

RECEIVED

FEB 16 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
STATE OF SOUTH CAROLINA)
-versus-)
Marcus Alexander Wigfall,)
Defendant.)

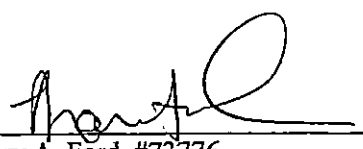
) IN THE SOUTH CAROLINA)
) COURT OF APPEALS)
))
) Indictment No(s): 2021GS1000145DI,)
) 2021-GS-10-00112)
) Warrant No.: 2020A1010203581)
) Charge(s): Contributing to the Delinquency of a)
) Minor; Criminal Sexual Conduct-Third Degree)

) **REQUEST FOR REPRESENTATION**)
) **ON APPEAL**)

On behalf of the request of the above-named Defendant, to be represented by the South Carolina Commission of Appellate Defense, the undersigned attorney would show unto this Honorable Court that:

1. He is the attorney for the defendant-appellant in the above captioned case. The defendant-appellant was placed in custody immediately following conviction and sentence and was not available to personally sign this Request.
2. The defendant-appellant was represented by the Charleston County Public Defender's Office as an indigent, pursuant to the Defense of Indigent Act.
3. The defendant-appellant has been informed that he may request assistance from the South Carolina Commission of Appellate Defense in perfecting his appeal.
4. A timely Notice of Appeal has been filed on the defendant's-appellant behalf.
5. The defendant-appellant has been informed that nothing requires that office to pursue this appeal unless that office's Chief Attorney is satisfied that there is arguable merit to this appeal and that he cannot afford to hire an attorney.

At this time, the defendant-appellant requests the aid of the South Carolina Commission of Appellate Defense in perfecting his appeal to the South Carolina Court of Appeals.



Mary A. Ford, #73776
Assistant Public Defender
Charleston County Public Defender

Charleston, South Carolina

Dated: 2/16, 2023.

STATE OF SOUTH CAROLINA)
) VERIFICATION
COUNTY OF CHARLESTON)

Personally appeared before me the above-signed attorney, who being first duly sworn, deposes and says that he has read the foregoing Request for Representation on Appeal and knows the allegations contained therein are true, except as to those which may be alleged to be upon information and belief and as to those she believes them to be true.

SWORN to and subscribed before me

this 16 day of Feb, 2023.


NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 3/17/2026

STATE OF SOUTH CAROLINA)
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COUNTY OF CHARLESTON)
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STATE OF SOUTH CAROLINA)
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vs.)
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)
MARCUS A. WIGFALL)

IN THE COURT OF GENERAL SESSIONS
INDICTMENT No(s): 2021GS1000115,
2021GS1000112,
2021GS1000114
2021GS1000113

VERDICT FORM

1. As to the charge of **CONTRIBUTING TO THE DELIQUENCY OF A MINOR**, we the jury unanimously find the Defendant (Check One):

_____ Not Guilty.
 Guilty.

2. As to the charge of **CRIMINAL SEXUAL CONDUCT WITH A MINOR, SECOND DEGREE (time frame August 2016 to July 30th 2018, victim 14 years of age or less but at least 11 years of age)**, we the jury unanimously find the Defendant (Check One):

Not Guilty.
_____ Guilty.

3. As to the charge of **CRIMINAL SEXUAL CONDUCT WITH A MINOR, SECOND DEGREE (time frame August 1, 2018 to July 30th 2019, victim 14 years of age to less than 16 years of age)**, we the jury unanimously find the Defendant (Check One):

Not Guilty.
_____ Guilty.

4. As to the charge of **CRIMINAL SEXUAL CONDUCT WITH A MINOR, THIRD DEGREE**, we the jury unanimously find the Defendant (Check One):

_____ Not Guilty.
 Guilty.

RECEIVED
FEB 16 2023
SC Court of Appeals

I certify that this is the unanimous decision of the jury.

James Diamond #69
Foreperson

February 8, 2023
Charleston, South Carolina

When you have completed your deliberations, please notify the bailiff.

STATE OF SOUTH CAROLINA

RECEIVED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

FEB 16 2023

STATE

INDICTMENT/CASE#: 2021-GS-10-00112

VS.

