

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

The Honorable R. Ferrell Cothran, Jr., Fifth Circuit Court Judge

Case Nos. Indictment Number: 2014-GS40-724, 1711, 1713

The State,.....Respondent,
v.
ERICK WELLS,.....Appellant.

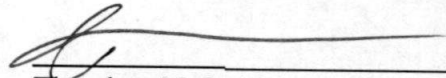
NOTICE OF APPEAL

Erick Wells appeals his conviction in this case. The sentence was imposed by the Honorable R. Ferral Cothran on April 2, 2014.

2014-GS-40-724 - Trafficking Crack (10-28 grams) 2nd - 15 years

2014-GS-40-1711 - Possession Crack 3rd - 10 years, concurrent

2014-GS-40-1713 - Failure to Stop For Blue Light - 3 years, concurrent



Theodore N. Lupton
Attorney for Defendant
1728 Main Street
Columbia, South Carolina 29201
(803) 358-7208

May 4, 2014
Other Counsel of Record:
Assistant Solicitor Daniel Coble
Fifth Circuit Solicitor's Office
1701 Main Street, Ste. 301
Columbia, South Carolina 29201
Attorney for Respondent

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SC Court of Appeals

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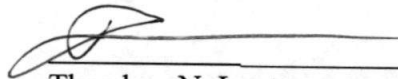
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PROOF OF SERVICE

The undersigned attorney hereby certify that a true copy of the Notice of Intent to Appeal & the Statement of Basis for Appeal from Guilty Plea Pursuant to Rule 203(d)(1)(B) in the above-referenced case has been served upon opposing counsel by delivering same this date to his office at the Fifth Circuit Solicitor's Office, 1701 Main Street, Columbia, SC 29201.



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LUPTON LAW FIRM

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Theodore N. Lupton
Michelle Q. Lupton

May 4, 2014

V. Claire Allen
Deputy Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: State v. Erick Wells; Appellate Case Number 2014-000853

Dear Ms. Allen:

Pursuant to your letter of April 29, 2014, I am enclosing the documents required to perfect the above appeal.

It is my belief, based on my last conversation with Mr. Wells, that his complaints are not matters appropriately addressed on appeal, but rather appropriate for PCR. In fact, in my last conversation with him after sentencing he indicated he intended to skip the appeal and go straight to filing a PCR.

However, since he has filed paperwork captioned as an appeal, I have complied with the Court of Appeals requests to correct the deficiencies of that filing.

Please let me know if there is anything else that you require in this matter.

Sincerely,


Theodore N. Lupton

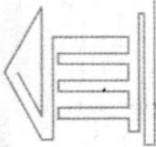
Enclosure

Cc: Assistant Solicitor Daniel Coble
Erick Wells

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LUPTON LAW FIRM

140 Gibson Road
Lexington, SC 29072

COLUMBIA SC 292

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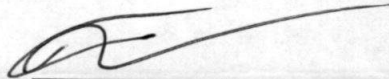
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**STATEMENT OF BASIS FOR APPEAL FROM
GUILTY PLEA PURSUANT TO RULE 203(d)(1)(B)**

The defendant believes that his plea was involuntary and illegal because he received ineffective assistance of counsel. He further believes that the State, by and through its representatives within the Richland County Sheriff's Department and Fifth Circuit Solicitor's Office, violated his rights by unfairly targeting him and by withholding evidence from him. I have explained that these most appropriately handled via Post Conviction Relief (PCR), and he initially indicated he wanted to forgo his appeal, and go straight to PCR review. However, he subsequently attempted to file a pro se appeal. The Court of Appeals has requested my office perfect this appeal within ten day. Based on my client's desire to litigate these issues in the appellate court, I am constrained to file an appeal. Weathers v. State, 319 S.C. 59, 459 SE 2d 838 (1995). Because this was an appointed case, the appeal, if accepted, will be handled by the Office of Appellate Defense.



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