

ATTACHED EXHIBITS KEVIN W. McDaniels #254398
Supporting Innocence! T9992 River Carr. Dist. Unit 12. Rm 48
200 Prison Rd.
E Moree, S.C. 29335
Nov. 12. 2017

SC COURT OF APPEALS
CLERK OF COURT
1220 SENATE STREET
COLUMBIA SC, 29201

* SUPREME COURT TRANSFERRED
PER CASE TO COURT OF APPEALS
ON OCT 31, 2017.
I AM FACTUALLY INNOCENT SINCE
MARCH 11, 2006

RE: Kevin Wayne McDaniels v. State
Appellate Case No: 2016-001414
Lower Case No: 2014-4200506

* TRANSFER OF PER CASE TO SC COURT OF APPEALS

ENTERAIN ATTACHED PETITION FOR IMMEDIATE RELEASE
BASED UPON FACTUALLY INNOCENT - WAS NOT IN STATE ON
JAN 13, 2006 WHEN CRIME WAS COMMITTED - THE FBI HAS
PROVED THIS SINCE MARCH 11, 2006

DEAR CLERK:

ON OCT 30, 2017, SUPREME COURT TRANSFERRED THIS
S.C. COURT OF APPEALS.

RECEIVED
NOV 15 2017
SC COURT OF APPEALS

ON FEB 22, 2017, ATTY KATHERINE HUDGINS FILED PETITION TO BE
RELIEVED AS COUNSEL - See Attached.

1. PETITIONER HAS BEEN WRONGFULLY CONVICTED SINCE AUG 26, 2008.
2. PETITIONER HAS BEEN FACTUALLY INNOCENT SINCE DAY OF ARREST 3-11-2006.
3. THE FBI HAS PROVIDED THE STATE ETC WITH PHYSICAL EVIDENCE THAT
PROVES PETITIONER WAS IN FLA JAN 13, 2006 NOT S.C. AND STILL
THE STATE CHOOSES TO KEEP PETITIONER HOSTAGE AND TORTURE HIM.
4. PETITIONER WAS NOT GIVEN A PROPER PER EVIDENTIARY HEARING -
ON JAN 11, 2016 IT WAS DONE BY PHANE WILHE PETITIONER IN
NEW YORK.
5. PETITIONER ASK PER ATTY BRAND RUCKER TO HAVE FBI US MUST REPORT
PER HENNING JAN 11, 2016 (PER HENNING TO TESTIFY PETITIONER WAS
IN FLA JAN 13, 2006 - DENIED - DENIED)

I KEVIN MCDANIELS MOVE THE COURT OF APPEALS TO
ENTERAIN ATTACHED PRO-SE MOTIONS. Kevin McDaniels
(PRO-SE)

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM SPARTANBURG COUNTY
HONORABLE R. FERRELL CATHW. CIRCUIT COURT JUDGE

KEVIN WAYNE McDaniels, Petitioner
VS.

STATE OF SOUTH CAROLINA, Respondent.

APPELLATE CASE NO: 2016-001414

MOTION FOR LEAVE TO ENTERTAIN ATTACHED
EMERGENCY PETITION TO BE IMMEDIATELY
RELEASED FROM CUSTODY BASED UPON FACTUAL INNOCENCE

RECEIVED

NOV 15 2017

SC Court of Appeals

MAY IT PLEASE THIS COURT KEVIN McDaniels, Pro-Se Moves this Court
TO ENTERTAIN ATTACHED MOTION EMERGENCY PETITION TO BE
IMMEDIATELY RELEASED BASED UPON FACTUAL INNOCENCE. AND FOLLOWING.

