

THE SOUTH CAROLINA COURT OF APPEALS.

SHEDRICK WIGFALL, APPELLANT,

V.

EXPLANATION.

THE STATE OF SOUTH CAROLINA, RESPONDENT.

APPELLATE CASE NO. 2015-001190

RECEIVED

SEP 17 2015

SC Court of Appeals

THE APPELLANT HAS ENCLOSED, A COPY OF PROOF OF SERVICE THAT WHEN THE STATE WAS SERVED, THE NOTICE OF APPEAL. AND ALSO ENCLOSED A COPY OF THE ORDER BEING APPEAL.

NOW, THE APPELLANT NEVER FILE A POST CONVICTION RELIEF APPLICATION. APPELLANT FILE DOCUMENTS ARE LABEL AS WRIT OF MANDAMUS AND INJUNCTION AND STATE HABEAS CORPUS. IT WAS FILED ON AUGUST 16TH 2014

AS TO THIS DATE OF APPELLANT EXPLANATION, APPELLANT'S FILING FEE ARE WAIVED. ENCLOSED ALSO IS A COPY OF THE ORDER, WITH FILED DATE 8/31/15, GRANTING APPELLANT TWENTY DAYS OF ENTRY OF THE ORDER APPELLANT RECEIVED ORDER SEPTEMBER 3RD 2015, FROM McCORMACK CORRECTIONAL INST. #2004.

EXPLANATION #1

APPELLANT FIRST ARGUES THE COURT ERRORED BY DETERMINING APPELLANT'S ACTION WAS BARRED BY THE STATUTE OF LIMITATIONS.

APPELLANT HAS A FUNDAMENTAL RIGHT TO BE WAIVED OVER FROM A JUVENILE TO AN ADULT. THIS NEVER HAPPENED IN FEBRUARY OF 1978, BEFORE APPELLANT

PLEAD GUILTY OF THE TTH OF 1978. THE LAW IS CLEAR AND SIMPLE.

APPELLANT "MUST" HAVE BEEN WAIVED OVER FROM A JUVENILE TO ADULT. HERE APPELLANT'S SUPPORTING LAWS. SEE FAMILY COURT RECORDS

RULE 6. (A) (9)

KENT V. UNITED STATES, 86 S.Ct. 1045 (1966)

APPLICATION OF CAULT, 87 S.Ct. 1428 (1967)

PATTON V. TOY, 867 F.Supp. 356 (D.C. 1994)

KEMPLEN V. STATE OF MARYLAND, 428 F.2d 169 (1970)

MILLER V. ALABAMA,

THESE WAIVER PROCEDURES ARE MANDATORY, AND IF THE COURT SEES WHERE THE COMPONENTS WERE MET, THE ONLY THE COURT AND STATE CAN DO

IS TO RELEASE THE APPELLANT, THERE NO STATUTE OF LIMITATION ON THE FIRST ISSUE OR EXPLANATION. THIS IS A SUBJECT MATTER JURISDICTION WHICH CAN BE RAISE AT ANYTIME, EVEN FOR FIRST TIME IN SUPREME COURT OR ANY COURT OF JURISDICTION.

THIS IS WHY THIS DETERMINATION WAS IMPROPER, PURSUANT TO 243 (C) SCACR. APPELLANT MOTION SHOULD BE GRANT. APPEAL SHOULD BE GRANTED, AND RELIEF SOUGHT. STATUTE OF LIMITATION "DO NOT" APPLY IN APPELLANT'S CASE. ALL COURTS HAVE THE INHERENT EQUITABLE POWER TO VACATE JUDGMENT THAT HAS BEEN OBTAINED THROUGH THE COMMISSION OF FRAUD UPON THE COURT. HOWEVER, THE PLAINTIFF ALLEGES THAT A FRAUD WAS COMMITTED AGAINST THE COURT, THERE IS NO SUCH BAR. KEARNEY V. COMM' OF INTERNAL REVENUE, 387 F.2d 689, 691 (7th Cir. 1968)

EXPLANATION #2

APPELLANT SHOULD NOT HAVE BEEN DEALIED DO TO STATUTE OF LIMITATION. SEE TRANSCRIPT Pg 4- LINES -1-7

APPELLANTS HAS A CONSTITUTIONAL RIGHT TO BE APPOINTED COUNSEL. U.S. AND SC. CONST.(S) GIDEON V. WARREN WRIGHT, 372 US. 335 AND ANY OTHER PPELEABLE LAWS.

