

APPENDIX

- A.) Copy of Record on Appeal (TRANSCRIPT (257pp), SUPPLEMENTAL APPENDIX (23pp)  
INDICTMENT
- B.) Copy of the Decision of the Court of Appeals on which  
Certiorari is sought (4pp)
- C.) Copy of the Petition for rehearing filed in the Court  
of Appeals and the Court's Ruling on that Petition
- A.) Handwritten (3 pages + Cert of Service) Typed (2pp)
- B.) Court's Ruling on Petition (1pp)



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

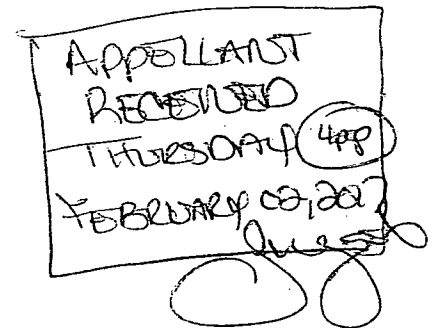
POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

February 1, 2017

Tamarquis Antwain Wingate, 215016  
Lee Correctional Inst.  
990 Wisacky Highway  
Bishopville SC 29010

Mr. Robert Michael Dudek, Esquire  
PO Box 11589  
Columbia SC 29211

Mr. John Benjamin Aplin, Esquire  
PO Box 11549  
Columbia SC 29211



Re: The State v. Tamarquis A. Wingate  
Appellate Case No. 2014-002717

Dear Mr. Wingate and Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

*Jenny Abbott Kitchings*

CLERK

---

cc: Alan McCrory Wilson, Esquire  
The Honorable Donald B. Hocker

---

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

The State, Respondent,

v.

Tamarquis Antwain Wingate, Appellant.

Appellate Case No. 2014-002717

---

Appeal From Florence County  
Donald B. Hocker, Circuit Court Judge

---

Unpublished Opinion No. 2017-UP-064  
Submitted November 1, 2016 – Filed February 1, 2017

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**APPEAL DISMISSED**

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Chief Appellate Defender Robert Michael Dudek, of  
Columbia; and Tamarquis Antwain Wingate, pro se, for  
Appellant.

Attorney General Alan McCrory Wilson and Senior  
Assistant Deputy Attorney General John Benjamin Aplin,  
both of Columbia, for Respondent.

State of South Carolina  
in the Court of Appeals

---

Appeal from Florence County  
Hon. Donald B. Hocker, Cir Court Judge

---

Tamarquis Antwain Wingate,

Appellant,

v.

The State,

Respondent.

Appellate Case No. 2014-002717<sub>3</sub>

---

Petition for Rehearing

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The above named petitioner, respectfully move this Honorable Court for a "Rehearing". The Court of Appeals Dismissed Petitioner's appeal on February 01, 2017. The Court also stated the appeal was "Dismissed after consideration of Appellant's pro se brief and a review pursuant to Anders v. California, 386 U.S. 736 (1967). The Counsel's motion to relieved is granted."

This matter is currently before the court of appeals upon an action of the court that has the effect of dismissing the petitioner's appeal. The court overlooked the petitioner's "Supplemental brief and Appendix"; and the clearly erroneous errors. This "Petition" is necessary to secure and to maintain the uniformity of the court of appeals decisions.

When in fact the decision of the court of appeals is in direct conflict with a prior decision of South Carolina's Supreme Court;

- 1.) State v. Stukes, (Opinion 27633)(May 04, 2016)  
The Court stated: "Therefore, our ruling is effective in this case and those which are pending on Direct Review or are not yet final, but not in Post-Conviction relief" [see. Supplemental Brief p.20]

Also the very fact that in petitioner's appeal, [his] showing of Constitutional Issues are so Directly involved.

The very reason for this "Petition" is that the court of appeals mis-apprehended the facts of this appeal, and perhaps did not allow the correct procedures. a "Discretionary Review" is so needed. The Court of Appeals cannot state that petitioners appeal was manifestly without merit. However, every decision rendered by the Appellate Court, because of the record of the case, should have been stated in writing, so it may be preserved for future endeavors; such as post-conviction.

Petitioner's issues were not considered and it was based on the record. Therefore, the court should grant this "Petition" for rehearing.

When an Appellant in an appeal that's governed by the Ander's procedure files a motion for rehearing, it is proper for the Court to rule on the motion, and such a ruling does not violate the prohibition of hybrid representation or the federal or state right to the assistance of counsel since counsel's motion to be relieved was granted. This request is made in good faith, and not for the purpose of delay.

Wherefore, premises considered, Petitioner hereby respectfully request a rehearing based on the following briefs:

- 1.) Supplemental Brief and Appendix  
A.) filed-Dec 09, 2016
- 2.) Amended Pro Se Brief  
A.) filed-May 19, 2016
- 3.) Appellant's Pro Se Brief  
A.) dated- April 26, 2016

Petitioner forever prays

very truly yours

sign this 14th day of Feb, 2017

/s/



Tamarquis Antwain Wingate  
990 wisacky Highway  
Bishopville, SC 29010

---

**Please Note:** That the original "Petition for rehearing" was hand written, it was a total of (3) pgs including certificate of service, sent to all parties of the referenced appeal. typed on May 13th, 2017.