SC Court of Appeals

MARCUS ALEXANDER WIGFALL

AKA: Marcus Wigfall

Race: Black

Sex: M

Age: [REDACTED]

DOB: [REDACTED]

SS#: [REDACTED]

Address: [REDACTED]

City, State,

Zip:

DL#*

SID# SC01986677

A/W#: 2020A1010203581

Date of Offense: 01/01/2017

S.C. Code §: 16-03-0655(C)

CDR Code #: 3661

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Criminal Sexual Conduct with a Minor, Third Degree (0-15 years)

In violation of § 16-03-0655(C) of the S.C. Code of Laws, bearing CDR Code # 3661

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Deborah Herring-Lash, Assistant Solicitor

15083

SC Bar #

Defendant

Attorney for Defendant

73776

SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 15 days/months/years/Time Served Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$___; provided that upon the service of 12 days/months/years/Time Served and or payment

of \$___; plus costs and assessments as applicable*; the balance is suspended with probation for 5

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.

139 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

STATE MARCUS
VS. ALEXANDER
WIGGALL

INDICTMENT/CASE#: 2021-GS-10-00112

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
 Attend Voc. Rehab. Or Job Corp No Contact with Victim Domestic Violence Intervention Program
 Mental Health Counseling May serve W/E beginning: _____

Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours

Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:		\$	_____
Fine may be pd. in equal consecutive weekly/monthly prmts. of	\$	_____	Beginning _____
§14-1-206 (Assessments 107.5%)		\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	<u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	_____
§56-5-2995 (DUI Assessment)	\$12	\$	_____
§56-1-286 (DUI Breath Test)	\$25	\$	_____
§14-1-212 (Law Enforce. Funding)	\$25	\$	<u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$	_____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$	_____
§50-21-114 (BUI Breath Test Fee)	\$50	\$	_____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	_____
3% to County (if paid in installments)	TBD	\$	<u>3.75-18.75</u>
<input checked="" type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$	<u>500.00</u>
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$	_____
	TOTAL	\$	<u>128.75</u> <u>643.</u>

Clerk of Court/Deputy Clerk: Cherise Gray
Court Reporter: JAMIE BICICOTT

Presiding Judge: J. Meloy
Judge Code: 271040
Sentence Date: 2/8/2023

STATE OF SOUTH CAROLINA)
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COUNTY OF CHARLESTON)
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STATE OF SOUTH CAROLINA)
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vs.)
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MARCUS A. WIGFALL)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT No(s): 2021GS1000115,
2021GS1000112,
2021GS1000114
2021GS1000113

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I certify that this is the unanimous decision of the jury.

James Diamond #69
Foreperson

February 8, 2023
Charleston, South Carolina

When you have completed your deliberations, please notify the bailiff.

STATE OF SOUTH CAROLINA)
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COUNTY OF CHARLESTON)
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STATE OF SOUTH CAROLINA)
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vs.)
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MARCUS A. WIGFALL)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT No(s): 2021GS1000115,
2021GS1000112,
2021GS1000114
2021GS1000113

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SC Court of Appeals

I certify that this is the unanimous decision of the jury.

James Diamond #69
Foreperson

February 8, 2023
Charleston, South Carolina

When you have completed your deliberations, please notify the bailiff.

DHL/0369500
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

2020-07162

ARREST WARRANT NUMBER

2021-GS-10-0015

DATE OF ARREST

07/02/2020

ACTION OF GRAND JURY

APR 20 2021

Foreperson of Grand Jury

Date

VERDICT

Foreperson of Petit Jury

Date

DOCKET NO. 2021-GS-10-00115

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

APRIL TERM 2021

THE STATE

VS.

