



LUPTON LAW FIRM

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Columbia, SC 29201

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Theodore N. Lupton
Michelle Q. Lupton

May 12, 2014

Erick Wells
Inmate number 00281942
Kirkland R&E
4344 Broad River Road
Columbia, SC 29210

Dear Mr. Wells:

I have enclosed copies of the documents filed with the South Carolina Court of Appeals. These are the same documents included in the May 4th letter that was mailed Monday, May 5, 2014. I have also enclosed a letter from the Court of Appeals concerning your right to file any basis for appeal you wish them to consider.

Please note that in an appeal from a guilty plea, the appellate court does not have to accept the appeal unless there is some basis given that would, if true, represent a legal error in the case that can be seen in the court records. As we discussed, any violation of your rights that would require additional evidence to prove – such as ineffective assistance of counsel or something the prosecutor did wrong – would be addressed during a PCR hearing.

If you believe there is any legal error in this case that would be the basis for an appeal, please send it to the South Carolina Court of Appeals, P.O. Box 11629, Columbia, SC 29211. Please reference the case number: 2014-000853.

Finally, please note that I have moved my office. Please send any future mail to my new address above.

Sincerely,

Theodore N. Lupton

enclosures

RECEIVED

MAY 15 2014

SC Court of Appeals

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.

**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.

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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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
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Columbia, South Carolina 29201
(803) 358-7208

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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.

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

May 4, 2014
Other Counsel of Record:
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Fifth Circuit Solicitor's Office
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Columbia, South Carolina 29201
Attorney for Respondent

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SC Court of Appeals



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
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May 07, 2014

Mr. Theodore Nichols Lupton, Esquire
140 Gibson Rd.
Lexington SC 29072

Re: The State v. Erick Wells
Appellate Case No. 2014-000853

Dear Counsel:

This Court has received your explanation for appealing.

Please forward your explanation to your client, along with a statement that your client has twenty (20) days from the date of your transmittal letter to inform this Court in writing of any arguable basis that there are issues preserved for appeal. Please provide your client with the Court's address:

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Please send your letter to your client within ten (10) days, with a copy to this Court.

RECEIVED

MAY 15 2014

SC Court of Appeals

Very truly yours,

V. Claire Allen, Deputy
CLERK

cc: Daniel McLeod Coble, Esquire
Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire
Robert Michael Dudek, Esquire