APPELLANT SHOULD HAVE BEEN AFFORD, A ATTORNEY ONCE DETERMINE THAT, A EVIDENTIARY HEARING WAS REQUIRED. APPEAL SHOULD BE RE-INSTATED/ GRANT APPELLANTS MOTION, OR VACATE SENTENCE AND CONVICTION, AND RELEASE APPELLANT.

MARSTON V. OLIVER, 324 F.Supp 691 (1971)
SWAZO V. WYO DEPT OF CORR. STATE PEN. WARDEN, 23 F.3d 332

APPELLANT WAS NOT ALSO WARNED OF SELF REPRESENTATION, AT HIS
AT THE MARCH-18TH 2015, STATE HABEAS CORPUS HEARING. THIS WAS
WAS ALSO IMPROPER BY THE COURT. THERE IS NO STATUTE OF LIMITATION
ON APPOINTING COUNSEL, AT A 37-YRS OLD STATE HABEAS CORPUS HEARING.
APPELLANT HAD A RIGHT TO COUNSEL, AND WHEN COURT REFUSE TO APPOINT COUNSEL
APPELLANT ALSO HAD A RIGHT TO THE WAIVER OF SELF REPRESENTATION, AFTER
REQUEST SENT TIME TO ~~EDWARDS~~ CLERKS OFFICE, AND AT HEARING MARCH-18TH 2015
THIS DETERMINATION WAS WRONG AND IMPROPER. CONSTITUTION ~~VIOLATED~~
AND SUBJECT MATTER JURISDICTION ISSUES CONSTITUTIONAL RIGHT (SHALL)
NEVER BE VIOLATED. WHEN BE RAISED AT ANY TIME AND BE
RISE TO COURT.

WHEAT V. STATE, 208 SE 2d. 35 (1974)

FEAR V. GRANLEY, 99 F. 3d 255, 258 (7TH Cir. 1996)

SAGER V. MOSS, 907 F. Supp. 1412 (1995)

WILLIAMS V. DARTMOUTH, 44 F. 3d 95, 100 (2ND Cir. 1995)

ROYS V. NORRIS, 60 F. 3d 457 (8TH Cir. 1995)

EXPLANATION #3

COURT ERROR AS TO STATUTE OF LIMITATIONS, ONE APPELLANTS THIRD REASON OF HIS EXPLANATION. WHEREAS, THE APPELLANTS WAS NEVER APPOINTED TWO (2) ATTORNEYS AS REQUIRE IN SCCL STATUTE-16-3-26, WHICH STATES WHEN THE SOLICITOR SERVE AND SEEKS DEATH SENTENCE, THE STATES REQUIRE "MUST" APPOINT TWO (2) ATTORNEYS, THE NOTICE OF INTENTION TO SEEK DEATH PENALTY, WAS DATE - JANUARY-5TH 1978, MY CUELTY WAS ON FEBRUARY-7TH 1978, THIRTY TWO (32) DAYS LATER.

SEE ORDER OF APPOINTMENT OF LEGAL COUNSEL FOR INDIGENT DEFENDANT. AT 3:15 NOV-10TH 1977, A MR. HENRY M. HERLONG JR. A PUBLIC DEFENDER WAS APPOINTED.

THERE WAS "NEVER" ANOTHER ATTORNEY APPOINTED TO APPELLANTS CASE.

AGAIN FEBRUARY-7TH 1978 APPELLANT PLEADED WITH ONE (1) ATTORNEY.
MR. HERLONG HENRY JR.

