

STATE of South Carolina
IN THE SUPREME COURT

APPEAL From Florence County
George M. McFadden, Jr., Per Court Judge

App. No. 2021-001329

TAMARQUIS ANTONIWIN WINGATE, # 315016

APPELLANT.

v.

STATE of SOUTH CAROLINA

RESPONDENT.

NOTICE OF MOTION
REQUESTING LEAVE TO
PROCEED PRO SE

RECEIVED

JUL 29 2022

S.C. SUPREME COURT

PLEASE TAKE NOTICE THAT THE:

PETITIONER, (WINGATE) will move
before this Honorable Supreme Court, for an
"ORDER" GRANTING PRO SE REPRESENTATION
IN THE ABOVE CAPTIONED CASE, IN THIS & ALL
APPELLATE REVIEW PROCEEDINGS.

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APPELLANT/PETITIONER, MR. TAMAROUS
ANTOIN WINGATE REQUEST LEAVE TO PROCEED
IN FORMA PAUPERIS, AS SUCH CLASSIFICATION
AND STATUS DOES NOT CHANGE AS IT IS
VERY CLEAR ON RECORD HIS INDIGENCY.

APPELLANT BRING TO THE COURT'S
ATTENTION TO THE FACT THAT THERE HAVE
BEEN MULTIPLE DEPRIVATIONS, ISSUES, AND
CONCERNS, TO THE ADVERSE ASSISTANCE OF
PRIOR "COURT-APPOINTED" COUNSELS OF RECORD.
CERTAIN CIRCUMSTANCES UNDER INEFFECTIVENESS
AND ABANDONMENTS BY PAST COUNSELS, ON
THIS SAME CONVICTION, DOES HOWEVER IN
MANY WAYS, WARRANTS APPELLANT'S MIS-
TRUST BY SOUTH CAROLINA LAWYERS.

APPELLANT WOULD LIKE TO AVOID
THESE SAME MISHAPS BY LEAVING HIS
RIGHT TO ANY APPOINTED COUNSEL, AND TO
INCLUDE ANY STANDBY COUNSEL.
APPELLANT, (MR. WINGATE), IS MAKING THIS
DECISION BEFORE AN INITIAL BRIEF IS
FILED IN THIS COURT. ALTHOUGH BY
COURT'S "ORDER" DATED (6/28/2022), THE VERY
APPOINTMENT OF (FORMER PER COUNSEL) MR.
JONATHAN D. WALLER, SHOULD BE VOID.

THE RIGHT TO WAIVE ASSISTANCE OF COUNSEL AND TO REPRESENT ONESELF IS A CONSTITUTIONAL RIGHT GRANTED BY THE (6th) SIXTH AMENDMENT. STATE V. BARBER, 407 S.C. 27, 753 S.E.2d 545 (2014). THE APPELLANT, NOW STATE THAT EVERY REASONABLE PRESUMPTION SHALL BE INDULGED AGAINST LEAVER, WHEN EXPLAINING TO THIS COURT, THAT THIS REQUEST AND MOTION IS MADE VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY, PERTAINING TO THE WAIVING OF (HIS) RIGHTS TO BE REPRESENTED BY ANY COUNSEL.

IN ACCORDANCE WITH U.S.C.A. CONST. AMEND. (6th) SIXTH, "CONSTITUTIONAL RIGHTS, INCLUDING THE RIGHT TO COUNSEL, MAY BE WAIVED AS LONG AS THE WAIVER IS VOLUNTARY, KNOWING, AND INTELLIGENT." IN MAKING THIS REQUEST (CLEAR ON THE RECORD), APPELLANT UNDERSTAND THAT HE WOULD BE HELD TO THE SAME STANDARDS OF A LAWYER, AND EXPECTED TO FOLLOW THE SAME PROCEDURAL AND ALL OTHER RULES AS TRAINED ATTORNEYS. AGAIN, APPELLANT WOULD LIKE TO WAIVE HIS RIGHTS TO COUNSEL.

TO FACILITATE REVIEW OF THE WAIVER DECISIONS, APPELLATE WOULD LIKE THE RECORD TO BE SUFFICIENT TO BE ABLE TO INDICATE WHETHER THE KNOWING AND INTELLIGENT TEST IS SATISFIED, BY ANY "ORDER" AND/OR WRITTEN OPINION, BY THIS HONORABLE COURT TO DETERMINE SUCH.

WHEREFORE, IF GRANTED, APPELLANT IS SEEKING THE COMPLETE RECORD OF THE CLERK OF COURT (Hon. PATRICIA HOWARD), AS WELL AS THE APPELLATE DEFENDER (FORMER), AND APPOINTED-COUNSEL, CLIENT'S CASE FILE, TO INCLUDE, BUT CERTAINLY NOT LIMITED TO THE FOLLOWING, IN REGARDS TO APPELLATE CASE NO # 2021-001329.

- (i) Clerk's complete filing of all (incoming/outgoing) correspondences; documents; orders; motions; etc.... AND
- (ii) The transcript of (PCR) Evidentiary Hearing; And
- (iii) Counsel's AND Former Counsel's (SOCIO) Client's case file of its representation in its ENTIRETY.

APPELLANT, HEREBY STANDS READY TO COMPLY WITH THIS COURT'S "ORDERS" AND SCHEDULES TO ASSIST IN REACHING A JUST AND SPEEDY RESOLUTION.

APPELLANT UNDERSTANDS THAT IF GRANTED, HE WILL THEN HAVE A CERTAIN TIME TO FILE WITH THE COURT A "PETITION FOR WRIT OF CERTIORARI, AND APPENDIX", TO THE COURT AND PARTIES INVOLVED, AND DO UNDERSTAND THE COPIES TO BE SENT AND FILED IN ITS TOTALITY.

IN CONCLUSION, APPELLANT DO NOT TRUST SOUTH CAROLINA COURSELS BEING THAT NO ONE HAS BROUGHT TO THE VERY ATTENTION OF THE COURT, THAT APPELLANT IS ENTITLED TO THE BENEFITS AND THE EQUALITY OF SIMILAR SITUATED PERSONS OF THE RULING OF STATE V. STUBBS, (MAY 04, 2016), 416 S.C. 493; 787 S.E.2D 480, RETROACTIVE TO TAMARQUIS ANTIWAIN WINGATE WHEN "STRICT PROOF" OF SUCH PENNENCY IN DIRECT APPEAL, AND THE "ANDER'S" PROCESS WAS IN ERROR, WHEN AN COMPETENT COURT SHOULD HAVE ENTERTAINED SUCH, WHEREAS APPEAL WAS DISMISSED

Premises Considered, Appellant
Has Been And Continue To Be Actually
Innocent of Crimes Charged, And Have
Been Very Patient With South Carolina
Praying, That They Would See That The
Appellant Is Not Guilty, And To No
Avail No Assistance Have Been So
Rendered. Therefore The Need To Act
And To Press Forward As Pro Se, And
Its Representations.

Respectfully Submitted, And Most
Importantly, In The Mighty Name
Of Jesus Christ I Continually Pray, And
Would Like To Show This Court My
Innocence.

I Still Remain Patient

Signed This 26th Day
of July, In The Year
of Our Lord, 2022

Q. Antwan Wingate
Tamarquis A. Wingate
SCDC # 315016 (Lee C.I.)
990 Wisack Highway
Bishopville, SC 29010

cc: ATTY Gen ole (Barlow)
S.C. Sup. Court (Howard)
Angell malony (Walker)

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JUL 29 2022

S.C. SUPREME COURT

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