

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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JUN 26 2026

Certiorari to Marlboro County
Honorable S.B. Doby, Circuit Court Judge

S.C. SUPREME COURT

ZAQUAI R. SHULER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2026-000006

PRO SE JOHNSON PETITION FOR WRIT OF CERTIORARI

ZAQUAI R. SHULER #372507

Pro Se Petitioner

Zaquai Shuler
Perry Correctional Inst.

430 Oaklawn Road

Pelzer, S.C. 29669

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ISSUE PRESENTED

Whether Petitioner's negotiated guilty plea is void because it was made in ignorance of the actual consequences of the sentence which he received.

STATEMENT

Petitioner fully incorporates herein the Procedural history in the STATEMENT of the JOHNSON PETITION FOR WRIT OF CERTIORARI filed by his Appellate Defender in this appeal on or about May 27, 1926.

Petitioner now files his Pro Se Johnson Petition for Writ of Certiorari.

ARGUMENT

Petitioner's negotiated guilty plea is void because it was made in ignorance of the actual consequences of the sentence which he received.

At Petitioner's PCR hearing, he testified that his guilty plea counsel told him that he took the 12 year plea, it would be run concurrent with the ten (10) year sentence which he was already serving, and was told that he would only have to serve an additional two (2) years in SCDC after the completion of his ten year sentence. PCR Tr. p.13, lns. 1-4.

This fact of evidence was not refuted and/or denied by Petitioner's plea counsel or the State. Not once at Petitioner's PCR hearing, did his plea counsel refute or deny he told Petitioner, if he took the negotiated plea of 12 years, it would be ran concurrent with the ten (10) year sentence which he was already serving, and that Petitioner would only have to serve an additional two (2) after the completion of his ten (10) year sentence. This has turned out not to be true.

A fact presented and unrefuted at the PCR hearing, is a fact of evidence to be accepted as truth. High v. State, 300 S.C. 88 (1989) (the Court will not uphold the rulings of the PCR judge where there is no evidence to support them.) There is no evidence in the record which refutes and/or deny the fact of evidence presented by Petitioner, that his plea counsel told him, if he accept the negotiated plea of 12 years, it would by ran concurrent with the ten (10) year sentence which he was already serving, and that Petitioner would only have to serve an additional two (2) years in SCDC after the completion of his ten (10) year sentence. Holland v. State, 322 S.C. 111 (1996) (where there is no probative evidence to support the PCR judge's findings, the findings should not be upheld.).

Petitioner plead guilty under the belief, as told to him by his plea counsel, that:

1. He would receive a negotiated plea of 12 years;
2. That this 12 year negotiated plea would run concurrent with the ten (10) year sentence which he was already serving; and

3. That after the completion of his ten (10) year sentence, he would only have to serve an additional two (2) years in SCDC.

This is the belief which Petitioner had when he plead guilty to the negotiated plea of 12 years, which was told to him by his plea counsel. This fact of evidence, which made his plea unintelligent and involuntary, has not been refuted and/or denied by Petitioner's plea counsel or the State.

SCDC Classification has informed Petitioner that after he completes his ten (10) year sentence, he has an additional ten (10) years to serve, not two (2) years as he was led to believe by his plea counsel. Dover v. State, 304 S.C. 433 (1991) (In order for a defendant to knowingly and voluntarily plead guilty, he must have a full understanding of the consequences of his plea. Boykin v. Alabama, 395 U.S. 238 (1969) (A defendant who enters a guilty plea waives several constitutional rights. For this waiver to be valid under the Due Process Clause, it must be "an intentional relinquishment or abandonment of a known right or privilege." Johnson v. Zerbst, 304 U.S. 458, 464 (1938). If a defendant's guilty plea is not equally voluntary and knowing, it has been obtained in violation of due process and is therefore void.

Petitioner's guilty plea was not freely and understandingly made, and it was induced by the promise of his plea counsel, that if he plead guilty to the lesser included offense of ABHAN, he would receive a sentence of 12 years ran concurrent with the ten (10) year sentence which he was already serving, and that once he completes his ten (10) year sentence, Petitioner would only have an additional two (2) years to serve in SCDC. This was the belief which Petitioner had when he accepted to plead guilty to the negotiated plea of 12 years.

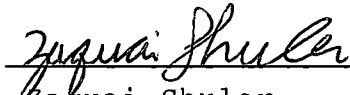
This fact of evidence has not been refuted and/or denied by Petitioner's plea counsel or by the State, that this is indeed what Petitioner plea counsel promised him to get him to plead guilty, and as such it deprived Petitioner's guilty plea of the character of a voluntary act, making his guilty plea a violation of the Due Process Clause, and thus void. Bailey v. MacDougall, 247 S.C. 1 (1965) (Plea of guilty must be freely and understandly

made, and if it is induced by promises which deprive it of the character of a voluntary act, plea of guilty is void and should be set aside.).

Finally, Petitioner submits that the issue of a void judgment can be raised for the first time on appeal.

CONCLUSION

Based on the foregoing argument, Petitioner respectfully request this Court to grant the Petition for Writ of Certiorari and allow full briefing on this issue.


Zaquai Shuler

Pro Se Petitioner

This 23rd day of June, 2026.

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erry Correctional
130 Oaklawn Road
Pelzer, SC 29669

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The Supreme Court of South Carolina

Patricia A. Howard, Clerk of Court

Post Office Box 11330

Columbia, SC 29211

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