SC. CODE ANN. 16-3-26 (3) 1976 PROVIDES:

WHENEVER ANY PERSON IS CHARGED WITH MURDER AND THE DEATH PENALTY IS SOUGHT, THE COURT, UPON DETERMINING THAT SUCH PERSON IS UNABLE FINANCIALLY TO RETAIN ADEQUATE

LEGAL COUNSEL; "SHALL" Appoint Two Attorneys
to DEFEND SUCH PERSON IN THE TRIAL OF THE
ACCUSED. ONE OF THE ATTORNEYS SO APPOINTED

"SHALL"

HAVE AT LEAST THREE YEARS EXPERIENCE WITH
ACTUAL TRIAL OF FELONY CASES AND ONLY ONE OF
THE ATTORNEYS SO APPOINTED SHALL BE PUBLIC
DEFENDER OR A MEMBER OF HIS STAFF.

APPELLANT'S RIGHTS TO EFFECTIVE ASSISTANCE OF COUNSEL AS GUARANTEED
BY THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND
SOUTH CAROLINA LAW WAS VIOLATED WHEN THE PLEA COURT AND COUNSELOR
MR. HENRY M. HEALONG FAILED TO OBJECT TO THE COURT GOING FORWARD
WITH ONLY ONE ATTORNEY.

STATE V. DODDMEYER, 371 S.E.2d 993 S.C. 1988

DAVIS V. STEVENS, 326 F.Supp. 1182 (1971)

SEE: TRANSCRIPT Pg. 7 LINES 1-6.

WHERE, MS LOWELL COMMITTED FRAUD UPON THE COURT, WHEN A OPPOSING
LAWYER LIES OR SUBMITS FALSIFIED DOCUMENTS, AS HE IS AN OFFICER
OF THE COURT THIS AMOUNTS TO FRAUD UPON THE COURT AND VIEDES
THE WHOLE PROCEEDING.

PEOPLE V. LAJEC, 88 Ill App.3d 477, 410 N.E.2d 626 (1980)
IN YULLOCH V. UNITED STATES, 763 F.2d 1115 (1985)

SHE LYE COMMITTED PERJURY AND MIS CONSTRUED WIGFALL AUGERMENTS
WIGFALL NEVER HAD TWO (2) ATTORNEYS. THERE NEVER WAS AUGERMENT
IN THE PETITION ABOUT UNQUALIFIED BECAUSE OF THE NUMBER OF CASES.

THIS IS PERJURY AND FRAUD UPON THE COURT.

MIS CONSTRUED AUGERMENT INTENTIONALLY.

MS LOWELL COURTNEY EDWARDS.

OFFICERS OF THE COURT, SHOULDN'T HAVE TO BE TOLD
TO FOLLOW THE LAW.

WHERE THERE IS FRAUD ALLEGED ON OR AGAINST COURT, THERE IS NO SUCH THING.

THERE NO STATUTE OF LAMENTATION, THE DETERMINATION WAS IMPROPER.

APPEAL SHOULD BE RE-INSTATE, AND VACATE SENTENCE.

EXPLANATION #4

THE COURT DETERMINATION WAS IMPROPER FOR THIS REASON.
APPELLANT SHOULD BE RE-STATED AND GRANT RELIEF. THESE ARE CONSTITUTIONAL
RIGHTS, AND SUBJECT MATTER JURISDICTION ISSUE.

SEE 44-23-430.

WHICH STATES: UPON RECEIVING THE REPORT OF THE DESIGNATED
EXAMINERS THE "SHALL" WHICH IS MANDATORY, SET A DATE
FOR AND NOTIFY THE PEARSON AND HIS COUNSEL'S OF A HEARING.

" MISSING TRANSCRIPT "

1. County Plea, TRANSCRIPT - 4r - 1978
2. PRELIMINARY HEARING, TRANSCRIPT - 4r - 1978
3. JUVENILE WAIVER HEARING TRANSCRIPT - 4r 1977
4. 44-23-430 - HEARING TRANSCRIPT OF THE EXAMINATIONS.
No TRANSCRIPT - 4r - 1977
5. No WHERE THERE IS RESPONSE TO EXTENSION FOR MORE TIME.
By - KARL V. DOS ROSEL, M.D.
No GRAND LURY - TRANSCRIPT OR ANY GRAND LURY DOCUMENTS: 4r. 1978

APPELLANT, IN ALL ALLEGATIONS ARE SUPPORTED, BY COURT DOCUMENTS, AND THE CLERK
FILES. THEREFORE RELIEF SHOULD BE GRANTED RELIEF.

