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JUN 21 2017

**S.C. SUPREME COURT**

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

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Case No. 2017-000799

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The State,

Respondent,

v.

John Dodge Haynes,

Appellant.

---

RECORD ON APPEAL

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Eric Laquiere  
William L. Runyon, Jr.  
#3 Gamecock Avenue, Suite 303  
Charleston, SC 29407  
(843)571-3515  
Attorney's for Appellant-Petitioner

# The South Carolina Court of Appeals

The State, Respondent,

v.

John Dodge Haynes, Appellant.

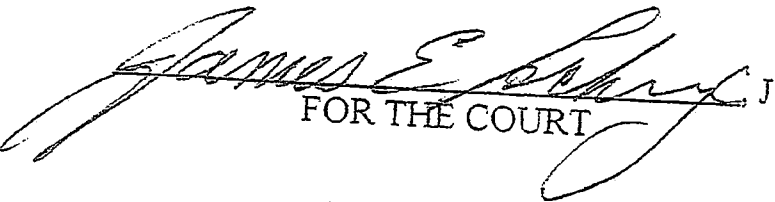
Appellate Case No. 2017-000799

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## ORDER

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The notice of appeal indicates this appeal is taken from the denial of the appellant's motion to suppress evidence in the trial court. This appeal is dismissed as interlocutory. *See State v. Hubbard*, 277 S.C. 568, 569, 290 S.E.2d 817, 817 (1982) (dismissing appeal from the denial of a motion to suppress because an appeal in a criminal case is not final until a judgment is rendered on the indictment). The remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.

  
FOR THE COURT

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire  
John Benjamin Aplin, Esquire  
Glenn Paul Justis, Esquire  
Robert Michael Dudek, Esquire  
William L. Runyon, Jr., Esquire

FILED

April 16, 2017

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

RECEIVED

APR 12 2017

The State,

Respondent,

SC Court of Appeals

v.

John Dodge Haynes,

Appellant.

Appellate Case No.: 2017-000799

---

Motion To Reconsider  
Order of Dismissal of April 6, 2017

---

Appellant above named respectfully moves that the Order of Dismissal be reversed and the Appellant be allowed to seek relief including the writs available pursuant to Justice Beatty's decision in *State v. Rearick* and as set out in the attached Petition.

AND IT IS SO MOVED THIS 11<sup>th</sup> DAY OF APRIL, 2017 IN CHARLESTON, SOUTH CAROLINA.

William L. Runyon, Jr., Esquire  
Eric Laquiere, Esquire

By: 

William L. Runyon, Jr., Esquire  
#3 Gamecock Avenue, Suite 303  
Charleston, SC 29407  
(843)571-3515  
SC Bar No: 4838

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APR 12 2017

SC Court of Appeals

The State,

Respondent,

v.

John Dodge Haynes,

Appellant.

Appellate Case No.: 2017-000799

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Petition To Reconsider  
Order of Dismissal of April 6, 2017  
And To Reinstate Appeal

---

Now comes the Appellant above named and petitions this Honorable Court to reverse its Order of Dismissal of April 6, 2017 and would show unto this Honorable Court as follows:

1. That the substance of the appeal is the State of South Carolina refusing to recognize **Crawford v. Washington 541 US 36 (2004)** and instead adhere in effect, to **Ohio v. Roberts 448 US 56 (1980)** which has been over ruled by **Crawford**.
2. That the “no appeal until sentence imposed rule” has consistently been cited over the years, however Justice Beatty in his decision in **The State v. Rearick** (Case No. 2014-001692) clearly states under B. other remedies.

“A Defendant may still challenge the denial of Motion to Dismiss ... via  
(2) A petition for this Court to issue an extraordinary writ,” at Page 13  
**State v. Rearick No. 2014-001692 (S.C. 2016)**.

The Footnote on Page 13, specifically noted at Footnote 14 that the South Carolina Constitution allows for extraordinary writs. See Footnote 14 **State v. Rearick** supra.

3. That the ultimate prayer of this appeal will contain a prayer for a writ of prohibition.
4. That an additional legal basis for this application is that the “no appeal rule” is actually a de facto Rule of Practice. With the provisions of **Title 14-3-330 South Carolina Code**

1976 as amended which provides for interlocutory appeal the decisions of the Supreme Court are, in effect, a de facto Rule of Practice which has never been submitted for approval to the Legislature in keeping with Article V of the South Carolina Constitution.