- 1) ON OCT 30, 2017, THIS PER CASE WAS TRANSFERRED FROM SUPREME COURT
to S.C. COURT OF APPEALS this Court NOW HAS JURISDICTION.
- 2) ON FEB 22, 2017, KATHERINE HAGANS FILED PETITION TO BE RELIEVED AS COUNSEL.
- 3) THE FBI-US MARSHALS HAVE PROVIDED THE COURTS - THE STATE ETC EVIDENCE
THAT KEVIN McDaniels WAS IN FLA-TX 13 2006 - NOT S.C. ON THE DAY THE
CRIME OF BURGLARY WAS COMMITTED. THE PETITIONER HAS BEEN FACTUALLY
INNOCENT SINCE DAY OF ARREST. MARCH 11, 2006.
- 4) THE LOWER COURTS HAVE IGNORED PETITIONER'S FACTUAL INNOCENT-WARRANT
CONVICTION CLAIMS SINCE 2008. DENIED HIM ACCESS TO THE COURTS.
- 5) PETITIONER WAS NOT GIVEN A PROPER EVIDENTIARY (PER) HEARING. HE
WAS ON A TELEPHONE IN NEW YORK - WHILE HEARINGS HELD IN
SPARTANBURG. PETITIONER REQUESTED ATTY CONTACT FBI-US MARSHALS
TO APPEAR TO TESTIFY PETITIONER WAS IN FLA-DENIED ETC

RELIEF REQUESTED

PETITIONER MOVES THIS COURT TO GRANT LEAVE TO ENTERTAIN ATTACHED
EMERGENCY PETITION TO BE IMMEDIATELY RELEASED BASED UPON FACTUAL
INNOCENCE.

I declare Under Penalty of Perjury the
Above is true and correct. NOV. 12, 2017

Kevin McDaniels
Kevin McDaniels
(PRO SE.)

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

NOV 15 2017

SC Court of Appeals

Appeal From Spartanburg County
Honorable R. Ferrell Cochran, Circuit Court Judge

KEVIN WAYNE McDANIELS... Petitioner.

VS.

STATE OF SOUTH CAROLINA... Respondent.

Appellate Cas. No: 2016-001414

EMERGENCY PETITION TO BE IMMEDIATELY
RELEASED FROM CUSTODY BASED UPON FACTUAL INNOCENCE

MAY IT PLEASE THIS COURT, Kevin McDaniels Files this PLEADING MOVING THE SOUTH CAROLINA COURT OF APPEALS TO ISSUE AN ORDER FOR IMMEDIATE RELEASE, BASED UPON THE FOLLOWING GROUNDS:

- 1) THE FBI (SP181 864-948-1497/FBI (Newport Riches, FL) 727-947-5878-HAVE PROVIDED PHYSICAL EVIDENCE THAT KEVIN McDANIELS WAS IN NEWPORT RICHEY FLORIDA JAN 13, 2006 NOT S.C. AND STILL THE STATE OF SOUTH CAROLINA IS HOLDING KEVIN McDANIELS FALSELY IMPRISONED.
- 2) FACTUAL INNOCENCE EVIDENCE HAS BEEN PRESENTED TO THE STATE ETC SINCE APRIL 2006, U.S. DEPT OF JUSTICE PROVING McDANIELS WAS IN FLORIDA. STILL THE STATE CHOOSES TO KEEP McDANIELS HOSTAGE.
- 3) PETITIONER WAS NOT GIVEN A PROPER PCR EVIDENTIARY HEARING ON JAN 11, 2006. IT WAS DONE BY PHONE WHILE McDANIELS WAS IN NEW YORK ON PHONE. COURT HELD IN SPTG SC.
- 4) PETITIONER ASK ATTY BRANT RUCKER TO HAVE THE FBI - US MARSHAL PRESENT AT PCR HEARING TO TESTIFY McDANIELS WAS IN FLA JAN 13 2006 - DENIED.
- 5) THIS IS A CASE WHERE LAW ENFORCEMENT - FBI-US MARSHALS HAVE PHYSICAL PROOF OF KEVIN McDANIELS IN FLORIDA UNDER ALIAS NAME SHAWN P. HALL (TAW 16, 1978) COMMITTING FRAUD JAN 13, 2006 - THE PETITIONER WAS COERCED TO ENTER ALFORD PLEA DAY OF TRIAL - WHILE IN TRIAL - BECAUSE ALIBI WITNESS FROM FLA DROVE 11 HOURS - FROM FLA TO TESTIFY I MADE IT TO WOODRUFF SC - TRUCK BROKE DOWN - PETITIONER ASK ATTY FOR 1 HOUR CONTINUANCE DENIED. HAD TO ENTER ALFORD PLEA