MARCUS ALEXANDER WIGFALL

A.K.A. Marcus Wigfall

B/M DOB:

Indictment for

CONTRIBUTING TO THE DELINQUENCY
OF A MINOR

SC Code. § 16-17-0490

CDR Code. 0048

FILED

5/11/2021 1:15:15 PM

JULIE J. ARMSTRONG

CLERK OF COURT

RECEIVED
FEB 16 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened on April 2021, the Grand Jurors of Charleston County present upon their oath:

CONTRIBUTING TO THE DELINQUENCY OF A MINOR

That in Charleston County between 2017 and June of 2020, the Defendant, Marcus Alexander Wigfall, a person over the age of eighteen years, knowingly and willfully did encourage, aid, cause, or influence a minor to so deport himself or herself as to wilfully injure or endanger his or her morals or health or the morals or health of others and/or to violate a law or a municipal ordinance; all in violation of S.C. Code Section 16-17-490 of the SC Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


DEBORAH HERRING-LASH
ASSISTANT SOLICITOR

DHL/0369500
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

2020-07162

ARREST WARRANT NUMBER

2021-GS-10-0013

DATE OF ARREST

07/02/2020

ACTION OF GRAND JURY

TRUE BILL

APR 20 2021

Foreperson of Grand Jury

Date

VERDICT

Foreperson of Petit Jury

Date

DOCKET NO. 2021-GS-10-00113

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

APRIL TERM 2021

THE STATE

VS.

MARCUS ALEXANDER WIGFALL

A.K.A. Marcus Wigfall

B/M DOB:

Indictment for

**CRIMINAL SEXUAL CONDUCT WITH A
MINOR, SECOND DEGREE**

SC Code: § 16-03-0655(B)(1)
CDR Code. 0396

FILED

5/11/2021 1:15:16 PM
JULIE J. ARMSTRONG
CLERK OF COURT

RECEIVED
FEB 16 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened on April 2021, the Grand Jurors of Charleston County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, SECOND DEGREE

That in Charleston County, South Carolina, between August 2016 and July 30th 2018 the Defendant, Marcus Alexander Wigfall, did commit, attempt to commit, a sexual battery to wit: cunnilingus upon a minor, Aniyah Jhene Hughes, who was fourteen years of age or less but who was at least eleven years of age in violation of Sections 16-3-655(B)(1) of the South Carolina Code of Laws, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



DEBORAH HERRING-LASH
ASSISTANT SOLICITOR

FILED

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

2021 MAY 11 PM 1:07

COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT

JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA)

-versus-

Marcus A. Wigfall

Defendant.

ORDER AMENDING INDICTMENT

INDICTMENT #: 2021-GS-10-00115

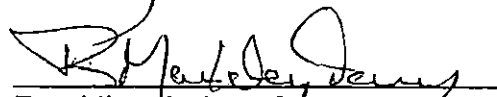
WARRANT #: 2021-GS-10-0015 to
2021-GS-10-00115

CHARGE: Contributing to the Delinquency of
a Minor


The Defendant was indicted for Criminal Sexual Conduct With a Minor, Second Degree in April of 2021 by the Charleston County Grand Jury and assigned Indictment Number 2021-GS-10-00115. It appears that due to a scrivener's error, an incorrect warrant number was typed upon the indictment. The indictment indicates the warrant number is 2021-GS-10-0015, however, the correct warrant number is 2021-GS-10-00115. Now upon motion of Deborah Herring-Lash, Assistant Solicitor, it is hereby

ORDERED that indictment number 2021-GS-10-00115 shall be amended to reflect the correct warrant number of 2021-GS-10-00115.

AND IT IS SO ORDERED this 11th day of May, 2021.


Presiding Judge of the
Ninth Judicial Circuit

I SO MOVE:


Deborah Herring-Lash, Assistant Solicitor
Ninth Circuit Solicitor's Office

RECEIVED

FEB 16 2023

SC Court of Appeals

DHL/0369500
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

2020-07162

ARREST WARRANT NUMBER

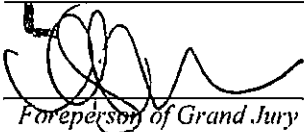
2020A1010203581

DATE OF ARREST

07/02/2020

ACTION OF GRAND JURY

WIGFALL



APR 30 2021
Date

VERDICT

Foreperson of Petit Jury

Date

DOCKET NO. 2021-GS-10-00112

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

APRIL TERM 2021

THE STATE

VS.

