

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

CERTIORARI TO HORRY COUNTY

Court of Common Pleas

The Honorable Kristi F. Curtis, Circuit Court Judge

Case No. 2020-CP-26-00172

McKinley Lee Daniels, #310775,

PETITIONER,

v.

State of South Carolina,

RESPONDENT.

Appellate Case No.: 2023-00087

APPENDIX

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STATE OF SOUTH CAROLINA	)	GENERAL SESSIONS
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County of Horry	)	2015-GS-26-1754
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	)	
STATE OF SOUTH CAROLINA,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
MCKINLEY DANIELS,	)	
	)	
DEFENDANT,	)	

January 22, 2019
Conway, South Carolina

BEFORE:

THE HONORABLE ROBERT E. HOOD, JUDGE.

APPEARANCES:

SCOTT HIXSON, SOLICITOR
JIMMY RICHARDSON, ASSISTANT SOLICITOR
Attorneys for the State

JAMES GALMORE, ESQ.
BILL MCGUIRE, ESQ.
Attorneys for the Defendant

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S

INDEX OF EXHIBITS:

(There were no exhibits introduced.)

INDEX OF WITNESSES:

(There were no witnesses called.)

1 THE COURT: All right. Good afternoon, Mr. Hixson,
2 Mr. Solicitor, Mr. McGuire, Galmore. Everybody ready to
3 proceed?

4 MR. HIXSON: We are, Your Honor.

5 THE COURT: Okay.

6 MR. HIXSON: May it please the Court. Standing
7 before you, Your Honor, the first matter today is the
8 State of South Carolina v. McKinley Lee Daniels.

9 There are two indictments before the Court. The
10 first one being 2015-GS-26-1745, that is The State of
11 South Carolina v. McKinley Lee Daniels. That is a true
12 billed indictment for murder. The second indictment is
13 2015-GS-26-1772. That is The State v. McKinley Lee
14 Daniels, and that is an armed robbery. That also has been
15 true billed.

16 It's the State's understanding the defendant is here
17 for the purposes of a guilty plea to both of these
18 indictments as charged. It comes to the Court as a
19 negotiated sentence and that sentence will be a 45-year
20 sentence in the Department of Corrections for the murder
21 charge and a 30-year concurrent negotiated sentence for
22 the armed robbery charge.

23 As Your Honor is well aware, the first incident
24 occurred on January 2nd, 2015. The second one,
25 January 25th of 2015. And as Your Honor can see, he is

1 being represented at this time by Bill McGuire and James
2 Galmore from the Public Defender's Office, Your Honor.

3 THE COURT: All right. And where is the paperwork?

4 MR. HIXSON: Oh, I apologize. Thank you.

5 THE COURT: All right. Mr. Daniels, will you please
6 stand. The clerk will swear you in.

7 MCKINLEY DANIELS, after being duly
8 sworn, testified as follows:

9 THE COURT: All right. And who is this young lady?

10 MR. MCGUIRE: This is Heather McCarthy, Your Honor,
11 an attorney in my office.

12 THE COURT: Welcome, Ms. McCarthy. Thank you very
13 much.

14 Mr. Galmore is also present?

15 MR. GALMORE: Yes, sir.

16 THE COURT: All right. Thank you very much.

17 Mr. McGuire, will you be answering the questions
18 today?

19 MR. MCGUIRE: Yes, sir.

20 THE COURT: All right. Mr. Daniels, good afternoon,
21 how are you?

22 THE DEFENDANT: I'm all right, sir.

23 THE COURT: Okay. Good. All right. At any time
24 today while I'm asking you questions, if you don't
25 understand something that I ask you or you want me to

1 repeat it again or you want me to explain it further or if
2 you need to speak with your attorneys at any time, you
3 just need to let me know, okay?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: That's not going to bother me or
6 frustrate me or anything else. I want to make sure that
7 you understand what you're doing today. And if at any
8 time, you need to meet with your attorneys or talk to them
9 or you want to ask me something, you just need to let me
10 know and that will be perfectly fine --

11 THE DEFENDANT: I want to ask you something right
12 now.

13 THE COURT: Okay.

14 THE DEFENDANT: Now, this plea right, this plea right
15 here is for me. This right here don't got nothing to do
16 with me coming back to court, none of my codefendants.
17 This right here is what I'm going to do, and that's just
18 going to be that.

19 THE COURT: Okay.

20 THE DEFENDANT: Whatever the rest of my codefendants
21 got going on with them, that's for them. I don't have
22 nothing to do with that.

23 THE COURT: I'm going ask the Solicitor to help me
24 with that information just to make sure that everything is
25 clear because I want us all to be clear about what we're

1 doing. Okay?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Fair enough.

4 Is his plea contingent upon his cooperation?

5 MR. HIXSON: No, Your Honor. That's an important
6 point. It's 45 years negotiated. That resolves the
7 issues that he is facing. And to clarify, I was going to
8 put this in the facts recitation: As Your Honor is very
9 aware, on February 7th, you had a hearing relating to
10 Atkins v. Virginia.

11 We'll touch on that during the qualification section,
12 but based on that, the death penalty situation had been
13 removed, as Your Honor is well aware. And this does not
14 require any cooperation on his part. This resolves the
15 charges relating to his participation in these events.

16 THE COURT: So his remaining charges will be
17 dismissed as a result of this plea?

18 MR. HIXSON: That's correct.

19 THE COURT: Okay.

20 MR. HIXSON: That's correct.

21 THE COURT: All right. Do you understand everything
22 that was just said, Mr. Daniels?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Okay. And the reason I did it that way
25 is I wanted them to be on the record and I wanted to make

1 sure that you understood from them what was on the record
2 or what was expected of you or not expected of you. So
3 does that answer that question before we start?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Okay. The same rules still apply. If at
6 any time you want to ask me something or you want to ask
7 Mr. McGuire or anybody else on your team something, I'll
8 give you the opportunity to do that. Okay?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You with me? All right.

11 Now, Mr. McGuire, let me start with you. At this
12 point in time, do you represent McKinley Daniels?

13 MR. MCGUIRE: I do, Your Honor.

14 THE COURT: Have you explained to him the nature of
15 the charges that are contained in the indictments, the
16 possible punishments and his Constitutional Rights?

17 MR. MCGUIRE: I have.

18 THE COURT: In your opinion, does he understand the
19 charges, the punishments and his rights?

20 MR. MCGUIRE: I believe so.

21 THE COURT: And at this point in time, does he wish
22 to plead guilty or not guilty?

23 MR. MCGUIRE: Guilty to these two charges, yes, sir.

24 THE COURT: Fair enough. And do you agree with your
25 client's decision to plead guilty to those two charges?

1 MR. MCGUIRE: I do.

2 THE COURT: And from your investigation of the facts
3 and the circumstances of the case, do you feel that the
4 State could produce sufficient evidence to convince a jury
5 of his guilt beyond a reasonable doubt and that if he went
6 to trial on these two charges, his conviction would be
7 probable?

8 MR. MCGUIRE: Yes, sir.

9 THE COURT: Okay. Mr. Daniels, I now must ask you
10 certain questions to ensure that your guilty plea is
11 knowingly, intelligently and voluntarily entered with a
12 full understanding of the nature of the offenses that you
13 are pleading guilty to and the consequences of your plea.

14 As I've told you before, if you need to speak with me
15 or you want to ask me a question or you want to ask your
16 attorneys a question, I will, of course, give you the
17 opportunity to do so. Okay?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. Is your name McKinley
20 Daniels?

21 THE DEFENDANT: McKinley Lee Daniels.

22 THE COURT: Okay. McKinley Lee Daniels?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. And how old are you,
25 Mr. Daniels?

1 THE DEFENDANT: Thirty-six.

2 THE COURT: And how far did you go in school?

3 THE DEFENDANT: Eighth grade.

4 THE COURT: And prior to your incarceration, what
5 kind of work were you doing?

6 THE DEFENDANT: Detail work.

7 THE COURT: And are you married?

8 THE DEFENDANT: No, sir.

9 THE COURT: And do you have any children?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: How many children do you have?

12 THE DEFENDANT: Four.

13 THE COURT: Four. Okay. Now, Mr. Daniels, have you
14 ever been treated for the abuse of alcohol or drugs?

15 THE DEFENDANT: I haven't been treated, but I have
16 had a problem.

17 THE COURT: Okay. And you have been treated for some
18 mental illness issues; is that correct?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Are you on medicine for that now?

21 THE DEFENDANT: No, sir.

22 THE COURT: Okay. Let's talk about that at this
23 point in time.

24 So Mr. McGuire, do you have any issues as to his
25 competency?

1 MR. MCGUIRE: No, sir.

2 THE COURT: You're able to communicate with him?

3 MR. MCGUIRE: Yes, sir.

4 THE COURT: He's able to communicate with you?

5 MR. MCGUIRE: Yes, sir.

6 THE COURT: Y'all are able to talk about the case and
7 the witnesses and all those things of that nature?

8 MR. MCGUIRE: Yes, sir. I had conversations with two
9 experts who also agree with that.

10 THE COURT: So do you have any issues with his
11 competency to stand before me at this point in time and
12 enter this plea?

13 MR. MCGUIRE: No, sir.

14 THE COURT: Would the State like me to put anything
15 else on the record in that regard?

16 MR. HIXSON: No, Your Honor, other than just to
17 reaffirm the fact that there's a written order that
18 encompasses the Court's findings February 7th, 2018,
19 that's been provided to the Court for your signature at
20 your convenience.

21 THE COURT: Okay. Thank you very much.

22 And Mr. Daniels, do you understand what's going on
23 here today?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Are you able to understand me?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And have you understood your
3 conversations with your lawyers?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. In the last 24 hours, have
6 you taken any alcohol or drugs?

7 THE DEFENDANT: No, sir.

8 THE COURT: Okay. Are you aware of any physical,
9 emotional, or nervous problem that might keep you from
10 understanding what you're doing today?

11 THE DEFENDANT: No, sir.

12 THE COURT: Okay. Mr. Daniels, they tell me that you
13 want to plead guilty to two charges. Those two charges,
14 the first is from indictment number 2015-GS-26-1754, and
15 this indictment is for murder. Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And that carries a mandatory minimum of
18 30 years in prison up to life without the possibility of
19 parole. Do you understand the minimum and maximum
20 possible sentences?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Okay. They also tell me that you want to
23 plead guilty to one charge of armed robbery, which stems
24 from indictment 2015-GS-26-1772. The mandatory minimum by
25 law that I could give you on that charge would be ten

1 years and the maximum would be 30 years. Do you
2 understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Both of these charges, Mr. Daniels, are
5 what we call violent offenses, and they are also both most
6 serious offenses. Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay. And do you understand these would
9 be strikes under the two-strike law?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And do you have any question about that?

12 THE DEFENDANT: No, sir.

13 THE COURT: Okay. Now, Mr. Daniels, you may have
14 discussed parole or parole eligibility with your lawyer or
15 with other people. Until I sentence you, no one can tell
16 you when, if ever, you will be eligible for parole or
17 under what conditions. You assume that you will serve the
18 entire time in jail that I sentence you to today. Do you
19 understand that?

20 THE DEFENDANT: To a certain extent. When you say
21 sentence, you mean the whole 45 or 85 percent or what?

22 THE COURT: Right. What I'm saying is that you are
23 pleading guilty to no-parole offenses in South Carolina
24 and that no one can promise you or guarantee you when,
25 short of the entire sentence, that you will ever be

1 released from the Department of Corrections.

2 THE DEFENDANT: So pretty much, what you're saying
3 I'm going to do 45 years day for day?

4 THE COURT: I can't promise you anything besides
5 that, yes.

6 THE DEFENDANT: I understand.

7 THE COURT: And then when you are released, you'll be
8 released on what is known as the community supervision
9 program and monitored by the Department of Corrections for
10 two years. Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay. Now, when you plead guilty,
13 Mr. Daniels, you give up certain important Constitutional
14 Rights. You have a Constitutional Right to a jury trial.
15 At a jury trial, I would instruct the jury that there is a
16 presumption that you are innocent. The State would have
17 the burden of proving that you are guilty beyond a
18 reasonable doubt. You would have the right to question
19 any witnesses against you, as well as the right to present
20 witnesses on your own behalf or for your defense.

21 You would also have the Constitutional Right to
22 remain silent. If you did not testify, I would instruct
23 the jury that they cannot hold that fact against you. You
24 would have the right to present any defense on your own
25 behalf that you might have to the charges against you.

1 If you made any incriminating statements about the
2 charges, you would have the right to challenge those
3 statements. Do you understand each of these
4 Constitutional Rights that I've explained to you?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: By pleading guilty, you are giving up all
7 of these rights. Understanding the rights that I've
8 explained to you, do you wish to plead guilty and give up
9 all of these rights?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Okay. Now, the first indictment before
12 me, Mr. Daniels, is indictment 2015-GS-26-1754. This is
13 an indictment for murder. This indictment alleges that
14 McKinley Lee Daniels, while acting in concert with others,
15 did in Horry County on or about January the 2nd of 2015,
16 willfully, feloniously and intentionally kill the victim,
17 Bala Paruchuri, B-A-L-A, last name, P-A-R-U-C-H-U-R-I,
18 with malice aforethought either expressed or implied by
19 means of shooting, and the victim did die as a proximate
20 result thereof on or about January 2nd of 2015 in Horry
21 County.

22 How do you plead to that charge, Mr. Daniels?

23 THE DEFENDANT: Guilty.

24 THE COURT: The second indictment before me today,
25 Mr. Daniels, is an indictment for armed robbery. It is

1 indictment number 2015-GS-26-1772, and it alleges that
2 McKinley Lee Daniels, while acting in concert with others,
3 did in Horry County on or about January the 25th of 2015,
4 while armed with a deadly weapon, to-wit, a firearm, take
5 and carry away personal property of Trisha Stull from or
6 in the immediate presence of Trisha Stull with the intent
7 to deprive Ms. Stull of possession by use of force, threat
8 or intimidation in violation of the South Carolina Code of
9 Laws.

10 How do you plead to that charge, Mr. Daniels?

11 THE DEFENDANT: Give me one minute, sir.

12 (Pause.)

13 Guilty, sir.

14 THE COURT: Okay.

15 MR. MCGUIRE: Judge, just to put on the record, the
16 conversation was Mr. Daniels was unarmed during that event
17 and he's pleading under the hand of one, hand of all
18 theory as the codefendant was armed with a pistol.

19 THE COURT: Do you need to speak to Mr. McGuire about
20 that anymore?

21 THE DEFENDANT: No, sir.

22 THE COURT: Okay. Thank you very much. So the
23 negotiations in this case, Mr. Solicitor, are for a term
24 of 45 years on the murder and a term of 30 years on the
25 armed robbery each to be run concurrent, and he's to be

1 given credit for the time he has served?

2 MR. HIXSON: That's correct, sir.

3 THE COURT: And the other pending charges against him
4 will be dismissed?

5 MR. HIXSON: That's correct. They're accessory to
6 those two events.

7 THE COURT: Okay.

8 MR. HIXSON: Related charges to these events, not
9 accessory charges.

10 THE COURT: Is that your understanding, Mr. McGuire?

11 MR. MCGUIRE: It is, Your Honor. And I have the
12 credit for time served, it's 1,451 days.

13 THE COURT: 1451?

14 MR. MCGUIRE: Yes, sir.

15 THE COURT: And I will write that specific number --
16 Do you agree with that number, Mr. Daniels?

17 THE DEFENDANT: To tell you the truth, I don't know
18 how long I've been locked up.

19 THE COURT: Okay. Well, I'm going to write that
20 specific number in there. I believe that Mr. McGuire has
21 done the work to know the exact number of days to make
22 sure that you get the right amount of credit. Okay?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Okay. So, Mr. Daniels, do you understand
25 the negotiations in this case?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay. Now, there are lots of different
3 kinds of pleas in South Carolina, but this one's a little
4 bit unique, and the reason this one is unique is because,
5 essentially, the way I like to phrase it, my hands are
6 tied. Does that make sense, Mr. Daniels?

7 (Pause.)

8 THE DEFENDANT: Yes, sir.

9 THE COURT: So what that means in my words, and I'll
10 put it in what I'll call nonlawyer words is even if I
11 wanted to give you less than 45 years, I couldn't. And
12 the flip side is also true. Even if I wanted to give you
13 more than 45 years, I couldn't. If we do this plea today,
14 I either give you 45 years or nothing happens. Does that
15 make sense?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And are you in agreement with that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And do you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Okay. All right. And besides that and
22 the dismissal of the charges, has anybody promised you
23 anything to get you to plead guilty?

24 THE DEFENDANT: No, sir.

25 THE COURT: Has anybody forced you or threatened you

1 to get you to plead guilty?

2 THE DEFENDANT: No, sir.

3 THE COURT: Are you pleading guilty freely and
4 voluntarily?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. Now, I want to talk to you about
7 your attorneys for a little bit, okay?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Are you satisfied with how your lawyers
10 have advised you and represented you in this case?

11 THE DEFENDANT: Man, these guys, man, I feel like --
12 I feel like they did more than what they should have done.
13 They're good. They're good. They are.

14 THE COURT: Okay. Have you talked with them for as
15 often and as much as you deem necessary to feel like they
16 have properly represented you?

17 THE DEFENDANT: At least three or four times a month.

18 THE COURT: All right. Okay. Good. Do you need
19 more time to talk to them right now?

20 THE DEFENDANT: No. I feel like they done did what
21 they could.

22 THE COURT: Have you understood your conversations
23 with your lawyers?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Is there anything that they have done in

1 this case that you believe they should not have done?

