

STATE OF SOUTH CAROLINA
In The Court of Appeals

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S.C. SUPREME COURT

Appeal from Horry County
Honorable Benjamin H. Callerton, Circuit Judge
Appellate Case No.: 2025-002542

The State,

Respondent,

v.

In re Walter A. Worriano,

Petitioner.

WRIT OF CERTIORARI

Walter A. Worriano
Sec# 304491
Lieber Corr Inst
Post Office Box 205
Lodgenville, SC 29472
Appellant.

S.C. Attorney General's Office
Robert C. Davis BLDG
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Columbia, SC 29211
Respondent

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I. WHETHER PETITIONERS WERE TREATED UNFAIRLY BY ACTS OF INVIDIOUS DISCRIMINATION AT ALL STAGES OF THE PROCEEDINGS THE DUE PROCESS AND EQUAL PROTECTION CLAUSES PROTECT PETITIONERS FROM SUCH ACTS?

II. DID THE SOUTH CAROLINA COURT OF APPEALS ABUSE ITS INHERENT POWER BY ABUSE OF REASONABLENESS AND SOUND DISCRETION?

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QUESTIONS PRESENTED

I. Whether Petitioners were treated unfairly by acts of invidious discrimination at all steps of the proceedings, the due process and equal protection clauses protect petitioners from such acts?

II. Did the South Carolina Court of Appeals abuse its inherent power by abuse of reasonableness and sound discretion.

STATEMENT OF THE CASE

On February 14, 2025, Petitioner Walter A. Worriatt, was convicted and sentenced of murder and was sentenced to life imprisonment. On direct appeal, the South Carolina Court of Appeals dismissed the appeal by abuse of discretion that was not sound when disregarding substantial constitutional issues directly involved where the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court.

Petitioner direct appeal was dismissed on March 11, 2026, and petition the South Carolina Court of Appeals for Rehearing and Rehearing En Banc, timely, dated March 14, 2026. The South Carolina Court of Appeals dismissed rehearing with suggestion for rehearing en banc. *Miller v. State*, 388 S.C. 347, 347, 697, 697 S.E. 2d 527, 527 (2010).

Counsel of Record Ralph J. Wilson, Jr., filed notice of Intent to Appeal while failing to furnish transcript and Petitioner's case filed to perfect his appeal. The South Carolina Court of Appeals dismissed the appeal due to Petitioner was held at fault for not purchasing a transcript and furnishing the transcript to the Court of Appeals. The Petitioner is an indigent Petitioner and his proper have not been reached at the Horry County Public Defender's Office. Petitioner now seeks a writ of certiorari.

- Whether petitioners were treated unfairly by acts of invidious discrimination at all stages of the proceedings the due process and equal protection clauses protect petitioners from such acts?

The Appellant Walter A. Worriax appealed the trial Court's judgment and illegal sentence and proceeded to the South Carolina Court of Appeals that granted appellate review only to discriminate against petitioners on account of his poverty.

ARGUMENT

Had not the Court of Appeals invidious discrimination during the appellate review his substantial right would not have been violated nor discriminated against, thus constituting this Supreme Court for the correction of errors at law under such regulations as the General Assembly prescribed to be investigated upon inquiry.

LAW AND ANALYSIS

The Supreme Court shall have power to issue writs of Certiorari and shall constitute a Court for the correction of errors at law under such regulations as the General Assembly may prescribe.

South Carolina Constitution Article V, § 5, and 28 U.S.C.A. § 1257.

In Accordance to *Coffey v. Thomas*, 357 U.S. 12, 76 S.Ct. 585, 35 A.L.R. 2d 1055, A State that does grant appellate

review can do so in a way that discriminates against some convicted defendants on account of their poverty. Appellate review has become an integral part of the trial system for finally adjudicating the guilt or innocence of a defendant. Consequently, at all stages of the proceedings the Due Process and Equal Protection Clauses protect persons like petitioners from invidious discriminations. Accord 14th Amendment, U.S. Const.; S.C. Const. Art. I, § 3 (1895).

DISCUSSION

The Petitioner was granted appellate review and with the comforts of due process the original notes or other original records and the copy of the transcript in the office of the clerk shall be open during office hours to inspection by any person without charge. See S.C. Code Annotated § 28-49-753 (b).

The Petitioner is a (a) indigent criminal defendant that is safeguarded by the equal protection clauses to not be discriminated against because of his poverty. *id. Griffin*, 76 S.Ct. 585. When Counsel of Record Ralph J. Wilson, Sr., that was contracted by the Henry County Public Defender's Office and through such performance on the contract owed Petitioner a duty to provide and furnish a transcript along with the cases files to give Petitioner an opportunity to prepare and present his

defense for appellate review. This act demonstrated that the appealing party's rights are preserved that errors were made at trial may be prejudiced by a lack of a complete record. In this review, a court may be unable to rule on claimed errors. *Cathoun v. United States*, C.A.5 (Miss.) No. 7, 384 F.2d 180.

