

SUPREME COURT OF SOUTH CAROLINA

Haggins v. State, 377 S.C. 135

659 S.E.2d 170 (2008) · No. No. 26463 · Decided March 24, 2008

SUMMARY

The Supreme Court of South Carolina dismissed as improvidently granted the State’s writ of certiorari seeking review of the Court of Appeals’ informal letter denial of a Rule 227 petition in a post-conviction relief matter. The court held that it will not entertain Rule 226 petitions reviewing such letter denials because the Court of Appeals’ discretionary denial does not constitute a special reason justifying Supreme Court review.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                   |
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| COURT                 | Supreme Court of South Carolina                                                                                                                                                                                                                                                                                                                                   |
| WRITING FOR THE COURT | Chief Justice Toal; Justice Moore; Justice Waller; Justice Pleicones; Justice Beatty                                                                                                                                                                                                                                                                              |
| JURISDICTION          | South Carolina                                                                                                                                                                                                                                                                                                                                                    |
| DECIDED               | March 24, 2008                                                                                                                                                                                                                                                                                                                                                    |
| DOCKET                | No. 26463                                                                                                                                                                                                                                                                                                                                                         |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | The State petitioned the South Carolina Court of Appeals under Rule 227, SCACR, for certiorari review of a circuit court order granting Haggins post-conviction relief. After the Court of Appeals denied the petition by letter without a formal order or opinion, the South Carolina Supreme Court granted the State's Rule 226 petition to review that denial. |
| STANDARD OF REVIEW    | The Supreme Court exercises discretionary certiorari review of Court of Appeals decisions only when special reasons justify review. A Court of Appeals decision granting or denying a PCR certiorari petition is itself discretionary.                                                                                                                            |
| PRECEDENTIAL VALUE    | Published South Carolina Supreme Court opinion                                                                                                                                                                                                                                                                                                                    |
| PARTIES               | State of South Carolina v. Terrence Haggins                                                                                                                                                                                                                                                                                                                       |

TOPICS

writ of certiorari

appellate procedure

post-conviction relief

state post-conviction relief

## PRACTICE AREAS

appellate procedure

post-conviction relief

criminal procedure

## QUESTIONS PRESENTED

1. Whether the Supreme Court should entertain a Rule 226 petition seeking review of the Court of Appeals' discretionary denial of a Rule 227 PCR certiorari petition by informal letter.
2. Whether the Court of Appeals' denial of PCR certiorari constitutes a special reason justifying the Supreme Court's exercise of certiorari jurisdiction.

## HOLDINGS

1. The Supreme Court will not entertain Rule 226 petitions seeking review of a Court of Appeals letter denial of a Rule 227 certiorari petition in a PCR matter when the Court of Appeals has exercised its discretion and issued no formal opinion or order.

## KEY QUOTATIONS

*"We hold that, as a matter of policy, we will not entertain Rule 226 petitions where the Court of Appeals has exercised its discretion and denied a Rule 227 petition, and no formal opinion or order has been filed."* (377 S.C. 136)

*"We therefore hold that we will not entertain Rule 226 petitions for writ of certiorari to review "letter denials" in PCR matters."* (377 S.C. 137)

## FACTUAL BACKGROUND

Haggins obtained an order granting post-conviction relief from a circuit court. The State sought certiorari review in the Court of Appeals, but that court denied the petition by letter without issuing a formal order or opinion. The Supreme Court reviewed whether it should entertain the State's subsequent Rule 226 petition.

## PROCEDURAL HISTORY

The circuit court granted Haggins's application for post-conviction relief. The State sought a writ of certiorari from the Court of Appeals, which denied the petition by informal letter. The Supreme Court granted review but dismissed the writ as improvidently granted because it would not entertain a Rule 226 petition seeking review of a discretionary Rule 227 letter denial in a PCR matter.

## DISPOSITION

dismissed

## CASES CITED

- In re Exhaustion of State Remedies in Criminal and Post-Conviction Relief Cases, 321 S.C. 563, 471 S.E.2d 454 (1990)
- Douglas v. State, 369 S.C. 213, 631 S.E.2d 542 (2006)
- Dunlap v. State, 371 S.C. 585, 641 S.E.2d 431 (2007)

## OPINION

### PER CURIAM.

377 S.C. 135 (2008) 659 S.E.2d 170 Terrence HAGGINS, Respondent, v. STATE of South Carolina, Petitioner. No. 26463. Supreme Court of South Carolina. Submitted February 21, 2008. Decided March 24, 2008. \*136 Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General David A. Spencer, all of Columbia, for Petitioner.

Deputy Chief Appellate Defender Wanda H. Carter, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Respondent. PER CURIAM. The State petitioned the Court of Appeals pursuant to Rule 227, SCACR, for a writ of certiorari to review a circuit court order granting respondent's application for post-conviction relief (PCR).

The Court of Appeals denied the State's petition by letter without issuing a formal order or opinion.[1] We granted the State's petition for a writ of certiorari made pursuant to Rule 226, SCACR, to review the Court of Appeals' denial and now dismiss the writ as improvidently granted.

We hold that, as a matter of policy, we will not entertain Rule 226 petitions where the Court of Appeals has exercised its discretion and denied a Rule 227 petition, and no formal opinion or order has been filed. This Court has held that it will grant certiorari to the Court of Appeals "only where special reasons justify the exercise of that power."

In re Exhaustion of State Remedies in Criminal and Post-Conviction Relief Cases, 321 S.C. 563, 471 S.E.2d 454 (1990), cited with approval in Douglas v. State, 369 S.C. 213, 631 S.E.2d 542 (2006) (holding counsel not required to seek certiorari after criminal direct appeal decided by Court of Appeals) and in Dunlap v. State, 371 S.C. 585, 641 S.E.2d 431 (2007) (extending rationale of Douglas to PCR cases, and holding counsel not required to seek certiorari from the Court of Appeals decision).

A decision by the Court of Appeals to grant or deny a writ of PCR certiorari is a matter committed to that court's discretion. The decision to deny PCR certiorari can never be deemed "a special reason" justifying the exercise of our discretion, nor can an informal "letter denial" meet any of the \*137 five criteria we consider when determining whether to grant certiorari to a decision of the Court of Appeals.

See Rule 226(b), SCACR.[2] We therefore hold that we will not entertain Rule 226 petitions for writ of certiorari to review "letter denials" in PCR matters. Accordingly, this writ is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., MOORE, WALLER, PLEICONES and BEATTY, JJ., concur. NOTES [1] As is the practice in this Court, parties are informed that their petitions for writs of certiorari have been denied by letter from the appellate court clerk's office.

[2] Where there are novel questions of law; where there is a dissent in the decision of the Court of Appeals; where the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court; where substantial constitutional issues are directly involved; and/or where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court.