2 THE DEFENDANT: No, sir.

3 THE COURT: And are you completely satisfied with
4 your lawyers' services?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you have any complaint that you want
7 to make against your lawyers?

8 THE DEFENDANT: No, sir.

9 THE COURT: Okay. Now, again, has anybody promised
10 you anything other than the negotiations to get you to
11 plead guilty?

12 THE DEFENDANT: No, sir.

13 THE COURT: Has anyone suggested that you would --
14 excuse me, scratch that. That one does not apply.

15 Has anyone threatened you or used force to get you to
16 plead guilty?

17 THE DEFENDANT: No, sir.

18 THE COURT: Has anyone used any pressure or
19 intimidation to get you to plead guilty?

20 THE DEFENDANT: No, sir.

21 THE COURT: Have you had enough time to make up your
22 mind about whether or not you want to plead guilty?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And are you pleading guilty of your own
25 free will?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And are you pleading guilty because you
3 are, in fact, guilty of this murder and this armed
4 robbery?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Have you understood my questions?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Have you been absolutely truthful in each
9 and every answer that you have given to the court?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And he is not waiving appellate rights;
12 is that right?

13 MR. HIXSON: Beg the Court's indulgence just for a
14 moment.

15 THE COURT: Okay.

16 (Pause.)

17 MR. MCGUIRE: Judge, there's not a waiver of
18 appellate rights, and we've advised Mr. Daniels he has ten
19 days in which to appeal.

20 THE COURT: Okay. Do you understand you have ten
21 days from today's date to appeal this plea? If you choose
22 to do so, you must do so in writing to this court.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. I'll hear some facts now
25 please.

1 Mr. Daniels, Mr. McGuire, ma'am, you all may be
2 seated if you'd like while they go through the facts.

3 MR. HIXSON: Your Honor, as this is a negotiated
4 sentence, I'll keep the factual recitation somewhat brief.
5 In addition to that, Your Honor, it was particularly well
6 suited to accept a guilty plea in this matter as you
7 presided over the trial of the codefendant in this case.
8 I think you've seen big, long, voluminous exhibits, so I
9 think you know exactly what happened.

10 In this particular -- I'll refer to the January 2nd,
11 2015, case in the Red Bluff section of Horry County, this
12 defendant, Mr. Daniels, along with his codefendants, James
13 Daniels and Jerome Jenkins, rode together to the location
14 in a silver Malibu vehicle.

15 Mr. Daniels went into the location earlier when Mr.
16 Paruchuri was working behind the counter. He left. Some
17 period of time after that, Mr. Daniels, as well as Jerome
18 Jenkins, entered wearing masks, facial coverings and
19 nondescript clothing, proceeded to arm rob -- rob the
20 clerk of the convenience store for money and cash, taking
21 the cash drawer. And on the way out, after full
22 compliance of their demands, both individuals are seen on
23 video firing multiple rounds into the person of Bala
24 Paruchuri, killing him in that location and fled.

25 The second offense that we're referring to now is

1 January 25th, roughly, 23 days later, of 2015. And that
2 occurred in the Conway section around Cultra Road and Oak
3 Street. Very similar fact pattern, as Your Honor is well
4 aware: James Daniels driving a silver Malibu, along with
5 Jerome Jenkins and McKinley Daniels.

6 James Daniels entered that location early on and then
7 McKinley Daniels entered this one. This one is different
8 in that McKinley Daniels did not have a weapon. You see
9 what happens inside on video. He was not armed. Jerome
10 Jenkins was armed.

11 After Ms. Stull complied with commands and gave the
12 cash drawer to them, Jerome Jenkins fired several shots
13 into Ms. Stull killing her in that location, as well, Your
14 Honor.

15 It is important for the Court to understand, as Your
16 Honor is well aware, we filed Notice of Intent to seek the
17 death penalty against Mr. Daniels as well as Mr. Jenkins.

18 Your Honor is privy to the discussions concerning
19 intellectual disability relating to this issue, and
20 finally, on February 7th of 2018, Your Honor held a
21 hearing on it in which it was determined based on
22 intellectual disability that that acting, that person --
23 the death penalty would be taken off the table resulting
24 in this being a traditional framed murder case, Your
25 Honor.

1 THE COURT: Any criminal history?

2 MR. HIXSON: I believe he has a strong armed robbery
3 conviction from -- it was from taking a stolen car from a
4 convenience store. I believe there was a kidnapping
5 charge associated with that, and he went to the Department
6 of Corrections, got out.

7 After getting out of the Department of Corrections, I
8 believe, roughly, six to eight months later, these events
9 occurred.

10 THE COURT: Okay. Does anyone from either victim's
11 family need to be heard from?

12 MR. HIXSON: Let me beg the Court's indulgence just
13 for a moment.

14 THE COURT: I see that some of them are here.

15 MR. HIXSON: Since it was a negotiated sentence, we
16 knew what was going to happen going in.

17 THE COURT: Okay. I'm not ready for them just yet.
18 Just if they want to be heard, just when we get to that
19 point, if anybody wants to speak, just kind of wave at me,
20 and I'll give you the opportunity. Let me get through a
21 couple more procedural things, okay? Thank you for being
22 here. Just give me a couple minutes.

23 All right. Mr. Daniels, do you agree with the facts
24 as materially present by the State?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Okay. I will accept his guilty plea. I
2 find that there is a substantial factual basis for the
3 plea. I further find that his decision to plead guilty is
4 freely, voluntarily, knowingly and intelligently made.
5 He's had the advice of very competent attorneys with whom
6 he tells me he is satisfied. And I will accept his plea.

7 All right. And Mr. McGuire, would you like to go
8 first?

9 MR. MCGUIRE: Your Honor, given the fact that it's a
10 negotiated plea, we're not going to present any mitigation
11 evidence.

12 THE COURT: All right. Very well.

13 Mr. Daniels, you have the right to address the Court
14 if you would like to. You do not have to, but you have an
15 absolute right to say anything that you would like to say.
16 I'm happy to hear from you. If you don't want to say
17 anything at all, that's fine, too. It's up to you.

18 (Pause.)

19 THE DEFENDANT: I'll just leave it like it is.

20 THE COURT: Okay. Thank you very much.

21 Thank you, Mr. Daniels. Thank you, Mr. McGuire.

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right. Who would like to speak?
24 You're Ms. Stull's family; is that right? I think I said
25 her name wrong again today.

1 VICTIM'S FAMILY: No, you said it right.

2 THE COURT: Was I closer?

3 VICTIM'S FAMILY: You was right.

4 THE COURT: Would you please tell me your name for
5 the record, ma'am?

6 VICTIM'S FAMILY: Samantha Stull.

7 THE COURT: Samantha, thank you very much for being
8 here. All right.

9 VICTIM'S FAMILY: On behalf of the Stull family, we
10 would just like to thank the court system and the
11 Solicitors for doing the job that was done as we come up
12 on four years since Trish has been killed on Friday. So
13 we thank the Court for everything that could be done.
14 Wish it could be more, but we thank you for what you have
15 done.

16 THE COURT: And thank you very much. I thank you all
17 for being here. You all's continued presence in the case
18 and support in the case is very important. And I know
19 that nothing that I do here today can make anything better
20 because having her back is the only thing that would make
21 anything better. And I say this to you, that this is just
22 another step in the process.

23 VICTIM'S FAMILY: Yes, sir.

24 THE COURT: Another step in the grieving process and
25 another step in moving forward, and that doesn't mean that

1 she's forgotten or that she's not remembered. But this is
2 just seen as another step, so I appreciate you all's
3 continued participation in the case. It's a long time to
4 stay involved, and I want to say thank you for doing that.
5 I know the prosecutors appreciate you doing that, also.

6 VICTIM'S FAMILY: Thank you.

7 THE COURT: Thank you very much.

8 Is there anybody else that would like to speak?

9 VICTIM'S FAMILY: No, sir.

10 THE COURT: All right. Thank you all. Thank you
11 very much.

12 Mr. Solicitor, anything from you?

13 THE SOLICITOR: No, sir, Your Honor.

14 THE COURT: Anybody on the other -- Paruchuri, I
15 always say it wrong, family that needs speak?

16 MR. HIXSON: No, sir.

17 THE COURT: Thank you all for being here and staying
18 involved in the case.

19 All right. Anything else, Mr. McGuire?

20 MR. MCGUIRE: No, sir.

21 THE COURT: Okay. All right. The sentence of the
22 Court on 2015-GS-26-1772, is that McKinley Lee Daniels,
23 for the charge of armed robbery be committed to the State
24 Department of Corrections for 30 years. He is to be given
25 credit for 1,451 days, and he's to have no contact with

1 the victim's family.

2 And on the indictment 2015-GS-26-1754 for the charge
3 of murder, the sentence is 45 years. These are to be run
4 concurrent. He is to be given credit for 1,451 days. And
5 he is to have no contact with the victim's family.

6 Anything further from the State?

7 MR. HIXSON: No, sir.

8 THE COURT: From the defense?

9 MR. MCGUIRE: No, sir.

10 THE COURT: All right. Thank you all very much.
11 Have a nice day.

12 (Whereupon, the proceedings were concluded.)
13
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CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

I, Karen Ambroziak, Official Court Reporter for the
5th Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record of the proceedings had and
evidence introduced in the trial of the captioned case,
relative to appeal, in the Court of General Sessions for
Horry County, South Carolina, on the 22nd day of January,
2019.

March 23, 2020

Karen Ambroziak

Karen Ambroziak, RPR
Circuit Court Reporter

FORM 5

STATE OF SOUTH CAROLINA

County of Horry

McKinley Lee Daniels

Full name and prison number (if any) of Applicant

310775

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

20 10 CP26 0172

APPLICATION

POST-CONVICTION

FILED
HORRY COUNTY
JAN 13 A 8 26
RENEWAL ELVIS
CLERK OF COURT
HORRY COUNTY, SC

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Mc Cormick C.I
2. Name and location of Court which imposed sentence Conway Court house
3. Name(s) of co-defendant(s) (if any) James Daniels Jerome Jenkins
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) Murder
 - (b) Arm Robbery

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) Jan 23, 2019
- (b) 45 years
- (c) _____
6. Check whether a finding of guilty was made:
- (a) ☒ after a plea of guilty ☒
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
- _____
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. N/A
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. N/A
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. N/A
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. N/A
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) N/A

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) _____
- (b) (See Attachment)
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) _____
- (b) (See Attachment)
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? _____
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? N/A
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____
- (d) any other petitions, motions or applications in this or any other Court? _____
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. N/A
- iii. _____
- iv. _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully.

(A) Trial Counsel was ineffective for allowing ~~the~~ Trial Judge to over sentence the applicant to forty-five (45) years for murder

11. State concisely and in the same order the facts which support each of the ground set out in

(A) The Judge had sentenced the applicant to 45 years for murder. The murder Sentencing Statute only allows the trial Judge to sentence the applicant to thirty (30) years. Trial Counsel was ineffective for allowing the trial Judge to over sentence the applicant to (45) years.

(c) the disposition thereof:

i.

ii.

iii.

iv.

(d) the date of each such disposition:

i.

ii.

iii.

iv.

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i.

ii.

iii.

iv.

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i.

ii.

iii.

(b) the proceedings in which each ground was raised:

i.

ii.

iii.

Revised 3/2003

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) _____
(b) N/A
(c) _____

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? yes
(b) your trial, if any? _____
(c) your sentencing? yes
(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? N/A

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
i. Bill McLaure Captain Trial Division
1330 Lady St Suite 401
ii. ~~James Colmore~~ Columbia SC 29201
James Colmore 203 Laurel St
iii. P.O. Box 1666
Canaway SC 29526
(b) the proceedings at which each such attorney represented you:
i. plea & Sentencing
ii. plea & Sentencing
iii. _____

Revised 3/2003

19. State clearly the relief you seek in filing this application:

I want to be sentenced to 30 year
for both charges

20. Are you now under sentence from any other court that you have not challenged?

NP

20 10 CP26 0172

STATE OF SOUTH CAROLINA)

County of Horry)

VERIFICATION

I, McKinley Lee Daniels, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

McKinley Lee Daniels

SWORN to and subscribed before me this 27
day of June, 2019.
B. D. I. Williams (L.S.)
Notary Public

My Commission Expires: 9.30.26

FILED
HORRY COUNTY
2019 JAN 13 A 8:26
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

Revised 3/2003

20 20 CP26 0172

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, McKinley Lee Daniels, hereby apply for leave to
proceed in this action without prepayment of fees or costs or security therefor. In support of my
application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give
security thereof.

McKinley Lee Daniels
Applicant

SWORN or affirmed to and subscribed before me this

27 day of June, 2019.

B. J. Wadema
Notary Public

My Commission Expires: 9-30-26

FILED
HORRY COUNTY
2020 JAN 13 A 8:26
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

Revised 3/2003

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

McKinley L. Daniels, #310775,
Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTEENTH JUDICIAL CIRCUIT

Case No.: 2020-CP-26-0172

**RETURN AND MOTION FOR A
MORE DEFINITE STATEMENT**

NOW COMES Respondent, moving for a more definite statement and making its return to the post-conviction relief (hereafter "PCR") application filed on January 13, 2020, by McKinley L. Daniels (hereafter "Applicant"). Respondent respectfully offers the following in support of its return:

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Horry County Clerk of Court. During its April 2015 term, the Horry County Grand Jury indicted Applicant for Armed Robbery (2015-GS-26-1772) and Murder (2015-GS-26-1745).¹ Applicant was represented by James Galmore and Bill McGuire, Esquires. Solicitor Scott Hixson, Esquire, and Assistant Solicitor Jimmy Richardson, Esquire, of the Fifteenth Circuit Solicitor's Office prosecuted the case. On January 22, 2019, Applicant appeared before the Honorable Robert E. Hood, circuit court judge, and pled guilty to a

¹ Applicant was also indicted on multiple other charges around this time that were not listed in the PCR application and, thus, will not be addressed in this return. Applicant was indicted in April 2015 for Possession of a Weapon during the Commission of a Violent Crime (2015-GS-26-01749), Armed Robbery (2015-GS-26-01756), and Murder (2015-GS-26-01770). Applicant was indicted in June 2015 for Possession of a Weapon During the Commission of a Violent Crime (2015-GS-26-01913). In April 2018, Applicant was indicted for Criminal Conspiracy (2018-GS-26-02912).

negotiated sentence of forty-five years' imprisonment on the murder charge and thirty years' imprisonment on the armed robbery charge, sentences running concurrently, along with a dismissal of all other charges against Applicant. Judge Hood sentenced Applicant thirty years' imprisonment on the Armed Robbery charge and forty-five years' imprisonment on the murder charge, sentences running concurrently. Applicant did not pursue a direct appeal.

II. Statement of Facts

On January 2, 2015, Applicant and his co-defendants rode together to the location of the incident. (Tr. 21). Applicant, with co-defendant James Daniels, entered the location, wearing masks, facial coverings, and nondescript clothing, and proceeded to rob the clerk of the convenience store, taking the cash drawer. (Tr. 21). On their way out, both individuals are seen firing multiple rounds into the clerk, killing him, and then fled. (Tr. 21).

On January 25, 2015, Applicant and his co-defendants entered the location of the incident. (Tr. 22). Applicant did not have a weapon this time. (Tr. 22). After the clerk complied with the commands and handed over the cash drawer, one of the co-defendants fired several shots into the victim. (Tr. 22).

III. Current Action before the Court

In his *pro se* PCR application, Applicant alleges he is detained unlawfully for the following reasons (excerpts verbatim):

1. "Trial counsel was ineffective for allowing Trial Judge to over sentence the applicant for forty-five (45) years for murder."
 - a. "The Judge had sentenced the applicant to 45 years for murder. The murder sentencing statute only allows the trial judge to sentence the applicant to thirty (30) years. Trial Counsel was ineffective for allowing the trial judge to over sentence the applicant to (45) years."

Attached to and incorporated herein are Applicant's Horry County Clerk of Court Records, Applicant's South Carolina Department of Corrections Records, the plea transcript, and

the current PCR application. Respondent reserves the right to amend this Return upon receipt of additional relevant information.

IV. Argument

Ineffective Assistance of Counsel

In a PCR action, the applicant bears the burden of proving allegations contained in the application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant asserts ineffective assistance of counsel as a ground for relief, the applicant must show “counsel’s conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. Ineffective assistance of counsel is governed by the Sixth Amendment, as explained by the United States Supreme Court in *Strickland v. Washington*.

Pursuant to the first prong of the *Strickland* analysis, the applicant must prove defense counsel’s performance was deficient. *Id.* at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). To show deficiency, the applicant must prove by a preponderance of the evidence that counsel’s actions fell outside of the zone of “reasonableness under prevailing professional norms.” *Strickland*, 466 U.S. at 688. *See also* Rule 71.1(e), SCRCP (“The applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence.”). Reasonableness is determined by the “variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how to best represent a criminal defendant,” and the scope of the reasonableness inquiry is limited to facts counsel had available at the time of representation. *Id.* at 689. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.”

Yarborough v. Gentry, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690). Judicial scrutiny of counsel's performance remains highly deferential towards defense counsel with a strong presumption that counsel acted competently, because competent representation may be executed in virtually "countless" ways. *Strickland*, 466 U.S. at 688-89.

