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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

APPENDIX

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1 STATE OF SOUTH CAROLINA) GENERAL SESSIONS
2 COUNTY OF GREENWOOD) TRANSCRIPT OF RECORD

3 -----x
4 STATE OF SOUTH CAROLINA,)
5 Plaintiff,)
6 vs.) Case No. 2020-GS-24-00439
7) Case No. 2020-GS-24-00440
8 DARYL LAMAR QUARLES,) Case No. 2020-GS-24-01358
9 Defendant.) Case No. 2020A2420100055
10 -----x

July 26, 2021

PLEA

B E F O R E:

The Honorable R. Lawton McIntosh, Presiding Judge

A P P E A R A N C E S:

Wade Dowlin, Esq.
Assistant Solicitor for the State

Chelsea McNeill, Esq.
Attorney for the Defendant

Recorded by: Court Monitor/DCRP

Transcribed by: Bobbi Fisher
SC Official Court Reporter III

I N D E X

DESCRIPTION

PAGE

Plea

3

E X H I B I T S

(None.)

COURT REPORTER LEGEND

Dash (--)

Indicates an interruption in speech

Ellipses (...)

Indicates trailing off in speech

(ph)

Indicates phonetic word

[Verbatim]

Indicates the word is said as written

(Indiscernible)

[Transcription] Indicates word(s) is not known due to audio recording quality

P R O C E E D I N G S

(Whereupon, the following proceedings started at 11:45 a.m.):

MR. DOWLIN: Thank you, Your Honor. Standing before you is Daryl Lamar Quarles. He's represented by Chelsea McNeill, the circuit public defender for the Eighth Circuit. Mr. Quarles is pleading guilty to two true-billed indictment numbers. Those are 2020-GS-24-0440 and 0439.

0440 is trafficking heroin greater than 28 grams, being reduced to trafficking heroin 4 to 14 grams, first offense.

And 0439 is failure to stop for a blue light, second offense.

He's also pleading guilty to a waiver of indictment, Your Honor, and that is 2021-GS-24-1358. That is charged as trafficking heroin greater than 28 grams. That's actually being reduced to possession with intent to distribute heroin, second offense. And we're doing a negotiated 16 years, Your Honor, and he does get credit for 20 months that he has done.

THE COURT: My understanding, in speaking with you and defense counsel this morning, is that he needs to be arraigned on all the drug charges?

MR. DOWLIN: He would need to -- no, sir. He does not, at this point, no, sir.

THE COURT: Okay.

MR. DOWLIN: On the trafficking he's pleading to, he's already -- we're good to go on that.

THE COURT: Do you agree with that?

1 MS. McNEILL: Yes, sir, I do.

2 THE COURT: So if I'm looking at these charges right,
3 pleading out guilty to possession of crack cocaine, which is a
4 zero to three; possession of cocaine, which is zero to three.
5 Trafficking methamphetamine is 7 to 25. Is that what you told
6 me?

7 MR. DOWLIN: Well, that -- what he's pleading to is the
8 trafficking heroin, Your Honor.

9 THE COURT: He's not pleading to methamphetamine?

10 MR. DOWLIN: No, sir.

11 THE COURT: I got it. Okay. So the trafficking heroin
12 would still be the same range, wouldn't it?

13 MR. DOWLIN: 25, yes, sir. As charged, it's 25 years day
14 for day, but we're reducing it to 4 to 14 grams to get him in
15 the 7 to 25 range.

16 THE COURT: Right.

17 MR. DOWLIN: Or we can do the negotiated sentences.

18 THE COURT: And then you had the failure to stop, which
19 would be zero to five. But this is on a negotiated basis of
20 16 years.

21 MS. McNEILL: Yes, sir.

22 THE COURT: Concurrent; right?

23 Now, my understanding of it being a negotiated plea is
24 that I can't change it. I can either accept it, I can reject
25 it, but I can't change it. Is that your understanding?

1 MS. McNEILL: Yes, sir.

2 THE COURT: Is that your understanding?

3 MR. DOWLIN: Yes, Your Honor.

4 THE COURT: All right. Has he been sworn in, Madam
5 Clerk?

6 THE CLERK: He has not.

7 Raise your right hand.

8 DARYL LAMAR QUARLES,

9 after having been duly sworn, was examined and testified
10 to as follows:

11 THE COURT: All right, sir. If you'd drop your mask for
12 me. Okay. You're Daryl Lamar Quarles?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: I'm going to need you to -- get you to speak
15 louder for me, if you don't mind.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Mr. Quarles, it says that you're 40 years of
18 age; is that correct?

19 THE DEFENDANT: That's correct.

20 THE COURT: Prior to today, have you been working?

21 THE DEFENDANT: I have been.

22 THE COURT: What kind of work do you do?

23 THE DEFENDANT: I have been doing construction work.

24 THE COURT: Construction work?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Okay. And when's the last time you worked at
2 that?

3 THE DEFENDANT: May.

4 THE COURT: May?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Of last year, 2020?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Is there a reason you haven't worked between
9 then? Is that when you got arrested?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Are you married?

12 THE DEFENDANT: No, sir.

13 THE COURT: Do you have children that are 18 years or
14 younger?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Are you involved with your children?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right, sir. And you heard the State, and
19 I went over the time each one of these charges, you can get.

20 But you heard that this is being presented to me on a
21 negotiated basis, meaning I can accept it or reject it?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And if I accept it today, you'll get 16
24 years.

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And credit for 20 months.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Are you under the influence of any
4 medications, drugs, or alcohol today?

5 THE DEFENDANT: No, sir.

6 THE COURT: Counselor, are you satisfied that Mr. Quarles
7 is competent to plea?

8 MS. McNEILL: I am.

9 THE COURT: Has anybody forced, threatened, or promised
10 you, Mr. Quarles, or anything to get you to plead guilty?

11 THE DEFENDANT: No, sir.

12 THE COURT: Are you doing so of your own free will?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you understand that you have a
15 constitutional right to have a jury of 12 people determine
16 whether you're guilty or innocent of these charges?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: In fact, your case is on the trial docket now
19 and we're in the process of getting ready to do just that,
20 pick a jury.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: But you advised that you wish to give up that
23 constitutional right and plead guilty today; is that correct?

24 THE DEFENDANT: That's correct, sir.

25 THE COURT: Do you freely and voluntarily give up your

1 constitutional right to a jury trial in order to plead guilty
2 today?

3 THE DEFENDANT: I do.

4 THE COURT: If you were to go to trial, Mr. Quarles,
5 during that trial, you could exercise the following additional
6 constitutional rights: First, you'd have a right to confront
7 and cross-examine any of the State's witnesses who testify
8 against you. You have the right to present evidence in your
9 own defense. You'd have the right to subpoena people to court
10 to testify on your behalf. And, finally, you'd have the
11 right, under the Fifth Amendment to the United States
12 Constitution, to remain silent. Do you understand those
13 rights?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you understand that, just like with the
16 jury trial, if you go forward with your plea today, you'll
17 give up those additional constitutional rights?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Is that what you want to do?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you freely and voluntarily give up your
22 constitutional rights in order to plead guilty today?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Now, Mr. Quarles, if you were to go to a jury
25 trial, the State would have to prove each and every element of

1 all the charges against you by proof beyond a reasonable doubt
2 before you can be found guilty. Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And proof beyond a reasonable doubt is the
5 higher burden that we recognize. Do you understand?

6 THE DEFENDANT: I do.

7 THE COURT: Now, by going forward with your plea, not
8 only will you give up your constitutional right, you will
9 alleviate the State of its burden of having to prove your
10 guilty by proof beyond a reasonable doubt. Is that what you
11 want to do?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Now, Mr. Quarles, if you were to go to trial
14 and not testify, I would instruct the jury that they could not
15 consider your failure to testify whatsoever because that is
16 your right under the Fifth Amendment to the United States
17 Constitution and because the State has the burden of proving
18 you guilty. Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Knowing all this, do you still want to go
21 forward with your plea today?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you still want to give up your
24 constitutional rights?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you freely and voluntarily give up your
2 constitutional rights in order to plead guilty today?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Under Indictment 2020-0439, are you guilty of
5 failure to stop for a blue light, second offense?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Under Indictment 2020-0440, are you guilty of
8 trafficking in heroin, between 4 -- well, 4 or more grams,
9 first offense?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And under Indictment 2021-1358, are you
12 guilty of possession with intent to distribute heroin, second
13 offense?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And that carries up to 30 years. And I
16 didn't go over that with you.

17 Are you satisfied with the services of your attorney?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Has she reasonably done what you have asked
20 her to do?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: As we stand here today, do you have
23 complaints whatsoever about your legal representation?

24 THE DEFENDANT: No, sir.

25 THE COURT: All right. Counsel, have you gone over the

1 elements of these charges with your client, explained to him
2 the time that he's going to get if I go along with this
3 negotiated plea, and explain the time that he could have
4 gotten with the other charges, explore whether or not he has
5 any defenses to these charges, as well as his constitutional
6 rights?

7 MS. McNEILL: Multiple times, Judge.

8 THE COURT: And you agree with his decision to plea?

9 MS. McNEILL: I do.

10 THE COURT: Is there a substantial factual basis behind
11 it?

12 MS. McNEILL: Yes, sir.

13 THE COURT: Have you explained to Mr. Quarles his right,
14 even though this is a plea, to have ten days to appeal this
15 plea -- these findings?

16 MS. McNEILL: I have not gone over that, Judge.

17 THE COURT: All right. Not counting today, Mr. Quarles,
18 assuming I go along with this plea today, you will still have
19 ten days to appeal, if that's what you wanted to do.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right. Tell me about it.

22 MR. DOWLIN: Your Honor, the first incident occurred on
23 or about January 9th of 2020. Mr. Quarles was sitting in the
24 Wells Fargo parking lot right over here in the City of
25 Greenwood about 3:00 in the morning. Law enforcement just

1 happened to pull through there, saw a vehicle driven by
2 Mr. Quarles sitting outside the bank at 3 a.m. in the morning.
3 That was a little suspicious to them. When they went to back
4 up to kind of check things out, Mr. Quarles sped off out of
5 the parking lot, went about a mile and a half. Ultimately
6 came to a stop right up by the Bojangle's here in Greenwood.

7 It was about where he -- about halfway through, he kind
8 of went off the side of the road. Law enforcement ended up
9 walking the trail from where Mr. Quarles stopped to a road.
10 White Oak Lane was probably about halfway through the chase.
11 That's where he swerved off the road. Law enforcement went
12 and looked through there and found a couple hundred blue
13 pills, Your Honor. Those came back as a mix of heroin,
14 fentanyl, and Tramadol. It was a weight of almost 30 grams,
15 Your Honor, but, again, we're reducing it to the 4 to 14
16 grams. And, Your Honor, during this whole chase, law
17 enforcement did have their blue lights and siren activated.
18 So that would be the basis of the first two charges, Your
19 Honor.

20 And then the most recent, also trafficking heroin, as
21 Your Honor indicated, being reduced to possession with intent
22 to distribute heroin, second offense, that incident occurred
23 on or about June 8th of 2021. Mr. Quarles and some other
24 individuals were sitting in a vehicle outside of the Waffle
25 House across from the mall. Some concerned citizens called

1 in, said they saw what appeared to be some type of drug
2 activity. Law enforcement went to check it out. Ultimately,
3 they got everyone out of the vehicle. Mr. Quarles was driving
4 the vehicle.

5 They went to place Mr. Quarles under arrest after
6 investigation, and, at that point, Mr. Quarles slipped away
7 and ran on foot a short distance and fell down in the woods,
8 and he had a couple hundred blue pills in his possession in
9 that case, Your Honor.

10 And just for the record, we do not have the SLED results
11 back on that case, but that's a large part of the reason we're
12 just going to reduce it from trafficking to PWID second, since
13 Mr. Quarles has indicated he's willing to plea, and he does
14 still have that one case that he's pleading guilty to where we
15 do have the SLED results and -- for lack of a better word,
16 that's kind of the one swinging the big stick on this plea,
17 Your Honor.

18 THE COURT: And which one is the one you don't have the
19 results on?

20 MR. DOWLIN: The PWID heroin second offense.

21 THE COURT: Okay. And have you explained that to
22 Mr. Quarles, Counsel?

23 MS. McNEILL: Yes, sir, I have.

24 THE COURT: And he wishes to go forward?

25 MS. McNEILL: Yes, sir, he does.

1 THE COURT: Is that correct, Mr. Quarles?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And you understand that that may come back
4 and not be what it's supposed to be that you've been charged
5 with. Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Okay. All right. Tell me about him.

8 MS. MCNEILL: Your Honor, he is a lifelong resident of
9 Greenwood County. He went to Emerald High School here in
10 Greenwood. He went up until the 10th grade, and then he did
11 obtain his GED on his own.

12 He does have 20 months' jail credit, Judge, and he does
13 have good family support. He's got seven children, who he is
14 involved in all of their lives. And also today with him is
15 his mother sitting behind me, Ms. Sally Quarles, and also his
16 sister is sitting behind me, Ms. Clarissa Quarles. They both
17 love him dearly, and they will be bearing the brunt of taking
18 care of his children while he is away.

19 We have gone over the entire discovery file. I have also
20 gone over the discovery file in the newest case with him,
21 except for, obviously, the SLED results, but we did talk about
22 that, and he does indicate that he's wishing to wrap
23 everything up and plead guilty to all of his -- or to these
24 pending charges that he's pleading today, and this should wrap
25 everything that Mr. Quarles has pending in the Eighth Circuit.

1 THE COURT: Now, have you explained to Mr. Quarles that
2 the trafficking heroin and the PWID heroin are considered
3 serious and that trafficking is considered violent as well?

4 MS. McNEILL: Yes, sir. I have gone over the LWOP
5 eligibility with him, and I have also gone over the fact that
6 the trafficking that he's pleading to, which is the main case,
7 is a violent offense. He understands it's 85 percent, and
8 that he will be going violent time on that.