MARCUS ALEXANDER WIGFALL

A.K.A. Marcus Wigfall

B/M DOB:

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A
MINOR, THIRD DEGREE

SC Code § 16-03-0655(C)
CDR Code. 3661

FILED

5/6/2021 4:32:36 PM
JULIE J. ARMSTRONG
CLERK OF COURT

RECEIVED
FEB 16 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

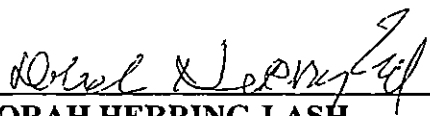
INDICTMENT

At a Court of General Sessions, convened on April 2021, the Grand Jurors of Charleston County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, THIRD DEGREE

That in Charleston County, South Carolina, between August of 2016 and July 30th 2019 the Defendant, Marcus Alexander Wigfall, who was over fourteen (14) years of age, did willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or its parts, of Aniyah Jhene Hughes, a child under sixteen years of age, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the defendant or the child; in violation of Section 16-3-655(C), South Carolina Code of Laws, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



DEBORAH HERRING-LASH
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

RECEIVED

FEB 16 2023

INDICTMENT/CASE#: 2021-GS-10-00115

STATE

VS.

SC Court of Appeals

MARCUS ALEXANDER WIGFALL

AKA: Marcus Wigfall

Race: Black

Sex: M

Age: 32

DOB: [REDACTED]

SS#: [REDACTED]

Address:

City, State,

Zip:

DL#*

SID# SC01986677

A/W#: 2021-GS-10-00115

Date of Offense: 01/01/2017

S.C. Code §: 16-17-0490

CDR Code #: 0048

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Contributing to the Delinquency of a Minor (0-3 years)

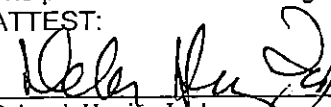
In violation of § 16-17-0490 of the S.C. Code of Laws, bearing CDR Code # 0048

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

	15083		73776
Deborah Herring-Lash, Assistant Solicitor	SC Bar #	Defendant	Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 3 days/months/years/Time Served Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$____; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.

139 (days) months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

STATE MARCUS
VS. ALEXANDER
WIGGALL

INDICTMENT/CASE#: 2021-GS-10-00115

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:		\$	_____
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$	_____	Beginning _____
§14-1-206 (Assessments 107.5%)		\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	<u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	_____
§56-5-2995 (DUI Assessment)	\$12	\$	_____
§56-1-286 (DUI Breath Test)	\$25	\$	_____
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§14-1-213 (Drug Court Surcharge)	\$150	\$	_____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$	_____
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§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	_____
3% to County (if paid in installments)	TBD	\$	<u>3.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$	_____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$	_____
	TOTAL	\$	<u>128.75</u>

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____

Cherise Gray
Jamie Bidlett

Presiding Judge: _____
Judge Code: _____
Sentence Date: _____

[Signature]
02764
2/8/2023

STATE OF SOUTH CAROLINA)
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COUNTY OF CHARLESTON)
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STATE OF SOUTH CAROLINA)
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MARCUS A. WIGFALL)

IN THE COURT OF GENERAL SESSIONS
INDICTMENT No(s): 2021GS1000115,
2021GS1000112,
2021GS1000114
2021GS1000113

VERDICT FORM

1. As to the charge of **CONTRIBUTING TO THE DELIQUENCY OF A MINOR**, we the jury unanimously find the Defendant (Check One):

Not Guilty.
 Guilty.

2. As to the charge of **CRIMINAL SEXUAL CONDUCT WITH A MINOR, SECOND DEGREE** (time frame August 2016 to July 30th 2018, victim 14 years of age or less but at least 11 years of age), we the jury unanimously find the Defendant (Check One):

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February 8, 2023
Charleston, South Carolina

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STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

vs.

Marcus Wigfall

DEFENDANT.