EXPLANATION #5

THE COURT DETERMINATION WAS IMPROPER, FOR THIS REASON ALSO. APPELLANT SHOULD BE RE-INSTATED AND GRANTED RELIEF. SUBJECT MATTER TO JUDICIALS, CAN BE RAISED AT ANY TIME. TR. 7-7. LEGS. 7-13

THE PRELIMINARY EXAMINATION, "WAS NOT" CONDUCTED. THE HON. JUDGE, STATED THAT A PRELIMINARY EXAMINATION HAS BEEN GRANTED AND THAT THE CASE "SHOULD NOT" BE SUBMITTED TO GRAND JURY UNTIL THE PRELIMINARY EXAMINATION HAS BEEN HELD.

SEE EXHIBIT - NOTICE TO CLERK OF COURT
AND
SOLICITOR OF JUDICIAL CIRCUIT.

DATE - 1-11-78 HEARING WAS SCHEDULED FOR JANUARY 19TH 1978
AT 2:00 P.M.

SEE STATE V. FUNDERBURK, LEGS 191 SE 2520
NO. 19480

THIS IS WAS NOT BARRED BY THE STATUTE OF LIMITATIONS,
AND WAS IMPROPER. APPELLANT SHOULD BE GRANTED HIS APPEAL,
AND RELIEF SOUGHT.

Tr. Pgs. 1-9

THROUGH THE ENTIRE PROCEEDINGS, THE COURT NEVER
ADDRESS, THESE ISSUES. MARCH-18-2015
STATE HABUES CORPUS HEARING

1. THE JUVENILE WAIVER HEARING.
RULE-6-FAMILY COURT.

2. THE COMPEACENCY HEARING, AFTER THE EVALUATIONS
44-23-430

WHICH IS MANDATORY, AFTER HEARING.

3. THE RECORD SPEAKS FOR IT SELFS, THERE WAS "NEVER"
TWO (2) ATTORNEY AS REQUIRED BY LAW-16-3-26(B)

"WHICH IS MANDATORY BY LAW."

AND THE ONLY REMEDY WHICH CAN BE GRANTED ON
HABUES CORPUS IS RELEASE FROM CUSTODY.

McCALL V. STATE, (1965) 247 SC 15, 145 SE2d 419

APPELLANT HAS SHOWN WITH THIS COURT DETERMINATION, WAS IMPROPER.
MOTION SHOULD BE RE-INSTATED GRANT APPEAL, AND APPELLANT RELEAF.

Shirley W. W. W.

TABLE of AUTHORITIES.

ROPER V. SIMMONS, 5. Ct. 2005

GRAHAM V. FLORIDA,

MILLER V. ALABAMA, 132 S. Ct.

LOUISIANA V. MONTGOMERY,

EDGEFIELD COUNTY
CLERK OF COURT
CHARLES L. REEL

2015 MAR 27 PM 3:13

MARCH - 23 - 2015

PLEASE STAMP AND FILE THIS
AND SERVE ME, A COPY.
FOR MY FILE.

EXHIBIT - A

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS.

EDGEFIELD COUNTY
CLERK OF COURT
CHARLES L. REEL

2015 MAR 27 PM 3:13

APPEAL FROM EDGEFIELD COUNTY
COURT OF COMMON PLEAS

FRANK ADDY JR. CIRCUIT COURT JUDGE

CASE NO. 2014-CP-19-00249

SHERDICK WIGFALL APPELLANT.
SCDC NO. 90323

STATE OF SOUTH CAROLINA RESPONDENT

NOTICE OF APPEAL

SHERDICK WIGFALL APPEALS THE ORDER OF DISMISSAL
OF THE HONORABLE JUDGE FRANK ADDY JR. DATED MARCH 23, 2015
APPELLANT RECEIVED NOTICE OF ENTRY OF THIS ORDER
ON OR ABOUT MARCH 23, 2015
MARCH 25, 2015

COURTNEY E. VONTELL
ASSISTANT ATTORNEY GENERAL

SC ATTORNEY GENERAL'S OFFICE
POST OFFICE BOX 11549, COLUMBIA, SC 29211-1549

Sherdick Wigfall
Sherdick Wigfall 90323
McComack Court 1st.
386 Redemptorist Way

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

EDGEFIELD COUNTY
CLERK OF COURT
CHARLES L. REEL

2015 MAR 27 PM 3:13

APPEAL FROM EDGEFIELD COUNTY
COURT OF COMMON PLEAS

FRANK HOBY JR. CIRCUIT COURT JUDGE

CASE NO. 2014-CP-19-00249

STEDRICK WIGFALL APPELLANT.
SCDC No. 90323

v.
STATE OF SOUTH CAROLINA RESPONDENT.

