

SUPREME COURT OF SOUTH CAROLINA

State v. Knuckles, 354 S.C. 626

583 S.E.2d 51 (2003) · No. No. 25667 · Decided June 23, 2003

SUMMARY

The Supreme Court of South Carolina held that an indictment charging second-offense driving under the influence sufficiently conferred subject matter jurisdiction on the circuit court. The indictment did not need to expressly allege that the defendant's faculties were materially and appreciably impaired because that language described the required level of proof and did not alter the corpus delicti of the offense.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Justice Burnett; Chief Justice Toal; Justice Moore; Justice Waller; Justice Pleicones
JURISDICTION	South Carolina
DECIDED	June 23, 2003
DOCKET	No. 25667
DISPOSITION	reversed
PROCEDURAL POSTURE	The South Carolina Supreme Court granted certiorari to review the Court of Appeals' decision vacating Knuckles's DUI conviction on the ground that the indictment was insufficient to confer subject matter jurisdiction.
STANDARD OF REVIEW	The court reviewed de novo whether the indictment was sufficient to confer subject matter jurisdiction.
PRECEDENTIAL VALUE	Published opinion; precedential decision of the Supreme Court of South Carolina.
PARTIES	State v. Harold D. Knuckles

TOPICS

- criminal procedure
- statutory interpretation
- appellate procedure
- appellate jurisdiction

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the indictment was insufficient to confer subject matter jurisdiction because it did not expressly allege that Knuckles's faculties were materially and appreciably impaired.
2. Whether the statutory phrase materially and appreciably impaired altered the corpus delicti of DUI or constituted an additional element that had to be specifically alleged in the indictment.

HOLDINGS

1. The indictment was sufficient to confer subject matter jurisdiction because it alleged the necessary elements of the DUI offense and apprised Knuckles of the charge he had to meet.
2. The statutory inclusion of the level or standard of proof described as materially and appreciably impaired did not change the corpus delicti of DUI.

KEY QUOTATIONS

"An indictment is sufficient if it contains the necessary elements of the offense to be charged and apprises the defendant what he must be prepared to meet." (354 S.C. at 628)

"The statutory inclusion of the level or standard of proof required does not change the corpus delicti of this crime." (354 S.C. at 629)

FACTUAL BACKGROUND

Harold D. Knuckles pleaded guilty to a 1998 indictment charging him with second-offense driving under the influence in violation of S.C. Code section 56-5-2930. The indictment alleged that he drove a vehicle in Cherokee County while under the influence of intoxicating liquor and/or drugs, but did not expressly allege that his faculties were materially and appreciably impaired. The Court of Appeals vacated the conviction, concluding that the indictment was insufficient to confer subject matter jurisdiction.

PROCEDURAL HISTORY

Knuckles pleaded guilty to a 1998 indictment charging second-offense driving under the influence. The Court of Appeals held that the indictment was jurisdictionally insufficient and vacated the conviction. The Supreme Court of South Carolina granted certiorari and reversed.

DISPOSITION

reversed

CASES CITED

- Hooks v. State, 353 S.C. 48, 577 S.E.2d 211 (2003)
- State v. Knuckles, 348 S.C. 593, 560 S.E.2d 426 (Ct. App. 2002)

- State v. Osborne, 335 S.C. 172, 516 S.E.2d 201 (1999)
- State v. Salisbury, 343 S.C. 520, 524, 541 S.E.2d 247, 248-49 (2001)
- State v. McCombs, 335 S.C. 123, 515 S.E.2d 547 (Ct. App. 1999)
- State v. Kerr, 330 S.C. 132, 498 S.E.2d 212 (Ct. App. 1998)
- State v. Russell, 345 S.C. 128, 134, 546 S.E.2d 202, 205 (Ct. App. 2001)

OPINION

BURNETT, J.

354 S.C. 626 (2003) 583 S.E.2d 51 The STATE, Petitioner, v. Harold D. KNUCKLES, Respondent. No. 25667. Supreme Court of South Carolina. Heard May 15, 2003. Decided June 23, 2003. *627 Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Charles H. Richardson, Assistant Attorney General David Spencer, all of Columbia, and Harold W. Gowdy, III, of Spartanburg, for petitioner.

Katherine Carruth Link and the South Carolina Office of Appellate Defense, both of Columbia, for respondent. *628 Justice BURNETT: We granted certiorari to review the Court of Appeals' decision in State v. Knuckles, 348 S.C. 593, 560 S.E.2d 426 (Ct.App.2002).

We reverse. FACTS The relevant facts are uncontested. Harold D. Knuckles ("Knuckles") pled guilty to a 1998 indictment for driving under the influence, second offense, in violation of S.C.Code Ann. § 56-5-2930. The Court of Appeals held the indictment insufficient to confer subject matter jurisdiction and vacated Knuckles' conviction. ISSUE Did the Court of Appeals err in ruling the indictment did not confer subject matter jurisdiction?

DISCUSSION Knuckles argues the indictment is insufficient because it fails to allege his faculties were "materially and appreciably impaired" by the use of alcohol or drugs, as required by the statute. We disagree. A circuit court lacks subject matter jurisdiction where an indictment is insufficient to charge an offense. Hooks v. State, 353 S.C. 48, 577 S.E.2d 211 (2003).

An indictment is sufficient if it contains the necessary elements of the offense to be charged and apprises the defendant what he must be prepared to meet. Id. Whether an indictment could be more definite or certain is irrelevant. Id. Knuckles' indictment alleges: That Harold D. Knuckles, Sr. did in Cherokee County on or about July 17, 1998, drive a vehicle under the influence of intoxicating liquors, and/or narcotic drugs, barbiturates, paraldehydes[,] drugs and herbs; such not being the first offense within a period of ten years including and immediately preceding the foregoing date.

Section 56-5-2930 prohibits the operation of a motor vehicle while under the: *629 (1) influence of alcohol to the extent that the person's faculties to drive are materially and appreciably impaired; (2) influence of any other drug or a combination of other drugs or substances which cause

impairment to the extent that the person's faculties to drive are materially and appreciably impaired; or (3) combined influence of alcohol and any other drug or drugs, or substances which cause impairment to the extent that the person's faculties to drive are materially and appreciably impaired.

S.C.Code Ann. § 56-5-2930 (Supp.1998). The corpus delicti of DUI is defined as (1) driving a vehicle; (2) within this state; (3) while under the influence of intoxicating liquors or drugs. *Knuckles*, 348 S.C. at 600, 560 S.E.2d at 430 (Shuler dissenting); see *State v. Osborne*, 335 S.C. 172, 516 S.E.2d 201 (1999); *State v. Salisbury*, 343 S.C. 520, 524, 541 S.E.2d 247, 248-49 (2001); *State v. McCombs*, 335 S.C.

123, 515 S.E.2d 547 (Ct.App.1999); *Kerr*, supra; but see *State v. Russell*, 345 S.C. 128, 134, 546 S.E.2d 202, 205 (Ct.App.2001). The term "materially and appreciably impaired" as it relates to DUI may be traced to *State v. Kerr*, 330 S.C. 132, 498 S.E.2d 212 (Ct.App.1998).

In *Kerr* the court addressed the level of proof required of the State to prove the defendant was "under the influence of alcohol." *Id.* at 144, 498 S.E.2d at 218. Subsequently, the Legislature amended § 56-5-2930 to include the "materially and appreciably impaired" language.

The statutory inclusion of the level or standard of proof required does not change the corpus delicti of this crime. The indictment in this case is sufficient to confer jurisdiction on the circuit court. We REVERSE. TOAL, C.J., MOORE, WALLER and PLEICONES, JJ., concur.