IN THE COURT OF GENERAL SESSIONS

NINTH JUDICIAL CIRCUIT

STATE'S MOTION IN SUPPORT OF BAD ACTS

Arrest Warrant #2020A1 010203581

Arrest Warrant 2021-GS-10-00113

Arrest Warrant 2021-GS-10-00114

Arrest Warrant 2021-GS-10-00115

Indictment 2021-GS-10-

00112/00113/0114/00115

Criminal Sexual Conduct w/ A Minor 2nd x2
Criminal Sexual Conduct w/A minor 3rd
Contributing to the Delinquency of a Minor

FILED

2023 FEB -1 PM 12:02

JULIE J. ARMSTRONG
CLERK OF COURT

The defendant, Marcus Wigfall., is charged with Criminal Sexual Conduct 2nd 2 counts, Criminal Sexual Conduct w/ a Minor 3rd and Contributing to the Delinquency of a Minor. The victim, Aniyah Hughes, is daughter of the girlfriend of Marcus Wigfall.

He lived in the home with them from 2015 until June of 2020. Aniyah told her mother about being assaulted in June of 2020 the assaults had been ongoing since 2017. Aniyah turned 16 on July 31 of 2019. He is charged with the assaults before her 16th birthday. Aniyah disclosed he would often send her text messages that were vague as example "come here" but she would understand. These messages do support and corroborate the history given by Aniyah.

She still had two messages on her phone when she met with law enforcement and gave the screen shots of these messages. (See attached) the messages she had were from April and June of 2020 but were like the messages sent to her often during the timeframe of the charged assaults. The state would offer these two text messages to support and corroborate her disclosure. They are not actual bad acts but do infer the assaults

continued beyond the charged conduct. The State would offer this as a continued course of conduct between the same two parties pursuant to RULE 404(b). SCRE and South Carolina case law.

The State contends that the text messages are directly related to the sexual assaults that Mr. Wigfall is charged with in this case and meets the factors cited in cases to show common scheme or plan. Evidence of other crimes, wrongs, or prior bad acts may be admissible to show "motive, identity, the existence of a common scheme or plan, the absence of mistake or accident, or intent." Rule 404(b), SCRE.

Based on precedent dating back to 1911, South Carolina courts have consistently applied the common scheme or plan exception to sexual assault crimes involving the same two parties. The State relies on extensive South Carolina case law in support of the introduction of the evidence: State v. Richie, 70 S.E. 729 (1911), State v. Whitener 89 S.E.2d 701(1955), State v. Mathis, 597 S.E.2d 872 (2004), State v. Weaverling, 523 S.E.2d 787 (1999), State v. Edwards, 644 S.E.2d 66 (2007), State v. Kirton, 671 S.E.2d

107 (2008) and *State v. Clasby*, 682 S.E. 2d 892 (2009), *State v Tutton*, 580 S.E.2d 186 (2003), *State v Fonseca*, 711 S.E. 2d 906 (2011), and *State v Taylor*, 731 S.E. 2d 569 (2011), *State v Dinkins* Opinion No. 5883 filed December 22, 2021, Appellate Case No. 2017-002360.

All the above cited cases deal with admitting testimony involving the same parties' cases under the 404(b), SCREE exception. The court stated, "Bad act evidence that is not subject to a conviction must be shown by clear and convincing evidence and should be reviewed under an "any evidence standard" on appeal. *State v. Wilson*, 345 S.C.I.

The State will show that these text messages were a continuous course of conduct in the defendant's interactions with the victim. The messages support the victim's disclosure and are relevant as evidence of the ongoing assaults he is charges within this case.

Proof of a conviction for the other crimes is not required, *State v. Blanton*, 446 S. E.2d 438, 440 (Ct. App, 1994). The prior act need not be necessary to the State's case in order to be admitted, as these messages are probative to corroboration the victim's history. These are not remote and most importantly are logically connected to the assaults

Respectfully submitted,


Deborah Herring-Lash

Assistant Solicitor

NINTH CIRCUIT SOLICITOR'S OFFICE

FILED

2023 FEB -1 PM 12:02

JULIE J. ARMSTRONG
CLERK OF COURT

BY _____

M

Marcus

+1 843-668-1074



Aunty tiffy braiding my head and I told her to leave hair out for u to cut, can u cut it ?



May 17 4:17 PM

K

May 17 4:17 PM



May 17 4:18 PM

Thank u .

