

# *News Release*

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## *Shooting over bicycle nets man 40 years in prison*

**Charleston, S.C.** – Minutes before jury selection in his scheduled murder trial, thirty year old Herbert Smalls changed his plea from not guilty to guilty of murder. Circuit Judge Roger Young then sentenced Smalls to a term of forty (40) years with the South Carolina Department of Corrections. Under the sentencing law governing murder, Smalls is not eligible for parole or early release.

Solicitor Greg Voigt prosecuted the case. According to Voigt, the investigation revealed that on April 25, 2007 at about 10:45 in the evening Smalls and another man, Marcus Quarles, were approached by the victim, forty-five (45) year old James Stewart and a woman while riding on a bicycle on in the 4700 block of Rivers Avenue, in North Charleston. Smalls went off behind a building with Stewart, ostensibly to negotiate the sale of the bicycle, when he shot Stewart once in the chest at close range. Smalls then took Stewart's bicycle and was seen riding it on the surveillance video tape of a nearby school.

The bicycle was later recovered but police did not have any leads in the murder case until Smalls and Quarles were arrested in Charleston during the commission of yet another offense. In that case, a gun matching the characteristics of the gun used to shoot Stewart was found near where Smalls was found hiding underneath a house on Bull Street.

Smalls had previously been convicted of Attempted Armed Robbery and Assault and Battery with the Intent to Kill. He had met Quarles while serving a prison sentence for these offenses. Quarles is scheduled to be tried in September.

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