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SC Court of Appeals

The South Carolina Court of Appeals

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July 16, 2021

The Honorable Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: Darryl J. Mungin v. State
Lower Court Case No. 2016CP1006560
Appellate Case No. 2018-000441

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,


CLERK

Enclosure

cc: Megan Harrigan Jameson, Esquire
Taylor Davis Gilliam, Esquire
Darryl Jerard Mungin, 255562

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Darryl Jerrard Mungin, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2018-000441

Appeal From Charleston County
Michael G. Nettles, Circuit Court Judge

Unpublished Opinion No. 2021-UP-248
Submitted June 1, 2021 – Filed June 30, 2021

APPEAL DISMISSED

Appellate Defender Taylor Davis Gilliam, of Columbia,
for Petitioner.

Senior Assistant Deputy Attorney General Megan
Harrigan Jameson, of Columbia, for Respondent.

PER CURIAM: Petitioner seeks a writ of certiorari from the denial of his application for post-conviction relief (PCR).

We find evidence supports the PCR court's dismissal of Petitioner's claim of ineffective assistance of counsel; accordingly, we deny certiorari on this issue. *See*

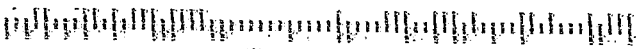
Speaks v. State, 377 S.C. 396, 399, 660 S.E.2d 512, 514 (2008) ("On appeal, the PCR court's ruling should be upheld if it is supported by any evidence of probative value in the record.").

Because there is sufficient evidence to support the PCR court's finding that Petitioner did not knowingly and intelligently waive his right to a direct appeal, we grant certiorari on this issue and proceed with a review of the direct appeal issue pursuant to *Davis v. State*, 288 S.C. 290, 342 S.E.2d 60 (1986). After review of Petitioner's direct appeal pursuant to *Anders v. California*, 386 U.S. 738 (1967), this appeal is dismissed. Counsel's motion to be relieved as counsel for the direct appeal is granted.

APPEAL DISMISSED.¹

KONDUROS, GEATHERS, and MCDONALD, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.



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