

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

RECEIVED

MAY 22 2023

S.C. SUPREME COURT

TAMARQUIS A. WINGATE )  
Petitioner )

vs. )

STATE OF SOUTH CAROLINA, )  
(ALAN M. WILSON), ETAL )  
Respondents )

Docket # \_\_\_\_\_

NOTICE AND ITS  
INTENTION TO APPEAL  
& MOTION FOR EXTENSION  
OF TIME

1 NOTICE IS HEREBY GIVEN THAT  
TAMARQUIS A. WINGATE, PETITIONER IN  
THE ABOVE NAMED CASE, DOES SEEK &  
INTENDS TO APPEAL UNTO THIS COURT  
IN THIS DISTRICT (FROM THE FINAL  
JUDGMENT) (FROM AN ORDER SIGNED  
BY THE S.C. SUPREME COURT'S CLERK  
DISMISSING PETITIONER'S COLLATERAL  
REVIEW AS UNTIMELY) (AS WELL AS  
DENYING PETITION FOR REHEARING) THAT  
ACTION WAS ENTERED ON THE 21<sup>ST</sup> DAY  
OF APRIL, 2023. AND THEN SENT A  
REMITTITUR DATED APRIL 24<sup>TH</sup>, 2023.

HOWEVER, PETITIONER WHO ACTED  
AND WAS GRANTED PRO SE REPRESENTATION

WITH ALL DILIGENCE FILED THE PETITION FOR WRIT OF CERTIORARI & ITS APPENDIX. BEING THAT PETITIONER HERE NOW STATES THE INTENTION TO APPEAL IS THE FACT THAT HE WOULD LIKE TO EXPLAIN TO THE COURTS THAT DISMISSING WAS IMPROPER AND UNREASONABLE.

PETITIONER HERE NOW STATE THAT THE COURT FAILED TO RULE ON AN OPEN MOTION THAT WAS FILED AND (TWICE) BROUGHT TO THE ATTENTION OF THE COURTS. THE MOTION FOR LEAVE TO PROCEED IN THE S.C. SUPREME COURT'S ORIGINAL JURISDICTION WAS NOT RULED ON. THE NEED FOR THE REINSTATEMENT OF THE APPEAL, THE (VACATION OF THE DISMISSAL), AND THE (RECALLING OF THE REMITTURE SHOULD BE HAD, ON THE ORIGINAL JURISDICTION MOTION, WHEN A MISTAKE OR INADVERTENCE ON THE PART OF THE COURT OR ITS OFFICERS THERE IS A NEED TO CORRECT CLEAR ERROR, OR MANIFEST INJUSTICE.

PETITIONER WHO IS ACTUALLY INNOCENT STATES THE DISMISSAL OF HIS CLAIMS WAS NO FAULT OF HIS OWN, BEING THAT HE EXPLAINED THIS TO THE COURT IN FINE DETAIL. THE DISMISSAL OF THE CLAIMS BOTH ON A STATE AND FEDERAL LEVEL IS ERROR BEING THAT PETITIONER HAD HIGH PROBABILITY OF RELIEF.

INDEPENDENTLY THE COURT COULD TAKE JUDICIAL NOTICE OF AUTOMATIC RELIEF WITH THE CONSTITUTIONAL VIOLATIONS HAD BY RESPONDENT.

### MOTION FOR EXTENSION

1. PETITIONER MAKES THIS MOTION FOR THE FOLLOWING REASONS:
2. PETITIONER RECEIVE THE ~~CROSS~~ ORDER ON TUES. APRIL 25, 2023.
3. PETITIONER, WHO IS REPRESENTING HIMSELF IS NOT LEARNED IN THE UNITED STATES COURT BEING THAT RELIEF WAS SUPPOSED TO BE HAD IN S.C.

4. PETITIONERS WANT TO EXPLAIN TO THE COURTS OF S.C. THE MISTAKE HAS SO THAT THE RESPONDENTS WILL NOT ACT AS IF SURPRISE.

5. THIS MOTION IS BASED ON ALL PAPERS FILED OR TO BE FILED AND THE RECORDS IN THIS MATTER

WHEREFORE PETITIONERS PRAY THAT THE COURT UNDERSTAND THE NOTICE OF APPEAL AND ITS INTENTIONS AND THE EXTENSION REQUEST

RESPECTFULLY SUBMITTED THIS 22<sup>ND</sup> DAY OF APRIL 2023

CLAND: 2021-001328

TAMARUS HEAT  
TAMARUS A. WINGATE  
SEC# 315016, (P3B 220)  
LEE CORRECTIONAL INST.  
9930 WISNEY HIGHWAY  
BETHLEHEM, S.C. 29010  
2010

CC: DANIELLE DIXON, for respondent  
① ALAN M. WILSON, for respondent  
② CLERK OF S.C. SUPREME COURT  
③ CLERK OF 12<sup>TH</sup> JUD. CIR. OF S.C.

# Certificate of Service

RECEIVED

MAY 22 2023

S.C. SUPREME COURT

Docket no. \_\_\_\_\_

I DO HEREBY CERTIFY THAT A COPY OF THE NOTICE AND ITS INTENTION TO APPEAL & MOTION FOR EXTENSION OF TIME HAS BEEN SERVED ON THE FOLLOWING COUNSELS OF RECORD: TOTAL OF  $\frac{6}{6}$  PGS WITHS Pgs

Danielle Dixon, AAG  
Alan M. Wilson, Atty. Gen  
Post office box 11549  
COLUMBIA S. CAROLINA 29211  
(803) 734-3319

By mailing in an envelope properly addressed on this 27th day of April, 2023 here at the Lee Correctional Institution's mail room box.

April 27, 2023

T. Anderson  
TAMARQUE'S WINGATE  
BISHOPVILLE, S.C 29010