



ALAN WILSON
ATTORNEY GENERAL

March 26, 2026

Marion County Clerk of Court
The Honorable Christy M. Gray
PO Box 295
Marion, SC 29571

Re: **Derrell D. Wiggins, #345961 v. State of South Carolina**
Case No: 2020-CP-33-00156

Dear Ms. Gray:

Enclosed please find the original Order of Dismissal signed by the Honorable Milton G. Kimpson, in the above-captioned cases, for filing in your office.

In addition, please forward proof of service and a time stamped copy back to our office for our file.

Should you need anything additional, please feel free to contact me.

Sincerely,

MacKinnon Westraad
Assistant Attorney General

MW/scc

cc: Derrell Wiggins, Applicant

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case. Applicant refused to do so. Consequently, Respondent moved to dismiss for failure to prosecute.

“For failure of the plaintiff to prosecute or comply with these rules or any order of court, a defendant may move for dismissal of an action or any claim against him.” Rule 41(b), SCRPC. In order to grant a dismissal for failure to prosecute, there must be some showing of indifference to the rights of the defendant. McComas v. Ross, 368 S.C. 59, 62-63, 626 S.E.2d 902, 904 (Ct. App. 2006). The Court must consider four factors before dismissing a case for failure to prosecute: “(1) the plaintiff’s degree of personal responsibility; (2) the amount of prejudice caused the defendant; (3) the presence of drawn out history of deliberately proceeding in a dilatory fashion; and (4) the effectiveness of sanctions less drastic than dismissal.” McComas, 368 S.C. at 63, 626 S.E.2d at 904.

The Court finds Applicant was aware of the scheduled hearing, had time to retain counsel and had time to request a continuance in advance of the hearing, failed to do so, and refused to move forward *pro se*. After filing his PRC application, Applicant has had three previous attorneys, all of whom were relieved by the Court. The Court believes Applicant has acted in a dilatory fashion. As such, there is no purpose to the further expenditure of the State’s scarce resources, or the time and availability of the judiciary. Dismissal is appropriate and evidently desired by the Applicant. Accordingly, Respondent’s motion to dismiss for failure to prosecute is **GRANTED**


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and the application for post-conviction relief is **DISMISSED**.

IT IS THEREFORE ORDERED:

That the Application for Post-Conviction Relief must be denied and dismissed with prejudice.

AND IT IS SO ORDERED this 23 day of March, 2026.


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MILTON G. KIMPSON
Presiding Judge
Twelfth Judicial Circuit

Florence, South Carolina

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