

**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 Supreme Court**

Darren A. Simmons, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-000204

ON WRIT OF CERTIORARI

Appeal From Charleston County
The Honorable Roger M Young, Sr., Plea Judge
The Honorable R. Markley Dennis, Jr., Post-Conviction
Relief Judge

Memorandum Opinion No. 2016-MO-014
Submitted March 3, 2016 – Filed April 20, 2016

AFFIRMED

Appellate Defender LaNelle Cantey DuRant, of
Columbia, for Petitioner.

Attorney General Alan Wilson and Assistant Attorney
General Ashleigh Rayanna Wilson, both of Columbia, for
Respondent.

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

The petition for a writ of certiorari is denied on petitioner's Question 2. Because there is sufficient evidence to support the PCR judge's finding that petitioner did not knowingly and intelligently waive his right to a direct appeal, we grant certiorari on petitioner's Question 1 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). Petitioner's convictions and sentences are affirmed pursuant to Rule 220(b)(1), SCACR, and the following authorities: *State v. McKinney*, 278 S.C. 107, 292 S.E.2d 598 (1982) (for an issue to be preserved for appellate review, a contemporaneous objection before the plea judge is required); *State v. Carriker*, 269 S.C. 553, 238 S.E.2d 678 (1977) (an issue is not preserved for appellate review when the defendant failed to object during trial or join in his co-defendant's objections); *State v. Rikard*, 371 S.C. 295, 638 S.E.2d 72 (Ct. App. 2006) (the phrase on the sentencing sheet "without negotiations or recommendation" means the State and the defendant have not agreed on sentencing, and either party is free to request a favorable sentence).

AFFIRMED.

PLEICONES, C.J., BEATTY, KITTREDGE, HEARN and FEW, JJ., concur.