Proof of Service

I CERTIFY THAT I HAVE SERVED THE NOTICE OF APPEAL ON THE STATE OF SOUTH CAROLINA BY DEPOSITING A COPY OF IT IN THE UNITED STATES MAIL, POSTAGE PREPAID, ON MARCH 25 2015 ADDRESSED TO THE ATTORNEY OF RECORD, AS FOLLOWS.

COURTNEY E. VONFELL
ASSISTANT ATTORNEY GENERAL
SC ATTORNEY GENERAL'S OFFICE
POST OFFICE BOX - 11549
COLUMBIA, SC 29211-1549

STEDRICK WIGFALL
#90323
MCCORMACK COMM. TRST.
386-REDEMPTION WAY
29899

EXHIBIT 3

STATE OF SOUTH CAROLINA)
COUNTY OF EDGEFIELD)
Shedrick Wigfall, #90323,)
Plaintiff,)
vs.)
The State of South Carolina,)
Defendant.)

IN THE COURT OF COMMON PLEAS
IN THE ELEVENTH JUDICIAL CIRCUIT

Civil Action No. 2014-CP-19-00249

ORDER

EDGEFIELD COUNTY
CLERK OF COURT
CHARLES L. REEL
2015 MAR 19 AM 11:50

This matter comes before the Court upon Defendant State of South Carolina's Motion to Dismiss, which was heard Wednesday, March 18, 2015. Present at the hearing was the pro-se Plaintiff and Assistant Attorney General Courtney E. Lowell appearing on behalf of the Defendant.

Plaintiff filed this action on or about August 6, 2014 alleging that (1) he was denied his Sixth and Fourteenth Amendment rights because the Court failed to follow requirements of S.C. Code Ann. Section 16-3-26 and provide Plaintiff with adequate representation; (2) a preliminary hearing was not held prior to the grand jury issuing the indictment; and, (3) there was no hearing on his fitness to stand trial. Through this action, Plaintiff seeks to be released from custody and to have his 1977 armed robbery and murder convictions vacated.

Plaintiff is a prisoner in the custody of the South Carolina Department of Corrections. On or about November 10, 1977, a warrant for armed robbery and murder was issued for the Plaintiff. On November 11, 1977, an "Affidavit and Request for Waiver" and "Motion for Waiver" was filed to have the Plaintiff's case transferred to the Court of General Sessions. The Court issued an order waiving the jurisdiction of the Family Court and allowing the Court of General Sessions to assume jurisdiction over the Plaintiff's case. On November 16, 1977,

ms

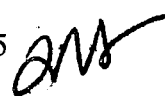
Plaintiff was admitted to the hospital to determine his capacity to stand trial pursuant to Section 32-977 (1962). On December 1, 1977, the Court ordered bail be set at One Hundred Thousand Dollars (\$100,000) and acknowledged that Plaintiff was committed to the state hospital for a fifteen (15) day observation period. In Dr. Doscocil's Report of Finding he found that Plaintiff was *not mentally ill*, that he was capable of understanding the nature of the charges, and able to assist counsel in his own defense. Dr. Doscocil recommended that Plaintiff be returned to the jurisdiction of the court.

On January 11, 1978 the Court demanded a preliminary examination in writing and at least ten (10) days before the convening of the next Court of General Sessions with regard to the Plaintiff's charges of murder and armed robbery. Also, the Court stated the case should not be submitted to the grand jury until the preliminary examination has been held which should take place on January 19, 1978.

