

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

OCT 21 2016

S.C. SUPREME COURT

Appeal from Spartanburg County

Honorable Larry B. Hyman, Circuit Court Judge

SAMA CHAKA QUINLAND,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-000693

APPENDIX

LAURA R. BAER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ALICIA OLIVE
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

INDEX

INDEX.....i

GUILTY PLEA TRANSCRIPT (June 10, 2013)..... 1

APPLICATION FOR POST-CONVICTION RELIEF.....27

STATE’S RETURN34

POST-CONVICTION RELIEF HEARING TRANSCRIPT (Nov. 12, 2015).....40

ORDER OF DISMISSAL74

INDICTMENT83

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG) COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,) TRANSCRIPT
PLAINTIFF,) OF
vs.) RECORD
SAMA CHAKA QUINLAND,) 2013-GS-42-2754
DEFENDANT.)

June 10th, 2013
Spartanburg, South Carolina

B E F O R E :
THE HONORABLE BENJAMIN H. CULBERTSON, Judge.

A P P E A R A N C E S :
KENLI BARE
ASSISTANT SOLICITOR
Attorney for the State

ANDREA PRICE
ASSISTANT PUBLIC DEFENDER
Attorney for the Defendant

PAMELA E. GREEN
Circuit Court Reporter
Seventh Judicial Circuit

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E X H I B I T S

<u>NOS.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
	<u>State's Exhibits</u>		
S-1	SRMC Record	3	13
S-2	SLED Report	3	13

P R O C E E D I N G S

1
2
3 (WHEREUPON, a medical report was marked as State's
4 Exhibit No. 1. A SLED report was marked as State's Exhibit
5 No. 2. Both were for identification purposes only at this
6 time.)

7 THE COURT: All right.

8 SOLICITOR BARE: Your Honor, standing before you is
9 Sama Quinland here on Indictment Number 2013-GS-42-2754,
10 which is an indictment for voluntary manslaughter. The
11 defendant waives presentment of this indictment to the Grand
12 Jury. They're no other negotiations or recommendations on
13 behalf of the State. Mr. Quinland is here with his
14 attorney, Ms. Andrea Price.

15 (WHEREUPON, the defendant was placed under oath at this
16 time.)

17 THE COURT: Okay. Now, this one is not -- oh, I see
18 it. It was on the mornings --

19 SOLICITOR BARE: Yes, Your Honor.

20 THE COURT: I got you.

21 Ms. Price, you represent, and you're gonna have to
22 pronounce this for me, Sama?

23 MS. PRICE: It's Sama Quinland.

24 THE COURT: Sama Quinland.

25 You represent Sama -- then the middle name is

1 C-H-A-K-A?

2 MS. PRICE: Chaka.

3 THE COURT: Sama Chaka Quinland on the charge of
4 voluntary manslaughter?

5 MS. PRICE: Yes, sir.

6 THE COURT: Have you discussed with your client the
7 charge against him, his rights as a defendant, and the
8 consequences of being convicted of this crime?

9 MS. PRICE: I have, Your Honor.

10 THE COURT: In your opinion, does your client
11 understand the charge against him, his rights as a
12 defendant, and the consequences of being convicted of this
13 crime?

14 MS. PRICE: He does, Your Honor.

15 THE COURT: And does he wish to plead guilty or not
16 guilty?

17 MS. PRICE: Guilty, Your Honor.

18 THE COURT: Do you agree with his decision to plead
19 guilty to this charge?

20 MS. PRICE: Yes, sir.

21 THE COURT: Based upon the information you have, if
22 this case proceeded to trial, do you feel that the State
23 could prove your client guilty beyond a reasonable doubt?

24 MS. PRICE: I do, Your Honor.

25 THE COURT: Has your client received a competency

1 evaluation?

2 MS. PRICE: He has not, Your Honor, and in my dealings
3 with him I do not feel that is necessary.

4 THE COURT: All right.

5 All right. Mr. Quinland, are you Sama Chaka Quinland?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Excuse me?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. I need you to speak up loud and
10 clearly.

11 Okay?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. You have been charged with
14 voluntary manslaughter, and according to your attorney, you
15 wish to plead guilty to that charge.

16 Is that correct?

17 THE DEFENDANT: Yes.

18 THE COURT: All right. Before I can accept your guilty
19 plea I've got to go over some questions with you to be sure
20 that you understand the charge against you, that you
21 understand your rights as a defendant, that you understand
22 the consequences of pleading guilty, and I must be sure that
23 you're pleading guilty voluntarily.

24 Now, during the past 72 hours, have you taken any
25 medication, consumed any alcohol or drugs, or been under any

1 influence that would affect your ability to know why you are
2 here?

3 THE DEFENDANT: No, sir.

4 THE COURT: Do you understand why you're here today?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Is there anything about this hearing that
7 you want to ask your lawyer or ask me before we proceed?

8 THE DEFENDANT: No, sir.

9 THE COURT: All right. Now, one of your rights as a
10 defendant is that you can not be prosecuted for any crime
11 unless and until you're indicted by the Grand Jury. What
12 that means is when you're charged with a crime, the State
13 has an obligation to present your case to a Grand Jury for
14 review. The Grand Jury looks over your case and determines
15 if there's any evidence to indicate you committed this
16 crime. If the Grand Jury finds there is evidence you
17 committed the crime, the Grand Jury would indict you and the
18 State could go forward and prosecute you on this charge.

19 On the other hand, if the Grand Jury found that there
20 was no evidence against you or that the evidence against you
21 was insufficient to support the charge, then the Grand Jury
22 would not indict you and the State could not prosecute you.

23 But at this point in time you have not been indicted by
24 the Grand Jury. Therefore, at this point in time, the State
25 can not prosecute you on this charge and I can not accept a

1 guilty plea from you unless you waive presentment to the
2 Grand Jury.

3 waiving presentment to the Grand Jury means that you
4 are relieving the State from its obligation to have the
5 Grand Jury review your case and indict you before they
6 prosecute you.

7 Do you understand that?

8 THE DEFENDANT: Yeah.

9 THE COURT: And do you wish to waive presentment to the
10 Grand Jury so that you can plead guilty to this charge?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right.

13 (WHEREUPON, an unidentified person in the courtroom
14 yells out no.)

15 THE COURT: Excuse me.

16 Let's -- just have him wait outside.

17 All right, sir. Now, even though you waive presentment
18 to the Grand Jury, under the Constitution of the United
19 States you're presumed innocent of this crime, and you have
20 the right to have your guilt or innocence determined by a
21 jury trial of your peers. The State bears the burden of
22 proving your guilt beyond a reasonable doubt. You do not
23 have to prove your innocence and you can not be compelled to
24 testify against yourself.

25 You also have the right to confront and cross-examine

1 anybody who testifies against you. If you choose, you can
2 present a defense to this charge, but when you plead guilty
3 you give up all of those rights.

4 Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. And do you want to give up
7 those rights and plead guilty to this charge?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. Now, you understand that, for
10 this crime, I could send you to prison for 30 years?

11 Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. Now, do you also understand
14 that this crime is classified as a violent crime?

15 What that means is if you are ever convicted of another
16 violent crime, and the sentence you would receive for that
17 second violent crime conviction, you would not be eligible
18 for probation, and you could not be placed on -- and you
19 would not be eligible for parole.

20 Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Also use this guilty plea against you to
23 show a violent crime conviction.

24 Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: All right. Do you also understand that
2 this crime is classified as a most serious crime?

3 What that means is if you are ever convicted of two
4 most serious crimes or if you're ever convicted of three
5 serious crimes, then the sentence you could get for that
6 third serious crime conviction or that second most serious
7 crime conviction, the sentence can be enhanced to life in
8 prison without the possibility of parole, and the state will
9 use this guilty plea against you to show a most serious
10 crime conviction against you.

11 Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. Knowing your rights as a
14 defendant, knowing the maximum sentence you could receive,
15 knowing the classification of this crime as a violent crime,
16 and as a most serious crime, and the consequences of that,
17 do you wish to plead guilty or not guilty to voluntary
18 manslaughter?

19 THE DEFENDANT: Guilty.

20 THE COURT: Is anybody promised you anything or
21 threatened you in anyway to get you to plead guilty?

22 THE DEFENDANT: No, sir.

23 THE COURT: Are you pleading guilty voluntarily?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Are you satisfied with the services of your

1 lawyer?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Are you pleading guilty to this crime
4 because you committed this crime?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. I need you to listen carefully
7 while the solicitor gives me the facts of your case.

8 Okay?

9 THE DEFENDANT: Yes, sir.

10 SOLICITOR BARE: Thank you, Your Honor.

11 THE COURT: All right.

12 SOLICITOR BARE: May it please the Court?

13 THE COURT: Yes, ma'am.

14 SOLICITOR BARE: On July the 25th of 2011, officers
15 responded to 2000 Keats Drive, Apartment 2037, which is
16 located in Spartanburg County in reference to an unconscious
17 male. The male turned out to be DeAndrea Fulton Smith, a 19
18 year old student at Spartanburg Community College. The
19 victim's mother had not been able to get in touch with him
20 for several days. So, she, along with her sister, drove up
21 to his apartment and asked the apartment manager to open the
22 door, which is when they discovered Mr. Smith's body.

23 Officers processed the scene and were able to determine
24 that the victim was, in fact, deceased. There was no sign
25 of forced entry into the apartment. However, the victim's

1 flat screen television, cell phone, and rental car were
2 missing. The rental car was subsequently found in
3 Greenville County burned. The television was located using
4 the Leads On-Line Program and was traced back to the
5 defendant. It was at that time that Sama Quinland became a
6 suspect.

7 DNA was located under the fingernails of the victim and
8 fingernail scrapings were taken. The DNA under the victim's
9 fingernail, fingernails matched that of the defendant. Your
10 Honor, that result or the results of that examination have
11 been premarked as State's Exhibit No. 2.