---

The South Carolina Court of Appeals

The State, Respondent,

v.

Tamarquis Antwain Wingate, Appellant.

Appellate Case No. 2014-002717

PETITIONER RECEIVED TUESDAY (13) APRIL 25, 2017

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

Thomas E. Huff J.

Paul E. Short, Jr. J.

James E. Moor A.J.

Columbia, South Carolina

cc: Tamarquis Antwain Wingate, 215016 Alan McCrory Wilson, Esquire John Benjamin Aplin, Esquire Doris Poulos O'Hara The Honorable Donald B. Hocker

FILED

April 21, 2017



RCVD - 11/07/16 (mon)

## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
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[www.sccourts.org](http://www.sccourts.org)

November 02, 2016 (wed)

Tamarquis Antwain Wingate, 215016  
Lee Correctional Inst.  
990 Wisacky Highway  
Bishopville SC 29010

Mr. Alan McCrory Wilson, Esquire  
PO Box 11549  
Columbia SC 29211-1549

Mr. Robert Michael Dudek, Esquire  
PO Box 11589  
Columbia SC 29211

Mr. John Benjamin Aplin, Esquire  
PO Box 11549  
Columbia SC 29211

Re: The State v. Tamarquis A. Wingate  
Appellate Case No. 2014-002717

Dear Counsel:

Please be advised this case will be submitted to the Court on the record and briefs during the November 2016 term without oral argument.

Very truly yours,

---

*Jaya K. [unclear]*

CLERK

RCVD - T.A. -  
DEC 15 2016 (mon)

The South Carolina Court of Appeals

DUED - 12/14/16 (wed)

The State, Respondent,

v.

Tamarquis Antwain Wingate, Appellant.

Appellate Case No. 2014-002717

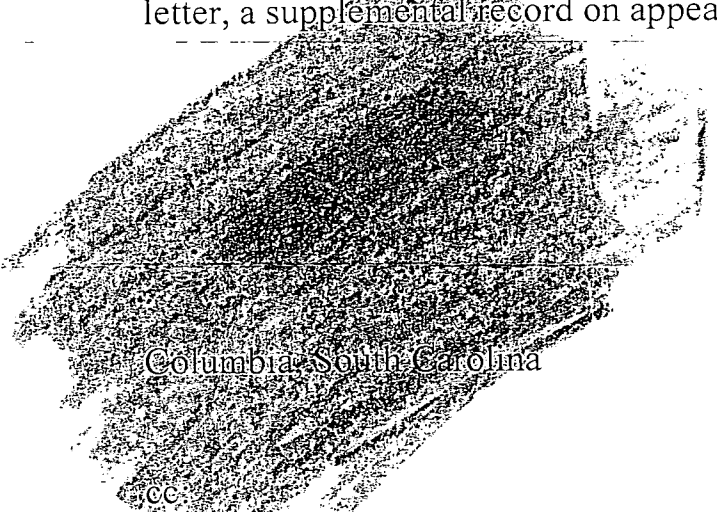
The Honorable Donald B. Hocker  
Florence County  
Trial Court Case No. 2014GS2101378

ORDER

The appellant, Tamarquis Wingate, has filed a motion for leave to supplement the record. Mr. Wingate's motion is granted. Within fifteen days of the date of this letter, a supplemental record on appeal must be filed and served.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK



Columbia, South Carolina

cc  
Tamarquis Antwain Wingate, 215016  
Alan McCrory Wilson, Esquire  
Robert Michael Dudek, Esquire  
John Benjamin Aplin, Esquire

FILED

November 30, 2016  
WED

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM FLORENCE COUNTY  
DONALD B. HOCKER, CIRCUIT COURT JUDGE

TAMARQUIS A. WINGATE

APPELLANT

VS

THE STATE

RESPONDENT

APPELLATE CASE NO: 2014-002717

SUPPLEMENTAL APPENDIX  
TO THE  
RECORD ON APPEAL

Appellant proposes the following to be included in the record on appeal:

- (1) True-Billed indictments
- (2) Entire Trial Transcript (Dec. 09-10, 2014)
- (3) Correspondence (03/30/2016) (12th cir. clerk)
- (3)(b) Verdict Form case no. (2014-GS-21-01378)
- (4) Correspondence (04/05/2016) (Trial Counsel)
- (4)(b) Arrest Warrant [ORIGINAL] #2014A2110200349
- (4)(c) Arrest Warrant [ORIGINAL] #2014A2110200351
- (4)(d) Written Plea Offer [Solicitor] (Aug. 21, 2014)
- (4)(e) Indictments [ORIGINAL] Convened (Aug. 28, 2014)
- (5) FOIA Form sent to 4th Cir. Scott Suggs (clerk)
- (6) Correspondence envelope (Rcv'd from 4th cir) (3/08/1)
- (6)(b) Arrest Warrant (H-092823) (2003) (4th cir)
- (6)(c) True-Billed indictment signed (Aug. 21, 2003)
- (6)(d) Indictment (#03GS16-1589) Convened (Aug. 25, 2003)
- (6)(e) Sentencing sheet (03-Gs-16-1589) (03/20/2006)
- (7) LEGAL PACKAGE (7 PAGES)

