

SUPREME COURT OF SOUTH CAROLINA

In re Lee

371 S.C. 217 (2006) · Decided December 4, 2006

SUMMARY

The South Carolina Supreme Court held that a trial court may not accept conditional guilty pleas. Because the appellant conditioned his disturbing-school pleas on preserving the right to appeal the constitutionality of the statute, those pleas were vacated. The court also vacated the combined sentence and remanded for resentencing or further proceedings.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Justice Moore; Chief Justice Toal; Justice Waller; Justice Burnett; Justice Pleicones
JURISDICTION	South Carolina
DECIDED	December 4, 2006
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	A juvenile defendant appealed after the trial court accepted guilty pleas to disturbing-school charges that were expressly conditioned on preserving the right to appeal the constitutionality of the governing statute. The State conceded that the pleas were conditional.
STANDARD OF REVIEW	Review of the validity of guilty pleas and the trial court's acceptance of conditional pleas; the issue was reviewed as a question of law.
PRECEDENTIAL VALUE	Published opinion; binding precedent of the Supreme Court of South Carolina.

TOPICS

- criminal procedure
- appellate procedure
- preservation of error
- void for vagueness
- overbreadth doctrine

PRACTICE AREAS

- criminal procedure
- juvenile law
- appellate procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether the trial court could accept guilty pleas conditioned on preserving the defendant's right to appeal the constitutionality of the statute.
2. Whether the conditional pleas, the defendant's other pleas, and the combination sentence were subject to vacatur.

HOLDINGS

1. A South Carolina trial court may not accept a guilty plea that is conditioned on the defendant's right to appeal a legal or constitutional issue; the conditional plea must be rejected and the defendant directed to plead not guilty.
2. The challenge to the conditional pleas was not forfeited merely because Lee did not raise the issue at the later disposition hearing or move to withdraw the pleas.
3. Only the conditional disturbing-school pleas were vacated, and the unconditional nolo contendere plea to threatening a public official and the unappealed guilty plea to malicious injury to property remained valid; however, the combination sentence was vacated.

KEY QUOTATIONS

“A trial court may not accept a conditional plea.” (at 220)

“conditional plea is a practice not recognized in South Carolina and a practice of which this Court expressly disapproves; if an accused attempts to attach any condition or qualification to a plea, the trial court should direct a plea of not guilty” (at 220-221)

FACTUAL BACKGROUND

Lee was charged with several juvenile offenses, including disturbing school, threatening a public official, and malicious injury to property. At the adjudicatory hearing, his counsel stipulated that Lee's conduct violated the disturbing-school statute if the statute was constitutional, while expressly preserving the right to appeal the statute's constitutionality. The trial court accepted the disturbing-school pleas and later imposed a combination sentence for the offenses.

PROCEDURAL HISTORY

Lee challenged the constitutionality of S.C. Code Ann. § 16-17-420 as vague and overbroad. After an earlier motion to quash was denied, he entered guilty pleas to disturbing-school charges and a nolo contendere plea to threatening a public official; the trial court adjudicated him delinquent, imposed a combination sentence, suspended it, and placed him on probation. The Supreme Court of South Carolina held that the conditional disturbing-school pleas could not be accepted, vacated those pleas and the combination sentence in part, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court may resentence Lee on the valid malicious-injury-to-property and threatening-a-public-official pleas. If Lee enters unconditional pleas to the disturbing-school charges, he may also be sentenced on those charges; alternatively, he may proceed to trial on them.

CASES CITED

- State v. Truesdale, 278 S.C. 368, 296 S.E.2d 528 (1982)
- State v. Peppers, 346 S.C. 502, 552 S.E.2d 288 (2001)
- State v. O'Leary, 302 S.C. 17, 393 S.E.2d 186 (1990)
- In the Interest of Amir X.S., 371 S.C. 380, 639 S.E.2d 144 (2006)