9 THE COURT: Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And you still want to proceed?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: How many strikes will this be?

14 MS. McNEILL: I believe that this will be his first
15 strike, Judge. I don't have --

16 MR. DOWLIN: That's correct, Your Honor.

17 THE COURT: This is Strike No. 1.

18 MS. McNEILL: Yes.

19 THE COURT: You only get two more serious ones, and then
20 you're looking at LWOP, or two more most serious, and you'll
21 be looking at LWOP. Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right. Anything you want to add to what
24 your attorney's advised?

25 THE DEFENDANT: No, sir.

1 THE COURT: All right. I'm going to accept your plea as
2 knowingly made with the advice of counsel. I find there is a
3 substantial factual basis for the plea and find that you're
4 satisfied with the services you have received from your
5 attorney. I'm going to sentence you under Indictment
6 2020-0439, to five years, which is a failure to stop. Under
7 Indictments 2020-0440 and 2021-1358, the sentence will be 16
8 years. They will all be concurrent. All these charges will
9 be concurrent. Credit for 20 months. Good luck to you.

10 MS. McNEILL: Thank you, Judge.

11 THE WITNESS: Thank you, Your Honor.

12 (The above matter concluded at 12:00 p.m.)
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16
17
18
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22
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24
25

1 CERTIFICATE OF TRANSCRIBER

2 CASE NAME/NUMBER: State v. Daryl L. Quarles

3 2020-GS-24-0439, et al

4 DATE OF HEARING: 7/26/2021

5 COURT REPORTER/MONITOR: DCRP

6
7 I, Bobbi Fisher, do hereby certify that the foregoing
8 transcript is a true and correct record of the recorded
9 proceedings; that said proceedings were transcribed to the
10 best of my ability from the audio recording and supporting
11 information, and that I am neither counsel for, related to,
12 nor employed by any of the parties to this case, and I have no
13 interest, financial or otherwise, in its outcome.
14

15 17 _____
18 Bobbi Fisher, Certified Transcriber19 Date Prepared: June 21, 2022
20
21

22 NOTE: PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT REPORTER
23 SHALL RECEIVE THE FEE OF \$1.00 PER PAGE FOR FURNISHING A COPY
24 OF A PREVIOUSLY PREPARED TRANSCRIPT." ALL REQUESTS FOR COPIES
25 OF THE ATTACHED TRANSCRIPT (FORM 800) FROM OPPOSING PARTY OR
NON-PARTIES MUST BE SENT TO THIS REPORTER AT
BFISHER@SCCOURTS.ORG.

FORM 5

 Filed CP 8th Jud Cir Greenwood, SC
 22 MAR 28 PM 12:01

STATE OF SOUTH CAROLINA)

County of Greenwood)Daryl L. Quarles 279689)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2022-CP-24- 00278

APPLICATION FOR

POST-CONVICTION RELIEF

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 Mac Dougall C.I. 1516 Old Giliard Rd. Ridgerville, SC 29417
2. Name and location of Court which imposed sentence Ben. Sessions Greenwood
3. Name(s) of co-defendant(s) (if any)

N
A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2020-GS-240-439; 2020-GS-240-440;
 - (b) 2020-GS-240-654; 2020 A2420100055

(e) and 2021-65-241350

5. The date upon which sentence was imposed and the terms of the sentence:

(a) 7.26.21 / 16 years

(b) _____

(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?

NO

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

i.

N

ii.

iii.

A

(b) the result in each such Court to which you appealed:

i.

N

ii.

iii.

A

(c) the date of each such result:

i.

N

ii.

iii.

A

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i.

N

ii.

iii.

A

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) There was no issues for/to appeal

(b) _____

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) See 10 (9) Applicant first time presenting ground
 (b) See 10 (6) " " " " "
 (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? N/A
 (c) your sentencing? YES
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A
 (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. C. McNeil Greenwood P. D. Office
 ii. _____
 iii. _____
 (b) the proceedings at which each such attorney represented you:
 i. Plea and Sentencing
 ii. _____
 iii. _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) Ineffective Assistance of counsel

(b) Guilty plea was not voluntarily nor intelligently made

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) SEE ATTACHED SHEETS 1-3

(b) _____

(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? NO

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO

(d) any other petitions, motions or applications in this or any other Court? NO

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.	<u>N</u>
ii.	
iii.	
iv.	<u>A</u>

(b) the name and location of the Court in which each was filed:

i.	<u>N</u>
ii.	
iii.	
iv.	<u>A</u>

(c) the disposition thereof:

i.	N
ii.	
iii.	
iv.	A

(d) the date of each such disposition:

i.	N
ii.	
iii.	
iv.	A

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

i.	N
ii.	
iii.	
iv.	A

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?

	N
	A

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

(a) which grounds have been presented:

i.	N
ii.	
iii.	A

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

i.	N
ii.	
iii.	A

11(a) INEFFECTIVE ASSISTANCE OF COUNSEL

Per the Bill of Right to the Federal Constitution. I was denied the right to effective assistance of counsel.

Thereby, my plea, conviction and sentences violates the constitutions and laws of the United States, as guaranteed by the 6th and 14th Amendments and South Carolina Const. Article I sec 3 and Sec 14

Also see Strickland v Washington
104 S.Ct. 2052.

Here, Counsel MC Neil acts and

or omissions including but not limited to PREJUDICED me, when she failed to properly investigate all.... my facts and issues surrounding my cases

11(b) GUILTY PLEA "WAS NOT" VOLUNTARILY NOR INTELLIGENTLY MADE

My guilty plea was NOT voluntarily or intelligently made. And if it wasn't for counsel unprofessional errors. I would not have pled guilty and would have insisted on going to trial SEE. Hill v Lockhart
106 S Ct. 366

I further argue that with the aid of assistance of PCR counsel. I

Will prove my claims by the preponderance of evidence SEE: S.C.R. Civil P. Rule 71.1

(d): Rule 407 SCACR/Rules of Professional conduct and Martinez vs Ryan 132 Sct 1309.

And, that any grounds/issues set out in this original PCR application expressly or not argued, will be subject to amendment per S.C. Code Ann § 17-27-90. Also see S.C.R Civil P. Rule 71.1 (d). Thus,

I am entitled to a FULL and FAIR evidentiary hearing, as well as a ruling upon "all" my issues SEE: Odom vs State 523 SEd 753; Sharper vs State 305 SEd 247; SC Code Ann § 17-27-80; Marler vs State 653 SEd 266; Bostick vs Stevenson 589 Fed 164

DATE: 3.17.22

Respectfully submitted
 s/ Daryl Quarles

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

vacate pleas, and any other relief that I may be entitled
to And this court deems just and fair.

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

NO

STATE OF SOUTH CAROLINA)

VERIFICATION

County of _____)

I, Daryl Quarles, 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.

Daryl Quarles

SWORN to and subscribed before me this 17th
 day of March, 2022.

[Signature] (L.S.)
 Notary Public

My Commission Expires: 04-12-2031

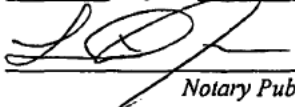
**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Daryl Quarles, 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.


Applicant

SWORN or affirmed to and subscribed before me this
17th day of March, 2022.


Notary Public

My Commission Expires: 04-12-2031

PROOF OF SERVICE

I Daryl Quarles do hereby certify that I have served the below person my PCR form and grounds. By placing the above card into the MacDougall C.I. mail room on this 17 day of MARCH ~~22~~ to be placed in the U.S. mail w/ postage prepaid

The Hon. Greenwood
Clerk of Ct.
528 Monument St. Rm 114
Greenwood, SC 29646

Subscribed to before me
this 17 day of March 2022

Daryl Quarles

L.D.

Notary Public
my Commission Expires 04-12-2031

cc: D.Q

The Greenwood Clerk of Ct.
 528 Monument St Rm 114
 Greenwood, SC 29646

DATE 3.17.22

Dear Hon. Clerk

Please find enclosed for filing my PCR app.
 and grounds.

Would you be so kind as to forward
 the Atty Gen's Office a filed copy and me
 one back please. And the name/address
 of the atty appointed to my case.

Thank you

Sincerely

cc: Personal File

Dan Burley

STATE OF SOUTH CAROLINA

COUNTY OF GreenwoodDaryl L. Quarles #279689

Plaintiff(s)

vs.

The State

Defendant(s)

Submitted By: Daryl QuarlesAddress: Mar Dougall C.J. 1516 Old
Billiard Rd Ridgeway SC
29417

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

-CP - -

2022-CP-24-00278

Filed CP 8th Jud Cir Greenwood, SC
22 MAR 28 PM 12:01

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|--|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 ____ -NI- ____ -
☐ Notice/ File Med Mal (230)
☐ Other (299) | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☐ Other (399) | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) |
| Inmate Petitions
☒ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers Compensation Settlement Approval (780)
☐ Other (799) | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) |
| Special/Complex /Other
☐ Environmental (600) ☐ Pharmaceuticals (630)
☐ Automobile Arb. (610) ☐ Unfair Trade Practices (640)
☐ Medical (620) ☐ Out-of State Depositions (650)
☐ Other (699) ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Sexual Predator (510) ☐ Pre-Suit Discovery (670) | | | |

Submitting Party Signature: Daryl QuarlesDate: 3-17-22

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE EIGHTH JUDICIAL CIRCUIT
COUNTY OF YORK	)	
Daryl L. Quarles,	)	Case No.: 2022-CP-24-00278
S.C.D.C. No. 279689,	)	
	)	
Applicant,	)	
	)	RETURN TO THE APPLICATION FOR POST-
v.	)	CONVICTION RELIEF AND MOTION FOR A
	)	MORE DEFINITE STATEMENT
State of South Carolina,	)	(Counsel Appointed)
	)	
Respondent.	)	
	)	

Respondent the State of South Carolina, in response to the application for post-conviction relief filed by Applicant Daryl L. Quarles on March 22, 2022, makes the following Return and Motion for a More Definite Statement:

I. PROCEDURAL HISTORY

Applicant is presently confined within the South Carolina Department of Corrections. Applicant was indicted at the March 2020 term of the Greenwood County Grand Jury for trafficking heroin greater than 28 grams (2020-GS-24-440) and failure to stop for a blue light (2020-GS-24-439). Applicant was represented by Chelsea McNeill, Esquire, and Assistant Solicitor Wade Dowlin, of the Eighth Circuit Solicitor's Office, prosecuted the case.

On July 26, 2021, Applicant appeared before the Honorable R. Lawton McIntosh, and pled guilty to the failure to stop charge and a reduced charge of trafficking heroin, four to fourteen grams, first offense. Applicant also waived presentment of another trafficking charge that was reduced to possession with intent to distribute heroin, second offense. Following a guilty plea colloquy, Judge McIntosh sentenced Applicant to imprisonment for concurrent terms

of five years for failure to stop and sixteen years on each of the drug charges. Applicant did not file a direct appeal.

II. STATEMENT OF THE FACTS

At the plea proceeding, the underlying facts of the crimes for which Applicant is incarcerated were articulated by the State as follows:

You Honor, the first incident occurred on or about January 9th of 2020. Mr. Quarles was sitting in the Wells Fargo parking lot right over here in the city of Greenwood about 3:00 in the morning. Law enforcement just happened to pull through there, saw a vehicle driven by Mr. Quarles sitting outside the bank at 3 a.m. in the morning. That was a little suspicious to them. When they went to back up to kind of check things out, Mr. Quarles sped off out of the parking lot, went about a mile and a half. Ultimately came to a stop right up by the Bojangle's here in Greenwood.

It was about where he—about halfway through, he kind of went off the side of the road. Law enforcement ended up walking the trail from where Mr. Quarles stopped to a road. White Oak Lane was probably about halfway through the chase. That's where he swerved off the road. Law enforcement went and looked through there and found a couple hundred blue pills, Your Honor. Those came back as a mix of heroin, fentanyl, and Tramadol. It was a weight of almost 30 grams, Your Honor, but, again, we're reducing it to the 4 to 14 grams. And, Your Honor, during this whole chase, law enforcement did have their blue lights and sirens activated. So that would be the basis of the first two charges, Your Honor.

And then the most recent, also trafficking heroin, as Your Honor indicated, being reduced to possession with intent to distribute heroin, second offense, that incident occurred on or about June 8th of 2021. Mr. Quarles and some other individuals were sitting in a vehicle outside of the Waffle House across from the mall. Some concerned citizens called in, said they saw what appeared to be some type of drug activity. Law enforcement went to check it out. Ultimately, they got everyone out of the vehicle. Mr. Quarles was driving the vehicle.

They went to place Mr. Quarles under arrest after investigation, and, at that point, Mr. Quarles slipped away and ran on foot a short distance and fell down in the woods, and he had a couple hundred blue pills in his possession in that case, Your Honor.

(Plea Tr. p.11, line 22–p.13, line 9).

III. CURRENT APPLICATION

In his post-conviction relief application, Applicant alleges he is being held unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
2. Guilty plea was not voluntarily nor intelligently made

Applicant has attached a document expanding these grounds as follows:

11(a): INEFFECTIVE ASSISTANCE OF COUNSEL

Per the Bill of Right to the Federal Constitution, I was denied the right to effective assistance of counsel. Thereby, my plea, conviction and sentences violates the constitutions and laws of the United States, as guaranteed by the 6th and 14th Amendments and South Carolina Const. Article I sec 3 and sec 14. Also see Strickland v. Washington, 104 S.Ct. 2052.

Here, Counsel McNeil acts and or omissions including but not limited to PREJUDICED me, when she failed to properly investigate all . . . [sic] my facts and issues surrounding my cases

11(b): GUILTY PLEA “WAS NOT” VOLUNTARILY NOR INTELLIGENTLY MADE

My guilty plea was not voluntarily or intelligently made. And if it wasn’t for counsel unprofessional errors, I would not have pled guilty and would have insisted on going to trial SEE Hill v Lockhart 106 S.Ct. 366

I further argue that with the aid of assistance of PCR counsel, I will prove my claims by the preponderance of evidence SEE: S.C.R. Civil P. Rule 71.1(d); Rule 407 SCACR/Rules of Professional conduct and Martinez v Ryan 132 SCt 1309.

