

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

APPEAL FROM FLORENCE CIV.
COURT of Common Pleas

MAR 27 2023

The Hon. George M. McFadden, Jr., Pres. Judge

S.C. SUPREME COURT

APPELLATE CASE NO.: 2021-001329

TAMARQUIS WINGATE,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent

Motion to Reconsider
the Dismissal of the
Petitioner's Matter

Petitioner, Hereby responds to Clerk's Order Dismissing his Appellate review, that was relayed unto him by his family on Monday, March 13, 2023. Petitioner seeks review of the Order of Dismissal of the lower Court, did not fail to serve, nor file the Petition for writ of Certiorari & Appellate. So consequently, the Order of Dismissal by the Clerk is premature and that ruling was improper.

The Petitioner's Constitutional Rights and Due Process, And to Include His Actual Innocence, As well as The Deprivations Had by The South Carolina Judicial System; Officers of the Court-Alike - Shall Not Result in A WAIVER, NOR A FAILURE to PROSECUTE Any of THE Petitioner's Right to Appeal And Have Reviewed, The Judgment of the (SC) Courts That's Being Controlled by an Error of Law & That Heavy And Prejudicial in DAMAGES Be Dismissed by the Clerk (MARCIA A. HOWARD) by Way of ORDER Dismissing Petitioner's Matter, Based upon the Clerk's Reason of DISCREPANCIES on the Petitioner's Behalf. The Reason of Petitioner's Stand here is for the following reasons:

- ① On, Jan. 23, 2023, Petitioner filed A(4) Page Legal Correspondence Dated Jan. 10, 2023 Requesting Deadline And Requesting Extension.
- ② On, Jan. 24, 2023, Petitioner received A(1) Page Document by the Clerk dated Jan. 18, 2023 the filings are due on or before Feb. 17, 2023

③ On Feb. 02, 2023, Petitioner then received a (3) page document and again by the Clerk advising me that a Correspondence from the Court dated Jan. 18, 2023 providing the deadline date of Feb. 17, 2023, to file and no action was ~~was~~ taken on Petitioner's Extension Request.

④ Dated on Feb. 13, 2023, Petitioner sent a (5) page Correspondence to the Court requesting to have a family member to file Petitioner's documents via email, so that he may make the Court's deadline.

⑤ In order for the family member to be able to send via email, Petitioner must send to them via U.S. Postal Service, 4 days or so before the deadline. Not to mention the federal holiday Feb. 20, 2023.

⑥ However, on Feb. 16, 2023, Petitioner sent on time to the Court (2) manilla envelopes addressed to the Clerk containing (607) pages, by personally placing the envelopes to a Sergeant Carroway, b/c the Unit's Mail Box was being fixed b/c it was broken

(7) Filed Feb. 21, 2023, But received by the Petitioner (9-Days) later on March 01, 2023. An order by the Court signed C.J. Bradley To file the proper documents by Feb. 27, 2023 or the matter may be dismissed.

(8) Receiving the order (After the deadline) but sending faxes to the Court already alerted, Petitioner to ask the institutions mail room via the (2) manila envelopes [were] mailed (2-weeks) prior.

(9) With all this (trying to understand) if his documents were sent, mailed, and filed timely, placed petitioner in an unexpected position - to have and want to keep a clear mind and to also be in the difficult conditions of the restraints and schedules of the short staffed prison. To be sent the documents if they are not located.

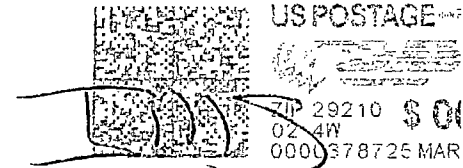
(10) Finally, that petitioner is in a closed-custody unit with controlled movement & the lockdowns had bc officers of unit was fired (2/23/23)

~~XXXXXXXXXXXX~~
Conclusion

Petitioner does not want to seem as if he is making excuses of the Court not already receiving his filings. The reasons stated above are actual complete facts that can be ascertained by questioning the proper authorities of the Lee Correctional Institution. Fortunately petitioner also documented via the kiosk system the accuracy of the burdens of the prison within the last (30-days).

Petitioner should be given a fair assessment of this hate and extraordinary circumstance that he is innocent of crimes charged, and to be able to get his (first) very first bite of the apple, to successfully and desperately bring to the high courts attention to the fatal damages ^{that} spiraled and crushed and crippled the petitioner of equal protections by treating him as a poor, black, red-haired step child. Petitioner is resending his filings

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