Jun 3

Lmfao i told her u aint gone wear that shit

Jun 3 6:09 AM

Jun 6

Just no i aint never told u no wen u always wanted sumthin ijs

Jun 6 10:19 PM



Jun 6 10:20 PM

Ok .

Jun 8

Please put my controller on the charger when you take your phone off thanks

Jun 8 6:14 AM



Jun 8 8:13 AM

Ok

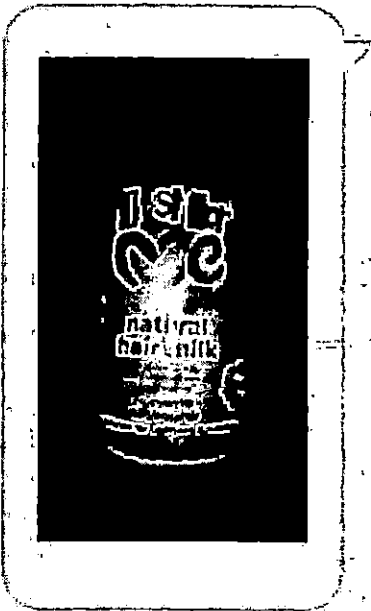
M

Marcus

+1 843-668-1074



Apr 17



11:58 PM

Apr 23

Cum here plz

Apr 23 4:51 PM

....

Apr 23 4:58 PM

Apr 24

Mama say twann can throw the grease away but save a small cup with some in it

Apr 24 2:54 PM

Apr 29

You had call?

Apr 29 11:19 AM

Y'all cam come now if y'all want

I. Statement of the Case

A. Procedural History

B. Factual Summary

C. Evidentiary Issues

1. State's Motions in Limine

a. Motion for Compliance with Rape Shield Statute

b. Motion to Exclude Evidence of Other Sexual Assaults

c. Motion to Admit Defendants Statement

D. Proposed Witnesses

II. Proposed Voir Dire

I. STATEMENT OF THE CASE

A. Procedural History

The Charleston City Police Department was called on June 11, 2020 to the home of the victim Aniyah Hughes. She had disclosed to her mother, Kandra Pear that Marcus Wigfall the mothers live in boyfriend had sexually assaulted her. Ms. Pear called CPD, and the responding officer did a minimal facts interview. He determined the last assault was not within 96 hours and that Mr. Wigfall was no longer in the home. He referred the case to detectives. The detective made contact on June 16th. Aniyah was referred to the DNLCC advocacy center for an interview and medical exam. Aniyah was interviewed on two separate days June 18th and 23rd. The detective met with Mr. Wigfall on June 23, 2020 in the parking lot at his place of employment. Mr. Wigfall spoke to the detective on body worn camera.

Warrants were taken out on June 29th and served on July 2nd, 2020.

B. Factual Summary

Aniyah Hughes DOB July 31, 2003 disclosed her mother's boyfriend of 7 years had begun to sexually assault her in the 8th grade and that it had been ongoing until recently. She described both cunnilingus and sexual intercourse as well as fondling. She also reported smoking marijuana with Mr. Wigfall.

Mr. Wigfall had lived in the home with Aniyah her mother and brother since 2015.

Ms. Pear worked several evenings a week, and he would be at home with the children. He and Aniyah by all accounts had a close relationship. They spent a lot of time

together. Aniya was confused when the abuse began, and her plan was to leave home when she finished school and never tell her mother.

She did tell a friend in 2019 but the friend kept her secret. She told her mother on June 8, 2020. As a result, DSS was called, and Aniyah was interviewed and eventually warrants were taken out for Mr. Wigfall's arrest.

C. Evidentiary Issues

1. State's Motions in Limine

a. Compliance with Rape Shield

Pursuant to South Carolina Code Section 16-3-659.1 (1), the State moves to ensure that all references or any line of inquiry regarding sexual activity or reports of sexual assault regarding the victim Aniyah Hughes compliance with the "Rape Shield Statute" be prohibited. This includes, but is not limited to references made during summation, argument or witness examination. The State knows of no other reports of sexual assault or actual sexual assaults regarding this victim but wishes to prevent inferences that could be drawn from argument or inquiries in violation of the Statute. Furthermore, pursuant to South Carolina Code Section 16-3-659.1 (2), before any such evidence which defense believes is an exception to the law can be presented, the Statute requires notice be given to the State and such evidence be proffered before the Court and reviewed *in camera*.

b. Motion in Limine to Exclude Evidence of Other Sexual Assaults

The State moves to prohibit any reference or line of inquiry by counsel regarding sexual assaults upon the victim, reference shall include, but not limited to: any inquiry by counsel and/or any reference by counsel during summation, argument or any witness examination which alleges any reference to sexual assaults upon this victim.

