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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

On Petition for Writ of Certiorari to the Court of Common Pleas
Appeal from Charleston County

Jennifer B. McCoy, Circuit Court Judge

Appellate Case No. 2025-002207

SIDNEY FIELDS,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

**RETURN TO PETITION
FOR WRIT OF CERTIORARI**

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COUNTERSTATEMENT OF ISSUE ON PETITION FOR CERTIORARI

Whether the post-conviction relief court properly dismissed Petitioner's application because it violated the South Carolina Supreme Court's order prohibiting Petitioner from filing any further collateral action challenging his 1998 convictions and sentences without first obtaining permission from the Court?

STATEMENT OF THE CASE

In August 1997, the Charleston County Grand Jury indicted Petitioner for murder (1997-GS-10-05026) and armed robbery (1997-GS-10-05025). On November 6, 1998, Petitioner appeared before the Honorable Thomas L. Hughston, Jr., and pled guilty to murder and armed robbery. Public Defender D. Ashley Pennington represented Petitioner. Judge Hughston sentenced Petitioner to confinement for a period of life for murder and a concurrent thirty (30) years for armed robbery. Petitioner did not appeal his conviction or sentence.

1999-CP-10-01788

On May 13, 1999, Petitioner filed his first application for post-conviction relief (99-CP-10-1788). 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 Petitioner mentally evaluated;
 - c. Pressured the Petitioner to plead by “threatening” the Petitioner with the death penalty;
 - d. Did not comply with the Petitioner’s wishes for a jury trial;
 - e. Deceived the Petitioner into thinking he would be eligible for furlough;
 - f. Erred in advising the Petitioner that if he went to trial the jury would not be instructed on the lesser included offense on manslaughter;
 - g. Misadvised the Petitioner that his only two choices were the death penalty or the plea bargain;
 - h. Did not make the Petitioner 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 Petitioner was present and was represented by Jack D. Cordray, Esquire. By Order dated September 21, 2001, Judge Dennis denied and dismissed Petitioner’s application for PCR. Petitioner filed a notice of appeal, which was perfected by Appellate Defender Eleanor Duffy

Cleary through the filing of a Johnson¹ Petition for Writ of Certiorari. The South Carolina Supreme Court denied the Petition. The remittitur was sent on October 31, 2002.

2:3-0172-25AJ

Petitioner then filed a Petition for Writ of Habeas Corpus (2:3-0172-25AJ) in the U.S. District Court on January 16, 2003. Respondents filed a Motion for Summary Judgment, Return and Memorandum of Law in Support of Motion for Summary Judgment dated May 1, 2003. The Honorable Terry L. Wooten granted Respondents' Motion for Summary Judgment, and the Petition was dismissed on October 14, 2003.

2006-CP-10-01853

Petitioner filed his second application for Post-Conviction Relief (2006-CP-10-01853) on May 11, 2006, in which he alleged the following grounds for relief:

1. Ineffective assistance of counsel in that counsel introduced an inapplicable furlough statute prior to the plea.

The State filed its Return and Motion to Dismiss on June 22, 2006. The Honorable Deadra L. Jefferson filed a Final Order of Dismissal dated August 23, 2006. On September 8, 2006, Petitioner filed a Rule 59(e) motion. Petitioner's appeal to the Supreme Court of South Carolina was dismissed, and the Remittitur was issued on May 23, 2007.

02-207

Petitioner filed a Motion pursuant to 28 U.S.C. Section 2244 for authorization to file a successive application for relief on June 22, 2007, in the United States Court of Appeals for the Fourth Circuit. On July 18, 2007, the Clerk of the US Court of Appeals for the Fourth Circuit

¹ Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988).

entered a denial of the motion at the direction of Judge Michael, with the concurrence of Judge Wilkinson and Judge King.

2007-CP-10-03878

Petitioner subsequently filed his third application for PCR on August 31, 2007, in which he alleged the following grounds for relief:

1. Denied due process when PCR counsel's error denied Applicant a sufficient and preserved evidentiary record for appellate review.

The State filed its Return and Motion to Dismiss on February 7, 2008. The Honorable Roger M. Young, Sr. issued a Conditional Order of Dismissal dated February 8, 2008. Judge Young subsequently withdrew his Conditional Order of Dismissal and transferred the case to the civil roster as a Petition for Habeas Corpus. On November 3, 2008, a hearing was held with Petitioner present and the Honorable R. Markley Dennis, Jr. dismissed with prejudice the application as untimely and successive.

On June 24, 2009, Lanelle Cantey Durant of the South Carolina Commission on Indigent Defense filed a Johnson Petition for Writ of Certiorari on the Applicant's behalf. The Honorable James E. Lockemy, Honorable Thomas E. Huff, and Honorable Aphrodite K. Konduros denied certiorari on November 5, 2010.

On November 16, 2010, Petitioner filed a Petition for Rehearing in the South Carolina Court of Appeals. The Honorable James E. Lockemy, Honorable Thomas E. Huff, and Honorable Aphrodite K. Konduros signed an Order Denying Applicant's Petition for Rehearing filed December 17, 2010, and the Remittitur was filed January 25, 2011.

2011-CP-10-07173

Petitioner filed his fourth application for PCR on October 4, 2011, in which he alleged the following grounds for relief:

1. "Petitioner has statutory right to habeas corpus"
2. "Circuit court committed error of law"
3. "Lack of Subject Matter Jurisdiction"

On May 7, 2013, this application was dismissed by the Honorable J. C. Nicholson, Jr., pursuant to SCRCF Rule 5(d), for failure to timely serve upon the State.