Plaintiff was indicted on February 6, 1978 for armed robbery and murder. On or about February 7, 1978, Plaintiff pleaded guilty and was sentenced to life for murder and twenty-five (25) years for armed robbery, both sentences to run concurrently. Plaintiff filed a Post-Conviction Relief ("PCR") Application on November 21, 1990 and a hearing was held on July 15, 1991. At the PCR hearing, the Plaintiff informed the Court that the Plaintiff wished to withdraw his PCR Application. The Court dismissed the PCR application without prejudice.

ANALYSIS

Plaintiff's action is dismissed because this is not a declaratory judgment action, but a collateral attack on his sentencing and the action is barred by the statute of limitations. Plaintiff has also failed to state facts sufficient to constitute a cause of action.



"PCR is a proper avenue of relief *only when the applicant mounts a collateral attack challenging the validity of his conviction or sentence* as authorized by Section 17-27-20(a)." *Al-Shabazz v. State*, 338 S.C. 354, 367, 527 S.E.2d 742, 749 (2000) (emphasis in original). A PCR application filed pursuant to S.C. Code Ann. § 17-27-45(A) (2013), must be filed within one (1) year after the entry of a judgment of conviction or within one (1) year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later. "The character of an action is not necessarily determined by such recitation in the pleadings. Rather, it is the nature of the issues and the remedies which are sought that is determinative." *South Carolina v. Yelsen Land Co.*, 257 S.C. 401, 403, 185 S.E.2d 897, 898 (1972).

Plaintiff seeks to have his guilty plea vacated and to be released from custody. Therefore, the nature of this action is not a Writ for Mandamus, but a collateral attack of his sentence under § 17-27-20(A). The action is barred by the statute of limitations and is completely lacking in merit, and is nothing more than an attempt to circumvent the well-established procedures for challenging a conviction or sentence by direct appeal or post-conviction relief.

Second, Plaintiff failed to state facts sufficient to constitute a cause of action for declaratory judgment requiring dismissal pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure. A trial judge in the civil setting may dismiss a claim when the defendant demonstrates the plaintiff has failed to state facts sufficient to constitute a cause of action in the pleadings filed with the court. Rule 12(b)(6), SCRPC; *see Ashley River Properties I, LLC v. Ashley River Properties II, LLC*, 374 S.C. 271, 277, 648 S.E.2d 295, 298 (Ct. App. 2007); *Williams v. Condon*, 347 S.C. 227, 553 S.E.2d 496 (Ct. App. 2001). Dismissal of a complaint pursuant to Rule 12(b)(6) is appropriate where, as here, the allegations set forth on the face of the

complaint and inferences reasonably deducible therefrom, even when viewed in the light most favorable to the plaintiff, and with every doubt resolved in his behalf, fail to state any valid claim for relief. *Spence v. Spence*, 368 S.C. 106, 116, 628 S.E.2d 869, 874 (2006); *Gentry v. Yonce*, 337 S.C. 1, 5, 522 S.E.2d 137, 139 (1999); *Baird v. Charleston County*, 333 S.C. 519, 511 S.E.2d 69 (1999).

In 1978, Section 16-3-26(B)(1) was enacted and stated:

Whenever any person is charged with murder and the death penalty is sought, the court, upon determining that such person is unable financially to retain adequate legal counsel, shall appoint two attorneys to defend such person in the trial of the action. One of the attorneys so appointed ***shall have at least three years' experience in the actual trial of felony cases***, and only one of the attorneys so appointed shall be the Public Defender or a member of his staff.

S.C. Code Section 16-3-26(B)(1) (emphasis added).

Plaintiff alleges one of his attorneys had only tried one (1) capital case and assisted on two (2) other capital cases, and the *second attorney* had tried only one (1) felony noncapital murder case. He bases his ineffective assistance of counsel argument on the number of cases previously tried by his appointed counsel. This argument is of no merit, as the statute looks to the number of years an attorney has been licensed, not the number of cases that attorney has tried, in determining whether an attorney is qualified to be appointed in a capital case.