5. That in following Justice Beatty's directives in **State v. Rearick**, supra, this Appellant is entitled to ask this Court, in this matter, for writs of prohibition and/or mandamus.
6. The foregoing is an outline of the basis for the application for relief.

**WHEREFORE** the Appellant prays that the Order of Dismissal be reversed, the appeal be reinstated, the Appellant be allowed to brief his position and seek relief as provided in **State. V. Rearick** supra.

**William L. Runyon, Jr., Esquire**  
**Eric Laquiere, Esquire**

By 

**William L. Runyon, Jr., Esquire**  
#3 Gamecock Avenue, Suite 303  
Charleston, SC 29407  
(843)571-3515  
SC Bar No: 4838

Dated this 11<sup>th</sup> day of April, 2016  
in Charleston, South Carolina.

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

RECEIVED

The State,

Respondent,

APR 12 2017

v.

SC Court of Appeals

John Dodge Haynes,

Appellant.

Appellate Case No.: 2017-000799

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Memorandum In Support of Petition

---

Appeals Prior to Sentence

While it is well settled that the South Carolina Supreme Court has consistently ruled that **Title 14-3-330** does not allow for interlocutory appeals in criminal cases, the Court has nevertheless reviewed the cases and rendered a decision. Eg. **State v. Rearick No. 2014-001692 (S.C. 2016)**. However the Supreme Court in **Rearick** contained directives to potential appellants. Justice Beatty pointed out at Page 13 of the opinion that there were other remedies. **State v. Rearick** supra at Page 13. The opinion accompanied that with a footnote (Footnote 14) which clearly infers that there are remedies for Appellants prior to sentencing pursuant to the provisions of the State Constitution. **State v. Rearick** at Page 13 supra; Constitution of the State of South Carolina Article V.

This was not considered by this Honorable Court when it reviewed this matter and issued its order on the basis of the States two sentence "head note" reply.

It is respectfully submitted that the State avoided **Rearick** in its reply because it was well aware of the language contained therein. To be candid with this Court it must be noted that the **Rearick** decision was unanimous as to the result but only four (4) Justice's concurred in the opinion. (Please see **State v. Rearick** supra).

The "Rule" is questioned. It is clear that the Supreme Court of South Carolina followed the "no Appeal until conclusion rule" prior to and after the adoption of the revised Article V. of the

South Carolina Constitution wherein there was adopted the unified Judicial System. Eg. **State v. Rearick** supra. However Article V. clearly sets out the powers of the Legislature in “defining” the Courts. Article V. Constitution of the State of South Carolina Article V., §4a sets out that all Rules of Practice laid down by the Supreme Court must be submitted to the Legislature. Article V. , §4a. Title 14-3-330 Code of Laws of South Carolina clearly sets out appellate rights. Title 14-3-330 Code of Laws S.C. 1976 as amended. The decisions of the Honorable Supreme Court have “read out” of the foregoing section appeals in criminal matters prior to sentencing. While a decision, it is effectively a Rule of Practice and this appellant has been unable to ascertain any submission to the Legislature. Accordingly can it be legitimate? Please see Article V. Section South Carolina Constitution. Article V. also sets out writ powers. Eg. See Article V. Section 5 supra.

### Conclusion

It is therefore respectfully submitted that there are legitimate legal issues that, if answered in appellant’s favor, could justify the issuance of a writ of prohibition and/or mandamus. Additionally if this Honorable Court rejects appellant’s motion, he should be afforded his rights to seek certiorari under Rule 226 of the Rules of Appellate Practice.

**William L. Runyon, Jr., Esquire**  
**Eric Laquiere, Esquire**

By: 

**William L. Runyon, Jr., Esquire**  
#3 Gamecock Avenue, Suite 303  
Charleston, SC 29407  
(843)571-3515  
SC Bar No: 4838

Dated this 11<sup>th</sup> day of April, 2017  
in Charleston, South Carolina.

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

**The State,**

**Respondent,**

v.

