

(S)

Mr. Wilford Gino Ford
Kirkland Correctional Institution
R+E CENTER, A2-#5
4344 BROAD RIVER RD.
Columbia, SC, 29210

October 08, 2015

RECEIVED
OCT 19 2015
SC Court of Appeals

South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
Post Offices Box 11629
Columbia, S.C. 29211

RE: The State v. Wilford Gino Ford
Appellate Case No. 2015-002006

Dear, Jenny Abbott Kitchings, Clerk

Please take this letter in to consideration and please keep in mind that I, Wilford Gino Ford is acting pro-se in the above matter and would like to inform you once again that at this time I am a South Carolina Department of Corrections inmate under the custody of the SCDC and I am required to abide by all the rules established by this agency. In your letter dated October 02, 2015 I was given (10) ten days to correct the deficiencies that were noted. I did so and in a timely manner, but the agency here has been operating under the state of emergency act since October 02, 2015. The entire institution was completely locked-down until now, and I was not allowed any movement to get what you requested to you until now.

Also at this time I would like to request of you to please send me a checked in copy of everything you have in your file on appellate case no. 2015-002006 so I may add it to my file being that I am acting pro-se in the above matter and the materials in your file is needed to go further with my research.

Also at this time I would like to request from you a letter stating that I am active in the court system and it is to my best interest to have access to the law library at all times do to the fact that I am acting pro-se in this matter and research is a must in order to be prepared to move forward. The agency is now requiring that we obtain a letter from the court stating this.
Thank you so much

Mr. Wilford Gino Ford, SCDC # 241261
Kirkland Correctional Institution
R & E CENTER, A-1-#5
4344 Broad River Rd.
Columbia, SC. 29210

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Jenny Abbott Kitchings, CLERK
Post Office Box 11629
Columbia, South Carolina 29211

RE: THE STATE V. Wilford Gino Ford
Appellate Case No. 2015-002006

Dear, Clerk, Jenny Abbott Kitchings,

Upon receiving your letter today, dated October 02, 2015, stating that I Wilford Gino Ford, PRE-SE in the above captioned matter would like to take this time to inform you that I am a South Carolina Department of Corrections inmate acting PRE-SE in this matter.

As to the fact that this agency has been operating under the State of Emergency Act that our state has been placed under by the Governor of this state since October 02, 2015, and up until this very moment the institution here is still not up and fully running on a normal basis.

The entire institution has been completely locked-down and inmates here at the Reception and Evaluation Center are not allowed any movement at all.

At this time I'm going to do my best to address the deficiencies that noted in your letter. Please keep in mind that I am doing so PRE-SE and without having any access to any of my legal materials, nor to the law library and I have no legal adviser, but I'll move forward and comply to your letter in order to reserve my rights in the Court of Appeals.

IN ORDER TO RESEVER MY RIGHTS IN THE COURT OF APPEALS. I ALSO PRAY THAT BY DOING SO IT WILL RESEVER MY RIGHT TO AMEND TO THIS MATTER IF NEEDED IN THE FUTURE IF NECESSARY.

#1) THE DISTRICT COURT HAS COMMITTED SIGNIFICANT PROCEDURAL ERRORS.:
THE DISTRICT COURT HAS COMMITTE SIGNIFICANT PROCEDURAL ERRORS BY ENHANCING THE CHARGE FROM FORGERY, WITH NO DOLLAR VALUE TO FORGERY, VALUE LESS THAN \$10,000 (ENHANCEMENT PER 16-1-57) (0-10 YEARS). WITHOUT NOTIFYING APPELLATE OF THE ENHANCEMENT WHICH IS BASED ON APPELLATE IMPROPER PRESENTENCE REPORT THAT AT ONE TIME LISTED NUMEROUS PRIOR INCIDENTS THAT HAS BEEN REMOVED LEGALLY FROM APPELLATE SENTENCING REPORT BY WAY OF LEGAL EXSPONGEMENT AND WAS COMPLETED LONG BEFORE THIS MATTER WAS ADDRESSED IN THE COURTS.