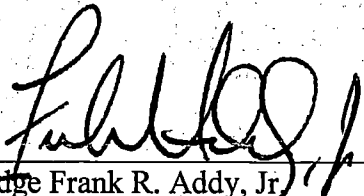
Additionally, Plaintiff asserts that he was not afforded two hearings. He alleges a preliminary hearing was not held ten (10) days before the convening of the next term of court of General Sessions and before the warrant, for armed robbery and murder, was issued by magistrate. Plaintiff was not entitled to a hearing prior to the issuing of a warrant. Moreover, the lack of a hearing was not harmful or prejudicial to the Plaintiff. Plaintiff also alleges that he was entitled to a hearing to determine whether he was fit to stand trial. There was no hearing, but he was admitted to the hospital on November 16, 1977 to determine his capacity to stand trial

pursuant to Section 32-977 (1962). Plaintiff was found not mentally ill, that he was capable of understanding the nature of the charges, and able to assist counsel in his own defense.

Accordingly, it is hereby,

ORDERED for the reasons set forth above, the Defendant's Motion to Dismiss is
GRANTED.

AND IT IS SO ORDERED.



Judge Frank R. Addy, Jr.
Eighth Judicial Circuit

March 19, 2015
Summerville, South Carolina

The South Carolina Court of Appeals

Shedrick Wigfall, Appellant,

v.

The State of South Carolina, Respondent.

Appellate Case No. 2015-001190

EXHIBIT - C

ORDER

This appeal was dismissed on June 30, 2015, due to Appellant's failure to submit the notice of appeal filing fee, proof of service, and a copy of the order being appealed, as required by Rule 203, SCACR. On July 13, 2015, the court received a letter from Appellant, which we construe as a motion to reinstate the appeal, along with a copy of the order being appealed. Because the circuit court construed Appellant's action below as a request for post-conviction relief, Appellant's filing fees are waived. See Rule 240(d), SCACR; Rule 243, SCACR. However, Appellant has yet to provide this court with a proof of service that includes the date on which the State was served with the notice of appeal. Additionally, because the circuit court determined Appellant's action was barred by the statute of limitations, Appellant must provide this court with an explanation as to why this determination was improper, as required by Rule 243(c), SCACR. Appellant shall file these documents within twenty days of entry of this order. Upon receipt of these documents or the expiration of twenty days, this court will consider Appellant's motion to reinstate.


FOR THE COURT

Columbia, South Carolina

FILED
8/3/15

cc: Shedrick Wigfall, #90323
Courtney Edwards Lowell, Esquire

SHERIFF



ADELL DOBEY

EDGEFIELD COUNTY SHERIFF'S OFFICE

200 RAILROAD ST. EDGEFIELD, SC 29824 (803) 637-5337 OR (803) 278-1625, FAX # (803) 637-4016

April 7, 2015

To: Shedrick Wigfall #90323
386 Redemption Way
McCormick Correctional Inst.
McCormick, SC 29899

Re: Records

This is in response to your letter dated March 27, 2015.

These record requests need to come from your Attorney in a RULE 5.

Henry W. Herlong Jr. was your Attorney in 1977.

Attorney visits, family visits, and transfers to Court should be addressed to Edgefield County Jail.
Medical information and Medical visits should go to the Nurse in the jail.

Edgefield County Sheriff's Office

EX-127-1

SHEDRICK WIGFALL, #90323
McCORMICK CORRECTIONAL INSTITUTION
386-REDEMPTION WAY
McCORMICK SC 29899

APPELLATE CASE No.

2015-001190

SOUTH CAROLINA COURT OF APPEALS

JENNY ABBOTT KITCHENS, CLERK

POST OFFICE BOX 11629

COLUMBIA, SOUTH CAROLINA - 29211

RECEIVED

SEP 17 2015

SC Court of Appeals

DEAR HON. CLERK.

PLEASE STAMP CLOCK AND FILE THESE LEGAL
DOCUMENTATIONS AND SERVE A COPY BACK TO ME FOR FILES.

THANK YOU.

Shedrick Wigfall

SEPTEMBER 14 2015

SHEDRECK WELLS, # 90323
McCORMICK CORRECTIONAL INSTITUTION
386- REDEMPTION WAY
McCORMICK, SC 29899

RECEIVED

SEP 17 2015
SC Court of Appeals

SOUTH CAROLINA COURT OF APPEALS

JENNY ABBOTT KETCHING, CLERK

POST OFFICE BOX 11629

COLUMBIA, SOUTH CAROLINA 29211