12 Throughout the investigation subsequent information
13 came to the forefront, Your Honor. It appeared that the
14 victim in this case, although a male, would of occasionally
15 represented himself as a female, and posted on various
16 websites offering sexual services. It's believed that this
17 defendant responded to one of those ads the day of the
18 killing. Evidence of the crime scene suggested that the
19 defendant and the victim were engaging in some sort of
20 sexual act at the time of the victim's death.

21 The autopsy report indicates the victim was stabbed 22
22 times. Although many of those wounds just were superficial,
23 Your Honor. He was also shot twice in the head. Both
24 wounds, which according to the coroner's report, would of
25 been immediately fatal. That report has been premarked as

1 State's Exhibit No. 1.

2 Officers were unable to locate the defendant in order
3 to arrest him, and a segment aired on American's Most
4 Wanted. An anonymous tip was called in that the defendant
5 was in St. Croix located in the Virgin Islands. He was
6 located there and extradited back here to Spartanburg County
7 where he stands before you today.

8 It's the State's position that since the victim
9 represented himself as a female, but the defendant found out
10 that he was a male while engaging in those private acts,
11 there was no malice aforethought at the time of the killing,
12 but in an extreme sense of rage and/or anger. That's also
13 indicated, in the State's opinion, by the number of stab
14 wounds and gunshot wounds that the victim suffered. It's
15 for that reason that we've agreed to allow the plea to
16 voluntary manslaughter as opposed to the original charge
17 that he was charged with, which was murder.

18 The State's also dismissing charges against Michael
19 Choice and Savlong Quinland for accessory after the fact,
20 and a charge of armed robbery related to the facts in this
21 case against this defendant.

22 Your Honor, at this time we'd like to enter State's
23 Exhibits 1 and 2 to supplement the record. We also have
24 letters from the victims that we'd like to pass up at the
25 appropriate time.

1 May I approach?

2 THE COURT: All right. Yes, ma'am.

3 Any objection to these exhibits?

4 MS. PRICE: No, Your Honor. I've been provided with
5 all four of those documents by the State.

6 THE COURT: All right. State's Exhibits 1 and 2 are
7 admitted into evidence without objection.

8 (WHEREUPON, State's Exhibit Nos. 1 and 2 were received
9 into evidence at this time.)

10 THE COURT: All right. Anything further?

11 SOLICITOR BARE: Nothing, Your Honor, other than the
12 letters from the victim at the appropriate time --

13 THE COURT: All right.

14 SOLICITOR BARE: -- or the victim's family.

15 THE COURT: All right.

16 All right. Mr. Quinland, do you understand what the
17 charges are against you and what they're saying you did in
18 this case?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Is that what happened?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. Ms. Price, anything in
23 mitigation?

24 MS. PRICE: I do, Your Honor.

25 I have been speaking to him as has Mr. James Cheek who

1 is employed also by the Public Defender's Office. If Your
2 Honor doesn't mind, I would like you to hear from Mr. Cheek
3 first and then I'll follow-up.

4 THE COURT: All right. Mr. Cheek.

5 MR. CHEEK: May it please the Court, Your Honor?

6 THE COURT: Yes, sir.

7 MR. CHEEK: Your Honor, during my employment here with
8 the Public Defender's Office I am occasionally called in on
9 cases to assist in presenting the case before the Court
10 because I have my office at the jail. I have more of an
11 opportunity many times to have conversations with, with
12 defendants in these cases.

13 Your Honor, I rarely get involved in a murder case.
14 Mr. Quinland had written several times asking that I come
15 talk to him. Frankly, Your Honor, I had avoided any contact
16 with Mr. Quinland. I was aware of some of the facts in this
17 case, and I had determined I would not talk with
18 Mr. Quinland cause I did not want to interfere with anything
19 that was ongoing with the negotiations in this case.

20 Finally, Your Honor, Mr. Quinland's pod-mate ask that I
21 come see him. I preface, Your Honor, that you know that I,
22 I did have some reservations about meeting Mr. Quinland
23 because of the negotiations in the case as well as the facts
24 of the case. But I went to meet this young man and to talk
25 with him, and I speak to that because I'm asking the Court

1 to take several things into consideration for mitigation.

2 Your Honor, this is what, at first glance, appeared to
3 be a very vicious killing. I told my client that. I
4 explained to him that I had some concerns about that. I
5 also told him that I did not want to become involved in
6 anything that might appear to have been some type of hatred
7 crime particularly since the people in this case, many of
8 them involved his -- the victim's friends, the victim's
9 family, all were concerned about this young man being a
10 student, how he presented himself.

11 Your Honor, when I went to meet with Sama Quinland, I
12 was very much surprised at his demeanor as well as his true
13 remorse in this whole situation. He cried. He, he told me
14 what happened. He explained to me that he was shocked after
15 completing a sexual act with the victim in this case to
16 learn that there was actually a male as opposed to a female
17 with whom he had been having intercourse. Your Honor,
18 looking further into that, I also told him that I understood
19 some of what he was dealing with, not understanding
20 transgender or sexual reassignment, that he got himself into
21 a situation where he did not understand what he was getting
22 himself involved in.

23 Your Honor, he had been talking on a chat line with
24 this young lady. They had been talking a lot. She actually
25 came to Greenville the night of this incident and picked him

1 up. Your Honor, when she appeared at the apartment, she
2 presented herself as a female. I have here pictures, Your
3 Honor, of the victim in this case. I'd like to approach and
4 pass them up. I've shared these with the Solicitor's
5 Office.

6 THE COURT: All right.

7 MR. CHEEK: Your Honor, just so the Court will know
8 that when he says he thought and had every reason to believe
9 that was a female, I wanted the Court to see those pictures
10 to understand what he got himself involved in.

11 Your Honor, when she -- I understand from the family
12 and friends that when she came to pick him up that she was
13 dressed in very provocative clothing. She had on shorts.
14 She had on a tank top. She was very ample in her
15 proportions as well as how she presented herself in her
16 dress.

17 Your Honor, he accompanied her from Spartanburg -- from
18 Greenville to Spartanburg. Your Honor, they stopped and had
19 a meal on the way. Still nothing about the presentation of
20 this victim would of made him believe that it was any --
21 reason to believe that she was anything other than what she
22 presented herself to be.

23 Your Honor, because of the, the deception, he never had
24 any conversation with her about her being anything other
25 than a female. He had no expectations of her being anything

1 other than a female. As the Court can see from looking at
2 the pictures, there's no reason for him to believe that she
3 was anything other than a female, which is what she thought
4 she was. She thought she was transgender.

5 Your Honor, in our society, many people believe that
6 transgender people, for some reason, are gay or bisexual
7 because they are going from one sex to another in their
8 transition. But transgender people, Your Honor, are born
9 with the knowledge or belief that they are the opposite sex
10 from which their genitalia would indicate.

11 Your Honor, my heart went out to Sama because I don't
12 think he fully comprehended and appreciated what he found
13 himself into, and he got into a rage particularly when the
14 young lady, after they had sex, told him how much she
15 appreciated him being with her, and then revealed to him
16 that she was actually a male.

17 Your Honor, we ask the Court to take that into
18 consideration. There was some deception here. Sama did
19 everything he could to try to remove himself from the
20 situation. I think he became enraged when she told him that
21 she was gonna tell everyone that he had sex with a man.

22 Your Honor, his culture, his religious training, and
23 background, he's from the Virgin Islands. There's very,
24 very, very low tolerance for any kind of homosexuality, and
25 very, very low tolerance for transgender people in that

1 environment.

2 Your Honor, when the victim told him that she was going
3 to expose him for having had sex with a man because he said
4 he would not have any further relations with her once he
5 found out the truth, and sex -- and she was going from one
6 sexual transition to another, he became very upset. He
7 tried to leave the apartment from what he tells me. She
8 encouraged him to stay. He said he wanted to leave. He
9 tried to leave. He became enraged, pulled a knife out, and
10 he started assaulting her with the knife.

11 Quite naturally, Your Honor, she pulled a gun from her
12 nightstand. She tried to protect herself from what she had
13 been involved with before with prostitution, Your Honor, and
14 offering those kinds of services, she kept a gun for her
15 protection. That's understandable. She pulled a gun. He
16 was stabbing her. He took the gun from her and he shot her.

17 Your Honor, it is brutal, but it was done in a rage. I
18 know many people have a hard time understanding and
19 appreciating where this young man found himself. We just
20 ask the Court to be as merciful as possible in sentencing on
21 him.

22 He comes from a family of Hebrew Israelites. That's
23 the religion. Homosexuality, bisexuality, transgender, very
24 low tolerance, and a zero tolerance in his family. He knew
25 that he would have to deal with being exposed from having

1 been in a relationship with him or with the victim in this
2 case. He tells me that he was very, very, very distraught,
3 and he took the action that he took.

4 Your Honor, he had been driven over here by her. He
5 had no other way to leave. The one thing I did bring to his
6 attention that the Court would be very concerned about was
7 why in the world he'd go back to the Virgin Islands instead
8 of turning himself in. He got bad advice on that, Your
9 Honor. He took that advice. We just ask the Court to take
10 into consideration that he was a young man. They're very
11 distraught and very distressed, and then he, he left the
12 country.

13 We ask the Court for mercy for Sama. He's gonna have
14 to live with what he did. The family, the victim is already
15 living with what, what happened in this situation, but we
16 ask the Court to consider that he was not mature enough and
17 informed enough to have dealt, to have dealt, I think,
18 appropriately with the situation he found himself in.

19 Just ask for mercy, Your Honor.

20 THE COURT: All right. Thank you.

21 Ms. Price.

22 MS. PRICE: Thank you, Your Honor.

23 I'm just like -- I feel what Mr. Cheek said. He -- I
24 found Mr. Quinland, during the time I've been representing
25 him, to be a very soft spoken gentleman. He -- when I was

1 preparing to come to Court today, he asked me could he speak
2 to the Court, and sometimes I'm reluctant to do that because
3 I never know what a client's gonna say when they get up
4 here. I always tell them to be truthful when the judge asks
5 him a direct question. But I asked him what he wanted to
6 say, and he said I just want the Smith family to know that
7 I'm sorry.

