



ALAN WILSON
ATTORNEY GENERAL

July 28, 2016

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JUL 28 2016

SC SUPREME COURT

The Honorable Daniel E. Shearouse
Clerk of Court, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RE: Nakia Jones, #231592 v. State of South Carolina
Supreme Court Case No. 2016-001311
Court of Appeals Case No. 2014-000602

Dear Mr. Shearouse:

I am writing to notify the Court of the position of the Office of the Attorney General on the above-captioned matter. This is before the Court on a petition for writ of certiorari from an affirmation at the Court of Appeals, and a return to that petition is due from me today. However, it is my understanding that Mr. Jones never filed a notice of appeal with this Court. If he did, my office was not properly served with that document, and I contend that this matter is not properly before the Court, regardless of the assignment of a case number.

My office did not file any responsive pleadings in the underlying matter before the Court of Appeals due to the nature of the Petitioner's argument. He is appealing the dismissal of a state habeas corpus action in which he requested a declaratory judgment, despite having filed and appealed two prior post-conviction relief actions. My position is the same as was stated in the Court of Appeals' order – this matter could and should have been raised in a prior post-conviction relief matter, is not appropriate for a state habeas corpus action, and the entry of a declaratory judgment will not terminate the controversy (if any truly exists). I am attaching this order for ease of reference. For this reason, as well as the fact that no formal notice of appeal was filed or served upon me, I do not anticipate any need to file a formal response to the petition for writ of certiorari.

If the Court disagrees with my position and desires a formal response, I am happy to provide one, as well as any further information that may be of assistance.

With warmest regards, I remain

Very truly yours,

Jessica E. Kinard
Assistant Attorney General

Enclosure

cc: Nakia Jones, #231592

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Nakia Jones, Appellant,

v.

State of South Carolina, Respondent.

Appellate Case No. 2014-000602

Appeal From Richland County
Robert E. Hood, Circuit Court Judge

Unpublished Opinion No. 2016-UP-171
Submitted March 1, 2016 – Filed April 6, 2016

AFFIRMED

Nakia Jones, pro se.

Assistant Attorney General James Clayton Mitchell, III,
of Columbia, for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: S.C. Code Ann. § 17-27-20(B) (2014) ("[The Uniform Post-Conviction Procedure Act (the Act)] takes the place of all other common law, statutory or other remedies heretofore available for challenging the validity of the conviction or sentence."); *Simpson v. State*, 329 S.C. 43, 46, 495 S.E.2d 429, 431

(1998) ("[A] matter which is cognizable under the Act may not be raised by a petition for a writ of habeas corpus before the circuit or other lower courts."); *Gibson v. State*, 329 S.C. 37, 42, 495 S.E.2d 426, 428 (1998) ("[A] petitioner must allege sufficient facts to show why other remedies, such as [post-conviction relief], are unavailable or inadequate."); S.C. Code Ann. § 15-53-70 (2005) ("The court may refuse to render or enter a declaratory judgment or decree when such judgment or decree, if rendered or entered, would not terminate the uncertainty or controversy giving rise to the proceeding.").

AFFIRMED.¹

SHORT, KONDUROS, and GEATHERS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.