Furthermore, pursuant to *State, v., Boiter*, 302 S.C.381, 396 SE.2d 364 1990; the State request notice and that any such evidence be proffered before the Court. In addition, that an *in-camera* review be made by the Court to determine the relevance and admissibility of such evidence.

c. Motion to Admit Statement of Defendant

The detective visited the defendant at his place of employment. This time and location were set by the defendant. He was not in custody and was told he was free to leave. They left him there after the interview. The detective later reviewed Aniyah's statement and Mr. Wigfall's statement and took warrants out several days later.

D. Potential Witnesses

The Government anticipates its case-in-chief will take three (3) days; the following is a list of *potential* witnesses. The Government does not anticipate calling all of the witnesses on this list.

II. PROPOSED VOIR DIRE

RESPECTFULLY SUBMITTED,

Deborah Herring-Lash
DEBORAH HERRING -LASH

NINTH CIRCUIT ASSISTANT SOLICITOR

FILED
2023 JAN 31 AM 11:03
JULIE L. ANESTROM
CLERK OF COURT
BY _____

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

NINTH JUDICIAL CIRCUIT

FILED

2023 JAN 31

AM 11:04

JULIE L. STRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA

STATE'S WITNESS LIST

vs.

MARCUS ALEXANDER
WIGFALL,

DEFENDANT.

Arrest Warrant #2020A1010203581
Arrest Warrant #2021-GS-10-00113
Arrest Warrant #2021-GS-10-00114
Arrest Warrant #2021-GS-10-00115

Indictment #

Indictment #2021-GS-10-00112
Indictment #2021-GS-10-00113
Indictment #2021-GS-10-00114
Indictment #2021-GS-10-00115

The State may call the following witnesses:

1. Aniyah Jhene Hughes
2. Kandra K. Pear
3. Antwann Hughes Jr.
4. Ivy Grinnage
5. Det. Nikolas Perez - CPD
6. Det. Michael J. Christopherson - CPD
7. Alix Desch, LISW-CP – DNLCC
8. Stephanie L. Petersen, APRN – MUSC
9. Carole Swiecicki

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA
vs.

STATE'S VOIR DIRE

FILED
2023 JAN 31 11:04
JULIE J. ARMSTRONG
CLERK OF COURT

INDICTMENT #'s: 2021-GS-10-00112,
2021-GS-10-00113, 2021-GS-10-00114,
2021-GS-10-00115

MARCUS ALEXANDER WIGFALL

WARRANT#: 2020A1010203581,
2021-GS-10-00113, 2021-GS-10-00114,
2021-GS-10-00115

Defendant.

CHARGES: Criminal Sexual Conduct with a
Minor 3rd Degree, Criminal Sexual Conduct
with a Minor 2nd Degree x2, Contributing to the
Delinquency of a Minor

1. Have you, any member of your family, or a personal friend, been a victim of, or a witness to a sexual misconduct upon a child?
2. Have you, any member of your family, or a personal friend, been accused of a sexual misconduct upon a child?
3. Have you, any member of your family, or a personal friend, been the victim of any violent crime?
4. Have you, any member of your family, or a personal friend, been accused of a violent crime?
5. Have you or any member of your family, or a personal friend, been involved with law enforcement or the legal system in any case of sexual assault upon a child?
6. Is there anyone that has previously been a witness in a civil or criminal case?
8. Have you or any member of your family ever had any criminal charges adjudicated by or currently pending with the Charleston County Solicitor's Office?
9. Have you or any member of your family ever been represented by the public defender's office?
10. Do you have any personal, political, or religious beliefs or convictions that would make it difficult for you to sit in judgment of another person?