8 During the time I've been representing him, I don't
9 think I've ever had a client who is appeared more remorseful
10 than Mr. Quinland has during the time I've represented him,
11 Your Honor. I would like -- also like to add though
12 Mr. Cheek's plea for mercy in this case.

13 Mr. Quinland has been continuously incarcerated in our
14 jail for the last 287 days, Your Honor. He has never bonded
15 out. He has been there continuously since August, Your
16 Honor, and that would be our presentation.

17 THE COURT: All right. Mr. Quinland, anything you want
18 to say?

19 THE DEFENDANT: I just want to say that I'm sorry for
20 the victim's family, and I'm sorry for putting my family
21 through this, and never in a million years would I think I'd
22 be in here for the charge I'm in here for. I'm just asking
23 for leniency.

24 THE COURT: All right. Thank you.

25 victims present or wish to say anything?

1 SOLICITOR BARE: Your Honor, the victims are present.
2 They do not wish to address, Your Honor. However, they have
3 written brief letters that I have shared with defense
4 counsel and they'd like for you to read at this time.

5 THE COURT: All right.

6 SOLICITOR BARE: May I approach?

7 THE COURT: Any objection?

8 MS. PRICE: No, Your Honor.

9 THE COURT: All right.

10 (Pause.)

11 THE COURT: All right. Any prior record?

12 SOLICITOR BARE: Your Honor, from the Year 2008,
13 burglary in the second degree nonviolent.

14 THE COURT: All right.

15 MS. PRICE: Your Honor, I've also been informed that
16 Mr. Quinland's mother and minister are here and would like
17 to speak to you on his behalf, Your Honor.

18 THE COURT: All right. I'll hear anybody that wants to
19 speak. If they'll come forward.

20 (Pause.)

21 THE COURT: Sir, your name?

22 MR. JAMES: Reverend James.

23 THE COURT: All right. Mr. James, what would you like
24 to say?

25 MR. JAMES: Just like to say to the Court I'm here as a

1 representation to speak to his cultural and spiritual
2 upbringing. I grew up in the U.S. Virgin Islands. I moved
3 here at the age of 13 and just recently moved up to
4 Greenville County three years ago.

5 I met the defendant and his family in 1993. At that
6 time he was only two years old. So, I know all of his
7 brothers and sisters and the environment in which he was
8 raised. We were raised as Hebrew Israelites based in
9 Israel. Basically that's just simply following the laws
10 and, you know, being guided by the prophesies, and having an
11 environment of love, caring, compassion, harmony, love and
12 truth, and these are the main tenants of our spiritual
13 group, and this is how he was raised.

14 I have been around him many years as he grew in
15 different jurisdictions, and it was to my surprise to come
16 up here, moving to Greenville where my mother's family is
17 from, and meeting somebody from the Virgin Islands. So then
18 had an opportunity to reconnect with him up here, and then,
19 through one of his associates I was able to get a job. I'm
20 a self-employed cab driver, and up until the days leading up
21 until this incident, all I saw was compassion and I spent
22 everyday around him. He lived around the corner from me at
23 that time, and, at that time, he was even caring for an
24 infant girl. Like I said, one of my co-worker's children,
25 and I mean he doesn't have any children. So, to see, up

1 until this incident in question, that the level of
2 compassion and love and everything that he exhibited that it
3 was a shock to hear, you know, this incident transpired and
4 the circumstances thereof.

5 So, I just wanted to speak to that, and that, like I
6 said, I've known him since he was a young child and I've
7 been around him. Never exhibited anything nor any
8 tendencies of violence or anything like that, Your Honor.

9 THE COURT: All right. Thank you.

10 MS. PRICE: Mrs. Quinland.

11 THE COURT: And your name?

12 MS. WALTHOUR: My name is Josephia Walthour.

13 THE COURT: Could you spell your last name please?

14 MS. WALTHOUR: W-A-L-T-H-O-U-R.

15 THE COURT: All right. Ms. Walthour, what would you
16 like to say?

17 MS. WALTHOUR: I'm Sama's mom and I'm saddened and I'm
18 shocked that I'm here pleading for my son's life today. I
19 sympathize with the other family as well, but I didn't raise
20 my son like that. I have seven kids, and Sama has never
21 been violent to any of his other siblings.

22 We raised them in a love and peace environment like he
23 said. I tried to find the best outlet that I could find at
24 the time to make sure, make sure my kids were raised in the
25 right way. And with that being said, I found the Hebrew

1 Israelite community at the time back in the Virgin Islands,
2 and that's how I raised them. From the time he was a baby
3 up until he decided to leave my arms.

4 I plead with the Court today to have mercy because the
5 things that might of been said that were negative of him are
6 not him. He has a family that loves him and cares about
7 him, and we were willing to do whatever it takes to get him
8 back on the right track. He, he strayed for a while as all
9 kids do, and we were willing to get him back on the right
10 track. And all I can do, at this point, is just to plead
11 with you to just have mercy on him.

12 THE COURT: All right.

13 MS. WALTHOUR: He's a good kid.

14 THE COURT: Thank you, ma'am.

15 MS. WALTHOUR: Thank you.

16 THE COURT: Anyone else?

17 MS. PRICE: No, Your Honor.

18 THE COURT: All right. Anything further from the
19 State?

20 SOLICITOR BARE: Your Honor, we would just note that
21 although this occurred in July of 2011, he has been
22 incarcerated in our detention center since August the
23 28th of 2012.

24 THE COURT: All right.

25 All right. Mr. Quinland, I will accept your guilty

1 plea. I find that it's made knowingly, voluntarily, fully
2 advised of your rights as a defendant, and the nature of the
3 charge against you and the consequence of your guilty plea.
4 I also find that there is a factual basis to support the
5 charge against you.

6 Sentence of the Court is that you be confined in the
7 State Department of Corrections for 30 years. You'll be
8 given credit for any time served thus far.

9 SOLICITOR BARE: Thank you, Your Honor.

10 THE COURT: Thank you.

11

12 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

13

14

15

16

17

18

19

20

21

22

23

24

25

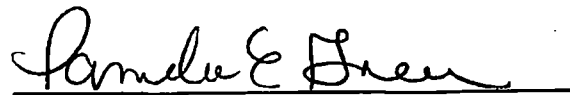
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 10th day of June, 2013.

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

July 8th, 2014



PAMELA E. GREEN, Court Reporter

FORM 5

STATE OF SOUTH CAROLINA)
)
 COUNTY OF **SPARTANBURG**)
)
SAMA CHAKA QUINLAND, SCDC #355729)
 Full name and prison number (if any) of Applicant.)
)
 v.)
)
 State of South Carolina)

IN THE COURT OF COMMON PLEAS

2014-CP-42-1027

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 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 Lee Correctional Institution, Bishopville, S.C.
2. Name and location of Court which imposed sentence General Sessions, Spartanburg, S.C.
3. Name(s) of co-defendant(s) (if any) Shaphon Quinland and Self Choice
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2013-GS-42-2754
 - (b) N/A
 - (c) N/A
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) June 10, 2013 — 30 Years Violent — Most Serious
 - (b) N/A

CLERK OF COURT
 SPARTANBURG
 2014 MAR 13 11:11 AM
 M. HOPE BUCKLE

(c) N/A

6. Check whether a finding of guilty was made:

(a) after a plea of guilty X

(b) after a plea of not guilty N/A

(c) after a plea of nolo contendere N/A

7. Did you appeal from the judgment of conviction or the imposition of sentence?

Yes

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

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

i. Court of Direct Appeal

ii. N/A

iii. N/A

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

i. Dismissed

ii. N/A

iii. N/A

(c) the date of each such result:

i. 09/17/13

ii. N/A

iii. N/A

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

i. Not Known

ii. N/A

iii. N/A

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

(a) N/A

(b) N/A

(c) N/A

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

CLEANING
SPARTANBURG, SC
2014 MAR 13 AM 11:50
M. HOPE BLACKLEY

- (a) Ineffective Assistance of Counsel
- (b) N/A N/A
- (c) N/A
11. State concisely and in the same order the facts which support each of the grounds set out in (10): Plea was not given knowingly, voluntarily and intelligently in that I took the plea on the ill advice of my appointed counsel without explanation as to why I should do so, nor was I advised of available options or the possible consequences stemming from an open plea.
- (a) N/A
- (b) N/A
- (c) N/A
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? Yes
- (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. Court of Direct Appeal
- ii. N/A
- iii. N/A
- iv. N/A
- (b) the name and location of the Court in which each was filed:
- i. South Carolina Court of Appeal, Columbia, S.C.
- ii. N/A
- iii. N/A
- iv. N/A
- (c) the disposition thereof:
- i. Dismissed
- ii. N/A
- iii. N/A

CLERK OF COURT
SPARTANBURG
2014 MAR 13 PM 1:45
M. HOPE BLACKLEY

- iv. N/A
- (d) the date of each such disposition:
- i. 09/17/13
- ii. N/A
- iii. N/A
- iv. N/A
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
- i. Not Known
- ii. N/A
- iii. N/A
- iv. N/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?

No

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

- (a) which grounds have been presented:
- i. N/A
- ii. N/A
- iii. N/A
- (b) the proceedings in which each ground was raised:
- i. N/A
- ii. N/A
- iii. N/A

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) PCR hearing is the first court that provides the opportunity.
- (b) N/A
- (c) N/A

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

2014 MAR 13 11:11 AM
 M. HOPE BLACKLEY
 CLERK OF COURT
 SPARTANBURG, SC

- (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? Yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? Yes
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. Andrea L. Price, 366 N. Church St., Suite 3000, Spartanburg, S.C. 29303
- ii. None
- iii. N/A
- (b) the proceedings at which each such attorney represented you:
- i. Plea and Sentencing
- ii. Direct Appeal
- iii. N/A
19. State clearly the relief you seek in filing this application:
Remand for Trial and or Renegotiate Sentence.
20. Are you now under sentence from any other court that you have not challenged?
No

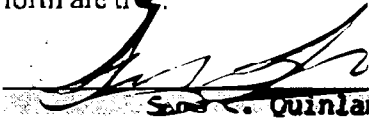
CLERK OF
SPARTANBURG
2014 MAR 13 AM 11:58
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)

County of Lee)

VERIFICATION

I, Sama Quinland, 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.