And that any grounds/issues set out in this original PCR application expressly or not argued, will be subject to amendment per S.C. Code Ann. § 17-27-90. Also see S.C.R. Civil P. Rule 71.1(d). Thus, I am entitled to a FULL and FAIR evidentiary hearing, as well as a ruling upon “all” my issues SEE: Odom vs State 523 SE2d 753; Sharper vs State 305 SE2d 247; SC Code Ann § 17-27-80; Marler vs State 653 SE2d 266; Bostock vs Stevenson 589 F2d 164

(emphases and errors in original). Applicant requests relief as follows:

Vacate pleas, and any other relief that I may be entitled to and this Court deems just and fair.

Attached to this Return and incorporated into this response to the application are the Greenwood County Clerk of Court records regarding the general sessions proceedings, the transcript from Applicant's plea proceeding, Applicant's records from the South Carolina Department of Corrections, and the current application for relief. Respondent reserves the right to amend this Return upon receipt of relevant information.

IV. RESPONSE TO ALLEGATION OF INEFFECTIVE ASSISTANCE OF COUNSEL

Ineffective Assistance of Trial Counsel, Generally

In his application, Applicant raises a generic claim of ineffective assistance of counsel for failure to perform a proper investigation but does not set forth any specific facts to support this allegation. Accordingly, Respondent addresses this general allegation and submits the record establishes Applicant will not be able to prove any ineffectiveness of counsel as to this claim. However, as set forth below, Respondent requests that Applicant, through his counsel, file an amended return specifically addressing all claims.

The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant, like all other defendants, the right to "assistance by an attorney, whether retained or appointed, who plays the role necessary to ensure that the trial is fair." *Strickland v. Washington*, 466 U.S. 668 (1984). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive *effective* assistance of counsel guaranteed by the Sixth Amendment. *See generally* S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions). The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right and raises a question of fact that can only be determined by an evidentiary hearing. *Rogers v. State*, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a PCR action, Applicant bears the burden of proving the allegations in his application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Applicant must prove his factual allegations by a preponderance of the evidence. Rule 71.1(e), SCRCP. Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that “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.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*. First, Applicant must prove that counsel’s performance was deficient. *Strickland*, 466 U.S. at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney’s performance by its “reasonableness under prevailing professional norms.” *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” *Id.* (citing *Strickland*, 466 U.S. at 690). “When counsel focuses on some issues to the exclusion of others, there is a strong presumption that he [or she] did so for tactical reasons rather than through sheer neglect.” *Yarborough v. Gentry*, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690). The Court, in determining deficiency, must affirmatively entertain the range of possible reasons counsel may have had for proceeding as they did. *Cullen v. Pinholster*, 563 U.S. 170, 196 (2011); *Harrington v. Richter*, 562 U.S. 86, 109–10 (2011). “[E]ven if an omission is inadvertent, relief is not automatic. The Sixth Amendment guarantees

reasonable competence, not perfect advocacy judged with the benefit of hindsight.” *Yarborough*, 540 U.S. at 6; *see also* *Murphy v. Davis*, 901 F.3d 578, 592 (5th Cir. 2018) (“[C]ounsel’s performance need not be optimal to be reasonable.”).

Second, counsel's deficient performance must have prejudiced Applicant such 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, 386 S.E.2d at 625. “This does not require a showing that counsel’s actions ‘more likely than not altered the outcome,’ but the difference between *Strickland*’s prejudice standard and a more-probable-than-not standard is slight and matters ‘only in the rarest case.’” *Harrington*, 562 U.S. at 111–12 (quoting *Strickland*, 466 U.S. at 697). “The likelihood of a different result must be substantial, not just conceivable.” *Id.* at 112. “The prejudice analysis requires the court deciding the ineffectiveness claim to consider the totality of the evidence before the judge or jury.” *United States v. Basham*, 789 F.3d 358, 371–72 (4th Cir. 2015) (quoting *Elmore v. Ozmint*, 661 F.3d 783, 858 (4th Cir. 2011)).

In the context of a guilty plea, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant’s right to contest the validity of such a plea is usually, but not invariably, foreclosed. *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.”). Statements made during a guilty plea should be considered conclusive, unless an applicant presents valid reasons why he or she should be allowed to depart from the

truth of his statements. *Dalton v. State*, 376 S.C. 130, 137–38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Crawford v. United States*, 519 F.2d 347, 350 (4th Cir. 1975)).

Respondent submits that Applicant can neither satisfy the two-pronged *Strickland* test nor show a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. At the plea proceeding, Applicant stated under oath that he was satisfied with the services of his attorney and had no complaints whatsoever about her representation. (Plea Tr. p. 10, lines 17–24). However, because Applicant has not specified the acts or omissions of counsel on which his claim is based, it is impossible to respond with precision to his allegation of ineffective assistance. Accordingly, Respondent requests Applicant be required, through his appointed counsel, to amend his application to include the specificity required to support an allegation of ineffective assistance of counsel.

V. RESPONSE TO ALLEGATION OF INVOLUNTARY GUILTY PLEA

Applicant alleges his guilty plea was not made voluntarily or intelligently; however, he does not provide any specific facts to support this allegation. Respondent submits this allegation is conclusively refuted by the record. At the plea proceeding, Judge McIntosh conducted an extensive colloquy with Applicant wherein he explained the charges Applicant was facing, the negotiated sentence of 16 years' imprisonment, and all the rights Applicant would be waiving by pleading guilty; Applicant consistently acknowledged that he understood what the Judge was saying and voluntarily agreed to waive his constitutional rights and plead guilty. (Plea Tr. pp.5–15).

Nevertheless, because this allegation is not accompanied by any specific facts or legal arguments clarifying Applicant's position, Respondent cannot respond to it with precision at this point. Accordingly, Respondent requests Applicant be required, through counsel, to amend his

application to set forth specific facts regarding this allegation.

VI. MOTION FOR MORE DEFINITE STATEMENT

Applicant's claims are generic, vague, and unsupported by any asserted facts. The Uniform Post-Conviction Procedure Act requires that the Applicant must "specifically set forth the grounds upon which the application is based." S.C. Code Ann. Section 17-27-50. In an application for post-conviction relief, it is incumbent upon Applicant 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); *see also* Rule 8(a)(2), SCRCP (requiring all civil pleadings to include "a short and plain statement of the facts showing that the pleader is entitled to relief"); Rule 71.1(d), SCRCP ("Counsel shall insure that all available grounds for relief are included in the application and shall amend the application if necessary."). "[M]ere allegations of incompetency or ineffectiveness of counsel will not ordinarily suffice as grounds for a new trial under the Post-Conviction Procedure Act. The bare assertion by the [applicant] that he was deprived of adequate and effective assistance of counsel is insufficient." *Coardes v. State*, 262 S.C. 493, 497, 206 S.E.2d 264, 265 (1974).

Respondent moves pursuant to Rule 12(e), SCRCP, to require Applicant, through his appointed counsel, to provide a more definite statement of his allegations by filing an amended application before the scheduling of any hearing(s) in this matter. If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, Respondent reserves the right to move to dismiss the application.

VII. ANY FUTURE AMENDMENTS AND INVOCATION OF DISCOVERY PROCESS

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. All

claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. *See* Rule 11, SCRCP. *Pro se* filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State pursuant to *Love v. State*, 428 S.C. 231, 834 S.E.2d 196 (2019), or, alternatively, the State will request a continuance in the matter. *Id.*, 428 S.C. at 245, 834 S.E.2d at 203 (Kittredge, J., dissenting) (“If, however, the proposed amendment . . . would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments.”).

Pursuant to S.C. Code Ann. § 17-27-150, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, the State requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to the State well in advance of the evidentiary hearing. The State reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to the State.

VIII. GENERAL DENIAL

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this return is hereby denied.

IX. CONCLUSION

WHEREFORE, Respondent respectfully requests Applicant, through appointed counsel, file an amended application with specific allegations and supporting facts prior to the scheduling

of any evidentiary hearings in this matter so that Respondent may file an amended return specifically responding to the amended, specific allegations.

Respectfully submitted,

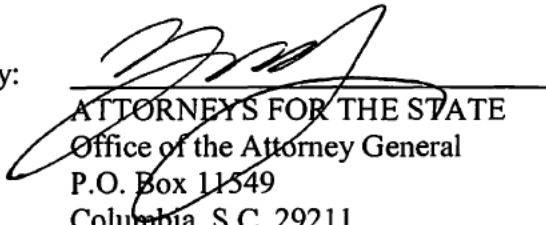
ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

ZACHARY W. JONES
Assistant Attorney General

By:



ATTORNEYS FOR THE STATE
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

July 27, 2022

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENWOOD	)	
	)	2022-CP-24-278
	)	
Daryl L. Quarles, #279689	)	
	)	
Applicant,	)	
	)	
vs	)	CERTIFICATE 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 to the Application for Post-Conviction Relief and Motion for More Definite Statement in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Michael S. Gambrell, Esquire
Michael S. Gambrell, LLC
104 South Calhoun Street
Greenville, SC 29601

DATED this 27th day of July, 2022.



 Joshua Osborne, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FOR THE 8 TH JUDICIAL CIRCUIT
COUNTY OF GREENWOOD	)	Case No.: 2022-CP-24-00278
Daryl Lamar Quarles, #279689	)	
	)	
Applicant,	)	AMENDED POST-CONVICTION
	)	RELIEF APPLICATION
v.	)	
	)	
State of South Carolina.	)	
_____	)	

The Applicant, by and through his undersigned attorney, hereby amends his PCR application filed on March 28, 2022, to add the following:

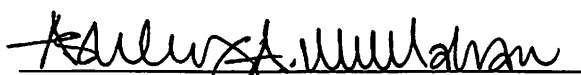
1. Ineffective Assistance of Counsel of Chelsea B. McNeil:

- a. Failed to discuss possible defenses to the drug cases. Had Ms. McNeil discussed possible defenses of suppression of the drugs, etc., the Applicant would have insisted on going to trial and not pleaded guilty.
 - i. Failure to discuss possible defenses with the Applicant. Had Ms. McNeil discussed the possibility that the drugs that were found in the woods could not be traced back to the Applicant, Applicant would have insisted on going to trial. However, Ms. McNeil was refusing to try the case.
 - ii. Failed to move to suppress the drugs that were found in the woods that had no been proven to have any connection to the Applicant at the time they were found in the woods.
- b. Ms. Neil also did not discuss the defense that SLED only tested one pill per bag and not each individual pill.
- c. Failed to go over and provide the Rule 5/Brady to the Applicant. (Please see attached, and incorporated herein, inmate requests requesting the discovery from the Public Defender's Office.) Applicant did not see the entire videos related to each case. Applicant

only got to see part of the video prior to trial and Ms. McNeil informed the Applicant that there wasn't enough time to view the entire video prior to trial.

Applicant requests that he be permitted to amend his PCR application to conform to the evidence presented at the PCR hearing should any new or unaddressed issues arise during the course of the hearing that have not been specifically addressed in the Application. See Simpson v. Moore, 367 S.C. 587, 627 S.E.2d 701 (2006); see also Love v. State of South Carolina, 428 S.C. 231, 834 S.E.2d 196 (2019).

Respectfully submitted,



ASHLEY A. McMAHAN, ESQUIRE

McMAHAN LAW, LLC

PO Box 50536

Columbia, SC 29250

803-219-1110

ashley@mcmahanlawsc.com

SC Bar No. 71676

ATTORNEY FOR APPLICANT

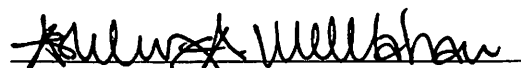
November 13, 2023

CERTIFICATE OF SERVICE

I certify that I have served this document via email to:

Zachary W. Jones
Assistant Attorney General
zacharyjones@scag.gov

This 13th Day of November, 2023.



ASHLEY A. McMAHAN, ESQUIRE

Attorney for Applicant

INMATE GRIEVANCE

Inmate:	71696	QUARLES, DARYL L.
File Date:	7/28/2021 9:35:00 AM	
Meeting Date:		
Resolution Date:	7/28/2021 5:22:00 PM	
Grievance Status:	CLOS	

Chairman:	
Member 1:	
Member 2:	
Officers:	KIOSK2
Subject of Grievance:	TIPS

Statement:

CPT.BOLLMAN WILL YOU FORWARD THIS TO NICHOL HURLY PLEASE? HEY NICHOL I`M EMAILING YOU FOR ALL OF MY RULE 5`S BRADY MOTIONS FROM EACH INCCIDENT,THE PCR FORMS OR APPLICATION, AND THE INFORMATION THAT YOU WERE LOOKING UP OR RESEARCHING FOR ME ON GOOGLE PLEASE. I`M HOPING TO HAVE THIS INFORMATION BEFOREVI`M TRANSFERED. THANK YOU VERY MUCH.

Review:

Findings:

EMAILED TO NICOLE

INMATE GRIEVANCE

Inmate:	71696	QUARLES, DARYL L.
File Date:	7/7/2021 1:47:00 PM	
Meeting Date:		
Resolution Date:	7/8/2021 3:58:00 PM	
Grievance Status:	CLOS	

Chairman:	
Member 1:	
Member 2:	
Officers:	KIOSK2
Subject of Grievance:	LEGAL/REQUEST/LEGAL - OTHER REQUEST

Statement:

TO.CPT.BOLLMAN,INV.PENDERGRASS,ORSGT.GRESHAM. WILL YOU PLEASE EMAIL TO PUBLIC DEFENER CHELSY MCNEIL? CHELSY I`M REQUESTING A COPY OF MY RULE 5 BRADY MOTION. YOU GAVE ME ONE BEFORE ME BEING INCARCERATED.HOWEVER;I DO NOT HAVE ACCESS TO IT. ALSO I`M RQUESTING THAT YOU VIEW THE VIDEO FROM THE CHASE. SGT BAILY THOMPSON SEARCHED MY BUTT AND WHALT WAS TELLING ME I HAVE A CLAIM AGAINST THE GREENWOOD POLICE DEPT BECAUSE HE COULD SEE A CONSTITUTIONAL VIOLATION WITH THE SGT`S. ACTIONS. THANK YOU.

