

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM CHARLESTON COUNTY
Court Of Common Pleas

S.C. SUPREME COURT

Jennifer B. McCoy, Circuit Court Judge

Case No. 2025-CP-10-03397

Sidney Fields # 254392

Petitioner

V.

State Of South Carolina

Respondent

PETITIONER'S "REPLY" TO RESPONDENT'S RETURN

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PROCEDURAL HISTORY

On June 9, 2025, Petitioner being the Plaintiff submitted a Summons and Complaint in Circuit Court challenging his Parole eligibility by disputing the legitimacy of several Parole Statutes. **Appdx p.8-15** A \$150.00 filing fee accompanied the complaint.

On August 1, 2025, the Circuit Court in it's Order Of Dismissal Ruled that since Petitioner's actions raises allegations that collaterally attack his 1998 Conviction and Sentence, and the fact that Petitioner did not first seek nor 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. **Appdx p.2,4 / Appdx p.6-7**

The Circuit Court further Ruled that because Petitioner is challenging his 1998 Conviction and Sentence, the Circuit Court construed Petitioner's Summons and Complaint as an Application for PCR under the PCR Statute §17-27-20(B). **Appdx p.2 footnote # 1 / S.C. Code Ann. §17-27-20(B)**

On August 25, 2025, Petitioner 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. **Appdx p.24-25 / Appdx p.20-21**

Petitioner 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. **Appdx p.25 / Appdx p. 21**

On October 14, 2025, the Circuit Court without opinion denied Petitioner's motion to reconsider. **Appdx p.5** On October 30, 2025, Petitioner's Notice Of Appeal was filed in the S.C. Court Of Appeals.

On November 24, 2025, Petitioner's Initial Brief was filed in the S.C. Court of Appeals. On December 1, 2025, the Court Of Appeals transferred the Appeal to the S.C. Supreme Court.

It must be noted that before this Appeal was transferred to the Supreme Court, Petitioner paid a \$250.00 filing fee to the Court Of Appeals to initiate the Appeal process.

On December 3, 2025, the S.C. Supreme Court informed Petitioner by letter that his Appeal has been reclassified as an Appeal from a Post Conviction Relief Court.

The Supreme Court further informed Petitioner that the Initial Brief that he filed in the Court Of Appeals is being construed as a Petition For Certiorari under Rule 243 SCACR. And that Petitioner had to file an Appendix in relation to the Petition For Certiorari.

On December 19, 2025, Petitioner's Appendix was filed in the Supreme Court. On March 23, 2026, the Respondent submitted a Return to Petitioner's Petition arguing that Petitioner's Summons and Complaint raises allegations that collaterally attack his Conviction and Sentence. Thus, the PCR Court was proper in dismissing the matter as a PCR Application. **Respondent's Return P.7-8**

On March 26, 2026, Petitioner received the Respondent's Return. On March 30, 2026, Petitioner submitted a "Reply" to the Respondent's Return contending that the PCR Court's decision was control by an error of law.

Please take note that although the Initial Brief is being construed as a Petition for Certiorari, the page numbers cited in the Initial Brief coincides with the page numbers in the Appendix.

Petitioner's "Reply" to the Respondent's Return now follows:

It must be noted that PCR Statute §17-27-20(B) was not cited nor argued "per se" by Petitioner in his Petition For Certiorari and in his pleadings in the lower court. However, when arguing against §17-27-20(B), Petitioner cited the footnote number from the PCR Court's Order that §17-27-20(B) appears in. **(see Petition For Certiorari P.11) / (see Appdx p.21,25)**

PETITIONER'S "REPLY" TO RESPONDENT'S RETURN

In It's Return, The Respondent argues that since Petitioner's Summons and Complaint raises allegations that collaterally attack his 1998 Conviction and Sentence, the PCR Court properly dismissed the matter as a PCR Application because it violated the S.C. Supreme Court's Order prohibiting Petitioner from filing any further collateral action challenging his 1998 Murder Conviction and Sentence without first obtaining permission from the Supreme Court. **Respondent's Return p.7-8**

Petitioner asserts that since his Summons and Complaint has been erroneously construed as a PCR Application by the lower court, Petitioner will now address this matter in the context of being a PCR proceeding in a PCR Court. **Appdx p.8-15 / Appdx p.2 footnote # 1**

According to the Uniform Post Conviction Act, this Act may be invoked only by one claiming Right to have Sentence from criminal conviction vacated, set aside or corrected. **S.C. Code Ann. §17-27-10 to §17-27-120 / Tutt v. State 277 S.C. 525,526 290 SE2d 414,415 (1982) / Lance v. State 279 S.C. 144,145 303 SE2d 100, 101 (1983)**

And a PCR Application is the exclusive method for a collateral attack upon a conviction. **S.C. Code Ann. §17-27-20(B) / State v. Hall 437 S.C. 107,123 876 SE2d 328,336 (2022)**

In the instant case, this whole matter hinges on whether Petitioner's allegations in his Summons and Complaint raises allegations that collaterally attack his 1998 Conviction and Sentence under PCR Statute §17-27-20(B). **Appdx p.8-15 / Appdx p.2 footnote # 1**

Petitioner asserts that according to Statute law, before the PCR Court can construe his Parole eligibility Complaint as a PCR matter, the PCR Court must first make a Statutory determination that Petitioner's Complaint raises allegations that challenges his Conviction and Sentence under PCR Statute §17-27-20(B). **Appdx p.2 footnote # 1 / S.C. Code Ann. §17-27-20(B)**

And on Review from a PCR Court's decision, the S.C. Supreme Court will Review questions of law de novo and will Reverse the decisions of the PCR Court when it is controlled by an error of law. Jamison v. State 410 S.C. 456,465 765 SE2d 123,127 (2014)