Second, counsel's deficient performance must have prejudiced the applicant so that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694. The court makes this determination based upon the totality of the evidence. *Id.* at 695. Realistically, this matters "only in the rarest case" because "[t]he likelihood of a different result must be substantial, not just conceivable." *Harrington v. Richter*, 562 U.S. 86, 111-12 (2011) (quoting *Strickland*, 466 U.S. at 697).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. *Strickland*, 466 U.S. at 696. A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. *Id.* at 696-97.

Here, Applicant entered his plea pursuant to a negotiated sentence of forty-five years' imprisonment on the murder charge and thirty years' imprisonment on the armed robbery charge. (Tr. 3-4). Applicant stated he understood the negotiated sentences in this case. (Tr. 16-17). When the plea judge stated that his hands were tied to the negotiated sentence and that, once the plea was entered, he would have no choice but to sentence him to forty-five years, Applicant stated he

understood four separate times. (Tr. 16-17). Counsel was not ineffective for failing to object to this sentence because it was proper, the negotiated sentence both parties agreed to, and the sentence Applicant entered his plea pursuant to with a full understanding of how long the sentence would last. Thus, Respondent holds this allegation lacks merit.

However, the ineffective assistance of counsel allegation probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent respectfully requests an evidentiary hearing to fully resolve this issue. *See Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (“Where an application for post-conviction relief alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court, a question of fact is raised which can only be resolved by an evidentiary hearing.”).

V. Motion for a More Definite Statement

Respondent moves for a more definite statement regarding Applicant’s allegations. Applicant alleges that plea counsel was constitutionally ineffective because of a failure to object to the sentence imposed. However, it does not explain exactly what Counsel did that constituted ineffective assistance of counsel. Applicant fails to set forth with specificity any facts and circumstances upon the claim is based. The Uniform Post-Conviction Procedure Act requires that applicants must “specifically set forth the grounds upon which the application is based.” Section 17-27-50 of the Code of Laws of South Carolina (1976). In a PCR application, it is incumbent upon applicants to make at least a *prima facie* showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965); *Blandshaw v. State*, 245 S.C. 385, 140 S.E.2d 784 (1965). The Supreme Court of South Carolina has provided that:

Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent or, in the alternative, continue the matter to permit adequate time to investigate and address the claims. *See Mangal v. State*, 421 S.C. 85, 805 S.E.2d 568 (2017) (“In most PCR cases . . . we have refused to excuse the pleading and issue-preservation requirements that apply in all civil cases.”); *Love v. State*, 428 S.C. 231, 242, 834 S.E.2d 196, 201 (2019) (“When analyzing the substance of a proposed amendment and any prejudice the State might suffer, a PCR court should consider all relevant circumstances, including, but not limited to, the timing of the motion, the complexity of the new issue, the degree of surprise to the State, the need for and availability of necessary witnesses to defend against the claim, and whether the substance of the proposed amendment is readily apparent from the underlying plea or trial record.”); *see also* Rules 15(a)-(b), SCRCP (explaining how to amend a pleading).

Pursuant to Section 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless the Court grants leave upon good cause shown. Furthermore, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits withheld until the last minute resulting in undue prejudice to Respondent.

VIII. Conclusion

WHEREFORE, Respondent respectfully requests that the Court require Applicant to provide a more definite statement and then hold an evidentiary hearing regarding Applicant's allegations.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

CHELSEY F. MARTO
Assistant Attorney General

By:/s Chelsey F. Marto
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-3737

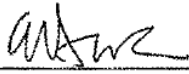
August 25, 2020

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF HORRY	)	
	)	
	)	2020-CP-26-0172
McKINLEY L. DANIELS, #310775	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	
	)	

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return and Motion for a More Definite Statement on the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

James K. Falk, Esquire
Falk Law Firm, LLC
Post Office Box 1058
Charleston, South Carolina 29402

DATED this 25th Day of August, 2020.



Eva D. Cook, Legal Assistant
For Respondent

FORM 4

**STATE OF SOUTH CAROLINA
COUNTY OF HORRY
IN THE COURT OF COMMON PLEAS**

**JUDGMENT IN A CIVIL CASE
CASE NUMBER 2020CP2600172**

McKinley Lee Daniels		South Carolina State of	
-----------------------------	--	--------------------------------	--

PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: ☐ Plaintiff ☐ Defendant ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);
☐ Rule 43(k), SCRPC (Settled); ☐ Other: _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

The application for Post Conviction Relief is Withdrawn.

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk: _____

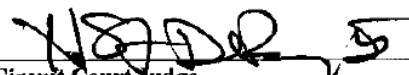
INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property. If any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.


Circuit Court Judge

2771
Judge Code

6/2/2022
Date

For Clerk of Court Office Use Only

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on , to attorneys of record or to parties (when appearing pro se) as follows:

McKinley Lee Daniels McCormick Correctional Inst
F2-237-A 386 Redemption Way McCormick, SC 29899
James Kristian Falk PO Box 1058 Charleston, SC 29402

Alan McCrory Wilson S.C. Attorney General's Office PO
Box 11549 Columbia, SC 29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter: Sallie Beth Todd

Renee N. Elvis - Clerk of Court

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

FILED
HORRY COUNTY
2022 JUN -2 P 12: 26
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF HORRY	)	FOR THE FIFTEENTH JUDICIAL CIRCUIT
	)	
McKinley Daniels, #310775,	)	Case No.: 2020-CP-26-00172
Applicant,	)	
	)	
v.	)	ORDER OF CONTINUANCE
	)	AND VACATING FORM 4
State of South Carolina,	)	
Respondent.	)	

This matter comes before the Court by way of a post-conviction relief application. An evidentiary hearing into the matter was scheduled for June 2, 2022, to be held at the Horry County Courthouse. Respondent requests this matter be continued because one of the crucial witnesses for the matter was unavailable to testify. Applicant did not object to the motion. For good cause shown, this Court finds that this matter should be continued until the next term of court for PCR matters in the Seventh Judicial Circuit.

On June 2, 2022, this Court issued a Form 4 order stating that this application had been withdrawn. However, because this matter was continued and the application was not withdrawn, this Court hereby recinds the Form 4 dismissing the case and requests the matter be continued to the next Fifteenth Circuit term of post-conviction relief court.

IT IS THEREFORE ORDERED:

1. That this Court's Form 4, filed June 2, 2022, be vacated.
2. That this PCR matter shall be continued and rescheduled.
3. Applicant shall remain remanded to the custody of the State.

AND IT IS SO ORDERED this 23rd day of June, 2022.

N. H. DeBerry
H. STEVEN DEBERRY, IV
Presiding Judge
Fifteenth Judicial Circuit

Conway, South Carolina

1 State of South Carolina) **TRANSCRIPT OF RECORD**
2 COUNTY OF GEORGETOWN) **CASE NO. : 2020-CP-26-00172**
3 -----
4 September 6, 2022
5 **BEFORE:** The Honorable Kristi F. Curtis
6 -----
7
8 McKinley Daniels,)
9 Applicant,)
10 vs.)
11 State of South Carolina,)
12 -----
13 **APPEARANCES:**
14 Chelsey F. Marto, Esquire
15 Attorney for the State of South Carolina
16 James Galmore, III, Esquire
17 William McGuire, Esquire
18 James K. Falk, Esquire
19 Attorney for the Defendant.
20
21
22 Julie A. Kevish
23 Official Court Reporter
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September 6, 2022

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P-R-O-C-E-E-D-I-N-G-S

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MS. MARTO: This is State of South Carolina Docket Number 2020-CP-26-0172. My name is Chelsey Marto. The Respondent, Mr. James Falk represents the Applicant who is presently confined in the South Carolina Department of Corrections. April of 2015 he was indicted for armed robbery and he was also represented by Mr. Galmore and Bill McGuire, Solicitor Scott Hixon and Assistant Solicitor, Jimmy Richardson prosecuted the case. January 22, 2019 he pled to a negotiated sentence of 45 years for murder and 30 years for armed robbery and then all other charges against him were dismissed. From my understanding it constituted a weapons possession charge and I believe an additional murder and an additional armed robbery. It was also indicted for another weapons possession charge and also criminal conspiracy, and so he pled. Again, all of those charges were dismissed and he pled to a negotiated 45 on the murder charge and 30 years for armed robbery running concurrently, and then he was sentenced in accordance with the negotiations and did not pursue a direct appeal. The PCR application was filed January 13, 2020 and the return made August 20, 2020. Your Honor, this initially started out as a death penalty case and the death penalty was taken off the table at a motions hearing prior to the plea, and that's when a

1 negotiated 45 came into play. Your Honor, we would request you
2 engage him in a quick colloquy so that he does understand the
3 consequences of moving forward with this case today.

4 THE COURT: Okay. So let me make sure I understand.
5 This was a originally, there was an indictment for -- in
6 addition to the armed robbery that he -- he pled to an armed
7 robbery and a murder, that there were two additional murder
8 charges that were dismissed, one on 2015-GS-26-01770 and 01755.
9 I don't know if that was murder or attempted murder because it
10 says carries up to 30 years, so maybe that was attempted
11 murder? So I'm showing at that minimum there was a criminal
12 conspiracy that was dismissed that carries up to five years,
13 there was a possession of a weapon -- I'm sorry, one, two,
14 three counts of possession of a weapon during a violent crime
15 to which carries five years. There was a murder that carries
16 30 years to life, there was an armed robbery. There's a second
17 armed robbery, another criminal conspiracy, and I'm showing
18 that there were two murders that were dismissed.

19 THE APPLICANT: No, ma'am.

20 THE COURT: So there was one murder that was
21 dismissed, two armed robberies; is that correct?

22 MS. MARTO: I believe there was one murder and I do
23 see an indictment for an attempted murder that, so that might
24 be the issue.

25 THE COURT: So maybe that's -- there was a murder,

1 there was an attempted murder that was dismissed, two armed
2 robberies were dismissed, and then some lesser charges, is what
3 I'm showing. Mr. Falk, is that what you're showing?

4 MR. FALK: Yes, Your Honor.

5 THE COURT: And so was part of the negotiation for
6 this negotiated 45 years with the credit for 1,451 days that
7 the death penalty was taken off the table, he was allowed to
8 plead to those two for the 45 years concurrent?

9 MS. MARTO: Yes, Your Honor. From my understanding
10 they had a motion hearing where he was found mentally disabled,
11 and that's where it was taken off the table.

12 THE COURT: Okay. So Mr. Falk, I guess my first
13 question is if the PCR is granted -- in other words, the
14 decision to take the death penalty off the table was made
15 before his plea, so if the PCR is granted he would not be
16 subjected to the death penalty on retrial, or do you think that
17 the State is still able to seek the death penalty?

18 MR. FALK: Maybe his death penalty counsel could help
19 us with that. I mean, the issue would be whether it was an
20 issue of incompetent at the time and could be returned to
21 competency or if it was an NGRI evaluation, and I'm not sure of
22 that. So I'm saying, if it was an issue about competency and
23 being able to be returned to competency then that could come
24 back on the table. That's my understanding, but I do not do --

25 THE COURT: I feel like this is kind of a critical

1 issue, I mean, it's literally life and death. He needs to know
2 the answer to that question before he can competently tell me
3 whether he wants this to go back or not.

4 MR. FALK: Yes, Your Honor.

5 THE COURT: I mean, this literally is a life and
6 death sort of question, so I think we need to figure out what
7 the answer to that is.

8 MR. MCGUIRE: Judge, I can help the Court out a
9 little bit. For the record, I'm Bill McGuire. I represent Mr.
10 McKinley Daniels. I'm with the Capital Trial Division in
11 Columbia with South Carolina Division of Indigent Defense, and
12 we had a hearing pursuant to Virginia versus Adkins where we
13 established that Mr. Daniels was intellectually disabled. We
14 called an expert witness, the State called no witnesses and
15 Judge Bobby Hood found that he was, indeed, intellectually
16 disabled and issued an order to that effect making him
17 ineligible to face the death penalty.

18 THE COURT: Okay. Thank you.

19 MR. FALK: So that would not change.

20 THE COURT: Yes, that's correct. So what I need for
21 you to understand, Mr. Daniels, is the consequences of either
22 going forward with your PCR application or withdrawing your PCR
23 application. So in the negotiated plea you've got a sentence
24 of 45 years with credit for 1,451 days. If I grant your PCR,
25 you understand, I can't change your sentence, I can't just make

1 it go away. I can return you back to the trial court. Once I
2 return you back to the trial court all of these charges are now
3 in play. So everything that was dismissed by the State
4 including the additional murder charge, the additional
5 attempted murder charge, the two counts of armed robbery, those
6 are all back in play. The State could seek to retry you on all
7 of those offenses, and of course, if you were convicted of
8 those additional offenses that's a lot more time that you would
9 get. Each armed robbery carries a minimum of ten, a maximum of
10 30 years, of course, the murder carries 30 years to life. The
11 attempted murder carries up to 30 years. And so have you had a
12 chance to talk with your attorney about the decision to either
13 go forward today or withdraw your application?

14 THE APPLICANT: No, ma'am. He called on the phone
15 and said a few words and that didn't -- none of that made sense
16 to me.

17 THE COURT: So tell me what you want to do today, Mr.
18 Daniels. Do you want to go forward with your application?

19 THE APPLICANT: Yes, ma'am.

20 THE COURT: And I just want you to understand, if you
21 get everything you want, it means you go back to square one --

22 THE APPLICANT: I understand that.

23 THE COURT: -- and the State can try you for all of
24 these charges?

25 THE APPLICANT: Uh-huh.

1 THE COURT: Okay. Alright. Anything else you want
2 me to ask him on the record, Mr. Falk?

3 MR. FALK: No, Your Honor. This case got continued
4 from the June term and one of the ideas was sort of because of
5 the special circumstances that Mr. Daniels -- whether or not
6 the Solicitor's Office would be amenable to if this case were
7 returned to a lower sentencing, because Mr. Galmore, I think,
8 spoke with Mr. Daniels about that possibility, but when I spoke
9 with the solicitor that was sort of nonstarter, so there was no
10 opportunity to go forward, you know, there was no opportunity
11 to get a reduced sentence under the 45. So I mean, the issue
12 that we're raising today, again, this is Mr. Daniels one bite
13 at the apple, and the issue that he raised is one that I do not
14 think is no longer valid, although, at one time I do believe
15 there was some merit behind it. It's the notion that at one
16 time the murder statute read as though it only allowed for
17 three possible sentences being life, death and 30 years. I
18 don't know if the statute has necessarily been rewritten or if
19 it was just some case law has been written since that time but
20 that anything over 30 years is still a valid sentence. Mr.
21 Daniels' concern was that he thought that he was serving an
22 illegal sentence on 30 years -- I mean, on 45 years that should
23 have been 30 years, so that's where we are.

24 THE COURT: But of course, the Judge could have ran
25 these sentences consecutively instead of concurrently which

1 would have resulted in a 75-year sentence.

2 MR. FALK: True, Your Honor. I'm just saying that
3 the judge imposed a sentence that Mr. Daniels believed was
4 illegal at the time.

5 THE COURT: Okay. So do you want to --

6 MR. FALK: I mean, that's really our issue. Mr.
7 Daniels could testify to make sure that everybody's on the same
8 page, but that's why I would call Mr. Daniels to the stand.

9 THE COURT: Mr. Daniels, if you'd come on up, sir.

10 MCKINLEY DANIELS WAS DULY SWORN AT THIS TIME AND
11 TESTIFIED AS FOLLOWS:

12 THE CLERK: State your name for the Court and spell
13 your last name.

14 THE APPLICANT: McKinley Daniels, D-a-n-i-e-l-s.

15 DIRECT EXAMINATION

16 BY MR. FALK:

17 Q. Mr. Daniels, in the PCR application that you filed you
18 asserted that you're serving an illegal sentence because the
19 only options under the murder statute in South Carolina is 30
20 years life or death; is that right?

21 A. Yes, sir.

22 Q. And that you actually got a 45-year sentence?

23 A. That's right.

24 Q. Are there other issues that you had concerns with your
25 representation in this case, because it didn't look like

1 anything else that was on the application?

2 A. What I'm not understanding, right, is if I'm dealing
3 with mental health issues and I'm on the streets and I'm not
4 getting the appropriate medicine or no none of that, I mean, if
5 I'm doing things, I'm not, I'm not aware that I'm doing it.

6 Q. Yes, sir.

7 A. I mean, and when you're aware of doing things you try to
8 change things, but getting 45 years for murder and all that
9 right there, no, I would be satisfied with the 30 years, but I
10 understand that she can't do that, so that's why I'm just.

11 Q. So would it be in your -- when you did that I wasn't
12 sure what that meant?

13 A. I'm not satisfied with the 45 years.

14 Q. Okay. Do you have another argument for the imposition
15 of the 45-year sentence other than the fact that it's --

16 A. What's imposition mean?

17 Q. You receiving a 45-year sentence. Do you have any other
18 arguments about the 45-year sentence other than the fact that
19 there were only three choices of 30, life or death?

20 A. Right.

21 Q. Okay. Do you have any other -- do you believe that the
22 45-year sentence is illegal?

23 A. Yes, sir. When you got a professor coming saying that,
24 yeah, this man is mentally disturbed or mentally incompetent,
25 like, yeah, like, there's somethin' wrong. I mean, throwin' me

1 in prison for 45 years ain't gonna solve the problem.

