

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

ON PETITION FOR WRIT OF HABEAS CORPUS TO FLORENCE COUNTY

HONORABLE DONALD B. HOCKER, TRIAL JUDGE  
HONORABLE GEORGE M. McFADDEN, JR., PER JUDGE

APPELLATE CASE NO. 2021-001329

TAMARQUESS WINGATE,

PETITIONER,

V.

STATE OF SOUTH CAROLINA

RESPONDENT.

REPLY TO RETURN  
IN OPPOSITION  
FOR BAIL PENDING  
APPELLATE REVIEW

RECEIVED

DEC 14 2022

S.C. SUPREME COURT

IN REPLY TO THE RESPONDENT'S RETURN IN  
OPPOSITION FOR BAIL PENDING APPELLATE REVIEW, PETITIONER  
WOULD HUMBLY SUBMIT TO THE COURT THAT GOOD CAUSE  
EXIST FOR RELIEF IN FAVOR OF THE PETITIONER.

I. INTRODUCTION

PETITIONER ASSERTS THAT THE STATE'S POST-  
CONVICTION RELIEF PROCEDURES HAD, ARE FUNDAMENTALLY  
INADEQUATE TO VINDICATE THE SUBSTANTIVE RIGHTS  
PROVIDED, AND THE BURDEN IN DEMONSTRATING THE

INADEQUACY OF THE STATE-LAW PROCEDURES AVAILABLE  
IS NOW THE PETITIONER'S.

PETITIONER IS REQUIRED TO SHOW THE VIOLATION  
OF THE "LIBERTY INTEREST" AND TO PROVE  
THE INADEQUACY. EVEN AFTER A TRIAL, THAT WAS  
OPERATED BY VALID LAW AT THAT TIME, AND THE  
DECISION OF THE COURT IN STATE V. STUBBS <sup>①</sup> HAS  
PROVED OTHERWISE DURING THE PENDING OF THE  
PETITIONER'S APPEAL AND BEFORE IT BECAME FINAL.

IN THE INTEREST OF JUSTICE AND TO BE  
ENTITLED TO THIS DUE PROCESS PROTECTION, AND  
EXAMINATION IS HERE-BY REQUIRED OF THE  
WARRANT LIBERTY INTEREST TO DETERMINE IF  
PROCESS (IF ANY) IS DUE.

## II. PROCEDURAL - HISTORY (DIRECT APPEAL PRO & RESPONSE)

ALREADY IN THE RECORD, BUT TO STATE CLEARLY  
FOR BOTH THE COURT AS WELL AS THE RESPONDENT,  
THAT THE RETURN IN OPPOSITION IS ONLY FILED  
BECAUSE IT IS VERY SIMPLE TO OPPOSE AND CHANGED  
TO DO SO, HOWEVER PETITIONER ASSERTS THAT  
HE IS NOT MAKING THINGS UP AS HE GOES.

① STATE V. STUBBS, 100 N.W.2D 781 (IOWA, 1962)

## IV. APPLICABLE LAW

THE LACK OF REMEDY IN ANDERS PROCESS WHEN PETITIONER BROUGHT THE ISSUE MULTIPLE TIMES WAS WORSE, PREJUDICIAL IN NATURE, AND THE DELAYS BECAME CRUEL AND UNUSUAL. IT IS CLEAR FROM THE RECORD THAT THE LOWER COURTS WAS ERRONEOUS BY NOT BEING BOUND BY THE SOUTH CAROLINA SUPREME COURT HOLDINGS OF STUBBS. AND THIS PAIR LACKS THE AUTHORITY TO RULE AGAINST PAIR PUBLISHED PRECEDENT, AND SHALL BE COMPELLED TO CONCLUDE (THAT RULE) PETITIONER SEEK IS CLEARLY BOUND BY THE CONSTITUTION.

## CONCLUSION

PETITIONER, WANT TO REITERATE [BUT GOD] AND TO SHOW THE COURT THAT JESUS CHRIST IS MY LAWYER IN THE COURT ROOM. [Innocently]. I ASK THAT THE COURT TAKE INTO CONSIDERATION OF ACTUAL INNOCENCE AND THE HEALTH AND THE SERIOUS MEDICAL NEEDS OF THE PETITIONER'S MOTHER.

TAMAROUS ANTWAIN WINGATE, SEEK HAVE THE ADEQUATE STANDARD OF CARE, AND REVERSE THE OUTCOME-DETERMINATIVE PREJUDICES. [Yes/Amem]

THANKS,

Bristolville, South Carolina 29010

cc: DANIELLE OXON (for hesperant) 5/5

3111 IN CUSTODY, 3/15

31 Jan 1992 - 12/06/92  
TAMAROUS A WINGATE

It is said that appellate courts do not (usually) consider evidence. Instead, their primary goal is to determine whether the lower courts made an error, or whether its decision was unlawful based on the evidence presented at an earlier trial. So respondent notwithstanding, that the pro court's "order was not based on any error of law" is completely unreasonable and unsteady.