Sama C. Quinland, SCDC #355729
Lee C.I. - Florence N. 1163
990 Wisacky Highway
Bishopville, S.C. 29010-1775

SWORN to and subscribed before me this 10
day of March, 2014.



Notary Public (L.S.)

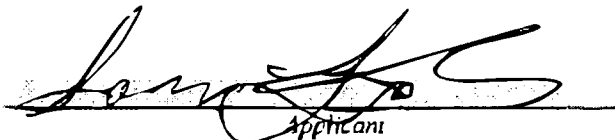
My Commission Expires: 11-4-2015

CLERK OF COURT
SPARTANBURG COUNTY
2014 MAR 13 AM 11:28
M. HOPE BLACKLEY

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

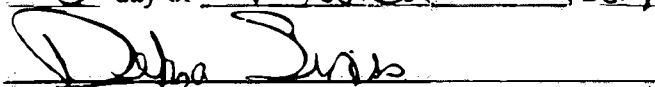
I, Sara C. Quinland, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (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

Sara C. Quinland, SCDC #355729
Lee C.I. - Florence N. 1163
900 Wisacky Highway
Bishopville, S.C. 29010-1775

SWORN or affirmed to and subscribed before me this
10 day of March, 2014.


Notary Public

My Commission Expires: 11-4-2015

CLERK
SPARTANBURG
2014 MAR 13 AM 11:00
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)
)
 Sama Chaka Quinland, #355729,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 SEVENTH JUDICIAL CIRCUIT

2014-CP-42-1027

RETURN

Respondent, making its Return to the application for post-conviction relief (PCR) filed March 13, 2014, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. The Applicant waived presentment to the Spartanburg County Grand Jury for the charge of voluntary manslaughter (2013-GS-42-2754). The Applicant was represented by Andrea L. Price, Esquire. On June 10, 2013, the Applicant pled guilty with no negotiations or recommendations. The Honorable Benjamin H. Culbertson sentenced the Applicant to thirty years.

A timely Notice of Appeal was filed on the Applicant's behalf pursuant to Weathers v. State, 319 S.C. 59, 549 S.E.2d 838 (1995) and State v. Thrift, 378 S.C. 70, 661 S.E.2d 373 (2008). The South Carolina Court of Appeals issued an order dismissing the Applicant's appeal on September 18, 2013. The Remittitur was issued on October 4, 2013.

Attached herewith and incorporated herein are the records of the Spartanburg County Clerk of Court regarding the subject conviction, the Applicant's records from the South Carolina

Department of Corrections, Applicant's appellate records, and the plea transcript. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel, in that;
 - a. Applicant's plea was involuntary as a result of Counsel's failure to properly advise Applicant as to the consequences of an open plea and Applicant's other options.

III.

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland.

Second, counsel's deficient performance must have prejudiced the 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. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, the Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

The Applicant also alleges that he did not plead guilty freely and voluntarily. The State submits this allegation has no merit. To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing. Harris v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984).

The State submits the transcript reflects that the pleas were knowingly and voluntarily entered with a full understanding of the charges and consequences of the plea. Boykin, supra; Dover, supra. Further, 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. Blackledge v. Allison, 431 U.S. 63, 97 S.Ct. 1621, 52

L.Ed.2d 136 (1977). Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. U.S., 519 F.2d 317 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976). The State submits the Applicant should not be allowed to depart from the truth of the statements he made during his guilty plea hearing.

A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial. Roscoe v. State, 345 S.C.16, 546 S.E.2d 417 (2001); Richardson v. State, 310 S.C. 360, 426 S.E.2d 795 (1993). Given the Applicant's burden of proof and the analysis to be applied to this claim, the Respondent submits that the Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it should therefore, be treated as such.

V.

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

VI.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held solely on the claims of ineffective assistance of counsel and involuntary guilty plea.

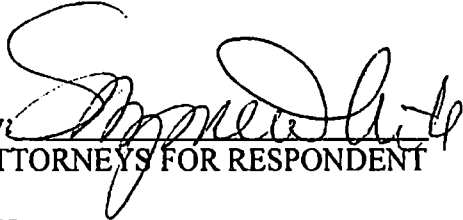
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

SUZANNE H. WHITE
Assistant Deputy Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

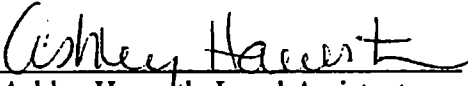
September 8, 2014.

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG)	
)	
)	2014-CP-42-1027
SAMA CHAKA QUINLAND, #355729)	
)	
Applicant,)	
)	
vs)	AFFIDAVIT OF SERVICE BY MAIL
)	
STATE OF SOUTH CAROLINA,)	
)	
Respondent.)	

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

Ms. Leah B. Moody, Esquire
Law Office of Leah B. Moody, LLC
PO Box 1015
Rock Hill, SC 29730

DATED this 8TH day of September, 2014.


 Ashley Haworth, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS

SAMA CHAKA QUINLAND,)
)
 APPLICANT,)
)
 -VS-)
)
 STATE OF SOUTH CAROLINA,)
)
 RESPONDENT.)
 _____)

2014-CP-42-01027

TRANSCRIPT OF RECORD

NOVEMBER 12, 2015
SPARTANBURG, SOUTH CAROLINA

BEFORE:

THE HONORABLE LARRY B. HYMAN, JR.

APPEARANCES:

ATTORNEY FOR APPLICANT:

LEAH B. MOODY, ESQ.

ATTORNEY FOR RESPONDENT:

ALICIA A. OLIVE
ASSISTANT ATTORNEY GENERAL

SUSAN W. HUDGINS
CIRCUIT COURT REPORTER

INDEX

<u>WITNESS</u>		<u>PAGE NO.</u>
SAMA CHAKA QUINLAND		
DIRECT BY MS. MOODY	-----	6
CROSS BY MS. OLIVE	-----	16
ANDREA PRICE		
DIRECT BY MS. OLIVE	-----	21
CROSS BY MS. MOODY	-----	27
CERTIFICATE OF REPORTER	-----	34

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
-----------	--------------------	-----------	-----------------

(No Exhibits Were Presented During This Hearing)

1 **MS. OLIVE:** Your Honor, this is, and I apologize if I
2 mispronounce this, but Sama Chaka Quinland.

3 **THE COURT:** All right.

4 **MS. OLIVE:** Briefly, Your Honor, just the background.
5 Mr. Quinland filed his PCR, March 13th, 2014. He waived
6 indicted, I'm sorry, waived presentment on the charge of
7 voluntary manslaughter.

8 Ms. Andrea Price represented him on that charge on June
9 10th, 2013. He pleaded guilty with no negotiations or
10 recommendations. Judge Benjamin Culbertson sentenced him to
11 thirty years on that charge.

12 He did file an appeal, which the Court of Appeals
13 dismissed. And it's my understanding we're going forward on
14 ineffective assistance of counsel today. And I'll turn it
15 over to Ms. Moody at this time.

16 **THE COURT:** All right. Ms. Moody, you represent Mr.
17 Quinland?

18 **MS. MOODY:** I do.

19 **THE COURT:** Mr. Quinland, let me ask you or advise you
20 of a few things. First of all, Mr. Quinland, what was your
21 initial charge?

22 **MR. QUINLAND:** Murder.

23 **THE COURT:** Okay. Mr. Quinland, do you understand that
24 if I grant you relief on this PCR that you will not have
25 your charges dismissed? I cannot do that.

1 What I can do, if I grant you relief, is simply
2 invalidate your plea. And what that does is it brings you
3 back to square one. That means that you will have a charge
4 of murder pending. And the State may go forward and try you
5 on that charge, that charge of murder. Do you understand?

6 **MR. QUINLAND:** I understand, Your Honor.

7 **THE COURT:** You don't get the benefit of the initial
8 negotiations that were made by your attorney whereby you
9 were able to get the State to agree to go forward on a
10 lesser included offense of manslaughter. Do you understand
11 that?

12 **MR. QUINLAND:** I understand.

13 **THE COURT:** Is that what you wish to do?

14 **MR. QUINLAND:** Yes, sir.

15 **THE COURT:** Are you clear -- has Ms. Moody explained
16 that to you?

17 **MR. QUINLAND:** Yes, sir.

18 **THE COURT:** All right. Very well. Let's go forward
19 then. Ms. Moody, are you prepared to go forward?

20 **MS. MOODY:** Yes, I am.

21 **THE COURT:** All right. I'll hear from you.

22 **MS. MOODY:** Thank you, Your Honor. I'd like to call my
23 first witness, Mr. Quinland.

24 **THE COURT:** Come around, Mr. Quinland, and let's be
25 sworn.

SAMA CHAKA QUINLAND - DIRECT EXAMINATION BY MS. MOODY

7

1 Q. --- you were exposed to?

2 A. Was two to thirty.

3 Q. Okay. And so your attorney that you mentioned -- who
4 was your attorney at that time?

5 A. Ms. Price.

6 Q. And was she your attorney the entire time from the date
7 of your arrest through your plea?

8 A. She was, but I also wrote the public defender's office
9 and talked to a Mr. James Cheeks.

10 Q. All right. But at that time did Ms. Price stop
11 representing you or did she continue to represent you?

12 A. She continued to represent me.

13 Q. Okay. And in your plea did Mr. Cheeks appear on your
14 behalf as well?

15 A. Yes, ma'am.

16 Q. Okay. So now you entered into this plea and you filed
17 this application. And can you please tell the Court what is
18 the basis of your application?

19 A. Can you repeat the question?

20 Q. What is it that your lawyer didn't do for you?

21 A. I don't -- I don't think my lawyer fought for the --
22 fought for me. I had to write her a letter and threaten her
23 that I would write her up to the bar association just to
24 have my motion of discovery.