2 Q. I understand.

3 MR. FALK: Your Honor, I don't have anymore questions
4 at this time.

5 THE COURT: Ms. Marto?

6 MS. MARTO: Yes, Your Honor.

7 CROSS-EXAMINATION

8 BY MS. MARTO:

9 Q. Sir, if you didn't want 45 years why did you plead?

10 A. Because I was scared for my brother.

11 Q. Why would being scared for your brother lead you to
12 plead?

13 A. I mean, that's a little confidential.

14 Q. Okay. Fair enough. Was your brother your co-defendant
15 in this case?

16 A. In some way.

17 Q. Was he the one that was sentenced to the death penalty?

18 A. Life.

19 Q. Were the three of you involved in this case?

20 A. Yes, ma'am.

21 Q. And the third person received the death penalty?

22 A. Yes, ma'am.

23 Q. So out of the three you received the best sentence,
24 correct?

25 A. The best sentence? Like, I'd say, yes, ma'am.

1 Q. And the expert at that motion hearing, she said that --
2 or they said that you could not be sentenced to the death
3 penalty, correct?

4 A. Yes, ma'am.

5 Q. And did you take that to mean that you couldn't be found
6 guilty at all, or did you still know you could be found guilty,
7 just not be sentenced to death?

8 A. I mean, at that time none of that was, like, a big
9 factor. Like, I was just trying to -- I was just trying to get
10 closure to my brother that's older than me. You know, like,
11 just show him, like, what he was thinking, and that wasn't what
12 it was, so in order for me to do that I had to do that.

13 MS. MARTO: No further questions.

14 THE COURT: Anything else, Mr. Falk?

15 MR. FALK: No Redirect.

16 THE COURT: Thank you, sir. You can step down. Any
17 other witnesses, Mr. Falk?

18 MR. FALK: Can we call Mr. McGuire to the stand?

19 THE COURT: Sure.

20 **WILLIAM MCGUIRE WAS DULY SWORN AT THIS TIME AND**

21 **TESTIFIED AS FOLLOWS:**

22 THE CLERK: Please have a seat, state your name for
23 the Court and spell your last name, please.

24 THE WITNESS: My name is William McGuire,

25 M-C-G-U-I-R-E.

DIRECT EXAMINATION

1
2 BY MR. FALK:
3 Q. Mr. McGuire, you had already testified earlier that
4 you're part of the Capital Trials Division?
5 A. Yes.
6 Q. Do you recall Mr. Daniels' case?
7 A. Yes.
8 Q. And so you had gotten an expert to evaluate him?
9 A. Multiple experts.
10 Q. And just clarification, I would imagine that some of
11 that evaluation would have gone to NGRI?
12 A. No.
13 Q. How about a Blair Standard, a competency to stand trial?
14 A. We had discussions about it, but we didn't have any full
15 evaluations or reports on that.
16 Q. Did you have any thoughts that he possibly would have an
17 NGRI defense in this case, not guilty?
18 A. No.
19 Q. And why was that?
20 A. The facts didn't support it.
21 Q. And can you just sort of walk through what the plea
22 negotiations were in this case?
23 A. Sure. There were multiple convenient store robberies,
24 one involved shooting of the clerk by two of the defendants and
25 a shot at another clerk who had run into a bathroom and that

1 shot had missed that employee, that's the attempted murder that
2 was dismissed. That murder charge was also dismissed, as was
3 the armed robbery and the gun possession and the conspiracy on
4 that particular one. There was another convenience store
5 robbery where one of the defendants, Jerome Jenkins, shot the
6 clerk. Mr. Daniels was not a trigger man or had a gun at that
7 robbery, so that's just a straight murder robbery. That's the
8 charges he plead to. There was another convenient store
9 robbery where the clerk was not shot at at all, that was just a
10 robbery. That was also dismissed.

11 Q. What were the plea negotiations in this case?

12 A. There were no negotiations early on. We knew we had an
13 Adkins defense that looked promising, so we pursued that, and
14 once we were confident we could prevail on that we did that
15 first, and then we entered into negotiations, with Mr. Daniels
16 being not eligible for the death penalty put us in a better
17 position.

18 Q. And did you explain the sentence to him that he was
19 pleading guilty to, I mean, the ramifications of what he was
20 going to be pleading guilty to?

21 A. Yes. In the record there's an affidavit of plea that
22 goes through the whole plea on negotiations.

23 Q. And based on your experience you're comfortable that he
24 understood those?

25 A. Yes.

1 Q. Okay. Did you have a discussion with him about that
2 there were only three possible sentences on a murder
3 conviction?

4 A. You know, I learned of that today, that that was going
5 to be the issue here, and of course, the murder statute was
6 rewritten in 1996, and it says today, of course, that it's
7 death or mandatory minimum of 30 years to life, and it uses the
8 word "to life." The prior statute was worded differently, and
9 there was, actually, some confusion as to whether or not a
10 judge could give a sentence of years in excess of 30 years. I
11 had a murder case in front of Costa Pleicones before he was on
12 the Supreme Court, and we were talking about the case and
13 possible plea negotiations in chambers with the prosecutor, and
14 he actually used out loud whether he could give a sentence of
15 years greater than 30, so it was an issue back then.

16 MR. FALK: No further questions.

17 CROSS-EXAMINATION

18 BY MS. MARTO:

19 Q. Sir, was there any indication before the plea that Mr.
20 Daniels was incompetent or otherwise insane?

21 A. No.

22 Q. And the motion hearing that took the death penalty off
23 the table, that was concerning his low IQ, correct?

24 A. And adaptive deficits. It was an onset of age 18 or
25 before, those are the three prongs.

1 Q. And again, at the time that Mr. Daniels was charged and
2 sentenced, the statute in effect made clear that he could be
3 sentenced between 30 years and life, correct?

4 A. That's right.

5 MS. MARTO: No further questions.

6 THE COURT: Anything further?

7 MR. FALK: No, Your Honor.

8 THE COURT: Thank you, sir.

9 THE WITNESS: I can be excused?

10 THE COURT: Yes.

11 THE WITNESS: Thank you.

12 THE COURT: Anything further, Mr. Falk?

13 MR. FALK: No further witnesses.

14 THE COURT: From the State?

15 MS. MARTO: Yes, Your Honor, we'll call Mr. James
16 Galmore, just briefly.

17 THE COURT: Sure.

18 JAMES GALMORE, ESQUIRE WAS DULY SWORN AT THIS TIME

19 AND TESTIFIED AS FOLLOWS:

20 THE CLERK: Have a seat, state your name for the
21 Court and spell your last name. Thank you.

22 THE WITNESS: My name is James, G-A-L-M-O-R-E.

23 DIRECT EXAMINATION

24 BY MS. MARTO:

25 Q. Good afternoon, sir.

1 A. Good afternoon.

2 Q. You were second chair in this case, sir, correct?

3 A. Yes, ma'am.

4 Q. In your conversations with Mr. Daniels did you see any
5 indication that a competency evaluation needed to be done?

6 A. No, ma'am.

7 Q. Any concerns on your part that he was insane or
8 otherwise unfit to stand trial?

9 A. No, ma'am. The only concern came up when we got his IQ
10 scores back.

11 Q. And that's what took the death penalty off the table,
12 correct?

13 A. That's correct.

14 Q. Did you think that it was within the Court's discretion
15 to sentence him to 45 years in this case?

16 A. It's my understanding of the law, yes, ma'am.

17 MS. MARTO: No further questions.

18 THE COURT: Mr. Falk?

19 CROSS-EXAMINATION

20 BY MR. FALK:

21 Q. So did you taken an active part in the plea negotiations
22 in this case?

23 A. Well, I was second chair so Mr. McGuire was primarily in
24 charge.

25 MR. FALK: No further questions.

1 MS. MARTO: Nothing further, Your Honor.

2 THE COURT: Thank you, sir, you can step down.

3 MR. GALMORE: Yes, ma'am.

4 MS. MARTO: No further witnesses, Your Honor.

5 THE COURT: Thank you. I'll look carefully at this
6 and take it under advisement.

7 MS. MARTO: Thank you, ma'am.

8 CERTIFICATE

9 STATE OF SOUTH CAROLINA

10 COUNTY OF GEORGETOWN

11 I, Julie A. Kevish, Official Court Reporter for the
12 State of South Carolina, do hereby certify that the foregoing
13 is a true, accurate and complete Transcript of Record of the
14 proceedings had and evidence introduced in the Court of Common
15 Pleas for Georgetown County, South Carolina, on the 9th of
16 September, 2022.

17 I do further certify that I am neither of kin,
18 counsel, nor interest to any party hereto.

19 September 9, 2022

20

21

Julie Kevish

22

JULIE A. KEVISH
OFFICIAL COURT REPORTER

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STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
)
McKinley Daniels, #310775,)
Applicant,)
)
v.)
)
State of South Carolina,)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTEENTH JUDICIAL CIRCUIT

Case No.: 2020-CP-26-00172

ORDER OF DISMISSAL

FILED
HORRY COUNTY
2022 DEC 15 P 1:30
RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, S.C.

This matter comes before this Court by way of Applicant's post-conviction relief application filed January 13, 2020. Respondent made its return on August 25, 2020, requesting an evidentiary hearing be convened. An evidentiary hearing was held on September 6, 2022, at the Horry County Courthouse. James K. Falk, Esquire, represented Applicant. Assistant Attorney General Chelsey F. Marto represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Counsel William McGuire and James Galmore, Esquires, also testified. After reviewing all records and evidence before this Court, this Court finds Applicant cannot meet his requisite burden of proof of establishing he is entitled to post-conviction relief and denies and dismisses this application with prejudice. Findings of fact and conclusions of law are set forth below.

Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Horry County Clerk of Court. During its April 2015 term, the Horry County Grand Jury indicted Applicant for Armed Robbery (2015-GS-26-1772) and Murder (2015-GS-26-1745).¹ Applicant was represented by James Galmore and Bill McGuire,

¹. Applicant was also indicted in April 2015 for Possession of a Weapon during the Commission of a Violent Crime (2015-GS-26-01749), Armed Robbery (2015-GS-26-01756), and Murder

Esquires. Solicitor Scott Hixson, Esquire, and Assistant Solicitor Jimmy Richardson, Esquire, of the Fifteenth Circuit Solicitor's Office prosecuted the case. On January 22, 2019, Applicant appeared before the Honorable Robert E. Hood, circuit court judge, and pled guilty to a negotiated sentence of forty-five years' imprisonment on the murder charge and thirty years' imprisonment on the armed robbery charge, sentences running concurrently, along with a dismissal of all other charges against Applicant. Judge Hood sentenced Applicant thirty years' imprisonment on the Armed Robbery charge and forty-five years' imprisonment on the murder charge, sentences running concurrently. Applicant did not pursue a direct appeal.

Summary of Relevant Facts

On January 2, 2015, Applicant and his co-defendants rode together to the location of the incident. (Tr. 21). Applicant, with co-defendant James Daniels, entered the location, wearing masks, facial coverings, and nondescript clothing, and proceeded to rob the clerk of the convenience store, taking the cash drawer. (Tr. 21). On their way out, both individuals are seen firing multiple rounds into the clerk, killing him, and then fled. (Tr. 21).

On January 25, 2015, Applicant and his co-defendants entered the location of the incident. (Tr. 22). Applicant did not have a weapon this time. (Tr. 22). After the clerk complied with the commands and handed over the cash drawer, one of the co-defendants fired several shots into the victim. (Tr. 22).

Current Action Before this Court

In his current PCR application, Applicant alleges he is being held in custody unlawfully because of ineffective assistance of counsel in that:

(2015-GS-26-01770). Applicant was indicted in June 2015 for Possession of a Weapon During the Commission of a Violent Crime (2015-GS-26-01913). In April 2018, Applicant was indicted for Criminal Conspiracy (2018-GS-26-02912).

1. "Trial counsel was ineffective for allowing Trial Judge to over sentence the applicant for forty-five (45) years for murder."
 - a. "The Judge had sentenced the applicant to 45 years for murder. The murder sentencing statute only allows the trial judge to sentence the applicant to thirty (30) years. Trial Counsel was ineffective for allowing the trial judge to over sentence the applicant to (45) years."

At the PCR hearing, Applicant proceeded forward on the following allegations:

1. Ineffective assistance of Counsel:
 - a. For failure to challenge the validity of Applicant's sentence.
 - b. For failure to seek out a competency evaluation.
 - c. For failure to pursue an insanity defense.
2. Involuntary plea.

All other allegations raised in his initial application and amendments are deemed waived and abandoned and, accordingly, will not be addressed in this order.

Summary of the Testimony

Applicant Testimony

Applicant stated that he thought that the only legal sentencing options for a murder conviction are the death penalty, life imprisonment, and a thirty-year sentence. Applicant stated that he received a negotiated forty-five-year sentence. Applicant requested thirty years' imprisonment but recognized the PCR court could not grant the request. Applicant stated that he was not receiving the appropriate medicine at the time of the crime and was not mentally competent at the time he entered the guilty plea.

On cross-examination, Applicant stated that he pled because he was afraid for his brother for personal reasons. Applicant stated that his brother was a co-defendant and received a life sentence. He stated his other co-defendant received the death penalty. He recognized that out of the three defendants, Applicant received the best sentence. He stated that the Court determined he was not eligible for the death penalty because of his intellectual disability. He stated he was focused on his brother at the time, not the trajectory of his case.

Counsel McGuire Testimony

Counsel McGuire testified that he hired multiple experts to evaluate Applicant. He stated that Applicant was not insane and was competent to stand trial. However, he stated that no full competency evaluations were conducted. He testified that no plea negotiations occurred early on. He stated that negotiations began once Applicant was found to be intellectually disabled and thus not eligible for the death penalty. Counsel executed an affidavit that explained the sentence to Applicant. He stated he thought Applicant understood the sentence and plea. He stated that the statute indicating that there are only three options regarding sentencing in murder cases was rewritten in 1996; long before Applicant was charged and pled. The statute now gives the court discretion to sentence a murder defendant to 30 years to life.

On cross-examination, Counsel McGuire testified that he was given no indication that Applicant was incompetent or insane. He stated that Applicant's low IQ score effectively rendered him ineligible for the death penalty.

Counsel Galmore Testimony

Counsel Galmore testified that he was second chair on this case. He stated he was not given any indication that a competency evaluation needed to be conducted. He stated that he was not concerned that he was insane or unfit to stand trial. He stated the only concern mentally were Applicant's low IQ scores. He stated that the death penalty was taken off the table because of the IQ scores. He stated that he thought the Court had discretion to sentence Applicant to forty-five years.

Findings of Fact and Conclusions of Law

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. Before this Court are the Horry County

Clerk of Court Records, Applicant's South Carolina Department of Corrections Records, the plea transcript, and this PCR action's records. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusion of law as required by South Carolina Code Annotated Section 17-27-80 (2003).

Ineffective Assistance of Counsel

In a PCR action, the applicant bears the burden of proving allegations contained in the application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant asserts ineffective assistance of counsel as a ground for relief, the applicant must show counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. Ineffective assistance of counsel is governed by the Sixth Amendment, as explained by the United States Supreme Court in *Strickland v. Washington*.

Pursuant to the first prong of the *Strickland* analysis, the applicant must prove defense counsel's performance was deficient. *Id.* at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). To show deficiency, the applicant must prove by a preponderance of the evidence that counsel's actions fell outside of the zone of "reasonableness under prevailing professional norms." *Strickland*, 466 U.S. at 688. *See also* Rule 71.1(e), SCRCP ("The applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."). Reasonableness is determined by the "variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how to best represent a criminal defendant," and the scope of the reasonableness inquiry is limited to facts counsel had available at the time of

representation. *Id.* at 689. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment."

Yarborough v. Gentry, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690). Judicial scrutiny of counsel's performance remains highly deferential towards defense counsel with a strong presumption that counsel acted competently, because competent representation may be executed in virtually "countless" ways. *Strickland*, 466 U.S. at 688-89.

Second, counsel's deficient performance must have prejudiced the applicant so that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694. The court makes this determination based upon the totality of the evidence. *Id.* at 695. Realistically, this matters "only in the rarest case" because "[t]he likelihood of a different result must be substantial, not just conceivable." *Harrington v. Richter*, 562 U.S. 86, 111-12 (2011) (quoting *Strickland*, 466 U.S. at 697).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. *Strickland*, 466 U.S. at 696. A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. *Id.* at 696-97.

In the context of a guilty plea, the applicant must show there is a reasonable probability that, but for ineffective assistance of counsel, he or she would not have pled guilty but, instead, would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). Applicant's right

to contest the validity of a plea is usually, but not invariably, foreclosed because of the inherent solemnity and truthfulness included in the guilty plea process. *See Blackledge v. Allison*, 431 U.S. 63, 73-74 (1977) (“Solemn declarations in open court carry a strong presumption of verity. The subsequent presentation of conclusory allegations unsupported by specifics is subject to summary dismissal, as are contentions that in the face of the record are wholly incredible.”). Absent valid reasons why the applicant is entitled to depart from previous judicial admissions made at the plea hearing, statements made during the original proceeding remain conclusive. *Dalton v. State*, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Crowford v. United States*, 519 F.2d 347, 350 (4th Cir. 1975)).

FILED
HARRIS COUNTY
CLERK
2022 DEC 5 1:30
JENNIFER N. LEWIS
CLERK OF COURT
HARRIS COUNTY, SC

For a plea to be valid, the applicant must have been aware of the nature and crucial elements of the offense, the maximum and minimum penalties, and the rights he is waiving by accepting the plea. *Boykin v. Alabama*, 395 U.S. 238 (1969); *Roddy v. State*, 339 S.C. 29, 528 S.E.2d 418 (2000). A plea is not knowing or voluntary if a defendant “lacks knowledge of material evidence in the prosecution’s possession.” *Gibson v. State*, 334 S.C. 515, 523, 514 S.E.2d 320, 324 (1999).