Respondent was on direct appeal from the dates of [December 20, 2011 - July 26, 2017], and the following pro se responses were filed trying to get the lower courts attention:

DATE FILED	EVENT INFORMATION/OTHER	PAGES
1. APRIL 26, 2016	PRO SE BRIEF (STIPULATION CLAIM)	60 PAGES
2. MAY 19, 2016	AMENDED PRO SE (STIPULATION CLAIM)	5 PAGES
3. SEPT. 08, 2016	PRO SE (CHECKING EFFECTIVE APPEAL)	1 PAGE
4. NOV. 02, 2016	COURT [CASE SUBMITTED]	COURT APPEALS 2 PAGES
5. NOV. 14, 2016	MOTION (FOR LEAVE TO SUPPLEMENT RECORD)	2 PAGES
6. DEC. 05, 2016	COURT ORDER [MOTION GRANTED]	COURT APPEALS 1 PAGE
7. DEC. 09, 2016	PRO SE (SUPPLEMENTAL BRIEF AND ATTACHMENT)	45 PAGES
8. FEB. 01, 2017	COURT ORDER [DISMISSED]	JUSTICES HUFF, SHORT, MORE (3 PAGES)
9. FEB. 17, 2017	PRO SE (PETITION FOR REHEARING)	3 PAGES
10. APRIL 21, 2017	COURT ORDER [DENIED]	JUSTICES HUFF, SHORT, MORE (1 PAGE)
11. MAY 24, 2017	PRO SE (PET. FOR REHEAR. OF COURT)	16 PAGES
12. MAY 31, 2017	COURT ORDER [DISMISSED]	SUPREME COURT 1 PAGE

PETITIONER SOUGHT RELIEF FOR THE PASSED EIGHT (8) YEARS THAT HE WAS IN CUSTODY, BUT MADE A CLEAR SHOWING IN THE DIRECT APPEAL PROCESS. HOWEVER BECAUSE APPellate COUNSEL (COUNCIL) FILED AN ANSWERS BRIEF, THE COURT NEVER ENTERTAIN SUCH.

### III PROCEDURAL HISTORY- POST-CONVICTION RELIEF

AT THE EVIDENTIARY HEARING ON AUGUST 30, 2021, PETITIONER WAS ONLY ASKED QUESTIONS. HE WAS NOT GIVEN THE OPPORTUNITY TO PRESENT EVIDENCE HIS TESTIMONY ONLY. NOR WAS A CLOSING TO BE HAD BY WAY OF ARGUMENT, NOR WAS THE INDIVIDUALS THAT WAS GIVEN TO PCR COUNSEL PRESENT, IN REGARDS TO PRIOR-ALLEGED SUSPECTS. WHERE THE FACTS ON WHICH THE CONVICTION WAS BASED ARE IN SUFFICIENT, AND ARE SO PREJUDICIAL TO SUPPORT THE CONVICTION UNDER THE PREVIOUS STATUTORY CODE 1976, § 16-3-659.

DURING THE PCR PROCESS, THE PETITIONER WAS SUBSTANTIALLY INJURED, AND FOR THE RESPONDENTS UNDERSTANDING, THE SUPREME COURT MAY TAKE JUDICIAL NOTICE IN POST-CONVICTION PROCEEDINGS OF THE RECORDED ON DIRECT APPEAL WITHOUT THE NEED TO SUPPLEMENT THE RECORDED, THE PETITION FOR BAIL DOES NOT NEED A TRANSCRIPT.

## IV. APPLICABLE LAW

THE LACK OF REMEDY AND APOCALYPTIC PROCESS WHEN PETITIONER BROUGHT THE ISSUE MULTIPLE TIMES WAS WORSE, PREJUDICIAL IN NATURE, AND THE DELAYS BECAME CRUEL AND UNUSUAL. IT IS CLEAR FROM THE RECORD THAT THE LOWER COURTS WAS ERRONEOUS BY NOT BEING BOUND BY THE SOUTH CAROLINA SUPREME COURT HOLDING OF STUBBS. AND THIS ONE LACKS THE AUTHORITY TO RULE AGAINST PAPER FURNISHED PRECEDENT, AND SHALL BE COMPELLED TO CONCLUDE (THAT RULE) PETITIONER SEEK IS CLEARLY BOUND BY THE CONSTITUTION.

## CONCLUSION

PETITIONER, WANT TO REITERATE, [BUT END] AND TO SHOW THE COURT THAT JESUS CHRIST IS MY LAWYER IN THE COURT ROOM. [Intellectually]. I ASK THAT THE COURT TAKE INTO CONSIDERATION OF ACTUAL INNOCENCE AND THE HEALTH AND THE SERIOUS MEDICAL NEEDS OF THE PETITIONER'S MOTHER.

TAMAROUS ANTWAIN WINGATE, SEEK HAVE THE ADEQUATE STANDARD OF CARE, AND REVERSE THE OUTCOME-DETERMINATIVE PREJUDICES. [YES/AMEN]

THANKS,

Bristolville, South Carolina 29010

cc: DANIELLE OXON (for RESPONDENT) 5/5

STILL IN CUSTODY, I AM

31 Jan 12/06/22  
TAMAROUS ANTWAIN WINGATE

TAMARQUIS ANTIWAIN WINGATE

SCDC# 315016 (P3B.2210)

LEE CORRECTIONAL INSTITUTION

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Bishopville, South Carolina

291010

IMS



Jean Mail

SCDC  
Christmas  
Packet

South Carolina Supreme Court  
c/o Honorable Patricia A. Howard, Clerk  
Post Office Box 11330  
Columbia, South Carolina 29211

29211 1812777 0009

THE DEPARTMENT OF CORRECTIONS HAS  
NOT CENSORED THIS ITEM. THEREFORE,  
THE DEPARTMENT DOES NOT ASSUME  
RESPONSIBILITY FOR ITS WRITTEN CONTENTS.

LEE CORRECTIONAL INSTITUTE  
S.C. DEPARTMENT OF CORRECTIONS

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DEC - 8 2022

LEE CI MAIL ROOM



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