The Appellant avers that fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of money appropriated for these purposes. See § 28-49-753(f) South Carolina Code Annotated.

The Appellant contends he did not receive a fair appellate reviewable proceeding in the interest of receiving an least and efficient administration of justice connotes a miscarriage of justice if not treated with deference. Although this Court may find in *Farette* that the right to defend oneself at trial is "fundamental" in nature. *Farette v. California*, 422 U.S. 806, 95 S.Ct. 2525, it is clearly established that representation by counsel is the standard, and not the exception.

The Petitioner respectfully asks to reverse judgment and provide the Petitioner a free copy of the trial transcripts.

- DID THE SOUTH CAROLINA COURT OF APPEALS ABUSE ITS INHERENT POWER BY ABUSE OF REASONABLENESS AND SOUND DISCRETION?

The Petitioner move before the Court addressing there is a conflict of interest between Counsel of record Ralph J. Wilson, Sr., and Petitioner Walker A. Worrick. This contention was viable during the pre-trial stages and escalated to the South Carolina Court of Appeals threshold. The South Carolina Court of Appeals was made aware of how Counsel of record continued representation while Counsel was in conflict with Petitioner and in this magnitude it is hard to say no reasonable judge would agree that the Court of Appeals exercise sound discretion.

ARGUMENT

The Petitioner had best trial rights and the right to appeal conviction and sentence that cannot be waived except through his voluntary consent to decide the manner of law and the forum of acceptance of remedies. From this decision to appeal, the Court of Appeals failure to conduct an sua sponte jurisdictional inquiry to determine subject-matter jurisdiction and personal jurisdiction of petitioner to appeal within the Constitutional dimensions of Petitioner's substantial rights to appeal errors of law abused its discretion in all manner of soundness.

LAW AND ANALYSIS

Actual innocence, if proved, serves as a get-away through which a petitioner may pass whether the impediment is a procedural bar or the one exception to rule regarding showing of cause and prejudice to overcome procedural default. *Martinez v. Ryan*, 566 U.S. 1, 132 S.Ct. 1309, 182 L.Ed. 2d 272.

DISCUSSION

The Petitioner was denied appellate review after the South Carolina Court of Appeals granted appellate review on the sole purpose of Petitioner was held responsible for not furnishing a trial transcript to the Court. The Petitioner contested this judgment and appealed. An arbitrary decision based on the facts of Petitioner was indigent and in poverty, the Petitioner does not own land, auto-vehicles nor any other possessions value over ten thousand dollars (\$10,000.00), and the Petitioner was punished for his counsel of record actions and inactions.

The Petitioner pleaded not guilty for the crimes the prosecution prosecuted him and took the stand on his own defense because counsel of record showed a personal bias towards Petitioner and carried out actions contrary to Petitioner's defense that ultimately caused injury and harm whereas Petitioner's appellate review lies in shambles.

Had the Court of Appeals conducted a sua sponte review, the Petitioner could have explained the urgency to have counsel of record withdrawn and have counsel make a(n) application to the South Carolina Commission on Indigent Defense due to Petitioner's poverty Article 262a. Furthermore, the Court of Appeals could have learned of Petitioner's conflict of interest that was blatant on the record to have reasonably consider the Petitioner's need for a(n) effective assistant of counsel to assist in the defense of Petitioner bringing forth viable claims of Actual Innocence to the Court.

The seriousness of this error did affect the fairness, integrity, and the public reputation of judicial proceedings. For the Petitioner was indigent throughout this entire process and that counsel's failure to provide the best look for an adequate defense to an indigent defendant is in conflict with the decisions of this Court rendered in *Beasley v. State*, 309 S.C. 455, 424 S.E. 2d 503, with the decision reach in this case either decided by the Court of Appeals.

Nonetheless, Counsel of record demonstrated unprofessional norms this Court considers and deems a 'Shock to conscience' because there is no justification to file an intent of appeal without providing

a (w) Anders Brief to inform the South Carolina Court of Appeals notice to withdraw and inform the Court the appeal is so frivolous a determination need not be reached. For these and other and reasons, the Petitioner respectfully request this Honorable Court to grant the Writ of Certiorari.

CONCLUSION

WHEREFORE UPON, the Petitioner request the Court to accept Petitioner's argument and merits and please consider the Petitioner's Pleas to proceed under these instructions when granting Writ of Certiorari.

Date. This Day of April, 2026.
Respectfully submitted,

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