A defendant’s knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and “may be accomplished by colloquy between the court and defendant, between the court and defendant’s counsel, or both.” *Roddy v. State*, 339 S.C. at 34, 528 S.E.2d at 421 (citing *State v. Ray*, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). “[T]he voluntariness of a guilty plea is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing.” *Dalton*, 376 S.C. at 138, 654 S.E.2d at 874 (quoting *Harres v. Leeke*, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984)).

Further, "guilty pleas, freely and voluntarily entered, act as a waiver of all non-jurisdictional defects and defenses, including claims of a violation of a constitutional right prior to the plea."

Whetsell v. State, 276 S.C. 295, 297, 277 S.E.2d 891, 892 (1981).

Invalid Plea

This Court finds Applicant freely, knowingly, intelligently, and voluntarily entered the plea. Applicant indicated he understood the charges, potential punishments, negotiations, and elements of the charges. (Plea Tr. 11, 14-15). Applicant stated that the plea was freely and voluntarily entered. (Plea Tr. 17-20). Applicant stated that he understood the consequences of charges with violent, serious, and most serious distinctions. (Plea Tr. 12). Applicant stated he understood he was waiving his rights to a jury trial, to remain silent, to call and confront witnesses, and to present a defense. (Plea Tr. 13). Applicant stated that he was happy with Counsels and did not need more time to discuss his decision with them. (Plea Tr. 18-19). Applicant stated he understood that negotiations are binding on the court. (Plea Tr. 16-17). After the prosecutor recited the facts, Applicant agreed to them. (Plea Tr. 21-23). Applicant stated he understood he had ten days to file an appeal from the plea hearing. (Plea Tr. 20). Thus, this Court finds that the plea was entered freely, knowingly, intelligently, and voluntarily and cannot be withdrawn now.

Invalid Sentence

Applicant alleges Counsel was ineffective for failing to object to the negotiated sentence imposed. Specifically, he argues that forty-five years' imprisonment is an illegal sentence because he can only be sentenced to thirty years' imprisonment, life imprisonment, or the death penalty concerning the murder conviction. However, the statute makes clear that Applicant can be sentenced to thirty years *to* life not thirty years *or* life. S.C. Code Ann. § 16-3-20(A) (Supp.

2010). The legality of the sentence was further substantiated by both Counsels' testimonies at the PCR hearing. Accordingly, relief is denied on this ground.

Competency Evaluation

Applicant claims Counsel was ineffective for failing to request a competency hearing be convened. "Due process prohibits the conviction of an incompetent defendant, and this right may not be waived by a guilty plea." *Matthews v. State*, 358 S.C. 456, 458, 596 S.E.2d 49, 50 (2004) (citing *Jeter v. State*, 308 S.C. 230, 232, 417 S.E.2d 594, 595-96 (1992)). In a PCR action, the petitioner must prove by a preponderance of the evidence that he was incompetent when he entered his guilty plea." *Id.* at 458-59, 596 S.E.2d at 50. "In order to find that petitioner's trial counsel was ineffective for refusing to request a *Blair* hearing on petitioner's competency to stand trial, petitioner must show that counsel was deficient and that the deficiency prejudiced the outcome of petitioner's proceedings." *Id.* at 459, 596 S.E.2d 50-51. Prejudice is found when the petitioner shows a "'reasonable probability' that he was either insane at the time [the crime was committed] or incompetent at the time of the plea." *Id.* (citing *Jeter v. State*, 308 S.C. 230, 233, 417 S.E.2d 594, 596 (1992)).

Both Counsels credibly testified that they did not see any indication that Applicant had an issue with competence during their representations. This was substantiated by Counsels at the plea hearing, when Counsel stated that they communicated back and forth fine and that Applicant understood what was happening. (Tr. 10). Additionally, Applicant presented no evidence indicating that he struggled with competence at the time of the plea. Accordingly, this Court declines to find Counsels acted deficiently or that Applicant was prejudiced in anyway. Accordingly, relief is denied on this ground.

Insanity Defense

Applicant claims Counsel was ineffective for failure to pursue an insanity defense.

However, Applicant waived his right to assert a defense explicitly at his plea hearing. (Plea Tr.

13). Counsels have no duty to pursue a defense when Applicant elects to enter an otherwise valid plea. Accordingly, relief is denied on this ground.

Conclusion

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty days of receipt by counsel of the judgment entry's written notice to secure appropriate appellate review. *See* Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has the right to appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCR provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate appellate procedures.

IT IS THEREFORE ORDERED:

1. The PCR application be denied and dismissed with prejudice; and
2. Applicant be remanded to the custody of Respondent.

AND IT IS SO ORDERED this 03rd day of November, 2022.

Kristi F. Curtis
KRISTI F. CURTIS
Presiding Judge
Fifteenth Judicial Circuit

Sumter, South Carolina.

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Horry

VS.

Mckinley Lee Daniels

AKA:

Race: BLACK Sex: M Age: 37

DOB:

SS#:

Address:

City, State, Zip: Loris, SC 29569-7421

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Armed Robbery

10 yrs to 30 years

in violation of § 16-11-0330(A)

of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS(CSC
w/minor 1st or Lewd Act)☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation,☒ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Hixson, Scott R.

SCB69635

SC Bar#

Defendant

Galmore, James Cullen

SCB08386

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,☐ County Detention Center,

for a determinate term of

30 years

years or

☐ under the Youthful Offender Act not to exceed

years

and/or to pay a fine of \$

1,451 days

; provided that upon the service of

days/months/years and/or payment

of \$

; plus costs and assessments as applicable*; the balance is suspended with

probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

\$

§ 14-1-211(A)(1) (Conv. Surcharge)

\$100

\$

§ 14-1-211(A)(2) (DUI Surcharge)

\$100

\$

§ 56-5-2995 (DUI Assessment)

\$12

\$

§ 56-1-286 (DUI Breath Test)

\$25

\$

Proviso 61.6 (Public Def/Probation)

\$500

\$

§ 14-1-212 (Law Enforce. Funding)

\$25

\$

§ 14-1-213 (Drug Court Surcharge)

\$150

\$

§ 50-21-114(BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

3% to County (if paid in installments)

\$8.75

TOTAL

\$138.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS2601772

A/W#: 2015A2610700102

Date of Offense: 1/25/2015

S.C. Code §: 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSThe charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation,☒ Negotiated Sentence,☐ Recommendation by the State.

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SC Bar#

Defendant

Galmore, James Cullen

SCB08386

Attorney for Defendant

SC Bar#

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years or

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and/or to pay a fine of \$

1,451 days

; provided that upon the service of

days/months/years and/or payment

of \$

; plus costs and assessments as applicable*; the balance is suspended with

probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

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§ 56-5-2942(J) (Vehicle Assessment)

\$40/ea

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3% to County (if paid in installments)

\$8.75

TOTAL

\$138.75

Clerk of Court/ Deputy Clerk

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INDICTMENT/CASE#: 2015GS2601772

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Attorney for Defendant

SC Bar#

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SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

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\$40/ea

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3% to County (if paid in installments)

\$8.75

TOTAL

\$138.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS2601772

A/W#: 2015A2610700102

Date of Offense: 1/25/2015

S.C. Code §: 16-11-0330(A)

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Attorney for Defendant

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of \$

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WITNESSES

Greg Lent Horry County Police Department

ARREST WARRANT NUMBER

2015A2610700102

CDR: 0139 16-11-0330(A)

DOA: 2/6/2015

ACTION OF GRAND JURY

TRUE BILL

Bon Harris

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-26-01772

The State of South Carolina

County of Horry

Scott R. Hixson 16H00663

COURT OF GENERAL SESSIONS

APRIL, 2015 TERM

THE STATE

vs.

Mckinley Lee Daniels

29589-7421

ATTORNEY: James Cullen Galmore

Indictment for

ARMED ROBBERY

ORIGINAL

Jimmy A. Richardson, II, Solicitor

FILED
HORRY COUNT

2015 APR 27 AM 10:23

MELANIE HUGGINS-WARD
CLERK OF COURT

DATE RECEIVED FROM
GRAND JURY

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on April 23, 2015, the Grand Jurors of Horry County present upon their oath:

ARMED ROBBERY
CDR: 0139 16-11-0330(A)

That Mckinley Lee Daniels, while acting in concert with others, did in Horry County on or about January 25, 2015, while armed with a deadly weapon, to wit: Firearm, take and carry away personal property of Trisha Stull from or in the immediate presence of Trisha Stull with intent to deprive Trisha Stull of possession by use of force, threats or intimidation, in violation of Section 16-11-0330(A), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

ARREST WARRANT
2015A2610700102

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Horry

THE STATE
against

Mckinley Lee Daniels
Address: [REDACTED]
Loris, SC 29569-7421

Phone: [REDACTED] SSN: [REDACTED]
Sex: M Race: B Height: 5 8 Weight: 160
DL State: SC DL #: [REDACTED]
Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department
Prosecuting Officer: Greg Lent - 0705

Offense: Robbery / Armed Robbery, robbery while armed or
allegedly armed with a deadly weapon

Offense Code: 0139
Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge
Date:

RETURN
A copy of this arrest warrant was delivered to
defendant Mckinley Lee Daniels
on 2/6/15

Signature of Constable Law Enforcement Officer

RETURN WARRANT TO:
General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Horry

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
BCCA 018

Personally appeared before me the affiant Greg Lent who
being duly sworn deposes and says that defendant Mckinley Lee Daniels
did within this county and state on or about 1/25/2015 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Horry)
in the following particulars:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

On January 25th, 2015 one Trisha D Stull was found deceased inside of the Sunhouse Convenience Store located at 2697 Oak St in
the Conway section of Horry County. Detectives with the Horry County Police Department - Major Crimes Section initiated an
investigation into her death, which revealed Stull died as a result of multiple gunshot wounds sustained during a robbery of said
store. Evidence produced by the investigation into this matter including statements of co-defendants, witness statements, physical
evidence collected pursuant to lawful searches and circumstantial evidence determined that the defendant did participate in the
armed robbery and shooting of the victim without just cause and with malice aforethought, causing Stull's death. Based on the
above, the affiant is informed and believes that probable cause exists to establish that the defendant did commit the offense of armed
robbery.

Signature of Affiant
STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Horry
Affiant's Address: 2560 N. Main Street
Conway, SC 29526-
Affiant's Telephone:

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/25/2015 defendant Mckinley Lee Daniels
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Having found probable cause and the above affidavit sworn to by me, you are empowered and directed to arrest the said defendant and bring him or
her before the court to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable.
Sworn to and subscribed before me
on 2/6/2015

Signature of Judge
Bradley Dwyer Mayers
Judge Code: 5081
Conway, SC 29526-5105
(843)915-5290
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

COUNTY OF Horry
STATE VS.
McKinley Lee Daniels

AKA:

Race: BLACK Sex: M Age: 37DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Loris, SC 29569-7421DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder 30 yrs up to LIFE

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS2601754A/W#: 2015A2610200358Date of Offense: 1/2/2015S.C. Code § : 16-03-0010, 0020CDR Code #: 0116

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST [Signature] SCB69635 [Signature] McGuire, William 9722
Hixson, Scott R. SC Bar# [REDACTED] Defendant Attorney for Defendant W.C. McGuire SC Bar# [REDACTED]

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 45 months years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 1,451 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$3.75

TOTAL

\$128.75 + \$40.00 =
\$168.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

PTUP

 days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 25.00 beginning 2/22/2014\$ paid to Public Defender Fund

Other:

No contact w/ victim's family

☐ Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code:

Sentence Date:

Ke Hood
2164
Jan 22, 2019

WITNESSES

Troy Large Horry County Police Department

ARREST WARRANT NUMBER

2015A2610200358
CDR: 0116 16-03-0010, 0020
DOA: 2/6/2015

ACTION OF GRAND JURY

TRUE BILL

Bar Harris
Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-26- 01754

The State of South Carolina

County of Horry

Scott R. Hixson

15H00661

COURT OF GENERAL SESSIONS

APRIL, 2015 TERM

THE STATE

VS.

Mckinley Lee Daniels
B/M

Loris, SC 29569-7421

ATTORNEY: James Cullen Galmore

Indictment for

MURDER

ORIGINAL

Jimmy A. Richardson, II, Solicitor

FILED
HORRY COUN:

2015 APR 27 AM 10:23

MELANIE HUGGINS-WARE
CLERK OF COURT

DATE RECEIVED FROM:

GRAND JURY

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on April 23, 2015, the Grand Jurors of Horry County present upon their oath:

MURDER
CDR: 0116 16-03-0010,0020

That Mckinley Lee Daniels, while acting in concert with others, did in Horry County, on or about January 2, 2015, willfully, feloniously, and intentionally kill the victim, Bala Paruchuri, with malice aforethought, either express or implied, by means of Shooting, and the victim did die as a proximate result thereof on or about January 2, 2015 in Horry County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY L. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

ARREST WARRANT

167 2015A2610200358

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

THE STATE 19000676
against

McKinley Lee Daniels
Address: [redacted] e Bay
Loris, SC 29569-7421

Phone: [redacted]
Sex: M Race: B Height: 5 8 Weight: 160
DL State: SC DL #: [redacted]
Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department
Prosecuting Officer: Troy Large - 2906
Offense: Murder / Murder

Offense Code: 0116
Code/Ordinance Sec: 16-03-0010

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge
Date:

RETURN

A copy of this arrest warrant was delivered to
defendant McKinley Lee Daniels
on 2/6/2015

[Signature]
Judge of the Court

RETURN WARRANT TO:
General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of)
Horry)

AFFIDAVIT

Personally appeared before me the affiant Troy Large who
being duly sworn deposes and says that defendant McKinley Lee Daniels
did within this county and state on or about 1/2/2015 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Horry)
in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

An investigation was conducted which lead to the defendant McKinley Lee Daniels and two co-defendants who on January 2nd 2015
at the Sun Down Store located at 7406 Hwy 905 South in the Red Bluff section of Horry County, SC did murder a person while
armed with guns and did take by force property belonging to that victim. The armed robbery and murder was caught on video that
shows the defendant McKinley Lee Daniels murder the clerk in a violent manner and with malice. He has committed the offense of
murder.

Case # 15000676

Signature of Affiant

STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of)
Horry)

Affiant's Address 2560 N. Main Street
Conway, SC 29526
Affiant's Telephone (843)915-5350

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

it appearing from the above affidavit that there are reasonable grounds to believe that
on or about 1/2/2015 defendant McKinley Lee Daniels
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant being sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me
on 2/6/2015

[Signature] Judge of the Court

Aaron C. Butler
Judge Code: 5072

46:6 HW Judge's Address: J. Ruben Long Detention Center
Conway, SC 29526-1071
(843)365-9222

Issue of Court ☒ Magistrate ☐ Municipal ☐ Circuit

**State of South Carolina
Office of the Solicitor
Fifteenth Judicial Circuit**

Scott R. Hixson
Chief Deputy Solicitor

1301 2nd Avenue
P.O. Drawer 1276
Conway, SC 29528
Phone: (843) 915-5460
Fax: (843) 915-6461



JIMMY A. RICHARDSON, II
Solicitor

Alicia A. Richardson
Deputy Solicitor

401 Cleland Street
P.O. Box 1688
Georgetown, SC 29442
Phone: (843) 545-3169
Fax: (843) 545-3268

DISMISSAL/NOLLE PROSSE FORM

TO: Horry County Clerk of Court

FROM: SCOTT R. HIXSON, CHIEF DEPUTY SOLICITOR

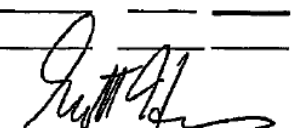
DATE: JANUARY 23, 2019

RE: STATE OF SC VS. MCKINLEY LEE DANIELS
CASE NO: 15H00662

FILED
2019 JAN 24 PM 12:24
RENEE M. ELYS
CLERK OF COURT
HORRY COUNTY, SC

PLEASE BE ADVISED THAT THE CHARGE(S) LISTED BELOW HAVE BEEN DISMISSED OR NOLLE PROSSED (PLEASE PLACE X IN APPROPRIATE COLUMN).

Warrant #	Charge	Indict #	T/B Date	D/M	N/P	DOA
2015A2610700099	Armed Robbery	2015GS2601748	4/23/2015		X	2/6/2015
2015A2610700103	Possession Weapon	2015GS2601749	4/23/2015		X	2/6/2015
	During Violent Crime					


Assistant Solicitor

ORIGINAL

**State of South Carolina
Office of the Solicitor
Fifteenth Judicial Circuit**

Scott R. Hixson
Chief Deputy Solicitor

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P.O. Drawer 1276
Conway, SC 29528
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Alicia A. Richardson
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Georgetown, SC 29442
Phone: (843) 545-3169
Fax: (843) 545-3268

DISMISSAL/NOLLE PROSSE FORM

TO: Horry County Clerk of Court
FROM: SCOTT R. HIXSON, CHIEF DEPUTY SOLICITOR
DATE: JANUARY 23, 2019
RE: STATE OF SC VS. MCKINLEY LEE DANIELS
CASE NO: 15H00661

FILED
2019 JAN 24 PM 12:24
RENEE M. ELYS
CLERK OF COURT
Horry County, SC

PLEASE BE ADVISED THAT THE CHARGE(S) LISTED BELOW HAVE BEEN DISMISSED OR NOLLE PROSSED (PLEASE PLACE X IN APPROPRIATE COLUMN).