**John Dodge Haynes,**

**Appellant.**

**Appellate Case No.: 2017-000799**

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APR 12 2017

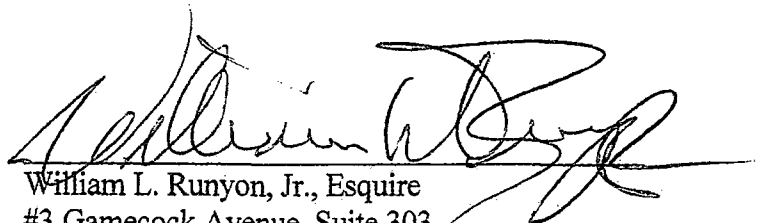
SC Court of Appeals

**Certificate of Mailing**

I William L. Runyon, Jr., Esquire, do hereby certify that on the 11<sup>th</sup> day of April, 2017, I served a copy of the **MEMORANDUM, MOTION TO RECONSIDER and PETITION TO RECONSIDER** on South Carolina Attorney General Alan Wilson and Assistant Solicitor Glenn Justis in the within matter, by mailing copies to them by way of the United States Mail, with sufficient postage attached thereto and addressed as follows:

Honorable Alan Wilson  
South Carolina Attorney General  
100 Assembly Street  
Columbia, SC 29201

Honorable Glenn Justis  
Assistant Solicitor For Dorchester County  
140 N. Main Street, Suite 102  
Summerville, SC 29483



William L. Runyon, Jr., Esquire  
#3 Gamecock Avenue, Suite 303  
Charleston, SC 29407  
SC Bar No.: 4838  
(843) 571-3515

Dated this 11<sup>th</sup> day of April, 2017  
in Charleston, South Carolina.

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

The State,

Respondent,

v.

John Dodge Haynes,

Appellant.

Appellate Case No.: 2017-000799

**RECEIVED**

APR 25 2017

SC Court of Appeals

Response to Letter  
Filed by Attorney General

Now comes the Appellant and shows unto this Honorable Court as follows:

1. That the Court of Appeals is vested with authority to issue writs under Article V of the South Carolina Constitution and the Legislation promulgated there under establishing the Courts of Appeals. Please see Article V South Carolina Constitution; Title 14-8-200 Code of Laws of S.C. 1976 as Amended.
2. That should this Honorable Court feel that they are not vested with authority to issue an "extraordinary writ" this Appellant would seek to have an order transferring this matter to the Supreme Court pursuant to Title 14-8-260 and 14-8-200 (b) Code of S.C. Code of Laws of S.C. 1976 as Amended.
3. That the only application process for a writ other than habeas corpus as it not stands in South Carolina is by the "appeal" process.

**WHEREFORE** the Appellant prays as follows:

1. For the Order of Dismissal to be reversed and this application heard.
2. Alternatively, for an Order of Dismissal specifically holding that the Court of Appeals is without jurisdiction to issue writs and dismiss with the Appellant having his Certiorari

Rights under Rule 221 to the South Carolina Supreme Court or alternatively issue an order transferring the matter to the Supreme Court pursuant to Title 14-8-260 and 14-8-200 Code of Laws of S.C. 1976 as Amended.

**William L. Runyon, Jr., Esquire**  
**Eric Laquiere, Esquire**

By: 

**William L. Runyon, Jr., Esquire**  
#3 Gamecock Avenue, Suite 303  
Charleston, SC 29407  
(843)571-3515  
SC Bar No: 4838

Dated this 24<sup>th</sup> day of April, 2017  
in Charleston, South Carolina.

# The South Carolina Court of Appeals

The State, Respondent,

v.

John Dodge Haynes, Appellant.

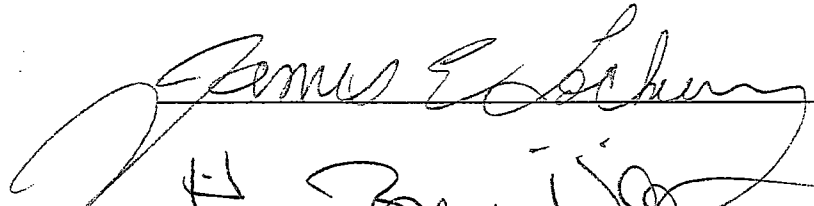
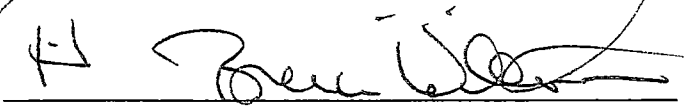

Appellate Case No. 2017-000799

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## ORDER

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Appellant has filed a petition to rehear this court's dismissal of his appeal. After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

  
\_\_\_\_\_ C.J.  
  
