

Sidney Fields # 254392
B.R.C.I. 4460 Broad River Rd.
Marion # 256
Columbia, S.C. 29210

September 18, 2018

RECEIVED

SEP 21 2018

S.C. SUPREME COURT

The Hon. Daniel E. Shearouse
Clerk, S.C. Supreme Court
P.O. Box 11330
Columbia, S.C. 29211

RE: Filing Of Notice Of Appeal / Explanation Pursuant To Rule 243(c) SCACR
Request To Proceed sua sponte

Dear Hon. Shearouse;

Enclosed for filing in your office is the Notice Of Appeal and the Orders of the lower court to be challenged on appeal. Also enclosed is the Explanation pursuant to Rule 243(c) SCACR. In Support of the Explanation, I have enclosed the entire record of the lower court.

One of my issues in the Explanation is that circuit court Judge Kristi L. Harrington issued the Conditional and Final Orders in this (PCR) matter. However, when I submitted a 59(e) motion challenging Judge Harrington's Final Order, it was circuit court Judge Roger M. Young Jr. who issued the Order denying my 59(e) motion. In denying the 59(e) motion, Judge Young in his Order also affirmed Judge Harrington's Conditional and Final Orders. Settled law says that this is improper. (see Orders attached to Notice Of Appeal)

Therefore, because this is a **prima facie** issue, and the fact that the entire record of the lower court is accompanying the Explanation, I am now asking this court to proceed **sua sponte** from this Explanation to render the appropriate relief the court deems proper for this matter. If not, please refer this matter to the appellate defense office for representation if this appeal is allowed to proceed.

Also enclosed is an extra copy of the Notice Of Appeal. Please file stamp the extra copy and return in the self-addressed stamped envelope provided.

Sincerely,

A handwritten signature in cursive script that reads "Sidney Fields".

Sidney Fields # 254392

CC: Office Of The Attorney General
(attorney for respondent)

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

SEP 21 2018

S.C. SUPREME COURT

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

KRISTI L. HARRINGTON, Circuit Court Judge

Case # 2016-CP-10-705

STATE OF SOUTH CAROLINA

RESPONDENT.

V.

SIDNEY FIELDS # 254392

PETITIONER.

NOTICE OF APPEAL

Petitioner Sidney Fields appeals the Order of the Honorable Kristi L. Harrington filed June 12, 2018 and received by petitioner on June 22, 2018. The Order denying petitioner's 59(e) motion was filed on August 24, 2018 and received by petitioner on September 4, 2018

Date September 18, 2018

Sidney Fields
Sidney Fields # 254392

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

Marion # 256

Columbia, S.C. 29210

Other Counsel Of Record:

Office Of The Attorney General

P.O. Box 11549

Columbia, S.C. 29211

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

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

2016-CP-10-0705

FINAL ORDER OF DISMISSAL

FILED
2016 JUN 12 PM 12:28
CLERK OF COURT

This matter comes before this Court by way of an application for post-conviction relief filed February 11, 2016. Respondent made its return on or about October 20, 2016, requesting the application be summarily dismissed.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal signed October 25, 2016 and filed November 8, 2016, provisionally denying and dismissing this action, while giving the Applicant 20 days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated November 22, 2016, serving the above-mentioned Conditional Order of Dismissal on Applicant.

Applicant filed a document captioned "Response to Conditional Order of Dismissal" from Applicant on November 23, 2016. In his response, Applicant alleges his application was not untimely and successive on the basis of newly discovered evidence. Applicant contends the newly discovered evidence "reveals that Applicant not only was suffering from a mental defect at the time of the crime." He further alleges this mental defect was "exacerbated by his chronic

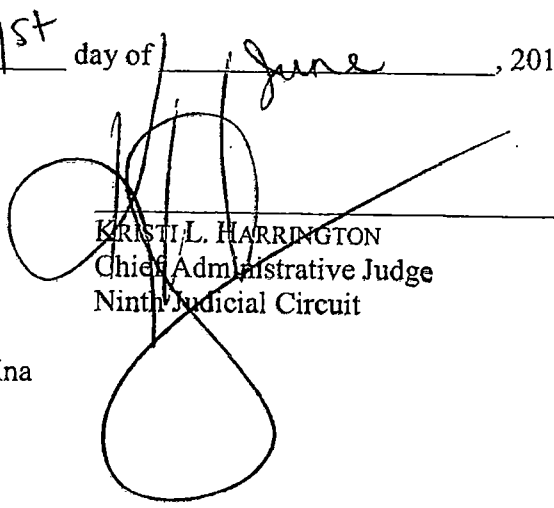
drug use causing insanity to be permanent and irreversible.”