Warrant #	Charge	Indict #	T/B Date	D/M	N/P	DOA
~~2015A2610700101~~	~~Possession Weapon~~	~~2015GS2601771~~	~~4/23/2015~~			~~2/6/2015~~
2015A2610700101	Possession Weapon During Violent Crime	2015GS2601771	4/23/2015		X	2/6/2015
~~2018DI2600236~~	~~Criminal Conspiracy~~	~~2018GS2602912~~	~~4/23/2015~~			~~2/6/2015~~

Assistant Solicitor

ORIGINAL

fr

State of South Carolina
Office of the Solicitor
Fifteenth Judicial Circuit

Scott R. Hixson
Chief Deputy Solicitor

1301 2nd Avenue
P.O. Drawer 1276
Conway, SC 29528
Phone: (843) 915-5460
Fax: (843) 915-6461



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Solicitor

Alicia A. Richardson
Deputy Solicitor

401 Cleland Street
P.O. Box 1688
Georgetown, SC 29442
Phone: (843) 545-3169
Fax: (843) 545-3268

DISMISSAL/NOLLE PROSSE FORM

TO: Horry County Clerk of Court
FROM: SCOTT R. HIXSON, CHIEF DEPUTY SOLICITOR
DATE: JANUARY 25, 2019
RE: STATE OF SC VS. MCKINLEY LEE DANIELS
CASE NO: 15H00663

FILED
2019 JAN 28 AM 8:03
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

PLEASE BE ADVISED THAT THE CHARGE(S) LISTED BELOW HAVE BEEN DISMISSED OR
NOLLE PROSSED (PLEASE PLACE X IN APPROPRIATE COLUMN).

Warrant #	Charge	Indict #	T/B Date	D/M	N/P	DOA
2015A2610700100	Murder	2015GS2601770	4/23/2015		X	2/6/2015

Assistant Solicitor

ORIGINAL

**State of South Carolina
Office of the Solicitor
Fifteenth Judicial Circuit**

Scott R. Hixson
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Fax: (843) 915-6461



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Alicia A. Richardson
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Georgetown, SC 29442
Phone: (843) 545-3169
Fax: (843) 545-3268

DISMISSAL/NOLLE PROSSE FORM

TO: Horry County Clerk of Court

FROM: SCOTT R. HIXSON, CHIEF DEPUTY SOLICITOR

DATE: JANUARY 23, 2019

RE: STATE OF SC VS. MCKINLEY LEE DANIELS
CASE NO: 15H00661

FILED
2019 JAN 24 PM 12:24
RENEE M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

PLEASE BE ADVISED THAT THE CHARGE(S) LISTED BELOW HAVE BEEN DISMISSED OR NOLLE PROSSED (PLEASE PLACE X IN APPROPRIATE COLUMN).

Warrant #	Charge	Indict #	T/B Date	D/M	N/P	DOA
2015A2610200359	Murder / Attempted	2015GS2601755	4/23/2015		X	2/6/2015
	Murder					
2015A2610200360	Armed Robbery	2015GS260175X6	4/23/2015		X	2/6/2015
2015A2610200366	Possession Weapon	2015GS2601913	4/23/2015		X	2/6/2015
	During Violent Crime					
2018DI2600237	Criminal Conspiracy	2018GS2602916	4/23/2015		X	2/6/2015

ORIGINAL

Assistant Solicitor

WITNESSES

Greg Lent Horry County Police Department

Dina Vaught

ARREST WARRANT NUMBER

2018DI2600236

CDR: 0049 16-17-0410

DOA: 2/8/2015

ACTION OF GRAND JURY

TRUE BILL

Kathleen Shaffer

Foreperson of Grand Jury

Date:

APR 25 2018

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018GS2602912

The State of South Carolina

County of Horry

Scott R. Henson

15H00663

COURT OF GENERAL SESSIONS

APRIL, 2018 TERM

THE STATE

vs.

Mckinley Lee Daniels

B/M

Loris, SC 29569-7421

ATTORNEY: James Cullen Galtmore

Indictment for

CRIMINAL CONSPIRACY

Jimmy A. Richardson, II, Solicitor

ORIGINAL

FILED
HORRY COUNTY
2018 APR 27 PM 12: 51
RENEE R. ELYS
CLERK OF COURT
HORRY COUNTY, SC
DATE RECEIVED FROM
GRAND JURY

N/D
1/24/19

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on April 25, 2018, the Grand Jurors of Horry County present upon their oath:

CRIMINAL CONSPIRACY
CDR: 0049 16-17-0410

That McKinley Lee Daniels did in Horry County between the dates of January 25, 2015 and February 6, 2015 combine with Jerome Jenkins, James Daniels, and/or with other persons, for the purpose of accomplishing a criminal or unlawful object or an object that is neither criminal nor unlawful through criminal or unlawful means, to wit: Armed Robbery of Convenience Stores, in violation of Section 16-17-410, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Troy Large Horry County Police Department

ARREST WARRANT NUMBER

2015A2810200366
CDR: 0549 16-23-0490
DOA: 2/6/2015

ACTION OF GRAND JURY

TRUE BILL

Brody L. Whitten
Foreperson of Grand Jury
Date:

MAY 28 2015

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015-GS-26- 01913

The State of South Carolina

County of Horry

Scott R. Hixson

15-100661

COURT OF GENERAL SESSIONS

JUNE, 2015 TERM

THE STATE

VS.

Mckinley Lee Daniels
B/ M

Lois, SC 29569-7421

ATTORNEY: James Cullen Galmore

Indictment for

**POSSESSION OF A WEAPON DURING THE
COMMISSION
OF A VIOLENT CRIME**

Jimmy A. Richardson, II, Solicitor

ORIGINAL

FILED
HORRY COUNTY

2015 MAY 29 AM 10:14

MELANIE HUGGINS-WARD
CLERK OF COURT

DATE RECEIVED FROM
GRAND JURY

NP
1/29/19

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on June 25, 2015, the Grand Jurors of Horry County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME
CDR: 0549 16-23-0490

That Mckinley Lee Daniels, while acting in concert with others, did in Horry County, on or about January 2, 2015, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES
Greg Lent Horry County Police Department

ARREST WARRANT NUMBER
2015A2610700103
CDR: 0549 16-23-0490
DOA: 2/6/2015

ACTION OF GRAND JURY
TRUE BILL
Boe Harris
Foreperson of Grand Jury
Date: APR 23 2015

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015-GS-26- 01749

The State of South Carolina
County of Horry

Scott R. Hixson 15H00662

COURT OF GENERAL SESSIONS

APRIL, 2015 TERM

THE STATE

vs.

Mckinley Lee Daniels
B/ M
[REDACTED]
Loris, SC 29569-7421
[REDACTED]

ATTORNEY: James Cullen Gaimore

Indictment for
POSSESSION OF A WEAPON DURING THE
COMMISSION
OF A VIOLENT CRIME

ORIGINAL

Jimmy A. Richardson, II, Solicitor

FILED
HORRY COUNTY
2015 APR 27 AM 10:28
MELANIE HUGGINS-WARD
CLERK OF COURT
DATE RECEIVED FROM
GRAND JURY

NP
1/24/19

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on April 23, 2015, the Grand Jurors of Horry County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME
CDR: 0549 16-23-0490

That Mckinley Lee Daniels, while acting in concert with others, did in Horry County, on or about January 25, 2015, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY L. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Greg Lent Horry County Police Department

ARREST WARRANT NUMBER

2015A2810700100
CDR: 0116 16-03-0010, 0020
DOA: 2/8/2015

ACTION OF GRAND JURY

TRUE BILL

Bob Harris
Foreperson of Grand Jury
Date: APR 23 2015

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015-GS-26- 01770

The State of South Carolina
County of Horry

Scott R. Hibson 15H00663

COURT OF GENERAL SESSIONS

APRIL, 2015 TERM

THE STATE

VS.

Mckinley Lee Daniels
B/ M

Loris, SC 29569-7421

ATTORNEY: James Cullen Galmore

Indictment for
MURDER

Jimmy A. Richardson, II, Solicitor

ORIGINAL

FILED
HORRY COUNTY

2015 APR 27 AM 10:23

MELANIE HUGGINS-WARD
CLERK OF COURT

DATE RECEIVED FROM:
GRAND JURY

NP
1/28/19

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on April 23, 2015, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That McKinley Lee Daniels, while acting in concert with others, did in Horry County, on or about January 25, 2015, willfully, feloniously, and intentionally kill the victim, Trisha Stull, with malice aforethought, either express or implied, by means of Shooting, and the victim did die as a proximate result thereof on or about January 25, 2015 in Horry County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY K. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Troy Large Horry County Police Department

ARREST WARRANT NUMBER

2015A2810200360

CDR: 0139 16-11-0330(A)

DOA: 2/6/2015

ACTION OF GRAND JURY

TRUE BILL

Butler

Foreperson of Grand Jury

Date:

VERDICT

APR 23 2015

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-26- 01756

The State of South Carolina

County of Horry

Scott R. Hixson

15H00861

COURT OF GENERAL SESSIONS

APRIL, 2015 TERM

THE STATE

VS.

Mckinley Lee Daniels

B/ M

Loris, SC 29569-7421

ATTORNEY: James Cullen Galmore

Indictment for

ARMED ROBBERY

ORIGINAL

Jimmy A. Richardson, II, Solicitor

FILED
HORRY COUNTY

2015 APR 27 AM 10:23

MELANIE HUGGINS-WARD
CLERK OF COURT

DATE RECEIVED FROM

GRAND JURY

NP
1/24/19

95

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on April 23, 2015, the Grand Jurors of Horry County present upon their oath:

ARMED ROBBERY
CDR: 0139 16-11-0330(A)

That Mckinley Lee Daniels, while acting in concert with others, did in Horry County on or about January 2, 2015, while armed with a deadly weapon, to wit: Firearm, take and carry away personal property of Bala Paruchuri from or in the immediate presence of Bala Paruchuri with intent to deprive Bala Paruchuri of possession by use of force, threats or intimidation, in violation of Section 16-11-0330(A), S. C. Code of Laws, 1978, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY K. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Troy Large Horry County Police Department

Jina Vaught

ARREST WARRANT NUMBER

2018DI2600237

CDR: 0049 18-17-0410

DOA: 2/6/2015

ACTION OF GRAND JURY

TRUE BILL

Kathleen Shaffer

Foreperson of Grand Jury

Date:

APR 25 2018

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018GS2602916

The State of South Carolina

County of Horry

Scott R. Hixon

15H00001

COURT OF GENERAL SESSIONS

APRIL, 2018 TERM

THE STATE

VS.

Mckinley Lee Daniels

B/M

Lois, SC 29569-7421

ATTORNEY: James Cullen Galmore

Indictment for

CRIMINAL CONSPIRACY

Jimmy A. Richardson, II, Solicitor

ORIGINAL

FILED
HORRY COUNTY
2018 APR 27 PM 12:51
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
DATE RECEIVED FROM
GRAND JURY

NP
1/29/19

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

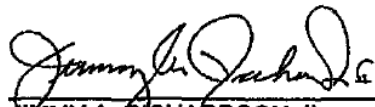
INDICTMENT

At a Court of General Sessions, convened on April 25, 2018, the Grand Jurors of Horry County present upon their oath:

CRIMINAL CONSPIRACY
CDR: 0049 16-17-0410

That McKinley Lee Daniels did in Horry County between the dates of January 2, 2015 and February 6, 2015 combine with Jerome Jenkins, James Daniels, and/or with other persons, for the purpose of accomplishing a criminal or unlawful object or an object that is neither criminal nor unlawful through criminal or unlawful means, to wit: Armed Robbery of Convenience Stores, in violation of Section 16-17-410, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Troy Large Horry County Police Department

ARREST WARRANT NUMBER

2015A2610200359
CDR: 3410 18-03-0029
DOA: 2/8/2015

ACTION OF GRAND JURY
TRUE BILL

Boat Harris
Foreperson of Grand Jury
Date: APR 23 2015

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015-GS-26- 01755

The State of South Carolina
County of Horry

Scott R. Hixon 15-100661

COURT OF GENERAL SESSIONS

APRIL, 2015 TERM

THE STATE

vs.

Mckinley Lee Daniels
B/M
[REDACTED]
Lons, SC 29568-7421
[REDACTED]

ATTORNEY: James Cullen Galtmore

Indictment for
ATTEMPTED MURDER

ORIGINAL

Jimmy A. Richardson, II, Solicitor

FILED
HORRY COUNTY
2015 APR 27 AM 10:23
MELANIE HUGGINS-WARD
CLERK OF COURT
DATE RECEIVED FROM:
GRAND JURY

NP
1/24/19

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on April 23, 2015, the Grand Jurors of Horry County present upon their oath:

ATTEMPTED MURDER
CDR: 3410 16-03-0029

That Mckinley Lee Daniels, while acting in concert with others, did in Horry County on or about January 2, 2015 with intent to kill Jimmy Dale McZeke, attempt to kill the victim with malice aforethought, either expressed or implied in violation of Section 16-3-29, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

Greg Lent Horry County Police Department

DOA: 2/6/2015

TRUE BILL

Foreperson of Grand Jury
Date: APR 28 2015

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015-GS-26- 01748

The State of South Carolina
County of Horry

Scott R. Hixson

15H00882

COURT OF GENERAL SESSIONS

APRIL, 2015 TERM

THE STATE

vs.

Mckinley Lee Daniels
B/ M
[REDACTED]
Loris, SC 29568-7421

ATTORNEY: James Cullen Galmore

Indictment for ARMED ROBBERY

 ORIGINAL

Jimmy A. Richardson, II, Solicitor

FILED
HARRY COUNTY

2015 APR 27 AM 10:28

MELANIE HUGGINS-WARD
CLERK OF COURT

DATE RECEIVED FROM
GRAND JURY

NP
1/24/10

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on April 23, 2015, the Grand Jurors of Horry County present upon their oath:

ARMED ROBBERY
CDR: 0139 16-11-0330(A)

That McKinley Lee Daniels, while acting in concert with others, did in Horry County on or about January 25, 2015, while armed with a deadly weapon, to wit: Firearm, take and carry away personal property of Barbara McDowell from or in the immediate presence of Barbara McDowell with intent to deprive Barbara McDowell of possession by use of force, threats or intimidation, in violation of Section 16-11-0330(A), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Greg Lent Horry County Police Department

ARREST WARRANT NUMBER

2015A2610700101
CDR: 0549 16-23-0490
DOA: 2/6/2015

ACTION OF GRAND JURY

TRUE BILL

Bob Harris
Foreperson of Grand Jury
Date: APR 28 2015

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015-GS-26- 01771

The State of South Carolina
County of Horry

Scott R. Hixson

15H00863

COURT OF GENERAL SESSIONS

APRIL, 2015 TERM

THE STATE

vs.

Mckinley Lee Daniels
B/M

[REDACTED]
Loris, SC 29569-7421
[REDACTED]

ATTORNEY: James Cullen Galmore

Indictment for

**POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME**

ORIGINAL

Jimmy A. Richardson, II, Solicitor

FILED
HORRY COUNTY

2015 APR 27 AM 10:23

MELANIE HUGGINS-WARD
CLERK OF COURT

DATE RECEIVED FROM
GRAND JURY

NP
1/29/19

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on April 23, 2015, the Grand Jurors of Horry County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME
CDR: 0549 16-23-0490

That Mckinley Lee Daniels, while acting in concert with others, did in Horry County, on or about January 25, 2015, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY K. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

ARREST WARRANT

2015A2610200359

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

THE STATE 15000676

against

McKinley Lee Daniels

Address: 1470 Goose Bay

Loris, SC 29569-7421

Phone: SSN:

Sex: M Race: B Height: 5 Weight: 160

DL State: DL #:

Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Troy Large - 2906

Offense: Murder / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant McKinley Lee Daniels

on 2/6/2015

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions:

PO Box 677

1301 2nd Avenue

Conway, SC 29528

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

AFFIDAVIT

ORIGINAL Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 616

Personally appeared before me the affiant Troy Large who

being duly sworn deposes and says that defendant McKinley Lee Daniels

did within this county and state on or about 1/2/2015 violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Horry)

in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

An investigation was conducted which lead to the defendant McKinley Lee Daniels and two co-defendants who on January 2nd 2015 at the Sun Down Store located at 7406 Hwy 905 South in the Red Bluff section of Horry County, SC did murder a person while armed with guns and did take by force property belonging to that victim. The armed robbery and murder was caught on video that shows the defendant McKinley Lee Daniels murder the clerk in a violent manner and with malice. The defendant and co-defendant attempted to murder a person who fled to a bathroom and was shot at through the door. He has committed the offense of attempted murder.

Case # 15000676

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Affiant's Address 2560 N. Main Street

Conway, SC 29526-

Affiant's Telephone (843)915-5350

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/2/2015 defendant McKinley Lee Daniels

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

Having found probable cause and the above sworn to before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 2/6/2015

Signature of Judge

Dennis Earl Phipps

Judge Code: 5373

Signature of Affiant

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

J. Ruben Long Detention Center

Conway, SC 29526-1071

(843)365-9222

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

ARREST WARRANT

2015A2610200360

STATE OF SOUTH CAROLINA

☒ County ☐ Municipality of

Horry

THE STATE 15000676
against

McKinley Lee Daniels

Address: Loris, SC 29569-7421

Phone: SSN: [REDACTED]
Sex: M Race: B Height: 5 8 Weight: 160

DL State: SC DL #: [REDACTED]

Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Troy Large - 2906

Offense: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the
☐ County ☐ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant McKinley Lee Daniels
on 2/16/2015

[Signature]
Judge or Constable Law Enforcement Officer

RETURN WARRANT TO:
General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

ORIGINAL

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STATE OF SOUTH CAROLINA
☒ County ☐ Municipality of
Horry

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

Personally appeared before me the affiant Troy Large who
being duly sworn deposes and says that defendant McKinley Lee Daniels
did within this county and state on or about 1/2/2015 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County ☐ Municipality of Horry)
in the following particulars:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

An investigation was conducted which lead to the defendant McKinley Lee Daniels and two co-defendants who on January 2nd 2015
at the Sun Down Store located at 7406 Hwy 905 South in the Red Bluff section of Horry County, SC did murder a person while
armed with guns and did take by force property belonging to that victim. The armed robbery and murder was caught on video that
shows the defendant McKinley Lee Daniels murder the clerk in a violent manner and with malice. He has committed the offense of
armed robbery.