\_\_\_\_\_ J.  
  
\_\_\_\_\_ J.

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire  
John Benjamin Aplin, Esquire  
Glenn Paul Justis, Esquire  
Robert Michael Dudek, Esquire  
William L. Runyon, Jr., Esquire

**FILED**

June 1, 2017

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

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Case No. 2017-000799

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The State,

Respondent,

v.

John Dodge Haynes,

Appellant.

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RECORD ON APPEAL

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Eric Laquiere  
William L. Runyon, Jr.  
#3 Gamecock Avenue, Suite 303  
Charleston, SC 29407  
(843)571-3515  
Attorney's for Appellant-Petitioner

# The South Carolina Court of Appeals

The State, Respondent,

v.

John Dodge Haynes, Appellant.

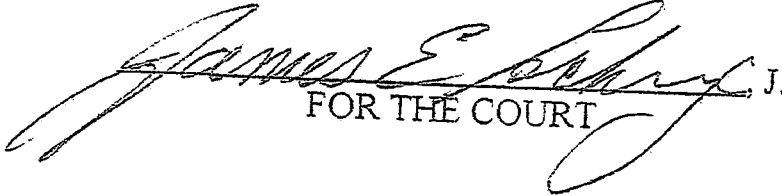
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FOR THE COURT

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire  
John Benjamin Aplin, Esquire  
Glenn Paul Justis, Esquire  
Robert Michael Dudek, Esquire  
William L. Runyon, Jr., Esquire

**FILED**

April 16, 2017

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APR 12 2017

The State,

Respondent,

SC Court of Appeals

v.

John Dodge Haynes,

Appellant.

Appellate Case No.: 2017-000799

Motion To Reconsider  
Order of Dismissal of April 6, 2017

Appellant above named respectfully moves that the Order of Dismissal be reversed and the Appellant be allowed to seek relief including the writs available pursuant to Justice Beatty's decision in *State v. Rearick* and as set out in the attached Petition.

AND IT IS SO MOVED THIS 11<sup>th</sup> DAY OF APRIL, 2017 IN CHARLESTON, SOUTH CAROLINA.

William L. Runyon, Jr., Esquire  
Eric Laquiere, Esquire

By: 

William L. Runyon, Jr., Esquire  
#3 Gamecock Avenue, Suite 303  
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SC Bar No: 4838

THE STATE OF SOUTH CAROLINA  
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APR 12 2017

SC Court of Appeals

The State,

Respondent,

v.

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1. That the substance of the appeal is the State of South Carolina refusing to recognize **Crawford v. Washington 541 US 36 (2004)** and instead adhere in effect, to **Ohio v. Roberts 448 US 56 (1980)** which has been over ruled by **Crawford**.
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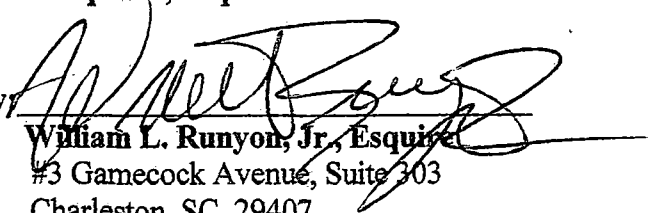
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5. That in following Justice Beatty's directives in **State v. Rearick**, supra, this Appellant is entitled to ask this Court, in this matter, for writs of prohibition and/or mandamus.
6. The foregoing is an outline of the basis for the application for relief.

**WHEREFORE** the Appellant prays that the Order of Dismissal be reversed, the appeal be reinstated, the Appellant be allowed to brief his position and seek relief as provided in **State. V. Rearick** supra.

**William L. Runyon, Jr., Esquire**  
**Eric Laquiere, Esquire**

By

  
**William L. Runyon, Jr., Esquire**  
#3 Gamecock Avenue, Suite 303  
Charleston, SC 29407  
(843)571-3515  
SC Bar No: 4838

Dated this 11<sup>th</sup> day of April, 2016  
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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

RECEIVED

The State,

Respondent,

APR 12 2017

v.