25 I wrote Mr. James Cheeks at the public defender's

SAMA CHAKA QUINLAND - DIRECT EXAMINATION BY MS. MOODY

8

1 office because I wasn't getting the right counsel -- counsel
2 I was supposed to have been getting. And I felt -- I felt
3 like if Ms. -- if Ms. Price had informed me of an
4 alternative options as to going to trial, I would -- I would
5 have rather took it to trial.

6 Q. What, if any, conversations did you have with Ms.
7 Price?

8 A. I talked to Ms. Price on three different occasions.

9 Q. Okay. And on those occasions what did you discuss?

10 A. The only thing we discussed is basically that -- we
11 discussed that the plea of what -- what the prosecutor
12 recommended. That's all we really talked about.

13 Q. Okay. Now, let's be clear. You indicated that you did
14 an open plea, correct?

15 A. Yeah.

16 Q. Okay. And when you say open plea, what do you mean by
17 open plea?

18 A. I guess it's open -- I could get anything from two to
19 thirty years.

20 Q. Okay. But your original charge was murder?

21 A. Yes, ma'am.

22 Q. And the recommendation you're speaking of with the
23 solicitor's office, is it the voluntary manslaughter?

24 A. Yes.

25 Q. Okay. So they said that they would allow you to plead

SAMA CHAKA QUINLAND - DIRECT EXAMINATION BY MS. MOODY

9

1 to the voluntary manslaughter as opposed to murder?

2 A. Yes.

3 Q. Okay. And when you discussed that with your attorney
4 what, if anything, did she explain to you about voluntary
5 manslaughter?

6 A. She didn't -- she didn't explain anything.

7 Q. Well, how did you know that it was two to thirty years?

8 A. It said it on the paper.

9 Q. Okay. What did y'all talk about when you met for those
10 three times?

11 A. Three times, the same thing, what the prosecution had
12 on the table. That's all we talked about. We talked -- we
13 talked about what happened in my case. We didn't even -- we
14 didn't even really discuss what the case is.

15 Ms. Price came to me with assumptions of what happened
16 already. Like she asked me what happened. And she
17 basically told me what happened, like she already knew what
18 happened before I even told her what happened.

19 Q. But did you have an opportunity to tell her what
20 happened?

21 A. Yeah, I had an opportunity to tell her what happened.

22 And ---

23 Q. You did?

24 A. Yes. And I told her what happened. And she -- she
25 came to the same assumptions.

SAMA CHAKA QUINLAND - DIRECT EXAMINATION BY MS. MOODY

10

1 Q. And what assumption is that?

2 A. That I did not go with malice aforethought to hurt --
3 to hurt this person, that I didn't plan on -- I didn't plan
4 on hurting the person when I -- sorry, sorry, sorry.
5 Rephrase the question.

6 Q. You told Ms. Price that you didn't go to the location
7 where this murder occurred to murder anyone?

8 A. That's what -- that's exactly what I told Ms. Price. I
9 told -- I told Ms. Price that I met this -- I met the person
10 on the chat line. And after -- after talking to this
11 person, we decided to meet up.

12 This person came to my sister's apartment and picked me
13 up. At the time I'm thinking this person is a female. Like
14 I wasn't -- in my ignorance I wasn't looking at no Adam's
15 apple or long fingernails. I wasn't worried about that
16 stuff because what I'm -- what I'm thinking in my head is
17 that this is a female. So I didn't -- when we got to
18 Spartanburg, one thing led to another, and I'm here before
19 you now.

20 Q. Well, I mean, you explained to Ms. Price -- am I
21 correct in saying you explained to her that you were under
22 the assumption that the victim was female?

23 A. Yes, ma'am.

24 Q. And at some point in the evening you realized that the
25 victim was not a female, but a male?

SAMA CHAKA QUINLAND - DIRECT EXAMINATION BY MS. MOODY

11

1 A. Yes, ma'am.

2 Q. Okay. And then that's when the victim -- there were
3 circumstances that led to the charge of the murder?

4 A. Well, ...

5 Q. That's what you were charged for. The circumstances
6 that occurred after that point, that's how you got charged
7 with murder?

8 A. Yeah. Yes, ma'am.

9 Q. And so you told Ms. Price that?

10 A. Yes, ma'am.

11 Q. Did you tell her any other information?

12 A. Not pertaining to my case, no.

13 Q. Okay. And after you gave her all that information, she
14 discussed your case with you?

15 A. Not really.

16 Q. But when you say that, you had a conversation with her
17 ---

18 A. We had a conversation. She asked me the questions. I
19 answered her questions. And she'll leave and said she'd
20 come and see me again.

21 Q. Okay. So I guess what I'm trying to get at, you're
22 saying that your attorney was not effective in representing
23 you?

24 A. That's what I'm saying.

25 Q. Okay. And if I'm summing this up correctly, you talked

SAMA CHAKA QUINLAND - DIRECT EXAMINATION BY MS. MOODY

12

1 to her and you told her your side of what happened. And she
2 had a file that had the discovery in the file that she was
3 able to read and was able to talk to you about your case?

4 A. Yes.

5 Q. Okay. And you filed your -- in your application it
6 asked you to state concisely what happened or set out the
7 grounds, correct?

8 A. Yeah.

9 Q. And in your application you said the plea was not given
10 knowingly, voluntarily and intelligently in that you took a
11 plea on the ill advice of your appointed attorney without
12 explanation as to why you should do so.

13 A. Yes.

14 Q. Nor were you advised of available options for the
15 possible consequences stemming from an open plea?

16 A. Yes, ma'am.

17 Q. Okay. So you're saying that your attorney didn't tell
18 you you could go to trial?

19 A. She didn't. We never discussed trial options.

20 Q. Okay. So you only discussed your plea?

21 A. Yeah.

22 Q. And what, if anything, did she tell you about your
23 plea?

24 A. The first time she came to see me, we didn't talk about
25 a plea. The second time Ms. Price came to see me, she said

SAMA CHAKA QUINLAND - DIRECT EXAMINATION BY MS. MOODY

13

1 the prosecution had a plea on the table for two to thirty
2 years. I told her, no, I'll sit in the County longer and
3 examine my options..

4 After that I had to write her a letter to get my -- to
5 get my motion of discovery. Like after that, I wrote Mr.
6 Cheeks of the public defender's office. He came and talked
7 to me. And like the last time I talked to Ms. Price was
8 right before -- like a week before court.

9 Q. So but you talked to Mr. Cheeks?

10 A. Yeah, I talked to Mr. Cheeks.

11 Q. Okay. And when you talked to Ms. Price what did y'all
12 discuss then?

13 A. We discussed coming in here and to take -- to enter
14 this plea.

15 Q. So what made you change your mind?

16 A. I guess sitting in the County so long not knowing
17 nothing about my case.

18 Q. So sitting in the County, you only knew of one option,
19 and that option was to accept the plea?

20 A. Yes, ma'am.

21 Q. Okay. And so you entered the plea. Did you have any
22 other opportunity to talk to Ms. Price about the
23 consequences of your plea?

24 A. No. Other than the briefing we had in the old
25 jailhouse stairs, no.

SAMA CHAKA QUINLAND - DIRECT EXAMINATION BY MS. MOODY

14

1 Q. Well, what did you discuss then?

2 A. We just discussed that -- she told me that we're going
3 in front of a good judge, and he's a traveling judge, and
4 she don't feel that he's -- he'll give me the max on the
5 plea, that she don't think I'll get no more than two to
6 fifteen years. So I went in there basically on her
7 feelings.

8 Q. All right. But you had the decision -- you made the
9 decision ---

10 A. Yeah, I made ---

11 Q. --- to enter the plea?

12 A. I made -- I made the decision to ---

13 Q. Okay. And how do you feel that you were prejudiced
14 because you went in based off of your advice from Ms. Price?

15 A. I felt -- I feel if she told me options of going to
16 trial and that my case could have possibly fell under sudden
17 heat of passion, I think I would have advised going to
18 trial. I would have recommended going to trial.

19 Q. And with that you -- you felt like you would get a
20 different sentence?

21 A. Yes, ma'am.

22 Q. Or you felt like you'd be found innocent?

23 A. I feel like I would be found innocent.

24 Q. And so that's the prejudice that you're saying that
25 your lawyer exposed you to?

SAMA CHAKA QUINLAND - DIRECT EXAMINATION BY MS. MOODY

15

1 A. Yes, ma'am.

2 Q. Now in your application you asked the Court for relief.

3 Can you please tell the Court what relief you're seeking

4 here today?

5 A. Either one to -- remand my court to the general

6 sessions court with instructions to either, one, give me a

7 new trial or, two, to give me specific performance of the

8 plea.

9 Q. All right. Well, now, let's be clear. You want -- you
10 didn't have a trial, you pled, correct?

11 A. Yes, ma'am.

12 Q. Okay. So you're asking the Court to remand it so that
13 you can get a trial?

14 A. Yeah.

15 Q. Okay. And then and/or you want specific performance --
16 you did get the plea that they offered you.

17 A. Right.

18 Q. And there was no recommendation. What do you mean?

19 A. I want -- I want a specific -- specific time. I don't
20 want -- I don't want to go in there gambling with my life.

21 If I ---

22 Q. That ---

23 A. If I have to gamble with my life, I'd rather go take it
24 to trial. But ---

25 Q. But that wasn't offered to you. Do you understand that

SAMA CHAKA QUINLAND - CROSS EXAMINATION BY MS. OLIVE

16

1 the Court, the Judge has informed you that he can't change
2 your sentence, that you start all the way over?

3 A. Yeah.

4 Q. Okay. So you understand that this Court cannot award
5 you a set sentence or instruct the solicitor to give you a
6 set sentence?

7 A. I understand.

8 Q. Okay. And you still want to go forward with your
9 application?

10 A. Yes, ma'am.

11 Q. Requesting -- you want it to be either remanded or a
12 renegotiated sentence?

13 A. Yes, ma'am.

14 **MS. MOODY:** No further questions for this witness.

