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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Greenwood County

Honorable J. Derham Cole, Circuit Court Judge

DARYL LAMAR QUARLES,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-001771

JOHNSON PETITION FOR WRIT OF CERTIORARI

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ISSUE PRESENTED

Did the post-conviction court err finding counsel was not ineffective where petitioner testified counsel failed to properly review evidence and discuss possible defenses with petitioner prior to his guilty plea?

STATEMENT

On March 13, 2020, a Greenwood County grand jury indicted petitioner for failure to stop for a blue light and trafficking in heroin. App. 89-92. Petitioner waived indictment for possession with intent to distribute (PWID) heroin. App. 3, l. 11—4, l. 1; 97-98. On July 26, 2021, petitioner pled guilty pursuant to a negotiated sentence of sixteen years' before the Honorable R. Lawton McIntosh. App. 1-16. Chelsea McNeil represented petitioner. App. 1. Wade Dowlin prosecuted for the state. App. 1. Judge McIntosh sentenced petitioner to concurrent terms of five years' imprisonment for failure to stop, sixteen years' imprisonment for trafficking heroin, and sixteen years' imprisonment for PWID heroin. App. 16, ll. 1-9.

Thereafter, petitioner filed an application for post-conviction relief (PCR). App. 18-30. An evidentiary hearing was held on August 20, 2024, before the Honorable J. Derham Cole. App. 50-81. Ashley McMahan represented petitioner. App. 50. T. Cruise Mitchell appeared on behalf of the state. App. 50.

On June 4, 2025, Judge Cole signed an order denying PCR. App. 82-88. The PCR court found defense counsel properly reviewed the evidence and discussed possible defenses with petitioner and there was no resulting prejudice. App. 85-87.

This petition follows.

ARGUMENT

The post-conviction court erred finding counsel was not ineffective where petitioner testified counsel failed to properly review evidence and discuss possible defenses with petitioner prior to his guilty plea.

Relevant facts

At petitioner's guilty plea the state told the court his charges stemmed from two separate incidents January 9, 2020, and July 8, 2021. App. 11-12. The state alleged on January 9, 2020, petitioner was parked in a bank parking lot and when approached by a police vehicle petitioner tried to flee. When officers searched the area there were "a couple hundred blue pills" found that contained a mix of heroin, fentanyl, and tramadol. App. 11, l. 22—12, l. 19. The state alleged on July 8, 2021, after police approached petitioner's parked car he fled and was found to have "a couple hundred blue pills" in his possession. App. 12, l. 20—13, l. 17.

At petitioner's evidentiary hearing, petitioner testified he had two attorneys prior to defense counsel being appointed in his case and one of them had told him he had a good chance of beating the charges in the January 9 incident. App. 55, ll. 1-13. Petitioner testified that during their visits defense counsel extended the state's plea offer but did not discuss potential defenses with him. App. 54, ll. 7-17. Petitioner also testified that he had not seen his discovery and requested to view the video of the incident. App. 44-49; 61, l. 14—63, l. 12. Petitioner testified that he always intended to go to trial but ultimately felt coerced by defense counsel to plead guilty. App. 60, l. 16—61, l. 17.

Discussion

Where a defendant enters a guilty plea upon counsel's advice, the voluntariness of the plea depends on whether the advice was within the range of competency demanded of attorneys

in criminal cases. *Hill v. Lockhart*, 474 U.S. 52 (1985). The two-part standard adopted in *Strickland v. Washington*, 466 U.S. 668 (1984) for evaluating claims of ineffective assistance of counsel—requiring that the defendant show that counsel's representation fell below an objective standard of reasonableness, and that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different—applies to guilty plea challenges based on ineffective assistance of counsel. *Id.* In order to satisfy the second, or “prejudice,” requirement, the defendant must show that there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial. *Id.*

Counsel was deficient for failing to provide or review certain discovery items with petitioner. Petitioner testified at PCR that he and counsel “went over nothing.” App. 63, ll. 6-12. Petitioner was prejudiced by counsel’s failure to fully review discovery with him because had he seen this evidence or discussed possible suppression with counsel petitioner would have insisted on going to trial. *See Hill v. Lockhart*, 474 U.S. 52 (1985).

CONCLUSION

By reason of the foregoing argument, a writ of certiorari should be issued to allow full briefing on the issue.



Sarah E. Shipe
Appellate Defender

ATTORNEY FOR PETITIONER

This 1st day of June, 2026.

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Counsel for Daryl Quarles states:

1. She is Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent petitioner.
2. She has reviewed the record of petitioner's post-conviction relief hearing before Judge J. Derham Cole, which was held on Aug. 19, 2024, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988), briefed an arguable legal issue which arose during the post-conviction relief process.

Therefore, counsel requests that the Court relieve her as counsel for Daryl Quarles.

Respectfully Submitted,



Sarah E. Shipe

Appellate Defender

ATTORNEY FOR PETITIONER

This 1st day of June, 2026.

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CERTIFICATE OF COUNSEL

S.C. SUPREME COURT

The undersigned certifies that to the best of her ability this Johnson Petition for Writ of Certiorari complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."



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