FILED

STATE OF SOUTH CAROLINA 2023 JAN 3 11:04 AM FILED
IN THE COURT OF GENERAL SESSIONS
COUNTY OF CHARLESTON JULIE J. ARMSTRONG
CLERK OF COURT NINTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA

vs.

MARCUS ALEXANDER
WIGFALL,

DEFENDANT.

**MOTION IN LIMINE
FOR COMPLIANCE WITH
RAPE SHIELD LAW**

Arrest Warrant #2020A1010203581
Arrest Warrant #2021-GS-10-00113
Arrest Warrant #2021-GS-10-00114
Arrest Warrant #2021-GS-10-00115

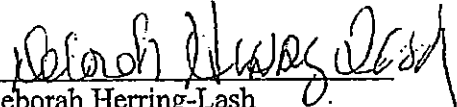
Indictment #
Indictment #2021-GS-10-00112
Indictment #2021-GS-10-00113
Indictment #2021-GS-10-00114
Indictment #2021-GS-10-00115

Now comes the State with notice to the Defendant, by and through counsel for Defendant, Mary Alison Ford, Assistant Public Defender, that the State of South Carolina moves to ensure compliance with S.C. Code §16-3-659.1, the "Rape Shield Statute", which mandates limited admissibility of opinion evidence, reputation evidence, or specific instances of sexual activity by the victim with persons other than the Defendant. Furthermore, this law is established pursuant to the S.C. Rules of Evidence, Rule 412.

Please take notice that the State moves to prohibit any reference or line of inquiry by counsel regarding prior sexual activity concerning the victim, reference shall include, but is not limited to: any inquiry by counsel and/or any references by counsel during summation, argument, or witness examination which alleges any specific instances of prior sexual activity.

Furthermore, S.C. Code §16-3-659.1 requires notice to the State before any such evidence may be proffered before the Court. In addition, the law mandates an *in-camera* review by the Court before any such evidence may be deemed relevant or admissible.

Respectfully submitted,


Deborah Herring-Lash
Assistant Solicitor

FILED

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

vs.

MARCUS ALEXANDER WIGFALL,

DEFENDANT.

2023 JAN 31 AM 11:04
JULIE J. ARMSTRONG
CLERK OF COURT
BY

IN THE COURT OF GENERAL SESSIONS

NINTH JUDICIAL CIRCUIT

**MOTION IN LIMINE
TO EXCLUDE EVIDENCE
OF OTHER SEXUAL ASSULTS**

Arrest Warrant: #2020A1010203581
Arrest Warrant: #2021-GS-10-00113
Arrest Warrant: #2021-GS-10-00114
Arrest Warrant: #2021-GS-10-00115

Indictment: #
Indictment: #2021-GS-10-00112
Indictment: #2021-GS-10-00113
Indictment: #2021-GS-10-00114
Indictment: #2021-GS-10-00115

CHARGES:

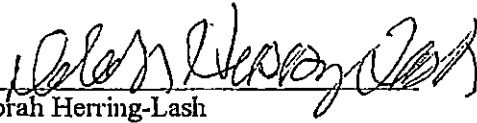
Criminal Sexual Conduct with a Minor 3rd Degree,
Criminal Sexual Conduct with a Minor 2nd Degree x2,
Contributing to the Delinquency of a Minor

Now comes the State with notice to the defendant, by and through counsel, Deborah Herring-Lash, Esq., that the State moves to exclude evidence of prior and subsequent sexual assaults upon the victim pursuant to *State v. Boiter*, 302 S.C.381, 396 SE.2d 364 1990.

Please take notice that the State moves to prohibit any reference or line of inquiry by counsel regarding sexual assaults upon the victim, reference shall include, but not limited to: any inquiry by counsel and/or any reference by counsel during summation, argument or any witness examination which alleges any reference to sexual assaults upon this victim.

Furthermore, pursuant to *State v. Boiter*, supra; the State request notice and that any such evidence be proffered before the Court. In addition, that an *in-camera* review be made by the Court to determine the relevance and admissibility of such evidence.

Respectfully submitted,


Deborah Herring-Lash
Assistant Solicitor

9th Circuit Solicitor's Office
This 30th day of January, 2023