Case # 15000676

Signature of Affiant [Signature]
STATE OF SOUTH CAROLINA
☒ County ☐ Municipality of
Horry
Affiant's Address 2560 N. Main Street
Conway, SC 29526-
Affiant's Telephone (843)915-5350

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on or about 1/2/2015 defendant McKinley Lee Daniels
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County ☐ Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Having found probable cause and the above affidavit being sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this arrest warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable.

Sworn and subscribed before me
on 2/6/2015

[Signature]
Judge's Address J. Ruben Long Detention Center
Conway, SC 29526-1071
Judge's Telephone (843)365-9222
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

Dennis Earl Phipps
Judge Code: 5373

ARREST WARRANT

2015A2610200366

STATE OF SOUTH CAROLINA

☒ County ☐ Municipality of

Horry

THE STATE 15000676

against

McKinley Lee Daniels

Address: **[REDACTED]**

Loris, SC 29569-7421

Phone: **[REDACTED]** SSN: **[REDACTED]**

Sex: **M** Race: **B** Height: **5** 8 Weight: **160**

DL State: **SC** DL #: **[REDACTED]**

[REDACTED] **SC0260400**

Prosecuting Agency: **Horry County Police Department**

Prosecuting Officer: **Troy Large - 2906**

Offense: **Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole**

Offense Code: **0549**

Code/Ordinance Sec: **16-23-0490**

This warrant is **CERTIFIED FOR SERVICE** in the

☐ County ☐ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge _____

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant **McKinley Lee Daniels** on **2/6/2015**

[Signature]
Deputy Sheriff / Constable / Enforcement Officer

RETURN WARRANT TO:

General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

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STATE OF SOUTH CAROLINA

☒ County ☐ Municipality of

AFFIDAVIT

ORIGINAL Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618

Horry

Personally appeared before me the affiant **Troy Large** who being duly sworn deposes and says that defendant **McKinley Lee Daniels** did within this county and state on or about **1/2/2015** violate the criminal laws of the State of South Carolina (or ordinance of ☒ County ☐ Municipality of **Horry**) in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or death

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

An investigation was conducted which lead to the defendant McKinley Lee Daniels Jr. and two co-defendants who on January 2nd 2015 at the Sun Down Store located at 7406 Hwy 905 South in the Red Bluff section of Horry County, SC did murder a person while armed with guns and did take by force property belonging to that victim. The armed robbery and murder was caught on video that shows the defendant McKinley Lee Daniels Jr. murder the clerk in a violent manner and with malice. The defendant attempted to kill another person in the store by shooting at him. He has committed the offense of possession of a weapon during a violent crime

Case # 15000676

Signature of Affiant **[Signature]**

STATE OF SOUTH CAROLINA

☒ County ☐ Municipality of

Horry

Affiant's Address **2560 N. Main Street**
Conway, SC 29526

Affiant's Telephone **(843)915-5350**

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about **1/2/2015** defendant **McKinley Lee Daniels** did violate the criminal laws of the State of South Carolina (or ordinance of ☒ County ☐ Municipality of **Horry**) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on **2/6/2015**

[Signature] **45-6 HV 01.8345107**
Judge

[Signature] **45-6 HV 01.8345107**
Judge

Dennis Earl Phipps
Judge Code: **5373**

Judge's Address **J. Ruben Long Detention Center**
Conway, SC 29526-1071

Judge's Telephone **(843)365-9222**

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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ARREST WARRANT
-V- 2015A2610700099
STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Horry

THE STATE 18087482
against

Mckinley Lee Daniels

Address: [REDACTED]
Loris, SC 29569-7421

Phone: [REDACTED] SSN: [REDACTED]
Sex: M Race: B Height: 5 8 Weight: 160
DL State: SC DL #: [REDACTED]
Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department
Prosecuting Officer: Greg Lent - 0705
Offense: Robbery / Armed Robbery, robbery while armed or
allegedly armed with a deadly weapon

Offense Code: 0139
Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of
The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)
Signature of Judge

Date:

RETURN
A copy of this arrest warrant was delivered to
defendant Mckinley Lee Daniels
on 2/8/15

[Signature]
Sheriff of Horry County

RETURN WARRANT TO:
General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

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STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Horry

Personally appeared before me the affiant Greg Lent who
being duly sworn deposes and says that defendant Mckinley Lee Daniels
did within this county and state on or about 1/25/2015 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Horry)
in the following particulars:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

On January 25th, 2015 the defendant did with two co-defendants commit a robbery of the Scotchman Convenience Store located at
489 Lake Arrowhead Rd in the Myrtle Beach section of Horry County while armed with a firearm. Detectives with the Horry
County Police Department - Major Crimes Section initiated an investigation into the robbery. Evidence produced by the
investigation into this matter including statements of co-defendants, witness statements, physical evidence collected pursuant to
lawful searches and circumstantial evidence determined that the defendant did participate in the armed robbery. Based on the above,
the affiant is informed and believes that probable cause exists to establish that the defendant did commit the offense of armed
robbery.

Signature of Affiant

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Horry

Affiant's Address: 2560 N. Main Street
Conway, SC 29526-
Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/25/2015 defendant Mckinley Lee Daniels
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Having found probable cause and the above affidavit sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this arrest warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable.
Subscribed and sworn to before me
on 2/6/2015

Judge's Address: [REDACTED]
Judge's Telephone: (843)915-5290
Judge Code: 0081
Judging Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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I-027 approved by
S.C. Attorney General
April 21, 2008
SCCA 314

ARREST WARRANT

2015A2610700100

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

THE STATE

18007528

against

Mckinley Lee Daniels

Address: **Loris, SC 29569-7421**

Phone: **SSN: [REDACTED]**

Sex: **M** Race: **B** Height: **5** 8 Weight: **160**

State: **SC** DL #: **[REDACTED]**

Agency ORI #: **SC0260400**

Prosecuting Agency: **Horry County Police Department**

Prosecuting Officer: **Greg Lent - 0705**

Offense: **Murder / Murder**

Offense Code: **0116**

Code/Ordinance Sec: **16-03-0020**

This warrant is **CERTIFIED FOR SERVICE** in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant **Mckinley Lee Daniels**

on **2/6/15**

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

PO Box 677

1301 2nd Avenue

Conway, SC 29528

ORIGINAL

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STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

AFFIDAVIT

ORIGINAL

Form approved by
S.C. Attorney General
April 21, 2005
SCCA 518

Personally appeared before me the affiant **Greg Lent** who

being duly sworn deposes and says that defendant **Mckinley Lee Daniels**

did within this county and state on or about **1/25/2015** violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of **Horry**)

in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On January 25th, 2015 one Trisha D Stull was found deceased inside of the Sunhouse Convenience Store located at 2697 Oak St in the Conway section of Horry County. Detectives with the Horry County Police Department - Major Crimes Section initiated an investigation into her death, which revealed Stull died as a result of multiple gunshot wounds sustained during a robbery of said store. Evidence produced by the investigation into this matter including statements of co-defendants, witness statements, physical evidence collected pursuant to lawful searches and circumstantial evidence determined that the defendant did participate in the armed robbery and shooting of the victim without just cause and with malice aforethought, causing Stull's death. Based on the above, the affiant is informed and believes that probable cause exists to establish that the defendant did commit the offense of murder.

Signature of Affiant

Greg Lent

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Affiant's Address **2560 N. Main Street**

Conway, SC 29526-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about **1/25/2015** defendant **Mckinley Lee Daniels**

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of **Horry**) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on **2/6/2015**

SC 26 HW 131 3/3/102

Judge's Address

Conway, SC 29526-5105

Judge's Telephone **(843) 915-5290**

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

Judge Code: **0081**

Signature of Constable/Law Enforcement Officer

Bradley Dwyer Mayers

ORIGINAL

ORIGINAL

ORIGINAL

ARREST WARRANT
2015A2610700101
STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Horry

THE STATE
against
Mckinley Lee Daniels
Address: [redacted]
Loris, SC 29569-7421

Phone: [redacted] SSN: [redacted]
Sex: M Race: B Height: 5 8 Weight: 160
DL State: SC DL #: [redacted]
Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department
Prosecuting Officer: Greg Lent - 0705
Offense: Weapons / Possession of weapon during violent
crime, if not also sentenced to life without parole
Offense Code: 0549
Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of
The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)
Signature of Judge
Date:

RETURN
A copy of this arrest warrant was delivered to
defendant Mckinley Lee Daniels
on 2/6/15
[Signature]
Signature of Constable/Clerk/Notary Public

RETURN WARRANT TO:
General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528
ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Horry
AFFIDAVIT
Personally appeared before me the affiant Greg Lent who
being duly sworn deposes and says that defendant Mckinley Lee Daniels
did within this county and state on or about 1/25/2015 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Horry)
in the following particulars:
DESCRIPTION OF OFFENSE: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or
death

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:
On January 25th, 2015 one Trisha D Stull was found deceased inside of the Sunhouse Convenience Store located at 2697 Oak St in
the Conway section of Horry County. Detectives with the Horry County Police Department - Major Crimes Section initiated an
investigation into her death, which revealed Stull died as a result of multiple gunshot wounds sustained during a robbery of said
store. Evidence produced by the investigation into this matter including statements of co-defendants, witness statements, physical
evidence collected pursuant to lawful searches and circumstantial evidence determined that the defendant did participate in the
armed robbery and shooting of the victim without just cause and with malice aforethought, causing Stull's death. Based on the
above, the affiant is informed and believes that probable cause exists to establish that the defendant did commit the offense of
Possession of a firearm during the commission of a violent crime.

Signature of Affiant [Signature]
STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Horry
Affiant's Address 2560 N. Main Street
Conway, SC 29526-
Affiant's Telephone

ARREST WARRANT
TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that
on or about 1/25/2015 defendant Mckinley Lee Daniels
did violate the criminal laws of the State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Horry) as set forth below:
DESCRIPTION OF OFFENSE: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or
death
Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable.
Sworn to and subscribed before me
on 2/6/2015
Judge's Address
Conway, SC 29526-5105
Judge's Telephone (843) 915-5290
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit
ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

ARREST WARRANT
2015A2610700103
STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Horry

THE STATE 15067402
against

Mckinley Lee Daniels
Address: [REDACTED]
Loris, SC 29569-7421

Phone: [REDACTED]
Sex: M Race: B Height: 5 8 Weight: 160
DL State: SC DL #: [REDACTED]

Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Greg Lent - 0705

Offense: Weapons / Possession of weapon during violent

crime, if not also sentenced to life without parole

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Mckinley Lee Daniels

on 2/6/15

Signature of Constable/Clerk

RETURN WARRANT TO:

General Sessions

PO Box 677

1301 2nd Avenue

Conway, SC 29528

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of)
Horry)
AFFIDAVIT
Personally appeared before me the affiant Greg Lent who
being duly sworn deposes and says that defendant Mckinley Lee Daniels
did within this county and state on or about 1/25/2015 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Horry)
in the following particulars:
DESCRIPTION OF OFFENSE: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or
death

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

On January 25th, 2015 the defendant did with two co-defendants commit a robbery of the Scotchman Convenience Store located at
489 Lake Arrowhead Rd in the Myrtle Beach section of Horry County while armed with a firearm. Detectives with the Horry
County Police Department - Major Crimes Section initiated an investigation into the robbery. Evidence produced by the
investigation into this matter including statements of co-defendants, witness statements, physical evidence collected pursuant to
lawful searches and circumstantial evidence determined that the defendant did participate in the armed robbery. Based on the above,
the affiant is informed and believes that probable cause exists to establish that the defendant did commit the offense of Possession of
a firearm during the commission of a violent crime.

Signature of Affiant
STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of)
Horry)
Affiant's Address 2560 N. Main Street
Conway, SC 29526-
Affiant's Telephone

ARREST WARRANT
TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/25/2015 defendant Mckinley Lee Daniels
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or
death

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable.

Sworn to and subscribed before me
on 2/6/2015

Judge's Address

Conway, SC 29526-5105

Judge's Telephone (843)915-5290

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

Judge Code: 5081

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STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN THE COURT OF
GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,

Plaintiff,

v.

McKINLEY DANIELS,

Defendant.

) 2015-GS-26-1754 2015-GS-26-1755
) 2015-GS-26-1756 2015-GS-26-1913
) 2015-GS-26-1748 2015-GS-26-1770
) 2015-GS-26-1771 2015-GS-26-1772
) 2015-GS-26-1749 2015-GS-26-2912
) 2015-GS-26-2916 N

ORDER DECLARING DEFENDANT INTELLECTUALLY DISABLED
INELIGIBLE TO BE SENTENCED TO DEATH

A pretrial hearing in the above referenced case was held by this Court on February 7, 2018, during which the Defendant, McKinley Daniels, offered evidence in an effort to prove that he is intellectually disabled and ineligible for the death penalty. To prevail, the defendant is required to show, by the preponderance of the evidence, that he has significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and that both of these limitations were manifested during the developmental period. S.C. Code Ann. § 16-3-20(C)(b)(10) (2003); and see generally, Atkins v. Virginia, 536 U.S. 304 (2002); Franklin v. Maynard, 356 S.C. 276 (2003); State v. Laney, 367 S.C. 639 (2006).

BASIS FOR ORDER

This Court determined the defendant, McKinley Daniels, suffered from an intellectual disability and is therefore ineligible to receive the death penalty in this case. (Atkins Hearing, Tr. p. 46). This conclusion was based upon the testimony provided by the defense expert

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HORRY COUNTY
2019 JAN 23 AM 8:12
RENEE H. BRYAN
CLERK OF COURT
HORRY COUNTY

witness, Dr. Geoffrey McKee, Ph. D., a forensic psychologist, as well as substantive evidence, primarily the defendant's school records. As the state's experts concurred with Dr. McKee's diagnosis that the defendant was intellectually disabled, the state did not present expert witness testimony to challenge that diagnosis.

At the Atkins hearing, Dr. McKee testified that Mr. Daniels met the diagnostic criteria for an intellectual disability (Atkins Hearing, Tr. p. 37). This conclusion was based upon Dr. McKee's own clinical assessment of Mr. Daniels, and Dr. McKee's review of Mr. Daniels' elementary school records. The school records included prior psychological tests performed by school psychologists. (Atkins Hearing, Tr. p. 10-11). Dr. McKee relied on these records to evaluate Mr. Daniel's intellectual ability while in school. The records showed that the manifestations of Mr. Daniels' intellectual disability arose at a very early age. (Atkins Hearing, Tr. p. 10).

Dr. McKee further testified that Mr. Daniels' elementary school evaluations revealed that he had to repeat the first grade. Preliminary testing at the time also indicated that Mr. Daniels suffered from an intellectual disability, with an age equivalent some three years younger than his actual age, and "that ninety-nine percent of students his age would have a higher score or reflect greater intelligence judgment concept formation than he." Accordingly, Mr. Daniels was placed in a self-contained, learning disability, classroom. (Atkins Hearing, Tr. p. 18).

A subsequent evaluation performed in the fourth grade by another school psychologist revealed that Mr. Daniels continued to fall below mainstream standards. The testing at this time revealed that Mr. Daniels had an I.Q. score of 69, two standard deviations below the mean, or average, I.Q. score. This score placed Mr. Daniels in the bottom first percentile level of intelligence regarding his overall score. (Atkins Hearing, Tr. p. 21). Dr.

McKee explained that the consistent and reliable estimates of intellectual functioning found in the fourth-grade testing indicated that Mr. Daniels fell in the intellectually disabled level. (Atkins Hearing, Tr. p. 22). In fact, by the age of ten Mr. Daniels was functioning at a level equivalent to a seven-year-old child, continuing to fall below the intellectual functioning of children his age. (Atkins Hearing, Tr. p. 24).

Also notable were Mr. Daniels' elementary school scores on tests used to evaluate the adaptive functioning of an individual. Mr. Daniels fell in the very bottom. Specifically, he was in the first percentile for the adaptive behavior component, as well as in the bottom first percentile for the communication and socialization components. Again, the school psychologist concluded that Mr. Daniels met the criteria for having an intellectual disability. (Atkins Hearing, Tr. p. 24). The school records also showed that Mr. Daniels was ultimately classified as demonstrating a very low intellectual capacity and a very low learning capacity. Dr. McKee explained that such a diagnosis demonstrated an ability to learn at a rate slower than the average student, but he is capable of being "trained to do certain kinds of things, learn certain kinds of things." (Atkins Hearing, Tr. p. 28). Mr. Daniels was placed in a self-contained classroom for the educable mentally handicapped. (Atkins Hearing, Tr. p. 32).