Review:

Findings:

EMAILED TO HER

INMATE GRIEVANCE

Inmate:	71696	QUARLES, DARYL L.
File Date:	2/1/2021 9:02:00 AM	
Meeting Date:		
Resolution Date:	2/1/2021 9:32:00 AM	
Grievance Status:	CLOS	

Chairman:	
Member 1:	
Member 2:	
Officers:	KIOSK2
Subject of Grievance:	CLASSIFICATION/REQUEST/I WOULD LIKE TO BE AN INMATE WORKER

Statement:

LT. BOLLMAN I UNERSTAND THAT ONE OF YOUR DORM WORKERS MAY BE GETTING RELEASED TODAY OR SOMETIME THIS. I`M REQUESTING TO TAKE HIS PLACE IF AND WHEN THAT HAPPENS. ALSO I WOULD LIKE FOR YOU TO E-MAIL MY PUBLIC DEFENDER WALT WHITMIRE AND LET HIM KNOW THAT I`M REQUESTING TO SEE HIM THE NEXT TIME HE`S SEEING CLIENTS.THANK YOU.

Review:**Findings:**

THIS WILL BE LOOKED AT ONCE THEY ARE RELEASED

INMATE GRIEVANCE

Inmate:	71696	QUARLES, DARYL L.
File Date:	9/17/2020 9:36:00 AM	
Meeting Date:		
Resolution Date:	9/18/2020 12:18:00 AM	
Grievance Status:	CLOS	

Chairman:	
Member 1:	
Member 2:	
Officers:	KIOSK2
Subject of Grievance:	LEGAL/REQUEST/REQUEST PUBLIC DEFENDER FORM

Statement:

WALT WHITMIRE,I`M WRITING TO ASK THAT YOU GET ME IN COURT THIS MONTH FOR A BOND REUCTION OR THAT YOU SPEAK WITH ME TO UPDATE ME. YOU TOLD ME IN MAY AND AGAIN JUNE THAT YOU WOULD TAKE ME UP IN 2 WEEKS. ITS BEEN MONTHS NOW AND I HAVE`NT HEARD ANYTHING FROM YOU.

Review:

Findings:

EMAILED TO WALT WHITMIRE

INMATE GRIEVANCE

Inmate:	71696	QUARLES, DARYL L.
File Date:	8/26/2020 6:35:00 PM	
Meeting Date:		
Resolution Date:	8/26/2020 7:10:00 PM	
Grievance Status:	CLOS	

Chairman:	
Member 1:	
Member 2:	
Officers:	KIOSK2
Subject of Grievance:	LEGAL/GRIEVANCE/I HAVE NOT SEEN/HEARD FROM MY ATTORNEY

Statement:

EMAIL TO WALT

DEAR MR. WHITMIRE, IM EMAILING YOU TO REQUEST TO SPEAK WITH YOU. IM ALSO EMAILING YOU BECAUSE TWICE IVE ASKED TO GO FOR A BOND AND YOU TOLD ME YOU WERE GOING TO TAKE ME UP FOR A BOND RECONSIDERATION WITHIN TWO WEEKS OF SPEAKING WITH ME. WELL ITS BEEN MONTHS SINCE WEVE LAST TALKED AND YOU STILL HAVE NOT TAKEN ME UP FOR A BOND RECONSIDERATION ALSO I ASKED FOR MY RULE5 BRADY MOTION IN MAY AND YOU SAID YOU WOULD GET IT TOO ME IN TWO WEEKS. ITS BEEN SEVERAL MONTHS IVE HAVENT RECEIVED IT . HONESTLY I WANT TO FILE FOR DISMISSAL ON THOSE THREE TRAFFICKING CHARGES PWID3RD POSS OF COCAINE AND POSS OF MARIJUANA

Review:**Findings:**

EMAILED TO MR WHITMIRE

INMATE GRIEVANCE

Inmate:	71696	QUARLES, DARYL L.
File Date:	5/1/2020 3:03:00 PM	
Meeting Date:		
Resolution Date:	5/14/2020 10:59:00 AM	
Grievance Status:	CLOS	

Chairman:	
Member 1:	
Member 2:	
Officers:	KIOSK4 M BOLLMAN
Subject of Grievance:	LEGAL/REQUEST/LEGAL MATERIAL/RESEARCH/COPIES

Statement:

I`M RQUESTING LEGAL MATERIAL SUCH AS PAPER, STAMPED ENVELOPE -LETTER SIZED AND LARGE WHITE OR MANILA,PENCIL,AND ERASER. I`M ALSO REQUESTING TO PLACE A ATTORNY CALL. I HAVE A PUBLIC DEFENER AND I UNDERSTAND THAT MINE IS NOT WORKING FROM THE PD OFFICE SO I`M REQUESTING THAT YOU GET THE NUMBER WHERE HE CAN BE REACHED AS I UNDERSTAND THAT HE`S BEEN ACCEPTING CALLS FROM HOME VIA CELLPHONE. THANK YOU.

Review:

ADDED TO LEGAL CALL LIST

Findings:

I JUST CHECKED AND YOU ARE NOT INDIGENT. THE ITEMS YOU ARE TALKING ABOUT CAN BE ORDERED ON THE CANTEEN.

STATE OF SOUTH CAROLINA
COUNTY OF GREENWOOD

IN THE COURT OF COMMON PLEAS

Daryl L. Quarles,)
Applicant,)
)
V)
)
State of South Carolina,)
Respondent.)
_____)

2022-CP-24-00278

TRANSCRIPT OF RECORD

August 20, 2024
Greenwood, South Carolina

B E F O R E:

The Honorable J. Derham Cole, Judge

A P P E A R A N C E S:

ATTORNEY FOR APPLICANT:
Ashley A. McMahan, Esquire

ATTORNEY FOR RESPONDENT:
T. Cruise Mitchell, Assistant Attorney General

Tara T. Scott, CVR
Official Court Reporter

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(NO EXHIBITS INTRODUCED DURING THIS HEARING)

1 MR. MITCHELL: May it please the Court, Your Honor.

2 This is the post-conviction relief matter of *Daryl Quarles v*
3 *State*. Case number 2022-CP-24-00278 out of Greenwood
4 County. I am Cruise Mitchell on behalf of the State of
5 South Carolina. Applicant is present and represented by
6 Ashley A. McMahan. Applicant was indicted at the March 2020
7 term of the Greenwood County Grand Jury for trafficking
8 heroin greater than 28 grams and failure to stop for a blue
9 light. Applicant was represented by Chelsea McNeill,
10 Esquire. Assistant Solicitor Wade Downtin prosecuted the
11 case.

12 On July 26, 2021, Applicant appeared before the
13 Honorable R. Lawton McIntosh, and pleaded guilty to the
14 lesser included offense of trafficking heroin four to 14
15 grams and as indicted to failure to stop for a blue light.
16 Additionally, Applicant waived presentment of another
17 trafficking charge that was reduced to possession with
18 intent to distribute heroin second offense.

19 Judge McIntosh sentenced Applicant to 16 years on each
20 of the drug charges and five years for failure to stop for a
21 blue light with those sentences to run concurrently. This
22 was a negotiated plea. With that, I'll turn it over to Ms.
23 McMahan.

24 THE COURT: Ms. McMahan.

25 MS. MCMAHAN: Your Honor, we're proceeding on the

1 allegations in the amended PCR Application.

2 THE COURT: Is that the one filed in November of '23?

3 MS. MCMAHAN: Yes, Your Honor. At this time we call Mr.
4 Quarles.

5 WHEREUPON, Daryl Quarles, having
6 first been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. MCMAHAN:

9 Q Mr. Quarles, did you file your PCR application?

10 A I did.

11 Q And do you wish to go forward on it?

12 A I do.

13 Q And who was your attorney that represented you?

14 A Ms. McNeill.

15 Q Did you have any other attorneys besides Ms. McNeill?

16 A Prior to her I had Walt Whitmire, and before him I had
17 Andre Nguyen.

18 Q Andre who?

19 A Nguyen.

20 Q But you primarily had Ms. McNeill?

21 A I primarily had Walt. I had her, maybe the last several
22 months or so.

23 Q And were you out on bond or were you in the detention
24 center while you're awaiting your trial?

25 A I spent, I think, about 13, 14 months in jail and I

1 eventually bonded out.

2 Q And the day of your guilty plea, were you supposed to
3 go to trial that day?

4 A I was.

5 Q You were supposed to go to trial?

6 A I was.

7 Q And so had you Ms. McNeill met about the trial and the
8 defenses related to it?

9 A Not -- we met, but we never spoke about the defenses
10 related to it. I think we met about 3 or 4 times. No, I
11 think about three times. I was just brought an offer. I
12 was told about an offer. I wasn't, you know, the defense
13 wasn't broken down to me. Like, what defense did I have or
14 what defense she was going to use.

15 Q What was the offer that was brought to you?

16 A First, it was 18. No, the very first one 15, then 18.
17 And then the last one was 16.

18 Q What were you going to trial for? What you pled to, or
19 were you going to trial for something else?

20 A What I pled to, and I think it was some other charges
21 related.

22 Q So why did you decide to take the offer to the 16 on
23 the day of your trial?

24 A Well, I had communicated numerous time on that
25 particular day that I wanted to go to trial for various

1 reasons. One of the primary reasons being that both Mark
2 Whitlark -- I'm sorry, Walt Whitmire and Andre Nguyen both
3 explained to me that they had a chance to view the footage
4 through and through. And they was explaining to me that the
5 officers, or the State were alleging that they had me on
6 camera -- a video in evidence. And according to both Walt
7 and Andre, they both watched the full video of body cams and
8 dash cams, and they saw no such thing on camera. So Walt
9 was telling me that he thought I had a real good chance at
10 trial. So he was prepared for trial.

11 Q We're talking about two separate incidents, aren't we?

12 A Well, yeah. At the time I only had the incident from
13 January 9, 2023. At that particular time. When I had got
14 Ms. McNeill, I had picked up -- accumulated a second charge.

15 Q So the first charge you had was from January 2020?
16 What?

17 A January 9, 2020.

18 Q 2020?

19 A Yes, ma'am.

20 Q So, just before Covid?

21 A Right. Yes, ma'am.

22 Q Okay. And so you had Mr Whitmire on that in the
23 beginning?

24 A Yes, ma'am. Yes, ma'am.

25 Q So you and Mr. Whitmire had been talking about defenses

1 on that charge?

2 A Right.

3 Q And that was -- they were alleging you threw something
4 out of a window?

5 A Yes, ma'am.

6 Q Of a moving vehicle?

7 A Yes, ma'am.

8 Q And then you picked up a separate charge?

9 A Yes, ma'am.

10 Q And that -- and the facts of that charge are what?
11 That you were in a Waffle House parking lot?

12 A Yeah, I was at the Waffle House parking lot, and I was
13 approached by, I think, Officer Middleton, and he was
14 telling me that he was doing a wellness check. And at that
15 point, you know, I just told him that everything was fine.
16 I just pulled up and ordered some breakfast. I had some
17 cigarette ash on my pants. He asked me what was the white
18 stuff. I said, it's ash. I brushed it, smeared it in my
19 clothes. He saw that it smeared. He asked us to step out
20 of the vehicle. I step out of the vehicle. He asked for
21 search. I didn't -- I declined search. He ran me, my name,
22 for warrant checks and everything. Got cleared for warrant
23 checks. Then he just asked me to hold on, hang tight for
24 backup. And once backup arrived, they asked one of the
25 other occupants who was -- the vehicle were left to, could

1 they search the vehicle. They went to the vehicle, to the
2 front, primarily the driver's seat and the passenger seat.
3 They talked for a short period of time. They came back, and
4 they told me I've been placed under arrest for possession of
5 drugs. At that point, I knew they hadn't found any drugs
6 that I possessed inside the vehicle, so at that point, I
7 felt like I didn't know what happened, but I knew somehow
8 my rights were being violated in order to arrest me just to
9 be -- to later on conduct the search. So at that point, I
10 ran. I was scared. I didn't really know what to do. It's
11 like 5 or 6 officers, and I know that what's going on is
12 wrong, because whatever was found inside the vehicle did not
13 belong to me. As a matter of fact, I was never even booked
14 up on it, and that was supposed to be the probable cause for
15 my arrest. What was found in the vehicle.

16 Q And you were booked on something else, right?

17 A Yeah, I was booked on something totally different.

18 Q Okay, but ultimately, you were charged with those drug
19 charges?

20 A No.

21 Q You weren't?

22 A Not what -- I was -- not what I was arrested for.

23 Q Okay.

24 A I was never -- I never received the charges for what I
25 was supposed to be arrested on.

1 Q Okay, but you were though -- you were charged with
2 possession with intent?

3 A I was later. Yes. Yes, ma'am. I was later charged.

4 Q And ultimately -- so from the January event, you pled
5 to failure to stop for a blue light?

6 A Yes, ma'am.

7 Q And then you pled to trafficking heroine, right?

8 A Yes, ma'am.

9 Q And then for the later event in June of 2020.

10 A I pled to ---

11 Q That was to the possession with intent to distribute?

12 A Yes, ma'am. That's correct.

13 Q But you did not have Mr. Whitmire by then?

14 A No, no. He had left for the Public Defender's Office.

15 Q So was your bond revoked after you got arrested the
16 second time?

17 A Yes.

18 Q And had you hired Mr. Whitlark?

19 A No, I hired him for my case. At first, I hired him for
20 bond, and then after I got out I was paying for my case.
21 However, when I got rearrested, he just ran off on me. I
22 never heard anything from him.