15 **Cross Examination by Ms. Olive:**

16 Q. Good morning, Mr. Quinland.

17 A. Good morning.

18 Q. You actually weren't just charged with murder in this
19 case, correct?

20 A. It was -- I think it was murder and armed robbery.

21 Q. And accessory after the fact of murder?

22 A. No, that was my co-defendants.

23 Q. Well, ...

24 A. I was charged with murder and armed robbery.

25 Q. Okay. Didn't the solicitor explain to the judge that

SAMA CHAKA QUINLAND - CROSS EXAMINATION BY MS. OLIVE

17

1 the State was also dismissing charges -- oh, I apologize. I
2 apologize. So -- but you were charged with armed robbery as
3 well, correct?

4 A. Yes, ma'am.

5 Q. And those charges were actually dropped because you
6 pled guilty, correct?

7 A. Yes, ma'am.

8 Q. And your lawyer explained that to you, right?

9 A. Yes.

10 Q. And you knew there was DNA evidence in this case?

11 A. Yes.

12 Q. Okay. And your DNA was actually found under the
13 victim's fingernails?

14 A. Yes, ma'am.

15 Q. And that was submitted to the court at your guilty plea
16 hearing?

17 A. Yes, ma'am.

18 Q. As an exhibit? And they were also able to trace the
19 stolen TV from the victim's apartment back to you as well,
20 correct?

21 A. Yes.

22 Q. So would you agree that the State's case against you
23 was pretty strong if you had gone to trial?

24 A. No.

25 Q. Okay. Now at your guilty plea hearing the judge did

SAMA CHAKA QUINLAND - CROSS EXAMINATION BY MS. OLIVE

18

1 tell you he could sentence you up to thirty years on the
2 voluntary manslaughter charge, correct?

3 A. Yes.

4 Q. And you told the judge that no one promised you
5 anything to plead guilty, correct?

6 A. That's right.

7 Q. And you said that when you initially met with Ms. Price
8 she told you what happened?

9 A. Yes.

10 Q. Okay. And she probably got that from the discovery
11 that she had, correct?

12 A. Yes.

13 Q. So she went over that with you, correct?

14 A. Yes.

15 Q. And then you told her your version of what happened,
16 correct?

17 A. Yes.

18 Q. Okay. And did you -- I believe you testified earlier
19 that there was -- that there wasn't anything that you didn't
20 communicate to her about this, correct, in terms of whether
21 there were any potential witnesses that could testify on
22 your behalf or any other leads that would have led to some
23 sort of exculpatory evidence, correct?

24 A. Yes.

25 Q. And she did explain the elements of murder to you,

SAMA CHAKA QUINLAND - CROSS EXAMINATION BY MS. OLIVE

- 1 correct? What the State ---
- 2 A. No.
- 3 Q. --- could be required to prove if you had gone to trial
- 4 for murder?
- 5 A. No.
- 6 Q. Okay. But she did explain what voluntary manslaughter
- 7 was, correct?
- 8 A. No. She told me that's what I'd be plea-ing to.
- 9 Q. But you said -- well, didn't you say that you were ...
- 10 A. To the year -- the law, yeah.
- 11 Q. Let's see. Well, but you never denied that you stabbed
- 12 the victim in this case twenty-two times?
- 13 A. I was never asked.
- 14 Q. But the judge -- the facts were read at your guilty
- 15 plea hearing, correct?
- 16 A. Yes.
- 17 Q. And you agreed with those facts?
- 18 A. Yes.
- 19 Q. Or you didn't deny them?
- 20 A. Didn't deny them.
- 21 Q. And at your guilty plea hearing the judge went over
- 22 with you ---
- 23 A. They said most of those facts were superficial.
- 24 Q. Well, I think the wounds were superficial is what they
- 25 said.

SAMA CHAKA QUINLAND - CROSS EXAMINATION BY MS. OLIVE

20

1 **MS. OLIVE:** Those facts are found on, for the record,
2 Your Honor, page 10, line 14 through 12, line 21.

3 Q. At your guilty plea hearing the judge also went over
4 with you all of your -- the constitutional rights you were
5 waiving including your right to a jury trial, your right to
6 confront your accusers and your right to remain silent,
7 correct?

8 A. Yes.

9 Q. So he did inform you that you had a right to a jury
10 trial?

11 A. Yes, ma'am.

12 Q. But you never indicated to him during your plea that
13 you wished to withdraw your plea?

14 A. No.

15 Q. Okay. And you told him that you wished to plead
16 guilty?

17 A. Yes.

18 **MS. OLIVE:** The Court's indulgence, Your Honor.

19 Q. And no one ever guaranteed you a sentence, did they?

20 A. No.

21 Q. Okay.

22 **MS. OLIVE:** No further questions, Your Honor.

23 **THE COURT:** Ms. Moody.

24 **MS. MOODY:** No other questions, Your Honor.

25 **THE COURT:** All right.

ANDREA PRICE - DIRECT EXAMINATION BY MS. OLIVE

22

1 full discovery?

2 A. I received full discovery. And I also gave a copy to
3 Mr. Quinland at his request.

4 Q. Okay. And did you -- so did you review the discovery
5 with him?

6 A. I did at my first meeting with him, which was at the
7 date of his preliminary hearing, which was in the Fall of
8 2012. There's an interview room off of the magistrate
9 courtroom that I went over with him his discovery.

10 Q. And how would you -- can you briefly describe the
11 State's evidence against him?

12 A. Certainly. Mr. Quinland -- a lot of it's already been
13 gone over here in court today. Mr. Fulton-Smith was -- his
14 family was -- he was a college student here in Spartanburg
15 at a local -- he lived at a local apartment complex over
16 near Westgate Mall.

17 His family had tried to get in touch with him for
18 several days. He was from out of town. I think he was from
19 the lower part of the State. His family tried to get in
20 touch with him, couldn't locate him.

21 They came up here, got the property manager to let them
22 in his apartment where Mr. Fulton-Smith was found and found
23 to be deceased. Cell phone was gone. The TV was gone as
24 was Mr. Fulton-Smith's car, which was later found over in
25 Greenville County on fire.

ANDREA PRICE - DIRECT EXAMINATION BY MS. OLIVE

23

1 And throughout the investigation Mr. Quinland was found
2 to be a suspect in this case. Mr. Quinland actually was out
3 of the jurisdiction at the time. He is a native of the
4 Virgin Islands and was actually -- had to be extradited
5 back up here from the Virgin Islands.

6 He was incarcerated in our jail. He at first refused
7 our services, but then decided he wanted a lawyer. And I
8 was appointed to that in October of 2012.

9 I did go over his -- I went over his discovery with
10 him. It's on a mini, mini disk. It's over seven hundred
11 pages long. Like I said, I did give him a copy. And the
12 evidence would show that Mr. Fulton-Smith passed away from
13 -- in addition to the twenty-two stab wounds, many of which
14 were superficial, he was also shot twice.

15 Q. And did Mr. Quinland give you his version of what
16 happened that night?

17 A. He did. We talked about it. And he also spoke with
18 Mr. Cheek. And his -- that was what was presented at his
19 plea hearing and was the reason for the reduction in
20 sentence.

21 Q. And did you discuss with him the -- did you discuss
22 with him the charge of murder and what the State would have
23 to prove if they took him to trial on the murder charge?

24 A. Yes. And as he has previously stated, both he and I
25 felt that the State's evidence really didn't show that he

ANDREA PRICE - DIRECT EXAMINATION BY MS. OLIVE

24

1 went over there with any intent to hurt Mr. Fulton-Smith,
2 but that through a series of events, that's eventually what
3 happened.

4 Q. Did you explain to him the charge of voluntary
5 manslaughter and what the State would have to prove on that
6 charge as well?

7 A. Yes. And it was my professional opinion that what
8 happened was much more akin to that than it was to murder.

9 Q. And that was -- that was sort of brought up at the
10 guilty plea hearing ---

11 A. Yes, it was.

12 Q. Did you discuss with him whether he felt you had --
13 that he had any defenses other than the -- just the
14 voluntary manslaughter charge as opposed to the murder
15 charge?

16 A. I don't recall specifically discussing that with him,
17 but I do remember that I did not in my professional opinion
18 think that he had one other than the heat of passion type
19 defense.

20 Q. Did he feel he had any defenses to the voluntary
21 manslaughter charge?

22 A. No.

23 Q. Do you feel if you had done any -- do you feel that
24 there was any further investigation you could have done in
25 this case?

ANDREA PRICE - DIRECT EXAMINATION BY MS. OLIVE

25

1 A. No. Mr. Quinland was, in my opinion, I thought very
2 honest with myself and Mr. Cheek about what had happened at
3 the apartment that particular day.

4 Q. And was Mr. Cheek at the guilty plea hearing as well?

5 A. He was.

6 Q. Okay. And did he go over the mitigation with the
7 judge?

8 A. He did. He did.

9 Q. But you were the one that actually represented Mr.
10 Quinland?

11 A. Yes. Mr. Cheek, as you know, also works at our office.
12 He does guilty pleas straight out of the jail. And
13 sometimes he does assist us on other cases with clients that
14 are in the jail.

15 Q. And based on the evidence in the case and your
16 discussions with Mr. Quinland, how did you advise him
17 regarding the option of going to trial versus pleading
18 guilty?

19 A. I advised him that he was charged with murder and that
20 if he went to trial that's what he would be tried on.
21 However, I did think that he had a decent defense to
22 manslaughter. Apparently the solicitor thought so as well,
23 which is the offer that she gave him.

24 I took that offer to him. He's told -- that was back
25 in February of 2013. Told me he'd think about it. In May I

ANDREA PRICE - DIRECT EXAMINATION BY MS. OLIVE

26

1 went to go see him at the jail. And he, at that time, told
2 me he was inclined to accept it, but he wanted to sleep on
3 it for a few days, which is understandable. That's a --
4 it's a big decision. And then we eventually did the plea in
5 June.