6.) Petitioner files PER June 16 2009 WHILE IN SCDC CUSTODY - TAKEN IN Federal Custody Sept 2009. Judge Derham Cble issues ORDER NOV 5 2010 - ORDER OF DISMISSAL - TELLING PETITIONER HE HAS TO WAIT UNTIL 9-11-2020 THEN HE CAN FILE ANOTHER PER - * THIS IS A FACTUALLY INNOCENT MAN - EVEN THE FBI PRESENTING EVIDENCE THAT PETITIONER WAS IN Fla 1-13-2006 DENIED ACCESS TO COURTS FOR SEVEN(7) YEARS.

7.) PETITIONER HAS FILED SEVERAL RECURSIVE REQUESTS A PRIVATE INVESTIGATION - FBI TO PERSONALLY PRESENT EVIDENCE TO THE JUDGES - PROVING McDaniel WAS IN Fla JAN 13 2006 - DENIED.

8.) CONGRESSMAN - SENATORS - ATTORNEY GENERAL - S.C. GOVERNOR PROSECUTOR BARRY BARNETTE Etc HAS BEEN PRESENTED WITH PHYSICAL EVIDENCE THAT KEVIN WAYNE McDaniel WAS IN Fla JAN 13 2006 WHY IS THE COURTS NOT ACTING ON A ACTUAL INNOCENT CASE - A CASE WHERE FEDERAL AGENTS HAVE PROOF OF PETITIONER IN FLORIDA ON JAN 13 2006 COMMITTING FRAUD - SAME DAY AND HOUR THAT A BURGLARY WAS COMMITTED AT 132 Southland Ave Darlington Springs SC, 29316. HOW CAN ANY JUDGE - PROSECUTOR - ATTY GENERAL NOT ORDER IMMEDIATE RELEASE FROM S.C. CONVICTION?

9.) PETITIONER MOVES THIS COURT TO ISSUE AN ORDER FOR IMMEDIATE RELEASE. THERE SHOULD NOT BE A LITIGATION - WAIT-WAIT GAME - ESPECIALLY WHEN YOU HAVE THE FBI - U.S. MARSHALS PRESENTING EVIDENCE PROVING KEVIN McDaniel WAS IN Fla COMMITTING FRAUD JAN 13 2006

RELIEF REQUESTED

WHEREFORE Kevin McDaniel moves the SC Court of Appeals to issue AN 'ORDER OF IMMEDIATE RELEASE' BASED UPON ACTUAL INNOCENCE - PETITIONER WAS NOT EVEN THE STATE JAN 13 2006. BASED UPON A 'MISFEASANCE OF JUSTICE' - DENIED ACCESS TO COURTS - FRAUD UPON THE COURTS BY THE STATE. Grant Such order and further Relief that this Court deems Just and Proper.

Dated: Nov 12, 2017
FBI HAS PROVEN KEVIN McDaniel WAS IN
FLA JAN 13 2006 - NOT S.C.

Kevin McDaniel
Kevin McDaniel
(PRO-SE)

RECEIVED

NOV 15 2017

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
Appeal From Spartanburg County
Honorable R. Ferrell Cochran, Circuit Court Judge