23 Q Okay. And then you then got the Public Defender's
24 Office again?

25 A Yes.

1 Q So when you and Ms. McNeill met, you said you probably
2 met three or four times. Do you remember what you guys
3 talked about?

4 A The first time we met was when I was on bond. She had
5 communicated to me this first offer from the State was 15
6 years. And she had communicated to me that the deal was --
7 the offer was so harsh because, according to her, the police
8 didn't like me and wanted to see an example made of me.
9 However, the Solicitor didn't have a problem with me one way
10 or another, wasn't familiar with me, but, you know, they
11 wanted -- he was telling me they wanted 20 years, but he was
12 stuck at 15 and wouldn't go down. And so she asked me how I
13 wanted to proceed and I said a trial.

14 Q And then when did the 18-year offer come?

15 A When I got the second set of charges. I think about
16 two weeks after I got arrested, I got a visit from Ms.
17 McNeill saying that the State had done upped the offer to 18
18 years. And I was asking for, you know, any defense she had
19 prepared because again, Walt -- both Mark -- I'm sorry,
20 Mark. I'm sorry, Walt Whitmire ---

21 Q Walt.

22 A --- and Andrew Nguyen had assured me that upon viewing
23 the video, what officers were alleging could not be proved.
24 So for that reason, I was going to trial on those set of
25 charges.

1 Q Did you ---

2 A And -- go ahead.

3 Q Sorry. Did you and Ms. McNeill talk about that, about
4 the drugs being thrown out and not being able to ---

5 A Well, I told her what Walt said, and she just replied
6 to -- Walt wasn't the sharpest knife in the drawer. That's
7 why he's no longer with us. Yeah.

8 Q Okay, but did you have a discussion, again, about
9 whether or not that was going to be a viable self-defense?

10 A No, no. I couldn't -- I couldn't get any form of
11 defense.

12 Q But that's when she gave you the 18-year offer?

13 A Yes, that's when I got the 18.

14 Q And then -- I'm sorry, you were continuing on. That's
15 why you decided were going to trial?

16 A No. Well, on the day of the trial, I kept wanting to
17 go to trial and I think, you know, I don't know if it's
18 coercive tactics or whatever. But I know at one point, you
19 know, she did come in and tell me that they was gone give me
20 25. I was gone get two trials, back to back trials. One in
21 a month of July, and the other one in the month of August.
22 I was going to do 25 to 15 consecutive, mandatory day for
23 day. And I was asked her about have -- seeing the video. I
24 hadn't saw the footage, because I was telling her that,
25 well, whatever he's alleging that he got out of the vehicle

Witness: Daryl Quarles Direct Examination

12

1 as probable cause to search me. If I could see that, we
2 could watch the video, it would clearly show that he was --
3 his testimony was false and he had got nothing out of the
4 vehicle belonging to me.

5 Q By "him", you mean the officer?

6 A The officer. Yes, ma'am. And so, I think at that
7 point she came back with a picture off SCDC of a guy that I
8 know that had got 25 years for trafficking. But now -- she
9 asked me did I know him. I said yeah. But I explained to
10 her heard that he didn't get this time at trial. He got his
11 time because he fled prosecution, and that that day for day
12 was pre -- his calculation pre SCDC calculation, so it was
13 gone, you know -- it wasn't -- he didn't get 25 day for day.
14 He got 25/85, or whatever the case may be. And again, I
15 asked to see the video, and I was told that well, they was
16 about to select the jury. So there really wasn't enough
17 time to, kind of, like, show me video.

18 Q So, the one that you were going to trial on, which was
19 one -- which incident was it? Was it the January one or was
20 it the June one?

21 A Well, this was the January one. This was the month of
22 June. I was going to go to trial on that one, then
23 according to Ms. McNeill, have a back to back trial the
24 following month for the new charges I had just got.

25 Q Okay. And so, the one that you were starting to pull

1 the jury for and everything, that's the one where you said I
2 wanted to see the video. That was the one ---

3 A I wanted to see the video. I had never seen any video.
4 I wrote to -- prior to get getting released, and prior to
5 Walt leaving, I wrote to him on numerous occasions from the
6 County.

7 Q Those are the grievances that were attached to ---

8 A Right. Requesting to see video, because he saw the
9 video and I had alleged that I had -- well, I had -- about
10 been violated by the officer on that particular point
11 because they, kind of, went down in my pants and went in my
12 butt looking for drugs. So I really wanted that video
13 because I had been trying to take action against him for
14 that. Because he told him I had a claim, both Walt and
15 Andre. So, you know, I was really, really writing for that
16 video. But, you know, he left. I kept writing. It wasn't
17 until I got released out that I realized that he left and
18 Ms. McNeill had took on my case.

19 Q So the trial of the January one was kind of backwards.
20 That is the video. There's allegedly some video of you
21 throwing something out of the window, right?

22 A Yes, ma'am.

23 Q That's what you wanted to see. And that's what you
24 were asking Ms. McNeill to see before you picked the jury?

25 A Yes, ma'am.

1 Q She indicated to you there wasn't enough time for that.

2 A Well, yes, she said the judge wanted to go and pick the
3 jury or something to that effect, but the judge was in
4 chambers. They was about to pick the jury and there was no
5 time to watch the video.

6 Q Okay. And the drugs that were recovered on that. What
7 were they? Pills? Was it powder.

8 A It was pills, meth.

9 Q And did you go over the drug report with her?

10 A I went over nothing.

11 Q You didn't go over anything?

12 A Nothing.

13 Q And so when you guys were starting the trial, what was
14 the last thing that you talked to Ms. McNeill about prior to
15 that trial starting?

16 A Prior to -- the last thing that happened was, she came
17 in and she did -- the last video from the June incident of
18 '21, she started the video right where they went to arrest
19 me and I ran. And I said well, I'm familiar with that part.
20 I know I possessed the drugs. I'm not disputing that.

21 However, I just want to see what was done before that. I
22 want to see prior to that, because I know something is done
23 wrong prior to that. I want to see the officers come
24 there. I wanted to see them go and actually get these drugs
25 out of items that I claimed ownership to, and I knew that

1 couldn't happen. But again, she told me that we really
2 didn't have enough time because, you know, they wanted to
3 proceed with picking a jury.

4 Q And then, so at what point was the 16 years? You said
5 that was after you picked the jury?

6 A No, that was -- I'm sorry. The 16 years came about
7 five, seven days after the 18 years.

8 Q Okay. But was that the day that you were pulling the
9 jury that you got the 16?

10 A No, it was about -- the day that I was pulling the jury
11 is the day that I got 16.

12 Q Yeah. But when was the offer communicated to you?
13 Like, the Friday before or like, a week before?

14 A About -- I think it was that Thursday before. I think
15 it was on a Monday, maybe like a week before.

16 Q Okay. And so then did you pick a jury? What happened?
17 Tell me mentally what's going on here.

18 A So, I didn't pick the jury because again, I told her --
19 I asked her, I said, why are you insisting on not taking me
20 to trial? And she left out the room and some time later,
21 I think it was her paralegal or somebody, came in and talked
22 to me. Called me in another room. She gave me a jury
23 selection list. Asked me to look over it. I looked over it.
24 She asked me did I see what she see? And I said, not
25 really. I don't know what I'm looking for, but you tell me

1 what it is I'm supposed to be looking for. She said, well,
2 that list is predominantly white. They're going to pick an
3 all-white jury and an all-white jury is going to find you
4 guilty because drugs you're accused of selling. Like, your
5 wife and kids are dying from them. And she said, well, when
6 I see my people -- she points to especially the black lady.
7 She points to her skin and says when I see my people in here
8 about to be done wrong, I like to come and tell them to help
9 them out. So I kind of smirked and said, well, did she send
10 you in here to play the race card, you know? And she was
11 like, no, I know. We ain't playing the race card or whatever
12 the case may be. I'm just telling you, you know, how it is.
13 What's going on. I said, well, I had to have two other
14 lawyers telling me, well, evidence can't be proven. And in
15 another case, I know that the evidence -- the thing that --
16 charges, the drugs or whatever they used to charge me. I
17 know it wasn't supported by probable cause. I know
18 something had been done wrong. However, I wasn't able to go
19 back and see and prove it, or whatever. So I told her I
20 still wanted to go at 25. I'm sorry. Go to trial. So,
21 they put me back in the holding cell. And again, Nicole
22 Hurley, the, I guess, the paralegal, came in again. Struck
23 up a conversation about my kids and their mothers, you know.
24 I look familiar. My name sounds familiar. Maybe she knows
25 one. You know, just trying to strike up a conversation. One

1 she did know. She tried to start up a conversation about,
2 you know, think about the kids and, you know, try to take
3 the best offer and try to get back in time for the kids, or
4 whatever case may be. And I explained to her well, you
5 know, with this offer, all of my kids will be adults, so I
6 would have been missed all of them's graduation. But it
7 wasn't so much the offer. It was so much as I had previous
8 attorneys telling me that well, there was no evidence
9 alleging, you know, what the State alleges. So why would I
10 go through with the trial? So after that, she left out
11 again. She came back in, and I was waiting on my mom and my
12 sister to arrive. So she came back again. She said Mom and
13 them are hear and they're on board with 16 years. Then I
14 was like, how can it be? I haven't spoken with them. So I
15 walked out and spoke with them, and they said she had talked
16 to them. Told me well, I'd take 16. I was going to get back
17 about back trials, and I was going to get 45 years. It was
18 going to be day for day. And she didn't want to see that
19 happen. And, you know, I guess they got scared. They
20 didn't want, you know -- they started crying, or whatever,
21 and kind of pled with me to, you know, take the 16.

22 Q Is there anything else that you want the Court to know
23 today about your PCR?

24 A That's it.

25 MS. MCMAHAN: Please answer any questions the Attorney

1 General may have.

2 CROSS-EXAMINATION

3 BY MR. MITCHELL:

4 Q Good afternoon, Mr. Quarles.

5 A Good afternoon, sir.

6 Q So you pleaded guilty in this case?

7 A Yes.

8 Q And that was to two different incidents?

9 A Yes.

10 Q And at your guilty plea hearing, you had to waive
11 certain Constitutional rights, correct?

12 A Correct.

13 Q And that included your right to a jury trial?

14 A Correct.

15 Q And to present evidence in your own defense?

16 A Correct.

17 Q You also told the plea judge that you were completely
18 satisfied with the services of Ms. McNeill?

19 A I don't know if I used those words, but...

20 Q He asked if you were -- if she had reasonably done
21 everything you've asked her to do.

22 A Yeah, I don't remember that. I don't recall that.

23 Q Would taking a look at the transcript help you?

24 (WHEREUPON, approaches witness with document.)

25 Q Line 19. The Court says, has she reasonably done what

1 you have asked her to do? And you responded.

2 A I did. Yes, sir.

3 MR. MITCHELL: No further questions, Your Honor.

4 MS. MCMAHAN: I have nothing further, Your Honor.

5 THE COURT: Step down.

6 MS. MCMAHAN: The Applicant rests.

7 MR. MITCHELL: Your Honor, the State calls Ms. Chelsea
8 McNeill to the stand.

9 WHEREUPON, Chelsea McNeill, having
10 first been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. MITCHELL:

13 Q Good afternoon, Ms. McNeill.

14 A Good afternoon.

15 Q Where are you currently employed?

16 A I'm the Eighth Judicial Circuit Public Defender, so I
17 manage the Public Defender's Offices in Laurens, Greenwood,
18 Newberry, and Abbeville County.

19 Q And were you appointed to represent Mr. Quarles?

20 A I was.

21 Q And did you represent him on both of the incidents?

22 A No, I did not. So it looks like -- when I was looking
23 at the Public Index and what we sent out, it looks like I
24 was appointed to represent him, or he was arrested on May
25 15, 2021. And I ended up representing him on those charges

Witness: Chelsea McNeill Direct Examination

20

1 then. He had other representation, as he mentioned, before
2 as well. The first time I met with Mr. Quarles was June 2,
3 2021, and it showed he was out on bond at that time. So he
4 came in for his office appointment to meet with me for the
5 first time at that point. I noted that we went over all of
6 the discovery provided by the State on the pending charges
7 our office represented him on. I also went over SLED
8 results and his criminal history with him. Also relayed his
9 offer of 15 negotiated years for a trafficking heroin charge
10 that carried seven to 25 years. I said, in parentheses,
11 note, I also explained it as a most-serious strike offense
12 and a violent charge, and he would have to serve, at
13 minimum, 85 percent before he comes out on community
14 supervision. And also a possession second offense on his
15 newest set of charges. I did not go over discovery with him
16 on this meeting on all of his charges. As he said that Mr.
17 James Marcus Whitaker, out of Columbia, represented him as
18 well. He claims that he has all of that discovery so he
19 didn't need to get it from me again. And then I said,
20 regardless, I provided him with a copy of the discovery on
21 all of his pending charges out of an abundance of caution.
22 And while I didn't go over the discovery on the charges he
23 claimed Mr. Whitaker represented him on, he said the private
24 attorney that he has him on did go over that discovery. I
25 said, I offered to go over that discovery again, but he said

1 he didn't have time to go over all of it. I think he had a
2 job or something that he had to get to. I did make sure to
3 go over what each charge carries, including the ones I
4 didn't represent him on, and the collateral consequences of
5 those charges. I did contact Marcus while Mr. Quarles was
6 in my office who told me that he is only representing the
7 client for bond purposes only, including the motion to
8 revoke bond. Client has been noticed for Monday at 2:00
9 p.m. I made this call to Marcus in front of the client.
10 And so, client did hear what Marcus had to say. Client,
11 however, did tell me that he is making payments on Marcus's
12 fee of \$7,500, which I put, in my opinion, is steep for just
13 a bond hearing. So maybe client is telling me the truth
14 that he represents him on case in chief. I don't know.
15 Told client he needs to clear up who is representing him for
16 his case in chief on those charges. He is insistent that
17 Marcus is representing him and that his people are making
18 payments. He insisted he only wants me to represent him on
19 the charges we discussed the discovery on today. I also
20 went over, in parentheses, very thoroughly, end parentheses,
21 client's rights to trial versus plea and any defenses he may
22 have. And in my opinion, of the strength or weakness of
23 those defenses. Client demonstrated an understanding of the
24 trial process. I told the client that he needs to think
25 about his options and let me know something next week.