6 Q. So he had several days to think about it?

7 A. He had several months to think about it.

8 Q. Several months? Okay.

9 A. Yes.

10 Q. So was it ultimately his decision to plead guilty?

11 A. It was. And I think -- I thought it was the right
12 decision. Still do.

13 **MS. OLIVE:** Beg the Court's indulgence a moment, Your
14 Honor.

15 Q. Were there any specific negotiations with regard to
16 this plea?

17 A. The only negotiation was -- is that -- was the offer
18 itself. There was no guarantee of any sentencing range.

19 Q. Did you make any promises to him regarding sentencing?

20 A. No.

21 **MS. OLIVE:** That's all the questions I have, Your
22 Honor.

23 **THE COURT:** Ms. Moody.

24 **MS. MOODY:** Thank you, Your Honor. May it please the
25 Court.

ANDREA PRICE - CROSS EXAMINATION BY MS. MOODY

1 Cross Examination by Ms. Moody:

2 Q. Ms. Price, good afternoon or morning. When Mr.
3 Quinland requested a copy of the discovery was that when you
4 actually met with him that first time or was this later on?

5 A. I don't recall right off.

6 Q. Okay. But you did give him the discovery?

7 A. On February the 21st.

8 Q. Okay. And is that the same -- is that the same date
9 you gave him the plea offer?

10 A. Yes, it does appear that's the first day I gave him his
11 plea offer.

12 Q. Okay. And then as far as the discussion of the actual
13 voluntary manslaughter, did you explain to him the reason
14 for the reduction in the charge from murder to voluntary?

15 A. Yes.

16 Q. And did he appear to understand that?

17 A. He did.

18 Q. And, likewise, did he appear to understand all your
19 conversations that you had with him?

20 A. Absolutely.

21 Q. Okay. Now, you all discussed the plea after you came
22 back the second time. So you gave him the offer in
23 February, and then ---

24 A. Um-hum (affirmative).

25 Q. --- subsequently y'all discussed the plea?

ANDREA PRICE - CROSS EXAMINATION BY MS. MOODY

28

1 A. Yes, when I came back to visit him at the jail.

2 Q. Okay. What, if anything, did you inform him about the
3 judge's leniency if he went to trial?

4 A. Could you be a little more specific?

5 Q. Well, did you tell him that the judge would be more
6 lenient because he went to trial or ...

7 A. I think I understand -- I think I understand what
8 you're asking.

9 **THE COURT:** Did you give him an opinion as to what you
10 thought the judge was going to give him?

11 A. At a trial?

12 Q. Um-hum (affirmative).

13 A. I did advise him that with the weight of the evidence,
14 particularly the fact that he was stabbed and shot, I
15 thought it would be a very substantial sentence.

16 Q. Okay. And did he appear to understand that?

17 A. He did.

18 Q. Okay. And at that point was that the point he decided
19 he wanted to go forward with the plea?

20 A. Yes. That was at that second meeting, yes.

21 Q. Okay.

22 **MS. MOODY:** No further questions for this witness.

23 **THE COURT:** How long were y'all discussing this offer?
24 I understand it was made in February.

25 A. Yes, sir.

ANDREA PRICE - CROSS EXAMINATION BY MS. MOODY

1 **THE COURT:** And his plea was ...

2 A. June.

3 **THE COURT:** Okay. So it was several months that this
4 was on the table and discussed?

5 A. Yes, sir, about three and a half, Your Honor.

6 **THE COURT:** All right.

7 **MS. OLIVE:** I have no further questions.

8 **THE COURT:** Anything further, Ms. Moody?

9 **MS. MOODY:** No, sir.

10 **THE COURT:** You may step down. Thank you.

11 **MS. OLIVE:** Your Honor, I would ask that Ms. Price be
12 excused.

13 **THE COURT:** Ms. Moody?

14 **MS. MOODY:** I'm sorry?

15 **THE COURT:** Any objection to her being excused?

16 **MS. MOODY:** Oh, no, sir.

17 **THE COURT:** All right. Ms. Price, you are excused.

18 **MS. OLIVE:** Your Honor, that's all for the State.

19 **THE COURT:** Anything in reply, Ms. Moody?

20 **MS. MOODY:** I beg the Court's indulgence.

21 (Pause)

22 **MS. MOODY:** May it please the Court, Your Honor.

23 **THE COURT:** Um-hum (affirmative).

24 **MS. MOODY:** At this time we'd just ask the Court to
25 grant Mr. Quinland his relief that he's seeking,

1 particularly he feels that his attorney did not properly
2 advise him as to the consequences -- well, excuse me, the
3 options that he would have in terms of a trial. He feels
4 that he was not properly advised as to the consequences of
5 an open plea, meaning that he could get the thirty years --
6 two to thirty years on this voluntary manslaughter.

7 Even in spite of the fact that the State reduced the
8 charge from murder to voluntary manslaughter he feels that
9 if he'd gone to trial that the judge would have been more
10 lenient after hearing the facts, particularly the facts
11 related to the victim deceiving him as the victim was a male
12 as opposed to being a female. And he ---

13 **THE COURT:** Isn't that clearly set forth even by the
14 solicitor? I mean, the solicitor says that.

15 **MS. MOODY:** I understand that, Your Honor. I'm just
16 ---

17 **THE COURT:** I mean, there was no question about that.
18 The solicitor presented that as part of the basis for the
19 plea and said it, that he was deceived.

20 **MS. MOODY:** I understand, Your Honor.

21 **THE COURT:** All right. Okay.

22 **MS. MOODY:** So I'm just restating his ---

23 **THE COURT:** All right. Okay.

24 **MS. MOODY:** --- grounds from his application. And I
25 will not belabor this point any longer. But Mr. Quinland

1 wishes that the Court would grant him a new trial and/or
2 allow him to renegotiate his sentence that he received from
3 the State. Thank you, Your Honor.

4 **THE COURT:** Ms. Olive.

5 **MS. OLIVE:** Thank you, Your Honor. Again, the standard
6 we're looking at here is error and prejudice. Mr. Quinland
7 has the burden of establishing those by a preponderance.

8 In this case with regards to error, it's our position
9 that there was none. Ms. Price testified that she fully
10 advised Mr. Quinland of the elements of voluntary
11 manslaughter. She reviewed all of the discovery. She
12 provided that discovery to him. They went over it. He had
13 three and a half months to decide whether or not to plead
14 guilty.

15 She testified that she felt that the voluntary
16 manslaughter plea was in his best interest and she advised
17 him of that. He knew -- he testified that he knew what his
18 exposure would be on the murder charge if he had gone to
19 trial. He also testified he knew there was an armed robbery
20 charge that was dismissed against him as a result of that
21 plea, which he would be facing as well if he'd gone to
22 trial. Ms. Price testified that she felt that the State's
23 evidence against him was strong and that he would likely
24 have been convicted of voluntary manslaughter.

25 And it's also our position that Mr. Quinland has failed

1 to show prejudice as well. He has to show that he --
2 there's a reasonable probability he would have chosen to
3 gone to trial rather than plead guilty.

4 Your Honor, there's simply no error in this case.
5 There's -- Ms. Price also testified that there wasn't any
6 other investigation that she could have done that would have
7 led to any further defenses or exculpatory evidence. So it
8 would be our position there's no error and no prejudice in
9 this case.

10 **THE COURT:** All right. I have looked at this case and
11 it is clear to me that this is a case where there appears to
12 be absolutely no disagreement from either side as to what
13 occurred, the facts -- what the facts are. I think the
14 evidence of guilt was fairly compelling, if not
15 overwhelming.

16 We're in a situation where Ms. Price says she didn't
17 tell him that he was going to get any sentence, she told him
18 it would be a substantial sentence considering the victim
19 was stabbed and shot, stabbed twenty-two times and shot. I
20 think that is consistent with the fact that this was not a
21 last minute plea. The plea offer was on the table for three
22 months, four months, something like that, had plenty of time
23 to consider it. And regardless of what Ms. Price may or may
24 not have told him, I think the facts support her position
25 rather than his.

1

Certificate of Reporter

2

3

4

5

6

7

8

9

I, The undersigned, Susan W. Hudgins, Official Court Reporter for the Seventh 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 Circuit Court for Spartanburg County, South Carolina, on the 12th day of November 2015.

10

11

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

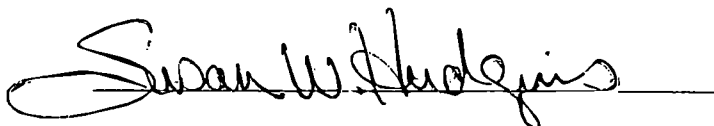
12

May 21, 2016

13

14

15


Circuit Court Reporter

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG)	
Sama Chaka Quinland, #355729,)	Case No.: 2014-CP-42-1027
)	
Applicant,)	ORDER OF DISMISSAL
)	
v.)	
)	
State of South Carolina,)	
)	
Respondent.)	

This matter comes before the Court by way of an Application for post-conviction relief (PCR) filed March 13, 2014. Respondent made its Return on September 10, 2014, requesting an evidentiary hearing. An evidentiary hearing into the matter was convened on November 12, 2015, at the Spartanburg County Courthouse before the undersigned. Applicant was present at the hearing and represented by Leah B. Moody, Esquire. Alicia Olive, Esquire, of the South Carolina Attorney General's Office represented Respondent.

At the evidentiary hearing, Applicant testified on his own behalf. The State presented testimony from Andrea Price, Esquire. This Court also had before it the records of the Spartanburg County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the pleadings.

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant waived presentment to the Spartanburg County Grand Jury for the charge of voluntary manslaughter (2013-GS-42-2754). Applicant was represented by Andrea L. Price, Esquire ("Counsel"). On June 10, 2013, Applicant pleaded guilty without negotiations or recommendations before the

Honorable Benjamin H. Culbertson. Judge Culbertson sentenced Applicant to imprisonment for a term of 30 years.

