

STATE OF SOUTH CAROLINA
In The Court of Appeals

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

The State,

Respondent,

v. **RECEIVED**

APR 15 2026

SC Court of Appeals

In re Walter A. Worriax,

Petitioner.

WRIT OF CERTIORARI

Walter A. Worriax
SCDC # 304491
Lieber-Corr. Inst
Post Office Box 205
Ridgely, SC 29472
Appellant.

S.C. Attorney General's Office
Rambert C. Dennis BLDG
Post Office Box 11549
Columbia, SC 29211
Respondent.

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QUESTIONS PRESENTED

- I. Whether Petitioner were treated unfairly by acts of invidious discrimination, at all stages of the proceedings, the due process and equal protective clauses protect Petitioner from such acts?

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

STATEMENT OF THE CASE

On February 14, 2025, Petitioner Walter A. Whittaker, was convicted and sentenced for 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, 8E.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 files 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 also indigent Petitioner and his pauper have not been reviewed at the Horry County Public Defender's Office. Petitioner now seeks a writ of Certiorari.

- Whether Petitioner were treated unfairly by acts of invidious discrimination. At all stages of the proceedings the due process and equal protection clauses protect petitioner 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 Petitioner 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 *Griffin v. Illinois*, 351 U.S. 12, 76 S.Ct. 585, 55 S.Ct. 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 discrimination. Accord 14th Amendment, US Const.; S.C. Code Art. 2 § 3 (1895).

DISCUSSED

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 blind 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

reasonable duty to provide and furnish a transcript along with the case files to give petitioner an opportunity to prepare and present his defense for appellate review. This act demonstrates that the opposing party's rights are preserved that errors were made at trial may be prejudiced by a lack of a complete record. In this reviewing a court may be unable to rule on claimed errors. *Colhaus v. U.S.*, CA-5 (Miss.) 1962, 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).

The Appellant contends he did not receive a fair appellate reviewable proceeding in the interest of receiving a fair and efficient administration of justice. Connotes a miscarriage of justice if not treated with deference. Although this Court may find in *Faretta* that the right to defend oneself at trial is "fundamental" in nature, *Faretta v. California*, 422 U.S. 806, 95 S.Ct. 2525, it is clearly established that representation by counsel is the standard, and with 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 now before the Court addressing there is a conflict of interest between Counsel of Record Ralph J. Wilson, Jr., and Petitioner Walter A. Worriax. This contention was visible 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 fair to say no reasonable judge would agree that the Court of Appeals exercised sound discretion.

ARGUMENT

The Petitioner has basic 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 had to conduct a *de novo* jurisdictional inquiry to determine subject-matter jurisdiction and personal jurisdiction as well as entitlement to appeal within the Constitutional dimensions of Petitioner's substantial rights to appeal errors of law abused by discretion in all manner of soundness.

LAW ADD ANALYSIS

Actual innocence, if proved, serves as a gateway through which a petitioner may pass whether the impediment is a procedural bar or the one exception to rule requiring of cause and prejudice to overcome a 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 based 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 it as arbitrary decision based on the factors of Petitioner was indigent and is in poverty, the Petitioner does not own land, auto-mobles, nor any other possessions value over ten thousand dollars (\$10,000.00), and the Petitioner was punished for his Counsel of record actions and inaction.

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 Chambers

Had the Court of Appeals conducted *in 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 Release due to Petitioner's poverty *Strickland* status. Furthermore, the Court of Appeals would 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 assistance 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/or public reputation of judicial proceedings. For the Petitioner was indigent throughout this entire process and that counsel's failure to provide the basic tools for an adequate defense to an indigent defendant is in conflict ^{with} the decision of this Court rendered in *Boley v. State*, 309 S.C. 455, 424 S.E.2d 503, with the decision reached in this case as rendered 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(n) 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 reach. For these actions and inaction, 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 Pleadings to proceed under these instructions when granting Writ of Certiorari:

Done this 09th Day of April, 2026.
Respectfully Submitted,

Walter A. Worriax

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PROOF OF SERVICE

I, Walter A. Worriax, do hereby certify that on this ^{9th} day of April, 2026, served the foregoing upon Melody Jane Brown, Esq., at South Carolina Attorney General's Office, Lambert C. Dennis Building, Post Office Box 11549, Columbia, SC 29211, Clerk Jenny d. Kitchings, of S.C. Court of Appeals, 1015 Sumner Street, Post Office Box 11629, Columbia, SC 29211, and the Clerk of This Court Brenda F. Dresh, Chief Deputy Clerk, at South Carolina Supreme Court, Clerk's Office, 1231 Gervais Street, Post Office Box 11330, Columbia, SC 29211, by depositing a true copy of the same in the internal mailing system at Lieber Correctional Institution.

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