Witness: Chelsea McNeill Direct Examination

22

1 Informed him to talk to his loved ones about his options as
2 well. I provided client with a paper copy of all of the
3 discovery on his pending charges, including the discovery on
4 the cases that client is insisting Marcus represents him on.
5 After that -- so, that was June 6, '21 and then he was
6 rearrested -- because he was out on bond. He was rearrested
7 for new charges. So I have a note from July 19 of '21,
8 client is back in the jail. So I had a jail visit with him
9 on Friday of last week to continue to discuss the offer I
10 previously relayed. Also went over the discovery in his
11 pending cases again. Provided him another printed out copy
12 of his discovery on all of his pending cases as he said he
13 lost his first copy I gave him when he showed up for his
14 previous office appointment with me last month. Explained
15 the trial process and rights he'd be giving up if he were to
16 choose to plead guilty once again. Let him know that he is
17 on the trial docket. He is not pleased with the amount of
18 time his offer is, so wants to reject that offer and proceed
19 to trial. I explained the risks involved with going to
20 trial. Client is insisting on a trial, despite my legal
21 advice against it. It's very risky. I informed client I
22 would let the Solicitor know he rejects their offer and we
23 will proceed to trial. And then on 7/20, the next day, I
24 went back to the jail and had another jail visit with him.
25 Also viewed video footage with the client which clearly

1 shows client on camera dropping a bag of drugs and then
2 fleeing from the cops. Cop eventually caught up with client
3 and tackled him in a swamp area after he -- and this is the
4 one that he's talking about that was in the Waffle House
5 parking lot. After viewing this footage, client is saying
6 he may accept offer of negotiated 16 years. And the offer
7 went up again because he did get re-arrested on other drug
8 charges while out on bond. I had sentencing sheets with me
9 that the State emailed to me, so I had him sign sentencing
10 sheets just in case he decides he wants to plea. He may
11 plea Monday, July 26, of '21. I told client I will continue
12 to prepare his case for trial in case he decides to back out
13 of the plea offer and wants a trial instead. And so, then
14 on July 26, of '21, he was transported from the jail to the
15 courtroom. And I said, Sally Quarles', mom -- I think
16 that's his mother's name -- and sister Clarissa Quarles,
17 both came to my office to discuss client's case. This is
18 the first time anyone in his family has reached out to me
19 about his case. I discussed client's case, had previously
20 gotten permission from him, and his potential defenses, and
21 also relayed I felt that they were losing defenses and the
22 exposure that client is facing should he lose at trial.
23 Client has 20 months of jail credit. He went to Emerald
24 High School through the 10th grade and he has a GED. And
25 then the next time, I say, on July 26, client was brought

Witness: Chelsea McNeill Direct Examination

24

1 over to court from the jail for his trial today. Client
2 pled last minute, while the jury was waiting, in front of
3 Judge McIntosh. Client didn't really explain his thoughts
4 to me, just said that he didn't want to risk losing at
5 trial. I went over again the collateral consequences of the
6 charges he would be pleading to and re-explained that the
7 judge cannot go over or under the negotiated 16 years. I
8 said note, client was worried the judge would go over the 16
9 years. Client discussed, after seeing the videos from law
10 enforcement's body cam footage, that he feels that he would
11 be found guilty. I agreed with him. I notified the State
12 and judge. Client pled in front of Judge McIntosh.
13 Sentence is 16 years negotiated with all sentences to run
14 concurrent. Credit for 20 months. Case closed. Trial
15 avoided. So, that's pretty much the timeline of everything.

16 Q So, you went over discovery at least, in completeness,
17 at least four times?

18 A I did, because when he was out on bond -- first of all,
19 I will say this. Mr. Quarles is a very nice person. He has
20 always been very polite to me. But, you know, he was kind
21 of on the hook. He was out on bond, getting re-arrested,
22 out on bond, getting re-arrested. And the State did, like I
23 felt, had it out for him, and law enforcement especially.
24 He has a nickname of Rat Man, and so, like, when he was on
25 body cam footage, that's all they call him. They don't call

1 him Mr. Quarles. They don't call him Daryl. So, they knew
2 him and they were wanting more time than what he got. But
3 luckily, his prosecutor, Mr. Wade Downtin, is a more
4 reasonable person and, you know, also didn't have any
5 problems with Mr. Quarles. So he got 16 instead of the 18
6 that he was initially offered after he got re-arrested.

7 Q And from your review of the discovery, do you believe
8 it was in his best interest to plead guilty?

9 A Well, the body cam footage was very clear. So, when he
10 ran, as he stated, he ran and like, I don't know if they
11 pushed him. I think he tripped and he landed face first in
12 this swampy area, so he was sopping wet. And when the cop
13 -- when the police officer who was chasing him got him up,
14 they found a bag of drugs laying right underneath of him.
15 And that was very clear to see on the body cam footage. So
16 yes, I did tell him, you know, that -- as I tell everybody,
17 you can accept or reject my legal advice. You have a lawyer
18 to make sure that you're not making an emotionally charged
19 decision. Obviously, you feel defensive when you're being
20 accused of a crime. Lawyers help you to make level-headed
21 decisions. We go over the defenses, the strengths and
22 weaknesses of your case. And he was just upset about the
23 amount of time that he was catching, which I understand
24 that's a lot of time. But at the same time, you know, if my
25 legal opinion is you're going to be found guilty and you

1 say, I don't care, I want to go against your legal opinion,
2 go to trial. I don't take that personally, because that's
3 my job.

4 Q The body cam footage, where the drugs were found
5 underneath him after being tackled or pushed, was that the
6 video he viewed on the day of the trial when he decided to
7 plead guilty?

8 A No, he viewed that before. Because that was the
9 strongest piece of evidence that they had. Especially
10 because, you know, I do believe him when he says that the
11 cops are out for him. I do think that they watch him. So
12 that piece of evidence is the strongest that they had,
13 actually watching it. So, when I was trying to get him to
14 understand, like, you could go away for, whatever it was, 25
15 years that you're exposed to, this is what the jury is going
16 to see. And I always tell my clients, think of the jury as
17 misdemeanor people. You know, these are people that
18 everybody's done something wrong in their life, but they're
19 not to the felony level. They're misdemeanor people, and
20 they're not going to cut you much slack.

21 Q And were you planning on arguing any suppression
22 motions prior to the trial?

23 A Yes, I was. I was.

24 Q So you were prepared to argue that?

25 A I was, yeah. When I prepare for trial, I make that my

1 main focus and I just live and breathe it. It looks like
2 I'm studying for a bar exam, pretty much.

3 Q And especially in a drug case, suppression of the
4 evidence is pretty important, right?

5 A It's not only important, but it's also pretty standard
6 for attorneys to try to get the drug suppressed in any drug
7 case.

8 Q Once again, at the end of the day, it was ultimately
9 Mr. Quarles decision to plead guilty?

10 A It was. I mean, I strongly suggested it, but then when
11 I said in my last note that the client didn't really explain
12 his thoughts to me, just said he didn't want to risk losing
13 at trial. I think that when he talked about, you know, his
14 family seeing him and discussing this with him, and plus
15 they had come in to ask me, you know, what's the likelihood
16 of him being acquitted? And I said I felt like his defenses
17 were very -- what's the word? Kind of just not good. I
18 think that probably he's right. His family is the one that
19 talked him into pleading, because it was like a change of
20 position.

21 Q And do you believe he would have been convicted had he
22 proceeded to trial?

23 A I do.

24 MR. MITCHELL: I believe that's all I have for you, Ms.
25 McNeill. Thank you.

1 CROSS-EXAMINATION

2 BY MS. MCMAHAN:

3 Q Do you recall if he had a prior record or anything for
4 drugs?

5 A He does have a prior record. Yes, ma'am. And I can
6 pull it up if you want.

7 Q Would that have played into your discussion with Mr.
8 Quarles about whether or not he should plead or go to trial?

9 A His record goes back, it looks like to, I don't know
10 what. Let's see. It would have gone into it, but I think
11 that the negotiation -- I can't remember exactly what he
12 pled on. I could figure that out. I always explain
13 enhanceable penalty ranges to people, and I always say, you
14 know, when you get out of prison, if you get another drug
15 offense, or if it's a property offense, or whatever, you're
16 facing a greater penalty range. And I think that his
17 trafficking drugs charge was reduced pretty significantly.

18 Q He pled to a trafficking heroin first offense?

19 A That's correct, yes. And then also, it looks like a
20 narcotic possession second drug offense.

21 Q Yes, a possession with intent to distribute second
22 offense. There were a bunch of drug charges that were
23 dismissed in exchange for this, weren't there?

24 A A ton of them, yes. I don't have them all calculated,
25 but the Public Index, if you see, he's got stuff from 2001,

1 2015, 2019, 2021. I can't remember how many there were, but
2 I think that there was probably like ten charges dismissed
3 if he pled to these three.

4 Q Is trafficking a strike?

5 A Yes.

6 Q And so, when you said you were at the eve of trial, do
7 you remember which ones you were trying? Was it the Waffle
8 House one or the one throwing out of the car?

9 A I think it was the Waffle House one.

10 Q Was he going to be tried later on the other one?

11 A Yeah. The one on the car, that was the one that was in
12 dispute with Marcus Whitaker.

13 Q Whitlark.

14 A Or Whitlark. I'm sorry. And Walt Whitmire did
15 represent him before joining the Solicitor's Office in
16 Richland County. Walt Whitmire was his Public Defender back
17 in 2019, and he had pled to lesser included possession of
18 crack, possession of hydrocodone, on July 25th, and Judge
19 Griffith sentenced him to six months concurrent on each
20 charge with credit for 105 days. It says mother and sister
21 were very happy with this sentence.

22 Q So that case had already been taken care of?

23 A Correct.

24 Q So then this would have been the second?

25 A Yes.

1 Q Sorry. I'm having a hard time keeping the timeline
2 together in my head.

3 A But that one that you're talking about, I think it's
4 the one where he went by County Bank.

5 Q Yes.

6 A I think it was on the highway or something, near County
7 Bank in Greenwood, and there was a car chase for a long
8 while and I think they didn't see him throw drugs out of the
9 window but there was, like, an object. And I think that one
10 or two cops went over and tried to find more drugs. That
11 case was more defensible, in my opinion, but the one where
12 he ran from the Waffle House parking lot, that was the most
13 damaging one. And I think that they ended up dismissing the
14 one that he threw the thing, allegedly threw it out of the
15 window.

16 Q Yes. I just lost my train of thought again. Sorry.
17 Ultimately, if he had been convicted individually on each of
18 these charges, especially for the trafficking as a strike,
19 would he have been looking at a possible -- could he have
20 gotten some very serious time out of all of this?

21 A Yes. The one that I pled him on, I think he was
22 initially charged under the seven to 25 year range, and
23 because of his record, the State probably would have asked
24 for the maximum. That's typically what they do. So he was
25 facing 25 on that. I think it was three on the failure to

1 stop or maybe five. I think it's actually three. And then
2 the possession with intent to distribute, I think he was
3 facing 15 on that one. And that was just for that incident.

4 Q Just that one? Not adding in all the others?

5 A Correct. Correct. For that trial that we were getting
6 ready to do.

7 Q And you said that you do have a discussion with your
8 clients about the graduations?

9 A All the time, yes.

10 Q At what point does a drug offense become a strike,
11 either a serious or a most-serious offense? Do you recall?
12 Is it just trafficking or is it PWID?

13 A No. PWID can become a strike. Yeah. It depends on the
14 elevated sentencing ranges.

15 MS. MCMAHAN: Court's indulgence.

16 (WHEREUPON, brief pause in hearing.)

17 MS. MCMAHAN: I have nothing further, Your Honor.

18 MR. MITCHELL: No redirect, Your Honor.

19 THE COURT: Step down.

20 MR. MITCHELL: Your Honor, the State rests.

21 THE COURT: Anything else?

22 MS. MCMAHAN: Nothing from the Applicant, Your Honor.

23 THE COURT: I'll review it and issue an order.

24 ***END OF REQUESTED TRANSCRIPT OF RECORD)***

25

Certificate of Reporter

I, the undersigned, Tara T. Scott, CVR, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Court of Common Pleas for Greenwood County, South Carolina, on the 20th day of August, 2024.

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

Tara T. Scott, CVR

Official Court Reporter

December 19, 2025

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENWOOD	)	FOR THE EIGHTH JUDICIAL CIRCUIT
	)	
Daryl Lamar QUARLES, SCDC #279689,	)	
	)	
Applicant,	)	
	)	
v.	)	ORDER OF DISMISSAL
	)	
The STATE of South Carolina,	)	Civil Action No. 2022-CP-24-00278
	)	
Respondent.	)	
	)	

 Filed CP 8th Jud Cir Greenwood, SC
 25 JUN 9 AM 11:24

I. INTRODUCTION

This matter is before the Court on application for post-conviction relief (PCR) commenced by Daryl Lamar Quarles (“Applicant”) on March 28, 2022. An evidentiary hearing was held on August 19, 2024 at the Laurens County Courthouse. Applicant was present and represented by Ashley A. McMahan, Esq. Assistant Attorney General T. Cruise Mitchell represented the State. Testimony was taken from Applicant and trial counsel Chelsea B. McNeill, Esquire (“Counsel”).

Upon a full review and consideration of the record, this Court finds Applicant’s allegations regarding ineffective assistance of counsel are without merit. For the reasons discussed below, this Court denies relief and dismisses this action with prejudice.

II. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Greenwood County Clerk of Court. At the March 2020 term, the Greenwood County Grand Jury returned indictments against Applicant for Trafficking Heroin greater than 28 grams (2020-GS-42-00440). Applicant was represented by Chelsea B. McNeill, Esq. Assistant Eighth Circuit Solicitor Wade Dowtin prosecuted the case.

On July 26, 2021, Applicant entered guilty pleas before Circuit Judge R. Lawton McIntosh to Failure to Stop for a Blue Light and the lesser-included offense of Trafficking Heroin - four to fourteen grams - first offense. Applicant also waived grand jury presentment and pleaded guilty on another indictment to Possession With Intent to Distribute Heroin - second offense and was sentenced to concurrent terms of imprisonment of five years for Failure to Stop for a Blue Light and sixteen years on each of the drug charges. Applicant did not file a direct appeal.

III. CURRENT APPLICATION

Applicant commenced this PCR application on March 28, 2022. In his application Applicant alleged he was entitled to relief based on the following grounds:

1. Ineffective Assistance of Counsel

On November 13, 2023, Applicant, through PCR counsel, amended his application to include the following allegations:

1. Ineffective assistance of counsel for

- a. "Failed to discuss possible defenses to the drug case. Had Ms. McNeil discussed possible defenses of suppression of the drugs, etc., the Applicant would have insisted on going to trial and not pleaded guilty.
 - i. "Failure to discuss possible defenses with the Applicant. Had Ms. McNeil discussed the possibility that the drugs that were found in the woods could not be traced back to the Applicant, Applicant would have insisted on going to trial. However, Ms. McNeil was refusing to try the case.
 - ii. "Failed to move to suppress the drugs that were found in the woods that had no been proven to have any connection to the Applicant at the time they were found in the woods."
- b. "Ms. McNeil also did not discuss the defense that SLED only tested one pill per bag and not each individual pill."
- c. "Failed to go over and provide the Rule 5/Brady to the Applicant. (Please see attached, and incorporated herein, inmate requests requesting the discovery from the Public Defender's Office.) Applicant did not see the entire videos related to each case. Applicant only got to see part of the video prior to trial and Ms. McNeil informed the Applicant that there wasn't enough time to view the entire video prior to trial."

Applicant went forward on the allegations in his amended application at the evidentiary hearing.

IV. INEFFECTIVE ASSISTANCE OF COUNSEL, GENERALLY

Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive *effective* assistance of counsel guaranteed by the Sixth Amendment. The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right, and raises a question of fact that can only be determined by an evidentiary hearing. *Rogers v. State*, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

The reviewing court applies the two-part test outlined in *Strickland v. Washington* to determine whether counsel's conduct "was so ineffective as to require reversal" of the applicant's conviction. 466 U.S. 668, 687 (1984). To obtain relief, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. *Id.* at 687–88; *accord. Cherry v. State*, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. *Strickland*, 466 U.S. at 700; *see also Bell v. Cone*, 535 U.S. 685, 695 (2002) (explaining that "[w]ithout proof of both deficient performance and prejudice to the defense, . . . it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable" (citation and internal quotation marks omitted)).

The applicant has the burden of establishing both deficiency and prejudice in order to be entitled to relief. *Hughes v. State*, 346 S.C. 554, 558, 552 S.E.2d 315, 317 (2001); Rule 71.1(e), SCRCP. To prove deficient performance, the applicant must establish that, in light of all the circumstances, the acts or omissions complained of "were outside the wide range of competence" demanded of attorneys in criminal cases. *Strickland*, 466 U.S. at 688. To prove prejudice, the applicant must establish "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 694. A reasonable probability is a probability "sufficient to undermine confidence in the outcome." *Id.* Significantly, "the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged." *Id.* at 696.

V. FINDINGS OF FACT & CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the PCR hearing, observed the witnesses, passed upon their credibility, and weighed their testimony. After consideration of the evidence and legal argument of counsel, as well as the record incorporated by way of the State's return, this Court finds Applicant's claims to be without merit. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings of facts and conclusions of law based upon all of the probative evidence.

***Failure to Discuss Possible Defense, Failure to Review Discovery, and Failure to Move for
Suppression of Drugs¹***

Applicant alleges Counsel was ineffective for failing to discuss possible defenses and for failing to review discovery with him. Specifically, Applicant avers Counsel should have discussed the possibility that the drugs found in the woods could not be traced back to him and Counsel should have moved for the suppression of said drugs on that basis. Additionally, Applicant contends Counsel should have discussed that SLED only tested one pill per bag instead of each individual pill. This Court finds these allegations are without merit.

Applicant testified he pleaded guilty to two charges stemming from two incidents. Applicant explained he was represented by two attorneys prior to Counsel. Applicant explained the first incident occurred on January 9, 2020, alleging Applicant threw drugs out of a moving vehicle. The second incident occurred in June of 2020 that began in a waffle house parking lot where law enforcement underwent a wellness check of Applicant's vehicle. Law enforcement said they found drugs on Applicant and Applicant ran into the woods. Applicant averred he asked Counsel if he could see the videos from the incident and she refused because there was no time. Applicant testified he eventually took the sixteen-year plea deal after being encouraged to do so by his mother and sister.

Counsel testified she offered to review the discovery, including the videos, with Applicant but was refused because he claimed he had already done so with his prior attorney. Counsel met with Applicant again following his second arrest in which she went over discovery a second time. Counsel explained they

¹ All allegations will be addressed in this section.

viewed the videos together which clearly showed Applicant dropping a bag of drugs and fleeing the scene. After viewing the videos, Counsel explained Applicant agreed to plead guilty. Counsel testified she reviewed the discovery with Applicant four times, including body camera footage which showed Applicant running and then trip into a puddle when law enforcement picked him up and found drugs right underneath him. Counsel explained this was the State's strongest piece of evidence. Counsel explained that because Applicant was initially adamant about going to trial, she was fully prepared for suppression hearings. Counsel explained that ultimately Applicant decided to plead guilty to avoid risking a greater sentence.

This Court finds Counsel was not ineffective in consulting or reviewing discovery with Applicant. This Court finds Counsel's testimony as to this issue credible and Applicant's testimony that Counsel refused to review the video evidence with him not credible. This Court further finds that had Applicant proceeded to trial, Counsel was prepared to move for suppression of the drugs. This Court finds Counsel properly reviewed the evidence and discussed possible defenses with Applicant. After a thorough review of the evidence, Applicant wisely chose to plead guilty to avoid a greater sentence. The record from Applicant's guilty plea corroborates Counsel's testimony and refutes Applicant's. At the time of the plea, Applicant asserted that he was satisfied with the services of his attorney, that she has reasonably done what he asked her to do, and he has no complaints about her legal representation whatsoever. (Gp. Tr. p. 10). Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual . . . , a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed." *Dalton v. State*, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Blackledge v. Allison*, 431 U.S. 63, 74 (1977); see also *Jamison v. State*, 410 S.C. 456, 469–71, 765 S.E.2d 123, 129–30 (2014)). Admissions made during a guilty plea should be considered conclusive unless an applicant presents valid reasons why he should be allowed to depart from the truth of his statements. *Id.* at 137–38, 654 S.E.2d at 874; see also *Blackledge*, 431 U.S. at 73–74 (pointing out that representations made by a defendant, his lawyer, and the prosecutor at a guilty plea hearing, as well as any findings made by the judge accepting the plea, constitute a "formidable barrier in any subsequent collateral proceedings"). Additionally, Counsel informed the plea court he discussed potential defenses with Applicant multiple

times. (Gp. Tr. p. 11). This Court finds Counsel thoroughly reviewed discovery with Applicant as well adequately discussed possible defenses with him. Therefore, Counsel was not deficient in her consultations with Applicant prior to the plea.

Furthermore, Applicant has failed to prove he was prejudiced. The transcript of the plea proceeding reflects that Applicant elected to waive her right to a jury trial and present a defense. (Plea Tr. pp. 7–8). “A defendant is not entitled to withdraw his plea merely because he discovers long after the plea has been accepted that his calculus misapprehended the quality of the State's case or the likely.” *United States v. Broce*, 488 U.S. 563, 572, 109 S. Ct. 757, 763, 102 L. Ed. 2d 927 (1989) (quoting *Brady v. Maryland*, 397 U.S. 742, 745, 90 S. Ct. 1463, 1473 (1970); see also *McMann v. Richardson*, 397 U.S. 795, 90 S. Ct. 1441 (1970) (“a counseled defendant may not make a collateral attack on a guilty plea on the allegation that he misjudged the admissibility of a confession”). Since Applicant waived his right to a jury trial, he may not now contest the voluntariness of his plea because he has allegedly miscalculated the admissibility of the drugs. Applicant has also failed to demonstrate that had Counsel more thoroughly reviewed discovery with him it would have resulted in him proceeding to a jury trial. See *Smith v. State*, 404 S.C. 493, 500–01, 745 S.E.2d 378, 382 (Ct. App. 2012) (noting that an applicant must present evidence to show how additional time spent in consultation regarding discovery would have resulted in a different outcome; mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief).

Applicant has failed to establish deficient performance on the part of counsel under prevailing professional norms and/or any prejudice resulting from counsel's performance, as there is no reasonable probability that but for counsel's performance the result of the proceeding would have been different. *Strickland v. Washington*, 466 US 668 (1984) and *Cherry v. State*, 300 SC 115 (1989).

VI. CONCLUSION

Based on the foregoing, this Court finds and concludes Applicant has not established any constitutional violation or deprivation that would entitle Applicant to post-conviction relief. This Court finds Counsel was not deficient in performance, nor was Applicant prejudiced by Counsel's representation.

The **APPLICATION** for post-conviction relief should be and **IS** therefore **DENIED** and **DISMISSED** with prejudice and Applicant remanded to custody for service of his sentence.

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

AND IT IS SO ORDERED this 4th day of June, 2025.


J. DERHAM COLE, Presiding Judge
The Eighth Judicial Circuit Court

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

March Term, 2020

Indictment #2020GS24-0439

THE STATE

vs.

DARYL LAMAR QUARLES

INDICTMENT FOR

Failure To Stop For A Blue Light

SC Code: § 56-05-0750

CDR: 2396

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

WITNESSES

W. D. Blum

Greenwood Police Department

WARRANT NUMBER

2020A2420100054

TRUE BILL

Stamps Br

Foreman of the Grand Jury

Date: 3-13-2020

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

INDICTMENT FOR**Failure To Stop For A Blue Light
§56-05-0750**

At a Court of General Sessions, convened on the 13th day of March, 2020, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Daryl Lamar Quarles, on or about January 9, 2020 in Greenwood County, while driving on a road street or highway of the State, did fail to stop when signaled by a law enforcement vehicle by means of a siren or flashing light. This in violation of 56-05-0750, Code of Laws of South Carolina, (1976), as amended.

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



Demetrios G. Andrews
Deputy Solicitor

WITNESSES

[Signature]

Greenwood Police Department

WARRANT NUMBER

2020A2420100055

TRUE BILL

[Signature]

Foreman of the Grand Jury

Date: 3-13-2020

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

March Term, 2020

Indictment #2020GS24-*0440*

THE STATE

vs.

DARYL LAMAR QUARLES

INDICTMENT FOR

Trafficking Heroin

SC Code: § 44-53-370

CDR: 2361

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

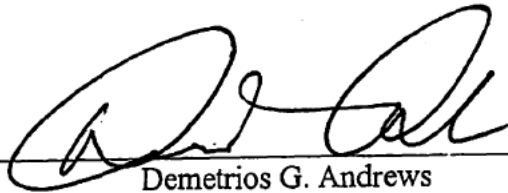
COUNTY OF GREENWOOD

INDICTMENT FOR**Trafficking Heroin
§44-53-370**

At a Court of General Sessions, convened on the 13th day of March, 2020, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Daryl Lamar Quarles, on or about January 9, 2020, in Greenwood County, South Carolina, was knowingly in actual or constructive possession of four grams or more of heroin. This is in violation of Section 44-53-370, Code of Laws of South Carolina (1976, as amended).

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

A handwritten signature in black ink, appearing to read "D. G. Andrews", is written over a horizontal line.

Demetrios G. Andrews
Deputy Solicitor

WITNESSES

W. D. Bell

Greenwood Police Department

WARRANT NUMBER

2020A2420100056

TRUE BILL

Stanley

Foreman of the Grand Jury

Date: 3-13-2020

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

March Term, 2020

Indictment #2020GS24-*0442*

THE STATE

vs.

DARYL LAMAR QUARLES

INDICTMENT FOR

Trafficking Methamphetamine

SC Code: § 44-53-375

CDR: 0450

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

Nalle prosecutor
7/26/21
W. J. Jank

WITNESSES

W. D. Bull

Greenwood Police Department

WARRANT NUMBER

2020A2420100059

TRUE BILL

Stacy Br

Foreman of the Grand Jury

Date: 3-13-2020

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

March Term, 2020

Indictment #2020GS24-*0442*

THE STATE

vs.

DARYL LAMAR QUARLES

INDICTMENT FOR

Possession of Marijuana

SC Code: § 44-53-370

CDR: 0659

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

Nathl Joseph
7/26/21
Will Joseph

WITNESSES

W. P. Bullock

Greenwood Police Department

WARRANT NUMBER

2020A2420100060

TRUE BILL

Stanley B. Br...

Foreman of the Grand Jury

Date: 3-13-2020

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

March Term, 2020

Indictment #2020GS24-0443

THE STATE

vs.

DARYL LAMAR QUARLES

INDICTMENT FOR

Driving Under Suspension

SC Code: § 56-01-0460

CDR: 0:74

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

*Nalle prosequi:
7/26/21
Will Hunt*

WITNESSES

W. D. Pruitt

Greenwood Police Department

WARRANT NUMBER

Direct Indictment

TRUE BILL

Stanley Br

Foreman of the Grand Jury

Date: *3-13-2020*

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

March Term, 2020

Indictment #2020GS24-*0444*

THE STATE

vs.