A timely Notice of Appeal was filed on the Applicant's behalf pursuant to Weathers v. State, 319 S.C. 59, 549 S.E.2d 838 (1995) and State v. Thrift, 378 S.C. 70, 661 S.E.2d 373 (2008). The South Carolina Court of Appeals issued an order dismissing the Applicant's appeal on September 18, 2013. The Remittitur was issued on October 4, 2013.

Allegations

Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel, in that;
 - a. Counsel failed to insure the Court adhered to the terms of the guilty plea as those terms served as an inducement for Mr. Quinland to plead guilty; and
2. Involuntary guilty plea, in that;
 - a. Applicant's plea was involuntary as a result of Counsel's failure to properly advise Applicant as to the consequences of an open plea and Applicant's other options.

II. SUMMARY OF TESTIMONY PRESENTED

Applicant testified that he was told he was taking an "open plea." He testified Counsel told him he would serve two to fifteen years in prison, but that he knew he could be sentenced to a maximum of thirty years for voluntary manslaughter. Applicant alleged that Counsel did not fight for him and did not provide him his discovery. Applicant testified he would have preferred to go to trial if Counsel had advised him about going to trial versus pleading guilty. Applicant testified his plea was not knowing and voluntary because he took the plea on the advice of counsel and was not advised of the consequences. Applicant testified he felt his case could have fell under heat of passion."

Applicant testified Counsel said she did not feel like he would "get the max." Applicant testified he felt he would be found innocent. Applicant testified he told her his version of the

2014 MAR 14 10:52 AM
 H. HOPE BLACKLEY

events and that she told him she did not think the State could prove malice. Applicant testified he wanted a new trial or that he wanted "specific performance of the plea" with specific time and "no gamble." Applicant also testified he understood that he cannot be guaranteed a set sentence. On cross-examination, Applicant admitted that his DNA had been found under the victim's fingernails and that a television stolen from the victim's apartment was traced back to Applicant. Applicant admitted he was also charged with armed robbery in connection with the same incident, which was dismissed in exchange for his guilty plea. Applicant also admitted that he was never guaranteed a sentence.

Counsel testified she met with Applicant four times. She testified she received full discovery, gave the discovery to Applicant and reviewed it with him at their first meeting. Counsel testified that the victim was found deceased in his apartment, that his television was missing from his apartment, and that his car was found on fire in Greenville. Counsel testified the victim was stabbed twenty-two times and was shot twice. Counsel testified that she discussed with Applicant the murder charge and that she did not think that the State could show malice. However, she testified she also discussed voluntary manslaughter with Applicant. Counsel testified she did not think Applicant had a defense to the charge of voluntary manslaughter. Counsel testified if he had gone to trial the State would have tried him for murder. Counsel testified Applicant had four months to think about the plea offer before he had to accept or decline it. Counsel testified the only negotiation was the plea offer for voluntary manslaughter and that there were no other promises. She testified that as part of the plea offer, the State agreed to dismiss the armed robbery charge. Counsel testified on cross-examination that she explained to Applicant the reason for reducing the charge from murder to voluntary manslaughter.

2016 MAR 14 AM 10:52
 J. HOPE BLACKLEY

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

A. Ineffective Assistance of Counsel

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). 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 the trial cannot be relied upon as having produced a just result.” Strickland v. Washington, 466 U.S. 668 (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, 466 U.S. 668; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). The applicant “must first demonstrate that counsel was deficient and then must also show the deficiency resulted in prejudice.” Walker v. State, 407 S.C. 400, 404-05, 756 S.E.2d 144, 146 (2014). “The two-part test adopted in Strickland also applies to challenges to guilty pleas based on ineffective assistance of counsel.” Holden v. State, 393 S.C. 565, 572, 713 S.E.2d 611, 615 (2011).

First, the applicant must show that counsel's performance “fell below an objective standard of reasonableness under prevailing professional norms.” Cherry, 300 S.C. 115, 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). The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, he would not have [pleaded] guilty, but would have insisted on going to trial." Thompson v. State, 340 S.C. 112, 116, 531 S.E.2d 294, 297 (2000).

Regarding Applicant's claims of ineffective assistance of counsel, this Court finds Applicant has failed to meet his burden of proof. This Court finds that Applicant's attorney demonstrated the normal degree of skill, knowledge, professional judgment, and representation that is expected of an attorney who practices criminal law in South Carolina. State v. Pendergrass, 270 S.C. 1, 239 S.E.2d 750 (1977). See also Strickland, 466 U.S. at 688 ("The proper measure of attorney performance remains simply reasonableness under prevailing professional norms.").

Applicant alleges that Counsel was ineffective for failing to ensure the court adhered to the terms of his guilty plea. This Court finds Applicant has failed to produce any evidence to show that there were any terms of the guilty plea that were not upheld. Accordingly, Applicant has failed to satisfy his burden of proving either that Counsel's performance was deficient in anyway or that he was prejudiced as a result.

This Court finds there was no disagreement over the facts giving rise to charges as stated by Counsel and Applicant. This Court further finds that the evidence against Applicant was fairly

2016 MAR 14 AM 10:52
 CL. HOPE D. ACHNEY

compelling and that Counsel told him he would be facing a substantial sentence. Furthermore, this Court finds Applicant had three or four months to consider the plea. The plea offer was made without recommendation and without negotiation; it was an open plea and Applicant knew it was an open plea. Regardless of what Counsel told Applicant about the likely length of the sentence he would receive, Judge Culbertson was clear on the record that he could sentence him up to thirty years for manslaughter. Applicant is simply not satisfied with the length of his sentence.

Therefore, this Court finds Applicant has failed to produce any evidence to support his allegation that counsel's performance was deficient or that he was prejudiced as a result of any alleged deficient performance. Accordingly, this allegation is denied and dismissed.

B. Involuntary Guilty Plea

In post-conviction relief cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 363-64, 527 S.E.2d 742, 747 (2000) (citing Drayton v. Evatt, 312 S.C. 4, 430 S.E.2d 517 (1993); Hyman v. State, 278 S.C. 501, 299 S.E.2d 330 (1983); Richardson v. State, 310 S.C. 360, 426 S.E.2d 795 (1993)). An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citing Hill v. Lockhart, 474 U.S. 52; Jackson v. State, 342 S.C. 95, 535 S.E.2d 926 (2000); Thompson v. State, 340 S.C. 112, 531 S.E.2d 294 (2000); Rayford v. State, 314 S.C. 46, 443 S.E.2d 805 (1994)).

Courts use a two-pronged test to evaluate allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong,

2016 MAR 19 AM 10:52
 M. HOPE LASKLEY

attorney performance is measured by its “reasonableness under professional norms.” Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989) (citing Strickland, 466 U.S. 668)). Second, counsel’s deficient performance must have prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Id. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997).

To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238, 243-44, 89 S. Ct. 1709, 1712 (1969); Dover v. State, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991). When determining issues relating to guilty pleas, the court will consider the entire record, including the transcript of the guilty plea, and the evidence presented at the post-conviction relief hearing. Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 657 (2000) (citing Harres v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984)).

An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel’s advice was not “within the competence demanded of attorneys in criminal cases.” Hill v. Lockhart, 474 U.S. at 56. Furthermore, “[a] guilty plea is a solemn, judicial admission of the truth of the charges” against the applicant. 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 (1977)). 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 (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)).

This Court finds Counsel’s testimony regarding her discussions with Applicant be

M. HOPE BLACKLEY
 2016 MAR 14 AM 10:52

more credible than Applicant's testimony. This Court finds that the record fully supports the knowing and voluntary nature of Applicant's guilty plea. This Court finds that Applicant failed to show either deficient performance of Counsel or resulting prejudice. The evidence against Applicant was fairly compelling. Counsel provided the discovery to Applicant and discussed the case with him, including the State's evidence and his version of events. During conferences with Applicant, Counsel discussed the pending charges, the elements of the charges and what the State was required to prove, Applicant's constitutional rights, Applicant's version of the facts, and possible defenses or lack thereof.

Furthermore, Judge Culbertson clearly told Applicant on the record that he could sentence Applicant to a maximum of thirty years for voluntary manslaughter. In addition, this was not a last minute plea. Rather, Applicant was given three or four months to consider the offer. Applicant knew it was an open plea. The record reflects that Applicant's plea was entered freely, voluntarily, knowingly, and intelligently. Therefore, this Court finds Applicant has failed to present any evidence in support of this allegation. Accordingly Applicant's allegation that his guilty plea was involuntary is denied and dismissed with prejudice.

C. All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any testimony, argument, or evidence at the hearing regarding such allegations. Accordingly, this Court finds the Applicant has abandoned any such allegations.

IV. CONCLUSION

Based on all of the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his

2016 MAR 14 AM 10:53
 M. HOPE BLAUGLEY
 CLERK OF COURT

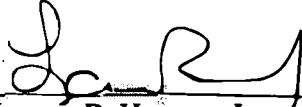
application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes that Applicant must file and serve a notice of appeal within 30 days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 8 day of March, 2016.



 LARRY B. HYMAN, JR.
 Presiding Judge
 Seventh Judicial Circuit

Corry, South Carolina

2016 MAR 14 AM 10:52
 M. HOPE BLACKLEY

13-GS-42-2754
DOCKETS

WITNESSES

Spartanburg County Sheriff's Office

DATE

BY

AND RETURNED

RECEIVED

BY

RECEIVED SIGNATURE

ARREST WARRANT NUMBER

Direct Indictment (M128085)

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUN 17 2013 TERM

THE STATE

vs.

Sama Quinland

Indictment for

VOLUNTARY MANSLAUGHTER

SC Code: 16-03-0050

CDR Code: 0217

Class FEL/A

FILED

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

JUN 13 2013

At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

VOLUNTARY MANSLAUGHTER

That Sama Quinland, did in Spartanburg County on or about July 23, 2011, did kill one Deandre Fulton-Smith, in sudden heat of passion upon sufficient legal provocation, without malice aforethought, by means of shooting the victim with a handgun and stabbing the victim multiple times about the body, and that the said Deandre Fulton-Smith did die as a proximate result thereof, in violation of §16-3-50, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


ASSISTANT SOLICITOR