This Court has reviewed Applicant’s responses to the Conditional Order of Dismissal in their entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

IT IS THEREFORE ORDERED that for the reasons set forth in the Court’s Conditional Order of Dismissal, the Application for post-conviction relief is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

This Court hereby advises the Applicant that he must file and serve a Notice of Appeal within 30 days of the service of this Order to secure appellate review. See Rule 203, SCACR. Applicant’s attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 1st day of June, 2018.



KRISTI L. HARRINGTON
Chief Administrative Judge
Ninth Judicial Circuit

Charleston, South Carolina

cc
AG
AT

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
)
Sidney Fields,)
S.C.D.C. No. 254392,)
)
Applicant,)
)
v.)
)
State of South Carolina,)
)
)
Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

Case No.: 2016-CP-10-0705

FILED
2018 AUG 24 AM 11:46
JULIE H. COUSINS
CLERK OF COURT

**ORDER DENYING APPLICANT'S MOTION
TO RECONSIDER PURSUANT TO
RULE 59(e), SCRPC**

This matter comes before the Applicant's Motion to Reconsider Pursuant to Rule 59(e), SCRPC, motion, served on the court and Respondent on June 25, 2018. The Court finds as follows:

This matter originally came before the Court by way of an application for post-conviction relief filed February 11, 2016. Respondent served its return and motion to dismiss on October 20, 2016, requesting the application be summarily dismissed as successive and untimely under the statute of limitations.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, the Court issued a Conditional Order of Dismissal, filed November 8, 2016, provisionally denying and dismissing this action, while giving Applicant twenty days from the date of service of said order in which to show why the dismissal should not become final. Applicant responded and the Court, after considering Applicant's response, issued a Final Order of Dismissal filed June 12, 2018, dismissing this action with prejudice.

In his motion, Applicant asks the Court to reconsider its ruling pursuant to Rule 59(e), SCRPC and grant him an evidentiary hearing, arguing the court erred in determining his application was untimely and successive because he filed his application within one year of

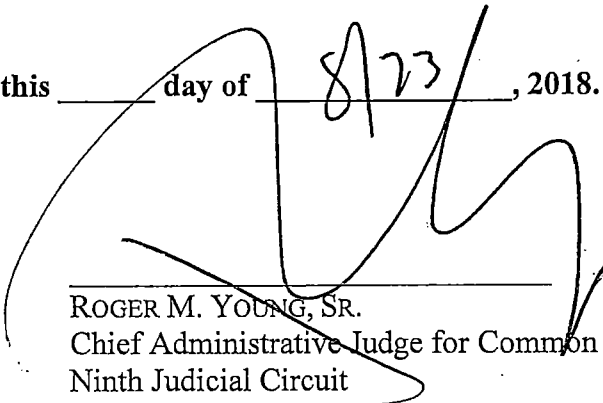
receiving his medical records. This Court has thoroughly reviewed the arguments presented by Applicant in his motion and affirms the court's prior orders dismissing the application.

The court's Final Order of Dismissal and Conditional Order of Dismissal contain the required findings of fact and conclusions of law necessary to dispense with Applicant's allegations as required by S.C. Code Ann. § 17-27-80 and Rule 52(a), SCRCP; see also McCray v. State, 305 S.C. 329, 408 S.E.2d 241 (1991). Accordingly, the court properly ruled on all issues before it, and Applicant's motion should be denied. Accordingly, the Court properly ruled on all issues before it, and Applicant's motion must be denied.

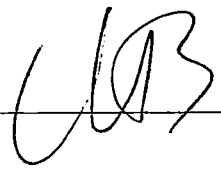
CONCLUSION

Based on all of the foregoing, this Court finds and concludes that Applicant has not established any reason to alter or amend its Final Order of Dismissal filed June 12, 2018. Accordingly, Applicant's Motion to Reconsider is **DENIED**.

AND IT IS SO ORDERED this _____ day of 8/23, 2018.



ROGER M. YOUNG, SR.
Chief Administrative Judge for Common Pleas
Ninth Judicial Circuit


_____, South Carolina

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

APPEAL FROM CHARLESTON COUNTY
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KRISTI L. HARRINGTON, Circuit Court Judge

Case # 2016-CP-10-705

STATE OF SOUTH CAROLINA

RESPONDENT.

V.

SIDNEY FIELDS # 254392

PETITIONER.

PROOF OF SERVICE

I certify that I have served the Notice Of Appeal on the State Of South Carolina addressed to their attorney of record: The S.C. Attorney General's Office, P.O. Box 11549 Columbia, S.C. 29211 by depositing a copy of it in the United states mail postage prepaid.

Date September 18, 2018

Sidney Fields

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