DARYL LAMAR QUARLES

INDICTMENT FOR

Possession with Intent to Distribute Oxycodone

SC Code: § 44-53-370

CDR: 0184

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

Noelle Prosser
7/26/21
Val Hunt

WITNESSES

Greenwood Police Department

WARRANT NUMBER

2021A2420100728

Foreman of the Grand Jury

Date: _____

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

July Term, 2021

Indicement # 2021G524-1358

THE STATE

vs.

DARYL LAMAR QUARLES

INDICTMENT FOR

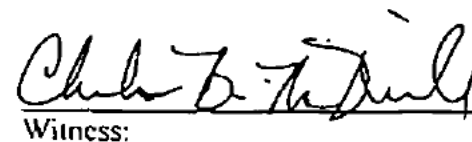
Possession with Intent to Distribute Heroin

SC Code: § 44-53-370

CDR: 0184

I hereby waive presentment to the Grand Jury.


Defendant


Witness:

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

INDICTMENT FOR

Possession with Intent to Distribute Heroin
§44-53-370

At a Court of General Sessions, convened on the 26th day of July, 2021, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Daryl Lamar Quarles, did on or about June 8, 2021, in Greenwood County, South Carolina, manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or purchase heroin, a schedule I controlled substance narcotic, all in violation of Section 44-53-370 of the Code of Laws South Carolina (1976) as amended.

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



M. Wade Dowtin
Assistant Solicitor

WITNESSES

John Maynard
Greenwood Police Department

WARRANT NUMBER

DIRECT INDICTMENT

TRUE BILL

Reddie B. Partidge
Foreman of the Grand Jury

Date: 05/21/2021

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

May Term, 2021

Indictment # 2021CS24-1037

THE STATE

vs.

DARYL LAMAR QUARLES

INDICTMENT FOR

TRAFFICKING HEROIN

SC Code: § 44-53-370(c)

CDR: 0149

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

Nolle prosequi
7/24/2021
W. H. [Signature]

WITNESSES

Jordan Mayan
Greenwood Police Department

WARRANT NUMBER

DIRECT INDICTMENT

TRUE BILL

Freddie B. Partridge
Foreman of the Grand Jury

Date: 03/24/2021

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

May Term, 2021

Indictment # 2021GS24-1038

THE STATE

vs.

DARYL LAMAR QUARLES

INDICTMENT FOR

TRAFFICKING METHAMPHETAMINE

SC Code: § 44-53-375(C)

CDR: 0452

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

Nalle Proctor
7/26/21
Will Proctor

WITNESSES

John Maynard
Greenwood Police Department

WARRANT NUMBER

DIRECT INDICTMENT

TRUE BILL

Wendell B. Portridge
Foreman of the Grand Jury

Date: 05/21/21

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

May Term, 2021

Indicement # 2021GS24-1089

THE STATE

vs.

DARYL LAMAR QUARLES

INDICTMENT FOR

POSSESSION OF COCAINE

SC Code: § 44-53-370

CDR: 3013

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

Nully pro se per
7/26/21
Wah [Signature]

WITNESSES

John Maynard
Greenwood Police Department

WARRANT NUMBER

DIRECT INDICTMENT

TRUE BILL

Predia Portledge
Foreman of the Grand Jury

Date: 05/21/2021

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

May Term, 2021

Indictment # 2021GS24-1090

THE STATE

vs.

DARYL LAMAR QUARLES

INDICTMENT FOR

POSSESSION OF CRACK COCAINE

SC Code: § 44-53-375(A)

CDR: 3016

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

Nolle prosequi
7/26/21
W. H. [Signature]

WITNESSES

W.H. D. Bell

Greenwood Police Department

WARRANT NUMBER

2020A2420100054

TRUE BILL

Stacy Br

Foreman of the Grand Jury

Date: 3-13-2020

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

March Term, 2020

Indictment #2020GS24- *0439*

THE STATE

vs.

DARYL LAMAR QUARLES

INDICTMENT FOR

Failure To Stop For A Blue Light

SC Code: § 56-05-0750

CDR: 2396

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

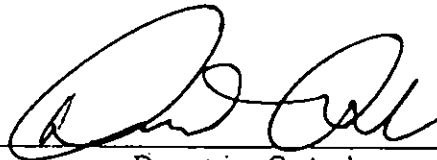
COUNTY OF GREENWOOD

Failure To Stop For A Blue Light
§56-05-0750

At a Court of General Sessions, convened on the 13th day of March, 2020, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Daryl Lamar Quarles, on or about January 9, 2020 in Greenwood County, while driving on a road street or highway of the State, did fail to stop when signaled by a law enforcement vehicle by means of a siren or flashing light. This in violation of 56-05-0750, Code of Laws of South Carolina, (1976), as amended.

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

A handwritten signature in black ink, appearing to read "Demetrios G. Andrews", is written over a horizontal line.

Demetrios G. Andrews
Deputy Solicitor

WITNESSES

W.D. Miller

Greenwood Police Department

WARRANT NUMBER

2020A2420100055

TRUE BILL

Stanley B.

Foreman of the Grand Jury

Date: 3-13-2020

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

March Term, 2020

Indictment #2020GS24-0440

THE STATE

vs.

DARYL LAMAR QUARLES

INDICTMENT FOR

Trafficking Heroin

SC Code: § 44-55-370

CDR: 2361

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

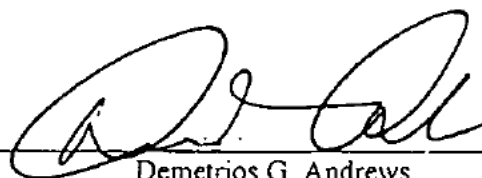
INDICTMENT FOR

Trafficking Heroin
§44-53-370

At a Court of General Sessions, convened on the 13th day of March, 2020, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Daryl Lamar Quarles, on or about January 9, 2020, in Greenwood County, South Carolina, was knowingly in actual or constructive possession of four grams or more of heroin. This is in violation of Section 44-53-370, Code of Laws of South Carolina (1976, as amended).

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

A handwritten signature in black ink, appearing to read 'D. G. Andrews', is written over a horizontal line.

Demetrios G. Andrews
Deputy Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

STATE

VS.

DARYL LAMAR QUARLES

AKA: DARYL LAMAR QUARLESRace: Black Sex: M Age: 40DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#* [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020GS24-0439A/W#: 2020A2420100054Date of Offense: 01/09/2020S.C. Code §: 56-05-0750(B)(2)CDR Code #: 2396

SENTENCE SHEET

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

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

☐ CONVICTED OF or ☒ PLEADSTO: Failure To Stop For A Blue Light 2nd offense (0-5 years)In violation of § 56-05-0750(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2396☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (5 years) (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

M. Wade Dowtin 100359 Daryl Lamar Quarles Chubany M. Hill 78940
M. Wade Dowtin, Assistant SC Bar # Defendant Attorney for Defendant SC Bar #
Solicitor

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; 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.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: all charges☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.20 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. DARYL LAMAR QUARLESINDICTMENT/CASE#: 2020GS24-0439

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§ 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	\$ _____
§ 14-1-212 (Law Enforce. Funding)		\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)		\$150	\$ _____
§ 34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41	\$ _____
§ 50-21-114 (BUI Breath Test Fee)		\$50	\$ _____
§ 56-5-2942(J) (Vehicle Assessment)		\$40/ea	\$ _____
3% to County (if paid in installments)		TBD	\$ <u>.75</u>
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500	\$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$ _____
TOTAL			\$ <u>25.75</u>

Clerk of Court/Deputy Clerk: Charity Copeland

Court Reporter: Digital Court Reporter

SCCA/217 (07/2021)

Presiding Judge: [Signature]

Judge Code: 2155

Sentence Date: 7-26-21

STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

STATE

VS.

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020GS24-0440DARYL LAMAR QUARLESAKA: DARYL LAMAR QUARLESRace: Black Sex: M Age: 40DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#* [REDACTED] SID# [REDACTED]A/W#: 2020A2420100055Date of Offense: 01/09/2020S.C. Code §: 44-53-370(e)CDR Code #: 2361

SENTENCE SHEET

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

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

☐ CONVICTED OF or ☒ PLEADSTO: Trafficking Heroin 4g or more 1st Offense (7-25 years)In violation of § 44-53-370(e) of the S.C. Code of Laws, bearing CDR Code # 2361☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (16 years) (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

M. Wade Dowtin
M. Wade Dowtin, Assistant
Solicitor

100359

SC Bar #

Defendant

Attorney for Defendant

78940

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 16 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; 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.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: with all charges☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.20 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS.

DARYL LAMAR QUARLES

INDICTMENT/CASE#:

2020GS24-0440

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§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	\$
§14-1-212 (Law Enforce. Funding)		\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)		\$150	\$ 150.00
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41	\$
§50-21-114 (BUI Breath Test Fee)		\$50	\$
§56-5-2942(J) (Vehicle Assessment)		\$40/ea	\$
3% to County (if paid in installments)		TBD	\$ 8.25
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$
TOTAL			\$ 283.25

Clerk of Court/Deputy Clerk: Charity Copeland
 Court Reporter: Digital
 SCCA/217 (07/2021)

Presiding Judge: _____
 Judge Code: _____
 Sentence Date: 7-28-21

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF GREENWOOD

STATE

VS.

INDICTMENT/CASE#: 2021GS24-1358DARYL LAMAR QUARLESA/W#: 2021A2420100728AKA: DARYL LAMAR QUARLESDate of Offense: 06/08/2021Race: Black Sex: M Age: 40S.C. Code §: 44-53-370(e)DOB: [REDACTED] SS#: [REDACTED]CDR Code #: 0149Address: [REDACTED]City, State, Zip: [REDACTED]DL# [REDACTED] SID# [REDACTED]

SENTENCE SHEET

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

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

☐ CONVICTED OF or ☒ PLEADSTO: Possession with Intent to Distribute Heroin 2nd Offense(5-30 years)In violation of § 44-53-370 of the S.C. Code of Laws, bearing CDR Code # 0184☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. DP (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ (16 years) Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

M. Wade Downtin
M. Wade Downtin, Assistant
Solicitor

100359

SC Bar #

Defendant

Charles J. McNeill
Attorney for Defendant

78940

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 16 days/months/years Time Served☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$, provided that upon the service of days/months/years/Time Served and or paymentof \$; 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.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: With all charges☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc.20 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. DARYL LAMAR QUARLES

INDICTMENT/CASE#:

20216524-1358

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§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	\$ _____
§14-1-212 (Law Enforce. Funding)		\$25	\$ _____
§14-1-213 (Drug Court Surcharge)		\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)		\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea	\$ _____
3% to County (if paid in installments)		TBD	\$ _____
☐ Appointed PD or appointed other counsel. Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500	\$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$ _____
TOTAL			\$ _____

Clerk of Court/Deputy Clerk: Charity Copeland
 Court Reporter: Thigait
 SCCA217 (07/2021)

Presiding Judge: _____
 Judge Code: _____
 Sentence Date: _____

2155
17-26-21

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF GREENWOOD

STATE

VS.

INDICTMENT/CASE#: 2020GS24-0439DARYL LAMAR QUARLESA/W#: 2020A2420100054AKA: DARYL LAMAR QUARLESDate of Offense: 01/09/2020Race: Black Sex: M Age: 40S.C. Code §: 56-05-0750(B)(2)DOB: [REDACTED] SS#: [REDACTED]CDR Code #: 2396Address: [REDACTED]City, State, Zip: [REDACTED]DL#* [REDACTED] SID# [REDACTED]

SENTENCE SHEET

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

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

☐ CONVICTED OF or ☒ PLEADSTO: Failure To Stop For A Blue Light 2nd offense (0-5 years)In violation of § 56-05-0750(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2396☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

M. Wade Dowtin
M. Wade Dowtin, Assistant
Solicitor

100359

SC Bar #

Defendant

Charles D. Hill
Attorney for Defendant

78940

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; 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.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: all charges☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.20 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. DARYL LAMAR QUARLESINDICTMENT/CASE#: 2020GS24-0439

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:		\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____ Beginning	_____
§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	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
	TOTAL	\$ 25.75

Clerk of Court/Deputy Clerk: Charles Copeland
 Court Reporter: Digital Court Reporter
 SCCA217 (07/2021)

Presiding Judge: [Signature]
 Judge Code: 2155
 Sentence Date: 7-26-21

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF GREENWOOD

STATE

VS.

INDICTMENT/CASE#: 2020GS24-0440DARYL LAMAR QUARLESA/W#: 2020A2420100055AKA: DARYL LAMAR QUARLESDate of Offense: 01/09/2020Race: Black Sex: M Age: 40S.C. Code §: 44-53-370(e)DOB: [REDACTED] SS#: [REDACTED]CDR Code #: 2361Address: [REDACTED]City, State, Zip: [REDACTED]DL#* [REDACTED] SID# [REDACTED]

SENTENCE SHEET

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

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

☐ CONVICTED OF or ☒ PLEADSTO: Trafficking Heroin 4g or more 1st Offense(7-25 years)In violation of § 44-53-370(e) of the S.C. Code of Laws, bearing CDR Code #2361☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

M. Wade Downtin
M. Wade Downtin, Assistant
Solicitor

100359

SC Bar #

Defendant

Attorney for Defendant

78940

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 16 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; 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.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:with all charges☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.20 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. DARYL LAMAR QUARLESINDICTMENT/CASE#: 2020GS24-0440

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

	\$ _____ Beginning	\$ _____
Fine may be pd. in equal consecutive weekly/monthly pmts. of		\$
§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	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$ 150.00
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 8.25
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$

TOTAL

\$ 283.25

Clerk of Court/Deputy Clerk: Charity Copeland

Court Reporter: Digital

SCCA/217 (07/2021)

Presiding Judge: _____

Judge Code: _____

Sentence Date: _____

2153

7-28-21