2014-CP-10-00305

On February 7, 2014, Petitioner filed a Petition for Writ of Mandamus in the Court of Common Pleas of Charleston County. The State filed its Motion to Dismiss on February 27, 2014. Petitioner filed his Response to the Motion to Dismiss, dated March 4, 2014. On May 23, 2014, a hearing was held with the Petitioner present before the Honorable J. C. Nicholson, Jr. Judge Nicholson granted the State's Motion to Dismiss Petitioner's Petition for Writ of Mandamus on June 11, 2014.

2016-CP-10-00705

Petitioner filed his fifth application for PCR on February 11, 2016, in which he alleged the following grounds for relief:

1. "Newly Discovered Evidence"
 - a. Applicant recently reviewed his drug rehab records from 1996 and discovered he was diagnosed for "psychomotor retardation."

The State filed its Return and Motion to Dismiss on October 24, 2016. The State also filed its Motion to Restrict Future Filings on October 24, 2016. On November 8, 2016, the Honorable Kristi Lea Harrington, in her capacity as the Chief Administrative Judge, issued the Conditional Order of Dismissal and the Order Restricting Future Filings. On June 12, 2018, Judge Harrington issued the Final Order of Dismissal.

On September 21, 2018, Petitioner filed a notice of appeal and explanation pursuant to Rule 243(c), SCACR. On September 27, 2018, the Court sent a letter to Petitioner informing him

that the Court may restrict future filings if it finds the Rule 243(c), SCACR, explanation inadequate and providing Petitioner with twenty (20) days to supplement his explanation. On February 20, 2019, this Court issued an Order dismissing the notice of appeal and prohibiting Petitioner 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.

2025-CP-10-03397

Petitioner filed his sixth application for PCR² on June 12, 2025, in which he alleged the following grounds for relief:

1. Due Process Violations
2. Unconstitutional Sentence

On June 12, 2025, Petitioner filed a summons and complaint challenging his conviction. On July 16, 2025, the State filed its Answer/Return and Motion to Dismiss. On July 23, 2025, Petitioner filed his Plaintiff's Response to Defendant's Motion to Dismiss. On August 15, 2025, the Honorable Jennifer B. McCoy, in her capacity as the Chief Administrative Judge, filed the Order of Dismissal. On August 29, 2025, Petitioner filed his Plaintiff's Motion to Reconsider Pursuant to Rule 59(e), SCRCP. On October 14, 2025, Judge McCoy denied Petitioner's motion by filed Order. Petitioner filed a timely notice of appeal.

This Return to Petition for Writ of Certiorari follows.

² While Petitioner titled his filing a summons and complaint, it was interpreted to be a PCR action as Petitioner was collaterally attacking his conviction and sentence.

ARGUMENT

The post-conviction relief court properly dismissed Petitioner's application because it violated the South Carolina Supreme Court's order prohibiting Petitioner from filing any further collateral action challenging his 1998 convictions and sentences without first obtaining permission from the Court.

On appeal, Petitioner asserts that there was no procedural need for Petitioner to seek permission from the Supreme Court before filing his parole eligibility complaint in circuit court because matters relating to parole do not challenge a person's conviction and sentence.

Petitioner's filing of summons and complaint was construed as an application for post-conviction relief because it was a challenge to his prior sentence. See S.C. Code Ann. § 17-27-20(B) (2014) (providing the Uniform Post-Conviction Procedure Act "comprehends and takes the place of all other common law, statutory or other remedies heretofore available for challenging the validity of the conviction or sentence. It shall be used exclusively in place of them."). Pursuant to the Order filed by the South Carolina Supreme Court in 2019 following Petitioner's *fifth* PCR action, Petitioner is prohibited from filing any further collateral actions or motions challenging these convictions, which encompasses filings challenging his prior sentence under the guise of a summons and complaint. The action raised allegations that collaterally attack his sentence on his 1998 murder conviction.³ Petitioner, 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. Petitioner did not seek or receive permission from

³ Further, to the extent this can be interpreted as solely an attack on his parole eligibility, this "summons and complaint" filed in circuit court by Applicant was properly summarily dismissed. Post-conviction relief is only proper when the application collaterally attacks the validity of the conviction or sentence. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). Claims that affect only the duration of the sentence or quality of the inmate's confinement do not affect the validity of the conviction or sentence and therefore are considered non-collateral attacks on the conviction. Cooper v. State, 338 S.C. 202, 525 S.E.2d 886 (2000). A claim for parole eligibility is a non-collateral attack of a conviction and may only be pursued under the Administrative Procedures Act (S.C. Code Ann. §§ 1-23-10 to -160, 1-23-310 to -400, 1-23-500 to -660).

the South Carolina Supreme Court to file this action in the lower court. Petitioner's filing directly violates the Supreme Court's Order, and therefore, the circuit court properly dismissed his action.

Therefore, the post-conviction relief court properly dismissed his filing, and the Court should deny certiorari to this issue.

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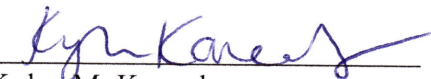
CONCLUSION

For the reasons stated above, this Court should deny the Petition for Writ of Certiorari and affirm the post-conviction relief court's denial of relief. Should this Court grant certiorari, Respondent requests permission under the rules to brief the issues discussed above fully.

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