Petitioner argues that since the Record shows that his Parole eligibility Complaint is not an attack on his Conviction and Sentence, Petitioner's Parole eligibility claim is not cognizable under the PCR Statute. Petition for Certiorari p.11 / Appdx p.21 / Appdx p.25 / Jernigan v. State 340 S.C. 256,259 531 SE2d 507,508-509 (2000)

In short, since Petitioner's Parole eligibility claim does not pertain to his Conviction and Sentence, Petitioner's claim cannot be considered under the PCR Act. Tutt v. State Supra

Therefore, the PCR Court's decision is controlled by an error of law. Thus, the PCR Court's decision must be Reversed. Sellner v. State 416 S.C. 606,610 787 SE2d 525,527 (2016)

In other words, by construing Petitioner's Parole eligibility complaint to be cognizable under PCR Statute §17-27-20(B), when in fact it should not be, the PCR Court exceeded it's Statutory Authority pursuant to §17-27-20(B). Therefore the PCR Court's decision is an error of law and must be Reversed. S.C. Code Ann. §17-27-20(B) / Appdx p.2 footnote # 1 / Petition for Certiorari p.11 / Appdx p.21 / Appdx p.25

The Respondent further contends that claims for Parole eligibility is a non-collateral attack of a conviction and may only be pursued under the Administrative Procedures Act (APA) under S.C. Code Ann. §1-23-10 to 160 / S.C. Code Ann. §1-23-310 to 400 / S.C. Code Ann. §1-23-500 to 660. Respondent's Return p.7 footnote # 3

Petitioner argues that this assertion by the Respondent is in direct contradiction to the Respondent's main argument. According to the Respondent's main argument, Petitioner's Parole eligibility claim is a collateral attack on his Conviction and Sentence. This is the sole reason for the PCR Court to construe Petitioner's Summons and Complaint as a PCR Application pursuant to S.C. Code Ann. §17-27-20(B).

Respondent's Return p.7 / Appdx p.2 footnote # 1

However, the Respondent is contradicting their main argument in footnote # 3 by stating that Petitioner's Parole eligibility claim is a non-collateral attack on his Conviction and Sentence and must be pursued under the Administrative Procedures Act (APA). **Respondent's Return p.7 footnote # 3**

Furthermore, this argument by the Respondent that Petitioner's Parole eligibility claim is a non-collateral attack on his Conviction and Sentence, is not a sustaining ground to the PCR Court's decision, but is an alternative sustaining ground to the PCR Court's decision.

Because according to the Appellate Courts, even though a Respondent may raise on Appeal any sustaining grounds appearing in the Record (even where those reasons have not been Ruled on by the lower court), they are reticent to involk an alternative sustaining ground where the ground is not raised in the Appellate Brief. By involking an additional sustaining ground under such circumstances would generally be unfair to an unaware Appellant. Dixon v. Pattee 442 S.C. 233,260 898 SE2d 158,172 (2023)

With that being said, the Respondent's contention that Petitioner's Parole eligibility claim is a non-collateral attack is not a sustaining ground to the PCR Court's decision. This is clearly a violation of Appellate Procedure. **Rule 243(g) SCACR**

Petitioner argues that the PCR Court had the opportunity to make this non-collateral determination in it's Order Of Dismissal and in it's Order denying Petitioner's motion to Reconsider, but failed to do so. Therefore, the Respondent's non-collateral assertion is clearly an alternative sustaining ground to the PCR Court's decision. **Appdx p.2-4 / Appdx p.5**

In other words, the Respondent's contention extends beyond the boundaries of the PCR Court's decision, and in turn, extends beyond the boundaries of the Record. According to Appellate procedure, Appellate Courts will not consider any fact which does not appear in the Record on Appeal. Rule 210(h) SCACR

To further disprove the respondent's non-collateral assertion, the Respondent asserted that since Petitioner's Parole eligibility claim is a non-collateral attack on his Conviction and Sentence, it can only be pursued under the Administrative Procedures Act (APA). Respondent's Return p.7 footnote # 3

However, Petitioner argues that since he is challenging the Constitutionality of several Parole Statutes Appdx p.8-15, Administrative law Judges are an Agency of the executive branch and must follow the law as written until it's constitutionality is Judiciously determined. Thus said, Administrative 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 S.C. Supreme Court has Ruled that Constitutional questions like any other issues must be raised to, and Ruled 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)

Lastly, the Respondent in it's Return concluded that should this Court grant the Petition for Certiorari, the Respondent requested that they be granted permission under the Rules to fully Brief the issues discussed. Respondent's Return p.9

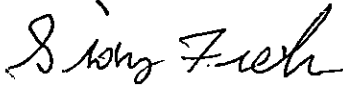
Petitioner lastly argues that it would not be in the best interest of this Court to further Brief this matter. Because this Court has Ruled that it will Reverse the PCR Court's decision if it is controlled by an error of law. Jamison v. State 410 S.C. at 465 765 SE2d at 127 (2014)

In the instant case, not only is there a prima facie showing in the Record that the PCR Court's decision is controlled by an error of law, the Respondent failed to make a sufficient sustaining argument relating to the PCR Court's decision. **Petition for Certiorari p.11 / Respondent's Return p.7**

CONCLUSION

Wherefore, Petitioner Sidney Fields now ask this Honorable Court to grant his Petition For Writ Of Certiorari and dispense with further Briefing and Reverse the Order of the PCR Court, and Remand to the Circuit Court for a non-Jury trial on the merits of his Complaint. And to reinstate Petitioner as being the plaintiff in the Complaint and reinstate the Respondent as being the Defendant in the Complaint.

Respectfully Submitted,


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March 30, 2026