KEVIN WAYNE McDONNELLS - Petitioner

VS.
STATE OF SOUTH CAROLINA - Respondent.
Appellate Case No: 2016-001414

DECLARATION OF KEVIN WAYNE McDONNELLS

- 1) I Kevin Wayne McDonnells declare Under Penalty of Perjury:
 - 2) I WAS IN FLA JAN 13, 2006 (Newport Richy FLA) Under the Alias SHAWN CILLAL (DOB: JAN 16, 1978) WORKING FOR FLORIDA FRAME AND TRIM Located at: 16111 East Rd. Hudson FLA 34667 (727-862-8699) FROM Oct 2005 UNTIL JAN 20, 2006 - THEY (30 Construction Workers) KNEW ME AS SHAWN HALL.
 - 3) I Did NOT Burglarize the Home of Amy Kimbrell: 132 Southland Ave. Boiling Springs S.C. 29316 ON JAN 13, 2006 - I WAS IN NEWPORT RICHY FLA - JAN 13, 2006 COMMITTING FRAYS UNDER THE Alias SHAWN CILLAL.
 - 4) THE FBI - US Marshals - ATF Etc Have provided Satsy Prosecutor Barry Barwette 964 596-2500 WITH EVIDENCE OF ME Kevin McDonnells IN FLA JAN 13 2006. Still Prosecution BARRY BARWETTE CHOOSES TO KEEP A GUILTYLY INNOCENT MAN Kevin McDonnells IN PRISON.
 - 5) I Kevin Wayne McDonnells Have provided the S.C. ATTY General - S.C. GOVERNOR - BARRY BARWETTE Documents BY THE FBI PROVING Kevin McDonnells WAS IN FLA JAN 13, 2006. IMPOSSIBLE FOR ME TO HAVE BEEN IN S.C. PERIOD - STILL WAIT - WAIT - WAIT -
 - 6) THERE SHOWS NOT BE ANY WAITING PERIOD. Kevin McDonnells HAS BEEN IN PRISON SINCE MARCH 11, 2006 (11 1/2 years) *EVEN AFTER FBI HAS PROVED I WAS IN FLORIDA JAN 13, 2006 UNDER Alias SHAWN HALL COMMITTING FRAYS!?!?
- I Declare Under Penalty of Perjury the Above Kevin McDonnells IS true AND Correct Dated: Nov 12, 2017 Kevin McDonnells (PRO-SE)

Exhibit

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Spartanburg County

Honorable R. Ferrell Cothran, Circuit Court Judge

KEVIN WAYNE MCDANIELS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

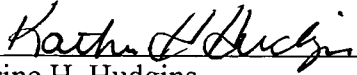
RESPONDENT

PETITION TO BE RELIEVED AS COUNSEL

Counsel for Kevin Wayne McDaniels states:

1. She is Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent petitioner.
2. She has reviewed the record of petitioner's trial before Judge R. Ferrell Cothran, which was held on January 11, 2016, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988), briefed an arguable legal issue which arose during the post-conviction relief process. Therefore, counsel requests that the Court relieve her as counsel for Kevin Wayne McDaniels.