Dr. McKee also testified about his own interview and clinical assessment of Mr. Daniels. During this assessment, subtests were administered regarding independent living skills to evaluate Mr. Daniels' functioning in life skills such as money, home, and transportation management. (Atkins Hearing, Tr. p. 32-34). The composite score summarizing the results of all the separate subtests administered by Dr. McKee again indicated that Mr. Daniels was in "the level of intellectual disability range and considerably low, lower than average full-scale score for borderline intellectual functioning." (Atkins Hearing, Tr. p. 35).

Dr. Joette James administered an I.Q. test to Mr. Daniels after his arrest for the pending charges. Dr. McKee reviewed this testing and testified that Mr. Daniels was found to have an I.Q. score of 73, slightly above the second percentile range, and within the intellectual disability range. Based upon the past academic history, his own clinical assessment of Mr. Daniels, and the post arrest testing, Dr. McKee diagnosed Mr. Daniels as suffering from an intellectual disability. (Atkins Hearing, Tr. p. 37).

The state cross examined Dr. McKee and acknowledged that their own experts concurred with Dr. McKee's diagnosis (Atkins Hearing, Tr. p. 38). Presumably because this case involves co-defendants, the state questioned Dr. McKee as to Mr. Daniels' ability to influence others in social interactions. (Atkins Hearing, Tr. p. 40). Dr. McKee confirmed that someone with an intellectual disability would likely "go along with someone who is apparently more intellectually able than not." (Atkins Hearing, Tr. p. 41). The state acknowledged that their own adaptive functioning background investigation revealed that Mr. Daniels had no tax payment history, no checking accounts, no driver's license and a non-detailed employment history, simply revealing Mr. Daniels previously worked as a helper in an auto shop and a restaurant. (Atkins Hearing, Tr. p. 44).

At the hearing's conclusion, this Court ruled that Mr. Daniels met the criteria regarding what was formerly referred to as being mentally retarded (now, intellectually disabled) by a preponderance of the evidence (Atkins Hearing, Tr. p. 46). The Court's ruling and the finding that Mr. Daniel's intellectual disability "was fairly clearly laid out through the records and the current cognitive testing," was placed on the record at the close of the Atkins hearing. (Atkins Hearing, Tr. p. 48).

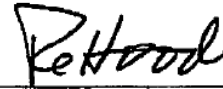
CONCLUSION AND ORDER

THEREFORE, this Court finds the defendant, McKinley Daniels, to be intellectually

disabled and therefore ineligible for the death penalty in the above referenced matter. The state is forbidden from seeking the death penalty as to this defendant.

IT IS SO ORDERED.

This 22 day of jan, 2018: 2019



The Honorable Robert E. Hood
Assigned Circuit Court Judge

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Horry County
2019 JAN 23 AM 8:12
RENEE N. ELYS
CLERK OF COURT
Horry County S

12:04:29 Wednesday, February 12, 2020

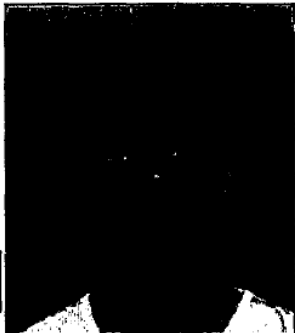
CMTI330D SCDC OFFENDER MANAGEMENT SYSTEM 02/12/20
OMCOMITA RELEASE DATE SCREEN C021238
SCDC# > 310775 LOC: MCCORMICK
DANIELS, MCKINLEY LEE SCDC CLASSIFICATION...: VIOLENT
OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL REGISTRY...: Y
SEXUAL PREDATOR...: NOT APP
DNA STATUS...: COMPLETED
GPS REQUIREMENT...: N
PREA DECISION...:
PREA PERP...: NONE
PREA VICTIM...: NONE
CURRENT SENTENCE: 045-00-000 CONSECUTIVE SENTENCE ...: N
045-00-000 CURRENT SENT START DATE: 02/01/2015
PROJECTED COMPLETION DATES
MAXOUT DATE ...: 01/21/2060 CURRENT EWC ...: 3 F 5
YOA SIX YEAR DATE: / / CURRENT EEC ...: NOT CURRENTLY EARNING EEC
INITIAL PAROLE DATE: 00/00/0000 NEXT PAROLE HEARING DATE: 00/00/0000
TOTAL GT DAYS EARNED ...: 000000 LABOR CREW/WORK PROG DATE: 99/99/9999
TOTAL EARNED WORK CREDITS ...: 000431 LABOR CREW DISQ REASON:
TOTAL EDUCATION CREDITS ...: 000000 CURRENT OR PRIOR SEX CONDUCT CONVICT
TOTAL EXTRA EARNED CREDITS ...: 000 SUPERVISED REENTRY DATE...: 00/00/00
TOTAL SERVICE TIME EARNED ...: 001811 ISS...:
PFKEYS: 5:HISTORY OF DATE CHANGES

South Carolina Department of Corrections

Classification Summary Reports

Date: Wednesday, February 12, 2020 Logout

Classification Summary Reports	
Inmate Number	310775
	Submit

Classification Summary Report for DANIELS, MCKINLEY LEE :		
Create PDF		
CLASSIFICATION SUMMARY REPORT DATED 02/12/2020		
SCDC# 00310775	DANIELS, MCKINLEY LEE	FBI# 811235JB9
OFFENDER ADULT-STRAIGHT TYPE: SENTENCE		RESIDENT STABILITY: NA
INSTITUTION: MCCORMICK		DORMROOMBUNK_CODE: F2 0237 A
SECURITY/CUST: 3 MINIMUM IN		PROJ MAXOUT DATE: 01/21/2060
CURR INCARC 45 YRS 0 MOS 0 SENT: DAYS		PROJ PAROLE DATE:
SEPREQ:Y		EWC JOB: GENERAL WORKER
INST RESTRICT:		ASSIGNMENT: BLDG DETAIL BLDG. #2
CURRENT NO CURRENT PROGRAM: PROGRAM		EWC LEVEL: 3F5 EEC LEVEL:-
SEX REGISTRY: Y		EDUC PGM: NO CURR EDUC PROGRAM
DNA: C		
AGE: 38		
SECURITY THREAT GROUP DESCRIPTION: NONE		SECURITY THREAT GROUP STATUS: NONE
PREVIOUS NUMBERS:		
NO PREVIOUS NUMBERS		

SENTENCE					SENTENCE			
CURRENT OFFENSES	YRS	MOS	DYS	COUNTY	START	V/NV	CAT	INDICT
ARMED ROBBERY	30	0	0	HORRY	02/01/2015	V	4	15GS2601772
MURDER	45	0	0	HORRY	02/01/2015	V	5	15GS2601754
SENTENCE					SENTENCE			
COMPLETED OFFENSES	YRS	MOS	DYS	COUNTY	START	V/NV	CAT	INDICT
FAIL TO STOP FOR OFFICER	3	0	0	HORRY	11/28/2004	N	2	05GS26-2324
STRONG ARM ROBBERY	15	0	0	HORRY	11/28/2004	N	3	05GS26-2320
KIDNAPPING	10	0	0	HORRY	11/28/2004	V	5	05GS26-2325
CHILD NEGLECT	10	0	0	HORRY	11/28/2004	N	2	05GS26-2323
LARCENY	10	0	0	HORRY	11/28/2004	N	2	05GS26-2322
CRIMINAL CONSPIRACY	5	0	0	HORRY	11/28/2004	N	2	05GS26-2321
PRIOR COMMITMENTS OVER 90 DAYS:								
05/20/2003	LARCENY							
05/20/2003	BREAK-ENT W/INTENT-STEAL							
04/25/2003	ASSAULT ON A POLICE OFFI							
02/06/2003	LARCENY							
12/30/2002	LARCENY							
09/15/2000	COMMON LAW ROBBERY							
09/15/2000	ASSAULT ON A POLICE OFFI							
03/30/1999	LARCENY							
03/30/1999	BREAK-ENT W/INTENT-STEAL							
08/18/1998	POSSESS STOLEN PROPERTY							
OFFENSES UNDER PREVIOUS NUMBER:								
NO PREVIOUS OFFENSES								
DETAINERS (HOLD,WANTED,NOTIFY):								
NO DETAINERS								
ESCAPES:								
NO ESCAPE HISTORY								
CRIMINAL CHARGES:								
NO CRIMINAL CHARGES HISTORY								
ASSAULTIVE DISCIPLINARIES:								
03/22/2014	STRIKING AN INMATE WITH/WITHOUT A WEAPON			CONVICTED	MAJOR DISC. HEARING		INMATE ASSAULT	Y
04/24/2008	STRIKING AN INMATE WITH/WITHOUT A WEAPON			CONVICTED	ADMINISTRATIVE RESOLUTION		INMATE ASSAULT	N
PREVIOUS ASSAULTIVE DISCIPLINARIES:								
NO PREVIOUS ASSAULTIVE DISCIPLINARY HISTORY								
NON-ASSAULTIVE DISCIPLINARIES:								
07/31/2013	FIGHTING WITHOUT A WEAPON			CONVICTED	ADMINISTRATIVE RESOLUTION			
07/30/2013	POSS. OR/ATTEMPT TO POSSESS CELL PHONE			CONVICTED	MAJOR DISC. HEARING			
07/30/2013	REFUSING OR FAILING OBEY ORDERS			CONVICTED	ADMINISTRATIVE RESOLUTION			
04/18/2013	I/M UNDER INFLUENCE/POSS ALCOHOL OR BUCK			CONVICTED	ADMINISTRATIVE RESOLUTION			
10/09/2012	I/M UNDER INFLUENCE/POSS ALCOHOL OR BUCK			CONVICTED	ADMINISTRATIVE RESOLUTION			
09/02/2012	DISRESPECT			CONVICTED	ADMINISTRATIVE RESOLUTION			
08/05/2012	I/M UNDER INFLUENCE/POSS ALCOHOL OR BUCK			CONVICTED	ADMINISTRATIVE RESOLUTION			

04/15/2012	OUT OF PLACE	CONVICTED	ADMINISTRATIVE RESOLUTION
04/01/2012	INTERFERING WITH DUTIES OF ANY PERSON	CLOSED	OTHER ACTION TAKEN/INFORM
03/04/2012	SMUGGLING/CONSPIRACY SMUGGLE CONTRABAND	DISMISSED	MAJOR DISC. HEARING
03/04/2012	POSSESSION OF SECURITY EQUIP/PROPERTY	DISMISSED	MAJOR DISC. HEARING
02/12/2011	POSS. OR/ATTEMPT TO POSSESS CELL PHONE	CONVICTED	MAJOR DISC. HEARING
11/19/2010	USE OBSCENE,VULGAR,PROFANE LANG/GESTURES	CONVICTED	MAJOR DISC. HEARING
11/05/2010	DISRESPECT	CONVICTED	ADMINISTRATIVE RESOLUTION
08/04/2010	DISRESPECT	CONVICTED	ADMINISTRATIVE RESOLUTION
07/28/2010	DISRESPECT	CONVICTED	ADMINISTRATIVE RESOLUTION
04/25/2010	REFUSING OR FAILING OBEY ORDERS	DISMISSED	CHARGES DROPPED/INSUFF. E
04/22/2010	USE OBSCENE,VULGAR,PROFANE LANG/GESTURES	CONVICTED	ADMINISTRATIVE RESOLUTION
02/21/2010	USE OBSCENE,VULGAR,PROFANE LANG/GESTURES	CONVICTED	ADMINISTRATIVE RESOLUTION
02/11/2010	I/M UNDER INFLUENCE/POSS ALCOHOL OR BUCK	CONVICTED	ADMINISTRATIVE RESOLUTION
01/06/2010	REFUSING OR FAILING OBEY ORDERS	CLOSED	OTHER ACTION TAKEN/INFORM
12/30/2009	DISRESPECT	CONVICTED	ADMINISTRATIVE RESOLUTION
11/21/2009	REFUSING OR FAILING OBEY ORDERS	CLOSED	OTHER ACTION TAKEN/INFORM
09/05/2009	OUT OF PLACE	DISMISSED	CHARGES DROPPED/INSUFF. E
09/05/2009	OUT OF PLACE	CONVICTED	ADMINISTRATIVE RESOLUTION
06/11/2009	USE OBSCENE,VULGAR,PROFANE LANG/GESTURES	CONVICTED	ADMINISTRATIVE RESOLUTION
04/27/2009	POSSESSION OF CONTRABAND	DISMISSED	MAJOR DISC. HEARING
04/27/2009	USE,POSS NARC,MARIJ,UNAUTH DRUG,INHALANT	DISMISSED	MAJOR DISC. HEARING
03/04/2009	GAMBLING AND LOAN SHARKING	CLOSED	OTHER ACTION TAKEN/INFORM
01/28/2009	POSSESSION OF CONTRABAND	DISMISSED	MAJOR DISC. HEARING
01/28/2009	I/M UNDER INFLUENCE/POSS ALCOHOL OR BUCK	CONVICTED	ADMINISTRATIVE RESOLUTION
08/14/2008	FIGHTING WITHOUT A WEAPON	CONVICTED	ADMINISTRATIVE RESOLUTION
06/13/2008	FALSE STATEMENT TO HARM ANOTHER PERSON	CLOSED	OTHER ACTION TAKEN/INFORM
05/15/2008	REFUSING OR FAILING OBEY ORDERS	CONVICTED	ADMINISTRATIVE RESOLUTION
04/15/2008	INTERFERING WITH COUNT	CLOSED	OTHER ACTION TAKEN/INFORM
03/12/2008	TRAFFICKING AND TRADING	CONVICTED	ADMINISTRATIVE RESOLUTION
01/20/2008	DISRESPECT	CLOSED	OTHER ACTION TAKEN/INFORM
08/13/2007	REFUSING OR FAILING OBEY ORDERS	CLOSED	OTHER ACTION TAKEN/INFORM
03/29/2007	POSS. OR/ATTEMPT TO POSSESS CELL PHONE	DISMISSED	MAJOR DISC. HEARING
07/22/2006	FIGHTING WITHOUT A WEAPON	CONVICTED	MAJOR DISC. HEARING
06/07/2006	THREATENING TO INFLECT HARM ON EMPLOYEE	CONVICTED	MAJOR DISC. HEARING
05/17/2006	POSSESSION OF CONTRABAND	CLOSED	OTHER ACTION TAKEN/INFORM
05/10/2006	EVADING A SECURITY DEVICE	CONVICTED	ADMINISTRATIVE RESOLUTION

PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY

HISTORY OF MOVEMENTS:

05/15/2019	MCCORMICK	INCARCERATED	RETURN FROM COURT
05/15/2019	HORRY CO	AUTH ABSENCE (AWL)	TO COURT
04/10/2019	MCCORMICK	INCARCERATED	ADMINISTRATIVE
01/23/2019	KIRKLAND	INCARCERATED	NEW ADMISSION
05/29/2016	UNK	RELEASE	EXPIRATION OF SENTENCE
05/30/2014	HORRY CO	COMMUNITY SUPERVISION	COMMUNITY SUPERVISION
09/04/2007	EVANS	INCARCERATED	ADMINISTRATIVE
09/04/2007	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
07/24/2007	EVANS	INCARCERATED	ADMINISTRATIVE
07/24/2007	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
07/11/2007	EVANS	INCARCERATED	ADMINISTRATIVE
06/26/2007	KIRKLAND INFRM	INCARCERATED	MEDICAL

06/26/2007	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
06/12/2007	KIRKLAND INFRM	INCARCERATED	MEDICAL
06/12/2007	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
06/05/2007	KIRKLAND INFRM	INCARCERATED	MEDICAL
06/05/2007	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
05/29/2007	KIRKLAND INFRM	INCARCERATED	MEDICAL
05/29/2007	LEXINGTON CO	AUTH ABSENCE (AWL)	MEDICAL
05/25/2007	EVANS	INCARCERATED	MEDICAL
05/25/2007	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
05/24/2007	EVANS	INCARCERATED	MEDICAL
05/24/2007	LEXINGTON CO	AUTH ABSENCE (AWL)	MEDICAL
09/06/2005	EVANS	INCARCERATED	ADMINISTRATIVE
08/16/2005	KIRKLAND	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
GENERAL WORKER	04/17/2019	-		3F5
LAUNDRY HELPER	03/16/2012	07/30/2013	PLACED IN ST/SP CUSTODY	2F5
LAUNDRY HELPER	03/09/2012	03/15/2012	MI ELIGIBLE FOR LEVEL 2	3F5
LAUNDRY HELPER	08/19/2011	03/08/2012	ASLT/DRUG/MAJOR DISC	2F5
LAUNDRY HELPER	07/28/2011	08/18/2011	MI ELIGIBLE FOR LEVEL 2	3F5
COOK	01/28/2009	01/29/2009	INMATE REQUEST	3F5
CUSTODIAL WORKER	07/11/2007	03/13/2008	INMATE REQUEST	2F5
CUSTODIAL WORKER	01/26/2007	07/10/2007	MEDICAL	2F5
CUSTODIAL WORKER	09/15/2006	01/25/2007	MI ELIGIBLE FOR LEVEL 2	3F5
CUSTODIAL WORKER	06/16/2006	06/29/2006	PLACED IN ST/SP CUSTODY	3F5
CUSTODIAL WORKER	09/09/2005	06/15/2006	ASLT/DRUG/MAJOR DISC	2F5
CUSTODIAL WORKER	09/07/2005	09/08/2005	MI ELIGIBLE FOR LEVEL 2	3F5

HISTORY OF EARNED EDUCATION CREDITS:

NO SCHOOL ASSIGNMENTS

***** END OF REPORT *****

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