IN ADDITION TO THAT, ANYTHING OTHER THAN THE FACT OF PRIOR CONVICTIONS THAT HOLDS NO VALUE, ANY OTHER FACTS THAT WOULD SUPPORT THE INCREASING OF THE PENALTY FOR A CRIME BEYOND THE PRESCRIBED STATUTORY MAXIMUM PENALTY FOR THE ORIGINAL CRIME AND PUNISHMENT MUST BE SUBMITTED TO A JURY, AND PROVED BEYOND A REASONABLE DOUBT.

AND ANOTHER THING THE DISTRICT COURT ERRORED IN DOING WAS WHEN THE DISTRICT COURT WOULD NOT EXCUSE THE IMPROPER PRESENTANCE REPORT LIST NOR WOULD COURT ACKNOWLEDGE LEGALLY CERTIFIED DOCUMENTS THAT CLARIFY WHY APPELLATE REQUESTED THE REMOVAL OF THE IMPROPER PRESENTANCE REPORT AND ALSO SUPPORTS APPELLATE PRECEDURAL SAFEGUARDS ACTS OF THE SOUTH CAROLINA AND THE UNITED STATES CONSTITUTIONS THAT GUARANTEES AND ENSURES THAT ALL SHALL BE AFFORDED ADEQUATE DUE PROCESS PROTECTION. ((SEE COURT TRANSCRIPT TO SEE HOW THESE ISSUES WERE RAISED AND RULED ON IN THE LOWER COURTS)).

THE DISTRICT COURT ALSO ERRORED BY NOT PERMITTING AMPLE TIME FOR APPELLATE TO PERPARE FOR TRIAL. IN ALL CASES AMPEL TIME IS A MUST IN ORDER TO BE SUCCESSFUL IN YOUR ACTIONS AND ITS A REQUIREMENT IN ALL CASES IN A COURT OF LAW. IF APPELLATE WOULD HAVE HAD AMPEL TIME TO PERPARE FOR TRIAL THERES NO DOUBT APPELLATE WOULD HAVE BEEN VICTORIOUS IN THIS CASE.

#2) IN EFFECTIVE ASSISTANCE IN COUNSELING :
COUNSEL WAS NOT SUCCESSFUL AT ALL IN HIS RESEARCH AND INVESTIGATION OF APPELLATE CASE ENTIRELY. APPELLATE MADE NUMEROUS REQUESTS AND INFORMED COUNSEL AS WELL AS INSTRUCTING HIM TO WHAT NEEDED TO BE ACCOMPLISHED IN ORDER TO SUPPORT THE FACT THAT APPELLATE WAS TOTALLY UNAWARE THAT THE CHECK HE RECEIVED FOR WORK DONE WAS WORTHLESS. ((SEE COURT TRANSCRIPT AND STATEMENTS))

ON A NUMBER OF OCCASIONS APPELLATE REQUESTED FOR ADDITIONAL TIME THROUGH COUNSEL TO BE ABLE TO ASSIST COUNSEL IN GATHERING INFORMATION.

OVER ALL AND FOR A NUMBER OF REASONS IN THIS AREA OF THE CASE COUNSEL WOULD OR COULD NOT PREVAIL NOR WAS HE VERY SUCCESSFUL IN DOING WHAT WAS REQUIRED OF HIM FROM THE VERY BEGINNING OR ALL THROUGH THE PROCESS OF PERPARING FOR TRIAL.

IN EVERY CASE THAT GOES TO TRIAL AND EVEN WHEN PLEADING IN SOME CASES, GATHERING INFORMATION AND BRING ALL THE NECESSARY PARTIES AND WITNESSES TOGETHER THAT IS INVOLVED IN THE CASE IS CONSIDERED THE MOST VALUABLES PART OF PERPARING A CASE FOR TRIAL OR A PLEA, AND IF COUNSEL DO NOT OPERATE AND FUCION IN A PROFESSIONAL MANNOR AT ALL TIMES THROUGHOUT THE CASE, THIS ALONE PUT THE APPELLATE IN THE CASE AT A BIG DISADVANTAGE.