Respectfully Submitted,

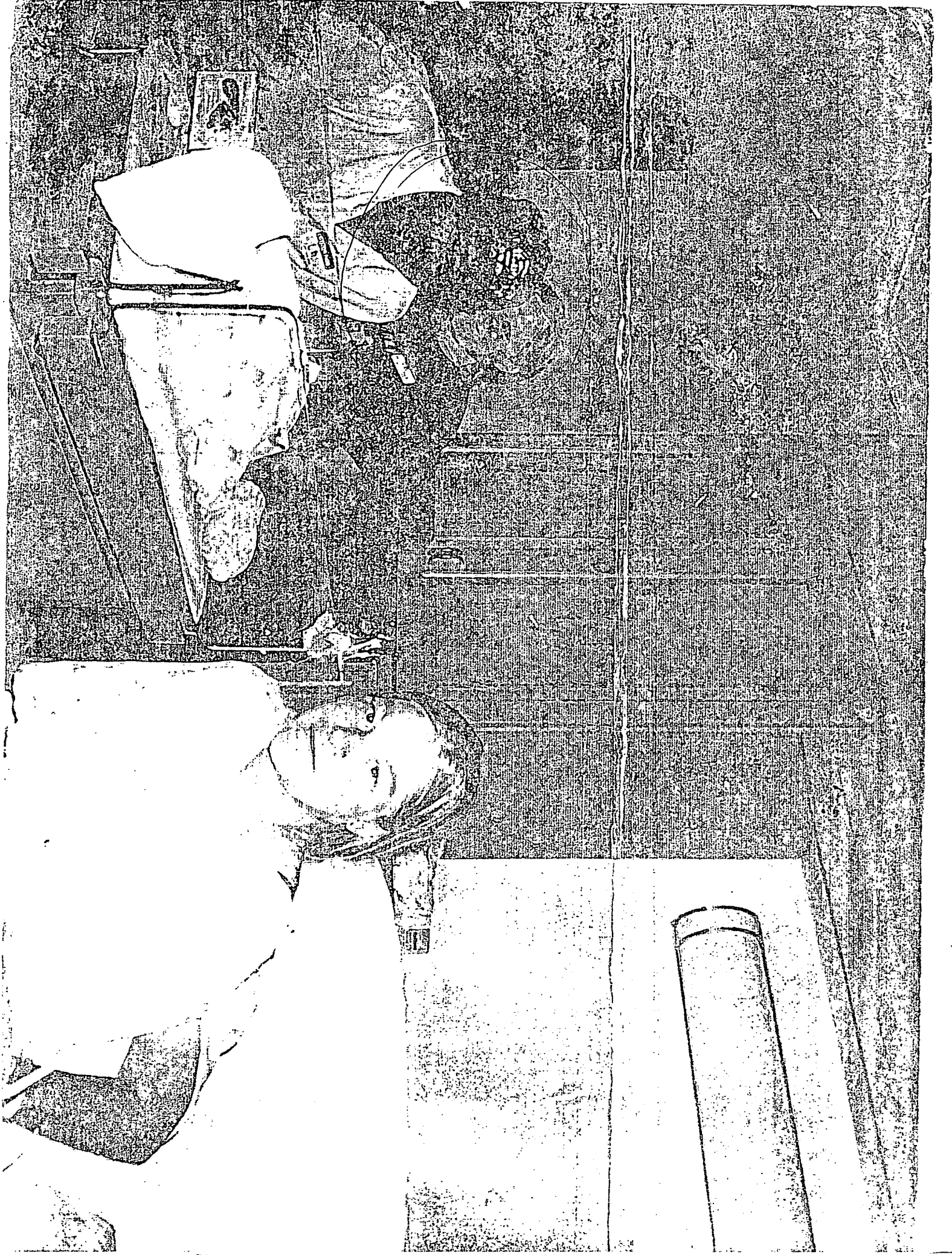

Kathrine H. Hudgins
Appellate Defender
ATTORNEY FOR PETITIONER

This 22nd day of February, 2017.



Enke Less Mowels B-DAY

Kevin Milbank
Ph. Jan 13 2006 / Broken Hill



W



CR 000823B0B1 from NLETS

2:59 AUG 14 PM 2:22

LEMS WEB

FILED

SPTSL413

.CR.000823B0B1.NLETS.20080814 10:30:43

TO: SPTSL413-1904 20080814 10:30:43 000823B0B1

FROM: NLETS-2338993 20080814 10:30:43

CR.NCIII0000

07:27 08/14/2008 26244

07:27 08/14/2008 36940 SC042015A

*1D400005D4

TXT

HDR/2L011D400005D42QR .NCF/1D400005D4.TME/1027.TMZ/EDT.DTE/20080814.ORI/SC042015A.SID/NC1136760A.FBI/794226JA4.NAM/MCDANIELS,KEVIN W.PUR/C.TOS/BASED ON FBI NUMBER ONLY.ORT/CIRCUIT SOLICITORS OFFICE SPARTANBURG.ATN/HOWELL, C S.CRIMINAL HISTORY REQUESTED

This North Carolina Computerized Criminal History Response Is Based On Input Of

S.A.CHR.HDR/2L011D400005D42QR .NCF/1D400005D4.TME/1027.TMZ/EDT.DTE/20080814.ORI/SC042015A.SID/NC1136760A.FBI/794226JA4.NAM/MCDANIELS,KEVIN W.PUR/C.TOS/BASED ON FBI NUMBER ONLY.ORT/CIRCUIT SOLICITORS OFFICE SPARTANBURG.ATN/HOWELL, C S.CRIMINAL HISTORY REQUESTED

COMPUTERIZED CRIMINAL HISTORY

Name: HALL, SHAWN C

SID: NC1136760A FBI Number: 794226JA4 White/Male
Date of Birth: 01-16-1978 Birth Place: WV Description: West Virginia
Height: 5 Ft. 04 In. Weight: 150 Lbs. Eyes: BROWN Hair Color: BROWN
Fingerprint Class: 01WU 02LSAU 03RS 04RSWU 05RS 06LS 07WU 08LSWU 09LS 10LS
DNA Available at NC SBI Lab: No
Social Security Numbers:

Alias ->

589-30-4722

REVENUE. Kevin M. Dwork
589-03-2274

Cycle 01 Arrested: 07-26-2005 SID: NC1136760A FBI Number: 794226JA4

Arresting Agency ORI: NC0600000 MECKLENBURG CO SO - CHARLOTTE

Arrest Name: HALL, SHAWN C

Check Digit Number: TP1604C Local Id: 0317775

Fingerprint Number: 1000452005208008

Booking Number: 041051245672

Offense Charge: 01 BREAK/ENTER MOTOR VEHICLE

- \$200 & UP FELONY

Violations: 001

Date of Offense: 07-26-2005

General Statute: 14 -056.000000

Offense Charge: 02 LARCENY AFTER BREAK/ENTER - \$200 AND UP FELONY

Violations: 001

Date of Offense: 07-26-2005

General Statute: 14 -072.000B00

Court ORI: NC060025J MECKLENBURG CO DIST COURT -CHARL

Disposition Date: 08-18-2005 Court Docket: 2005CR 234805

Court Offense: 001 LARCENY AFTER BREAK/ENTER - FELONY

Date of Offense: 07-26-2005

General Statute: 14-72(B)(2)

Disposition: Dismissal Without Leave (By DA)

Attorney Type: PUBLIC DEFENDER OFFICE

Court ORI: NC060025J MECKLENBURG CO DIST COURT -CHARL

Disposition Date: 08-18-2005 Court Docket: 2005CR 234806

Court Offense: 002 TAMPERING WITH VEHICLE - TRAFFIC

Yes

Date of Offense: 07-26-2005
 General Statute: 20-107
 Plea: GUILTY TO A LESSER DEGREE
 Verdict: GUILTY
 Disposition: Trial By Judge Consolidated: Yes
 Confinement: 22D Time Served: 22 D
 Structured Sentencing Offense Class: 2
 Structured Sentencing Type: ACTIVE SENTENCE
 Attorney Type: PUBLIC DEFENDER OFFICE
 Special Conditions: MD
 BASED ONLY ON SID NUMBER

FILED
 CLERK OF SUPERIOR COURT
 2008 AUG 14 PM 2:22
 HARRIS COUNTY TEXAS

THIS CRIMINAL HISTORY IS FOR A MULTI-STATE RECORD.
 THIS RESPONSE CONTAINS ONLY NORTH CAROLINA CHARGES.
 A MULTI-STATE NCIC RESPONSE WILL BE PROVIDED BY THE FBI.
 THIS CRIMINAL HISTORY RECORD INFORMATION ON THE ABOVE-NAMED INDIVIDUAL IS A
 CERTIFIED COPY SUBSTANTIATED BY FINGERPRINTS, AS IT APPEARS IN THE SBI/DCI FILE
 S.

STATE/FEDERAL REGULATIONS REQUIRE A ONE-YEAR RECORD OF DISSEMINATION.

* * * CAUTION * * *

CHANGES TO THIS RECORD MAY OCCUR AT ANY TIME AND A NEW INQUIRY SHOULD
 BE MADE FOR SUBSEQUENT USE. THIS RECORD MUST NOT BE USED AFTER 11-12-2008.

*****END OF RECORD*****

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA

v.

KEVIN WAYNE MCDANIEL

PRESENTENCE INVESTIGATION REPORT

Docket No. 7:06CR00036-001HFF

Prepared For: The Honorable Henry F. Floyd
U.S. District Judge

Prepared By: Earl W. Gilliam
U.S. Probation Officer
Greenville, South Carolina
(864) 239-6100
Earl_Gilliam@scp.uscourts.gov

Assistant U.S. Attorney:
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Email: lance.crick@usdoj.gov

Defense Counsel:
Benjamin T. Stepp, AFPD
501 E. McBee Avenue, Suite 202
Greenville, SC 29601
(864) 235-8714
Email: benjamin_stepp@fd.org

Sentence Date: To be set by the Court

Offense: Count 1 Felon in Possession of a Firearm
18 U.S.C. §§ 922(g)(1), 924(a)(2), and 924(e)
15 years to Life/\$250,000 fine
Class A Felony

Adjudication: Plea of guilty entered on October 24, 2006.

