

SUPREME COURT OF SOUTH CAROLINA

State v. Field

State v. Field · No. Appellate Case No. 2018-001042 · Decided March 11, 2020

SUMMARY

The South Carolina Supreme Court affirmed the judgment in a securities-fraud case involving credit against a sentence for pretrial jail time and time spent under house arrest. The court declined to reach the merits because the State failed to preserve its challenge to the sentencing court’s credit determination, having taken a different position at sentencing and on reconsideration.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Beatty; Justice Kittredge; Justice Hearn; Justice Few; Justice James
JURISDICTION	South Carolina
DECIDED	March 11, 2020
DOCKET	Appellate Case No. 2018-001042
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State sought review by writ of certiorari of the South Carolina Court of Appeals' decision affirming the sentencing court's award of credit for time served.
STANDARD OF REVIEW	The court declined merits review because the State failed to preserve its legal argument for appellate review.
PRECEDENTIAL VALUE	Published opinion; binding South Carolina Supreme Court decision on the preservation issue.
PARTIES	The State of South Carolina v. Arthur M. Field

TOPICS

- preservation of error
- appellate procedure
- sentencing
- criminal procedure
- plea bargaining

PRACTICE AREAS

- Criminal procedure
- Appellate procedure
- Sentencing

QUESTIONS PRESENTED

1. Whether the State preserved for appellate review its argument that the sentencing court lacked authority to award credit for approximately ten months of time spent outside jail while Field was subject to electronic monitoring.
2. Whether the sentencing court had authority under South Carolina Code section 24-13-40 to award credit for the disputed period of pretrial house arrest or electronic monitoring.

HOLDINGS

1. The State failed to preserve its argument that the sentencing court erred by awarding Field credit for the disputed period, because it did not clearly present that error to the sentencing court at sentencing or on reconsideration.

KEY QUOTATIONS

“A party need not use the exact name of a legal doctrine in order to preserve it, but it must be clear that the argument has been presented on that ground. A party may not argue one ground at trial and an alternate ground on appeal.”

“We agree with Field, however, that the State did not preserve the issue for appeal.”

FACTUAL BACKGROUND

Field was charged with defrauding investors of nearly \$3 million and pleaded guilty pursuant to an agreement under which the State promised not to argue for a specific sentence. The sentencing court imposed a ten-year sentence, suspended on service of twenty-six months, awarded credit for jail time and approximately fifteen months of house arrest, and ordered restitution during probation. Although the State knew the court had awarded the disputed credit, it did not object at sentencing or argue in its motion to reconsider that the court had erred; it instead stated that the motion was filed only to preserve jurisdiction.

PROCEDURAL HISTORY

Field pleaded guilty to multiple securities-fraud, forgery, and conspiracy charges under a plea agreement prohibiting the State from arguing for a specific sentence. The circuit court imposed a ten-year sentence, suspended after twenty-six months, awarded credit for jail and house arrest, and denied the State's motion to reconsider. The Court of Appeals affirmed, and the Supreme Court of South Carolina granted the State's petition for a writ of certiorari. The Supreme Court affirmed without reaching the merits because the State failed to preserve its challenge to the credit award.

DISPOSITION

affirmed

CASES CITED

- State v. Dunbar, 356 S.C. 138, 142, 587 S.E.2d 691, 694 (2003)

