supreme Court's Ruling in Sanders v. McDougall and in conjunction with other Federal court'Rulings on this matter, Plaintiff's challenge to his Parole eligibility is not a collateral challenge to his 1998 conviction and sentence.

And since Plaintiff is not challenging his conviction and sentence in this action, the S.C. Supreme Court's Order with it's mandate has no Jurisdiction over the Circuit Court in this action. (see pg 1 & 2 of Plaintiff's Response to motion to dismiss attached)

It must be noted that Plaintiff's challenge to his Parole eligibility simply means that Plaintiff is challenging the State Of South Carolina's Parole Laws that is prohibiting Plaintiff from having access to a Parole hearing to be considered for Parole.

And 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, this proves that Plaintiff's challenge to his Parole eligibility is not a challenge to his 1998 conviction and sentence. (see Summons and Complaint attached)


Furthermore, since the evidence shows that Plaintiff is not challenging his 1998 conviction and sentence, then the Summons and Complaint cannot be construed as an application for PCR. (see footnote # 1 on pg 1 of Order of dismissal attached) / (see pg 2 of Plaintiff's Response to motion to dismiss attached)

In conclusion, the S.C. Supreme Court has 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 that Plaintiff is challenging his 1998 conviction and sentence, and the findings that Plaintiff violated the S.C. Supreme Court's Order is not supported by any evidence. However, the evidence does show that Plaintiff is not challenging his 1998 conviction and sentence, and that Plaintiff was not in violation of the S.C. Supreme Court's Order when he filed this action. (see pg 3 of Order Of dismissal attached) / (see Plaintiff's Response to motion to dismiss)

Wherefore, according to the foregoing, Plaintiff Sidney Fields now Pray that this Honorable court Reconsider it's August 1, 2025 Order of Dismissal and to Remand this matter to initiate further proceedings in the Circuit Court.

Respectfully Submitted,



Sidney Fields # 254392

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

Marion # 229

Columbia, S.C. 29210

August 25, 2025

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JULIE J. ARMSTRONG
CLERK OF COURT, C.P. & G.S.
100 BROAD STREET, SUITE 106
CHARLESTON, SC 29401-2258
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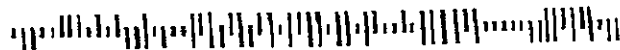
2377 

SIDNEY FIELDS #254392
BROAD RIVER CORR INST / MARION #229
4460 BROAD RIVER RD
COLUMBIA SC 29210-4012

OCT 21 2025

INC.
MAIL ROOM

IKJ-SP1 29210



CERTIFICATE OF PETITIONER

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I Sidney Fields hereby certify that the Appendix contains all material proposed to be included by any parties and not any other material.

December 16, 2025


Sidney Fields # 254392

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

Marion # 229

Columbia, S.C. 29210