SC Court of Appeals

John Dodge Haynes,

Appellant.

Appellate Case No.: 2017-000799

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Memorandum In Support of Petition

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Appeals Prior to Sentence

While it is well settled that the South Carolina Supreme Court has consistently ruled that **Title 14-3-330** does not allow for interlocutory appeals in criminal cases, the Court has nevertheless reviewed the cases and rendered a decision. Eg. **State v. Rearick No. 2014-001692 (S.C. 2016)**. However the Supreme Court in **Rearick** contained directives to potential appellants. Justice Beatty pointed out at Page 13 of the opinion that there were other remedies. **State v. Rearick** supra at Page 13. The opinion accompanied that with a footnote (Footnote 14) which clearly infers that there are remedies for Appellants prior to sentencing pursuant to the provisions of the State Constitution. **State v. Rearick** at Page 13 supra; Constitution of the State of South Carolina Article V.

This was not considered by this Honorable Court when it reviewed this matter and issued its order on the basis of the States two sentence "head note" reply.

It is respectfully submitted that the State avoided **Rearick** in its reply because it was well aware of the language contained therein. To be candid with this Court it must be noted that the **Rearick** decision was unanimous as to the result but only four (4) Justice's concurred in the opinion. (Please see **State v. Rearick** supra).

The "Rule" is questioned. It is clear that the Supreme Court of South Carolina followed the "no Appeal until conclusion rule" prior to and after the adoption of the revised Article V. of the

South Carolina Constitution wherein there was adopted the unified Judicial System. Eg. **State v. Rearick** supra. However Article V. clearly sets out the powers of the Legislature in “defining” the Courts. Article V. Constitution of the State of South Carolina Article V., §4a sets out that all Rules of Practice laid down by the Supreme Court must be submitted to the Legislature. Article V. , §4a. Title 14-3-330 Code of Laws of South Carolina clearly sets out appellate rights. Title 14-3-330 Code of Laws S.C. 1976 as amended. The decisions of the Honorable Supreme Court have “read out” of the foregoing section appeals in criminal matters prior to sentencing. While a decision, it is effectively a Rule of Practice and this appellant has been unable to ascertain any submission to the Legislature. Accordingly can it be legitimate? Please see Article V. Section South Carolina Constitution. Article V. also sets out writ powers. Eg. See Article V. Section 5 supra.

### **Conclusion**

It is therefore respectfully submitted that there are legitimate legal issues that, if answered in appellant’s favor, could justify the issuance of a writ of prohibition and/or mandamus. Additionally if this Honorable Court rejects appellant’s motion, he should be afforded his rights to seek certiorari under Rule 226 of the Rules of Appellate Practice.

**William L. Runyon, Jr., Esquire**  
**Eric Laquiere, Esquire**

By: 

**William L. Runyon, Jr., Esquire**  
#3 Gamecock Avenue, Suite 303  
Charleston, SC 29407  
(843)571-3515  
SC Bar No: 4838

Dated this 11<sup>th</sup> day of April, 2017  
in Charleston, South Carolina.

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

**The State,**

**Respondent,**

**v.**

**John Dodge Haynes,**

**Appellant.**

**Appellate Case No.: 2017-000799**

**RECEIVED**

**APR 12 2017**

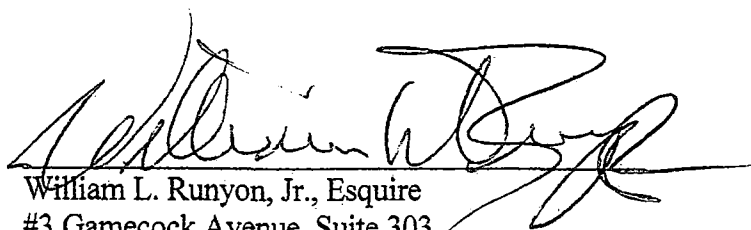
**SC Court of Appeals**

**Certificate of Mailing**

I William L. Runyon, Jr., Esquire, do hereby certify that on the 11<sup>th</sup> day of April, 2017, I served a copy of the **MEMORANDUM, MOTION TO RECONSIDER and PETITION TO RECONSIDER** on South Carolina Attorney General Alan Wilson and Assistant Solicitor Glenn Justis in the within matter, by mailing copies to them by way of the United States Mail, with sufficient postage attached thereto and addressed as follows:

Honorable Alan Wilson  
South Carolina Attorney General  
100 Assembly Street  
Columbia, SC 29201

Honorable Glenn Justis  
Assistant Solicitor For Dorchester County  
140 N. Main Street, Suite 102  
Summerville, SC 29483

  
William L. Runyon, Jr., Esquire  
#3 Gamecock Avenue, Suite 303  
Charleston, SC 29407  
SC Bar No.: 4838  
(843) 571-3515

Dated this 11<sup>th</sup> day of April, 2017  
in Charleston, South Carolina.

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

The State,

Respondent,

v.

John Dodge Haynes,

Appellant.

Appellate Case No.: 2017-000799

**RECEIVED**

APR 25 2017

SC Court of Appeals

Response to Letter  
Filed by Attorney General

Now comes the Appellant and shows unto this Honorable Court as follows:

1. That the Court of Appeals is vested with authority to issue writs under Article V of the South Carolina Constitution and the Legislation promulgated there under establishing the Courts of Appeals. Please see Article V South Carolina Constitution; **Title 14-8-200 Code of Laws of S.C. 1976 as Amended.**
2. That should this Honorable Court feel that they are not vested with authority to issue an "extraordinary writ" this Appellant would seek to have an order transferring this matter to the Supreme Court pursuant to **Title 14-8-260 and 14-8-200 (b) Code of S.C. Code of Laws of S.C. 1976 as Amended.**
3. That the only application process for a writ other than habeas corpus as it not stands in South Carolina is by the "appeal" process.

**WHEREFORE** the Appellant prays as follows:

1. For the Order of Dismissal to be reversed and this application heard.
2. Alternatively, for an Order of Dismissal specifically holding that the Court of Appeals is without jurisdiction to issue writs and dismiss with the Appellant having his Certiorari

Rights under Rule 221 to the South Carolina Supreme Court or alternatively issue an order transferring the matter to the Supreme Court pursuant to **Title 14-8-260 and 14-8-200 Code of Laws of S.C. 1976 as Amended.**

**William L. Runyon, Jr., Esquire**  
**Eric Laquiere, Esquire**

By: 

**William L. Runyon, Jr., Esquire**  
#3 Gamecock Avenue, Suite 303  
Charleston, SC 29407  
(843)571-3515  
SC Bar No: 4838

Dated this 24<sup>th</sup> day of April, 2017  
in Charleston, South Carolina.

# The South Carolina Court of Appeals

The State, Respondent,

v.

John Dodge Haynes, Appellant.

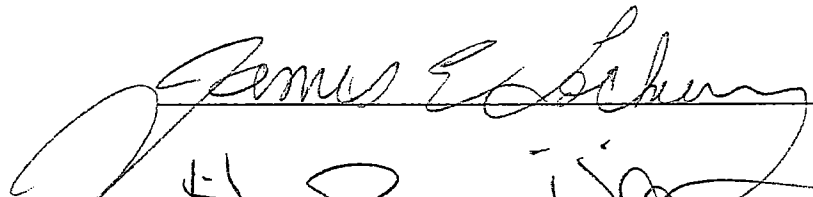
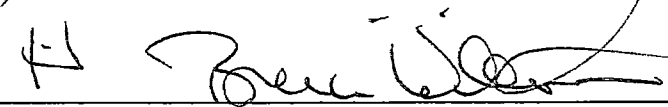
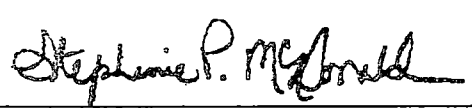
Appellate Case No. 2017-000799

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## ORDER

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Appellant has filed a petition to rehear this court's dismissal of his appeal. After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

  
\_\_\_\_\_ C.J.  
  
\_\_\_\_\_ J.  
  
\_\_\_\_\_ J.

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire  
John Benjamin Aplin, Esquire  
Glenn Paul Justis, Esquire  
Robert Michael Dudek, Esquire  
William L. Runyon, Jr., Esquire

**FILED**

June 1, 2017