ON SEPTEMBER 09, 2015, I RECEIVED A CALL FROM COUNSEL STATING THAT THE DISTRICT COURT HAD SCHEDULED TO HEAR MY CASE IN ABOUT 2 HOURS AND I NEEDED TO BE THERE OR THEY WOULD TRY ME IN MY ABSENCE. PLEASE KEEP IN MIND, I LIVE IN COLUMBIA, S.C. AND COURT IS IN CLARENDON S.C. ABOUT 60 MILES AWAY. I ASKED COUNSEL HOW COULD THIS BE WHEN YOU KNOW WERE NOT READY. HE THEN TOLD ME I HAD ONE OUT OF TWO CHOICES, EITHER I COULD TAKE A PLEA AND THE STATE RECOMMENDED 6 MONTHS OR I COULD TAKE A CHANCE AND GO TO TRIAL AND IF FOUND GUILTY I'D BE LOOKING AT 10 YEARS. THEN HE SAID THAT I MAY AS WELL TAKE THE PLEA BECAUSE I WAS ALREADY GUILTY DO TO THE FACT THAT I TOOK THE CHECK TO THE BANK. AT THAT TIME I WAS VERY NAIVE TO THE FACTS OF THE LAW AND ALSO NOT KNOWING WHAT ELEMENTS IT TAKES TO CONVICTE SOME ONE OF THE CHARGE FORGERY. I PLEAD GUILTY TO THE CHARGE NOT BECAUSE IM GUILTY BUT BECAUSE OF THE CIRCUMSTANCES AT THE TIME. BUT NOW I KNOW BETTER. IN SO MANY WAYS IVE BEEN MIS-USED AND MIS-LEAD AND WOULD LIKE TO HAVE MY CASE HEARD IN A COURT OF LAW.

APPELLATE REQUEST FOR A NEW TRIAL IS SUPPORTED BY THE PRECEDURAL SAFEGUARDS OF THE SOUTH CAROLINA AND THE UNITED STATES CONSTITUTIONS AND IS COMPLETELY IN COMPLIANCE WITH ALL APPLICABLE STATE AND FEDERAL STATUTES, RULES AND REGULATIONS, AND IN A MANNER THAT ENSURES APPELLATE AFFORDED ADEQUATE DUE PROCESS PROTECTION.

THEREFORE, THE DISTRICT COURTS DECISION AND SENTENCING IS NOT SUPPORTED BY A PREPONDERANCE OF ALL THE EVIDENCE AND IS CLEARLY ERRONEOUS. THE RESULTING ERRORS WAS NOT HARMLESS AND SUCH SENTENCE SHOULD NOT HAVE BEEN REQUIRED.

VERY TRULY YOURS,
S/ Wilford Gino Ford
Wilford Gino Ford

COUNTY OF Clarendon
STATE VS.

Wilford Gino Ford

AKA: _____

Race: Black Sex: M Age: 56

DOB: _____ SS#: 2

Address: _____

City, State, Zip: Columbia, SC 29203

DL#: 3325311 SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Forgery, value less than \$10,000 (Enhancement per 16-1-57)(0-10 years)

in violation of § 16-13-0010(A) of the S.C. Code of Laws, bearing CDR Code # 3612

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Anderson, Warren SC Bar# _____ Defendant Wilford Gino Ford Attorney for Defendant Scott J. Pollock SC Bar# 8651

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of 1 days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 3

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ 195.00 plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____
 Set by SCDPPPS: _____ Obtain GED
Attend Voc. Rehab. or Job Corp. _____

Recipient: Blind & Deaf for Senior citizens because Def. Released Spring junior day. May serve W/E beginning _____
Substance Abuse Counseling

*Fine: _____ Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

§ 14-1-206 (Assessments 107.5 %) \$ _____
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
§ 56-5-2995 (DUI Assessment) \$12 \$ _____
§ 56-1-286 (DUI Breath Test) \$25 \$ _____
Proviso 47.9 (Public Def/Prob) \$500 \$ 500.00
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____
§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
Proviso 90.5 (SCCA Surcharge) \$5 \$ 5.00
3% to County (if paid in installments) \$ 18.90
TOTAL \$ 648.90

\$ _____ paid to Public Defender Fund
Other: Probation begins after release from incarceration.

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge Howard P. King
Judge Code: 2107
Sentence Date: 2/10/2015

Clerk of Court/ Deputy Clerk B. Roberts
Court Reporter: Melissa Singleton
SCCA/217 (03/2011)

INDICTMENT/CASE#: 2015-GS-14-0186
A/W#: 2015A1420300010
Date of Offense: 4/9/2015
S.C. Code § : 16-13-0010(A)
CDR Code #: 3612

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SENTENCE SHEET