Release Status: The defendant remains incarcerated on a \$1,000,000 surety bond since May 4, 2006.

Detainers: None known

26. 07-27-05 Tampering with Vehicle 08-18-05: 22 days 4A1.1(c) 1
 (Age 35) 05CR234806
 District Court
 Mecklenburg County, NC

Records reveal that the defendant stole a GPS EMAP system from a vehicle on July 26, 2005. The name Shawn Hall was used at the time of the arrest. A photo was obtained of the person arrested and it was defendant McDaniel. The defendant is presumed to have been represented by counsel or to have knowingly waived representation.

27. 03-11-06 Disorderly Conduct 03-30-06: 30 days consecutive 4A1.1(c) 1
 (Age 36) Ticket #70457CY
 Magistrate's Court
 Richland County, SC

There is no record of attorney representation in this case. A summary is not available as the offense was recorded on a traffic citation. The charge is reflected as an open container violation on the rap sheet. Court records revealed that the defendant was convicted of disorderly conduct.

Criminal History Computation

28. The criminal convictions above result in a subtotal criminal history score of 25. However, a maximum of four (4) points may be counted under U.S.S.G. § 4A1.1(c). Therefore, the revised Subtotal is 23.
29. At the time the instant offense was committed, the defendant was less than two years released (April 23, 2004) for Possession of a Stolen Vehicle, Docket # 01-GS-40-04088. Pursuant to U.S.S.G. § 4A1.1(e), two (2) points are added.
30. The instant offense was committed while the defendant was on state probation for Property Offense-3rd or Subsequent, Docket # 02-GS-42-4624. Pursuant to U.S.S.G. § 4A1.1(d), one (1) point is added.
31. The total of the criminal history point(s) is 26. According to the sentencing table at Chapter 5, Part A, 26 criminal history points establish a criminal history category of VI.

Other Criminal Conduct

	<u>Date of Arrest</u>	<u>Charge</u>	<u>Agency</u>	<u>Disposition</u>
32.	07-12-88 (Age 18)	1) Vehicle Theft, 2) Fraud - Illegal Use of Credit Cards	Sheriff's Office Pinellas County, FL	08-31-88: Dismissed, both counts

KEVIN MCDANIELS



UNDER ALIAS STEVEN C. HARK

From Oct 2005 until JAN 20, 2006

Military Service

68. None.

Employment Record

69. Defendant McDaniel is currently unemployed and reports his last employment with Florida Frame & Trim as a carpenter. The defendant earned \$13.50 per hour. This employment ended in January 2006 as a result of the defendant being arrested. Prior to this employment, defendant McDaniel reported working for numerous construction companies.

Financial Condition

70. The defendant reports no substantial financial assets or liabilities.

PART D. SENTENCING OPTIONS

Custody

71. **Statutory Provisions:** The term of imprisonment is not less than 15 years nor more than Life, pursuant to 18 U.S.C. § 924(e).

72. **Guideline Provisions:** Based on a total offense level of 31 and a criminal history category of VI, the guideline range for imprisonment is 188 - 235 months.

Impact of the Plea Agreement

73. The plea agreement had no significant impact on the guideline calculations in this case.

Supervised Release

74. **Statutory Provisions:** If a term of imprisonment is imposed, the court may impose a term of supervised release of not more than five (5) years, pursuant to 18 U.S.C. § 3583(b)(1).

75. In accordance with 18 U.S.C. § 3583(d), the following conditions are mandatory conditions of supervision: (1) The defendant shall not commit another federal, state, or local crime; (2) The defendant shall not unlawfully possess a controlled substance; (3) The defendant shall refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of release on supervised release and at least two (2) periodic drug tests thereafter (as determined by the Court). This condition may be ameliorated or suspended as provided in 18 U.S.C. § 3563(a)(5). (Effective only for offenses committed on or after September 13, 1994.); and (4) If applicable, the defendant shall cooperate in the collection of a DNA sample from the defendant.