

SUPREME COURT OF SOUTH CAROLINA

Samuels v. State, 356 S.C. 635

591 S.E.2d 606 (2004) · No. No. 25770 · Decided January 12, 2004

SUMMARY

The South Carolina Supreme Court held that a credit union qualifies as a "depository" under S.C. Code Ann. § 16-11-380, giving the trial court subject matter jurisdiction over the conviction for entering a depository with intent to steal. The court also held that appellate counsel was not ineffective for failing to challenge the denial of a directed verdict because the credit union was a depository as a matter of law. The court affirmed the denial of post-conviction relief.

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	January 12, 2004
DOCKET	No. 25770
DISPOSITION	affirmed
PROCEDURAL POSTURE	The South Carolina Supreme Court granted certiorari to review the denial of Samuels's application for post-conviction relief, specifically the PCR court's rejection of his subject-matter-jurisdiction claim and ineffective-assistance claim concerning appellate counsel's failure to challenge the denial of a directed-verdict motion.
STANDARD OF REVIEW	The court reviewed the PCR court's determination of whether the trial court had subject-matter jurisdiction and whether appellate counsel was ineffective; the opinion applies the legal conclusion that a credit union is a depository as a matter of law.
PRECEDENTIAL VALUE	Published opinion; precedential South Carolina Supreme Court decision
PARTIES	Joseph A. Samuels v. State of South Carolina

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QUESTIONS PRESENTED

1. Whether the trial court had subject-matter jurisdiction to convict Samuels of entering a depository with intent to steal when the charged institution was a credit union.
2. Whether appellate counsel was ineffective for failing to appeal the denial of Samuels's directed-verdict motion.

HOLDINGS

1. A credit union is a depository within the meaning of section 16-11-380 because it is a financial institution that accepts deposits and maintains deposit accounts; therefore, the trial court had subject-matter jurisdiction to convict Samuels.
2. Appellate counsel was not ineffective for failing to raise the directed-verdict issue because the credit union was a depository as a matter of law and the proposed appellate issue lacked merit.

KEY QUOTATIONS

“Accordingly, a credit union is a depository.” (356 S.C. at 638)

“Because a credit union is a depository as a matter of law, appellate counsel was not ineffective for failing to raise the directed verdict issue on appeal.” (356 S.C. at 639)

FACTUAL BACKGROUND

Samuels was convicted after entering the Richland Teachers Council Federal Credit Union with intent to steal money or securities. The indictment charged entry into a bank, depository, or building and loan association under South Carolina Code section 16-11-380. At trial, a credit-union employee testified that the credit union accepted deposits, permitted withdrawals, and made loans, and the trial court denied Samuels's directed-verdict motion.

PROCEDURAL HISTORY

Samuels was convicted of entering a bank, depository, or building and loan association with intent to steal and sentenced to fifteen years' imprisonment. The Court of Appeals affirmed his conviction, and the PCR court denied relief. The Supreme Court of South Carolina granted certiorari and affirmed the PCR court's decision.

DISPOSITION

affirmed

CASES CITED

- State v. Samuels, Op. No. 99-UP-205 (S.C. Ct. App. filed March 24, 1999)
- McClanahan v. Richland County Council, 350 S.C. 433, 567 S.E.2d 240 (2002)
- Thrift v. State, 302 S.C. 535, 397 S.E.2d 523 (1990)
- Simpkins v. State, 303 S.C. 364, 401 S.E.2d 142 (1991)

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