I, Certify that this Supplemental Appendix contains no matter which is irrelevant to this Appeal. Since Appellate Review on Direct Appeal is limited to the Record, the burden falls on the defense to ensure that the Record contains everything that it can contain, which may constitute a basis for Appellant Relief. It is the Appellants burden to ensure that a sufficient record is provided.

sign this 1<sup>st</sup> day of Dec, 2016



Mr. Tamarquis Antwain Wingate  
Lee Correc. Inst (FlA-2143(b))  
990 Wisacky Highway  
Bishopville, S. Carolina,  
29010

29010

3/5  
# R.(3)

**CONNIE REEL-SHEARIN**

**Clerk of Court  
180 N. Irby St  
MSC-E  
Florence, SC 29501**

**Date: March 30, 2016**

To: Tamarquis Wingate

**Information Requested:**

I have enclosed copies of all the paperwork you requested except for copies of the warrants. There are no paper warrants on your charges. They were direct indictments, which means the indictment number was used to generate warrant numbers.

---

**Deputy Clerk for General Sessions**

19-15

# R.(3)(b)

STATE OF SOUTH CAROLINA )

COUNTY OF FLORENCE )

State of South Carolina )

vs. )

Tamarquis Antwain Wingate )

Defendant. )

IN THE COURT OF GENERAL SESSIONS  
TWELFTH JUDICIAL CIRCUIT

VERDICT FORM

2014-GS-21-01378

PLEASE ANSWER THE QUESTIONS BELOW:

1) As to the First Count of Indictment No. 2014-GS-21-01378, which charges the Defendant with First Degree Criminal Sexual Conduct with a Minor, (oral sex) we the jury find the Defendant:

GUILTY  
 NOT GUILTY

2) As to the Second Count of Indictment No. 2014-GS-21-01378, which charges the Defendant with First Degree Criminal Sexual Conduct with a Minor, (anal sex) we the jury find the Defendant:

GUILTY  
 NOT GUILTY

CERTIFIED: A TRUE COPY  
*Quirrie S. Jones*  
CLERK OF COURT C.A. & G.S.  
FLORENCE COUNTY, S.C.

*Quirrie S. Jones*  
Foreperson

FLORENCE, South Carolina  
December 10, 2014

# R.(4)

# The Law Office of Daniel T. Jordan, LLC

**Attorney at Law**

265 West Evans Street

Post Office Box 1731

Florence, South Carolina 29503

Daniel T. Jordan, Esq.  
Emily S. Jordan, Esq.  
*Of Counsel*

Telephone: (843) 407-4657  
Facsimile: (843) 665-5511

---

April 5, 2016 (Tuesday)

Tamarquis Wingate, SCDC ID: 00315016  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville, South Carolina 29010

RE: State of South Carolina v. Tamarquis Wingate


Dear Tamarquis:

Pursuant to your request, please find enclosed a copy of your Rule 5 information in regard to the above-captioned matter which was tried the week of December 8, 2014.

Please let my office know if you are in need of any additional information at this time.

With kindest regards, I am,

Sincerely,

  
Daniel T. Jordan

Enclosures

ARREST WARRANT

2014A2110200349

STATE OF SOUTH CAROLINA

County/  Municipality of

Florence

THE STATE  
against

Tamarquis Antwain Wingate

Address:

Sex: M Race: B Height: 5 5 Weight: 130

DL State: SC DL #:           

DOB: 3/4 Agency ORI #: SC0210000

Prosecuting Agency: Florence County Sheriff

Prosecuting Officer: RENEA JENCO

Offense: Sex / Criminal sexual conduct with minor, 3rd degree - Commit/Attempt Lewd act (victim under

Offense Code: 3661

Code/Ordinance Sec: 16-03-06559C)

This warrant is CERTIFIED FOR SERVICE in the  County/  Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:           

RETURN

A copy of this arrest warrant was delivered to defendant Tamarquis Antwain Wingate on 4-14-14

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions Court  
M S C-E 180 North Irby Street  
Florence, SC 295013456

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/  Municipality of

Florence

Personally appeared before me the affiant

being duly sworn deposes and says that defendant RENEA JENCO  
Tamarquis Antwain Wingate

did within this county and state on or about 12/13/2012

State of South Carolina (or ordinance of  County/  Municipality of Florence)

violate the criminal laws of the State of South Carolina in the following particulars:  
DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, 3rd degree - Commit/Attempt Lewd act (victim under 16 yrs & actor over 14 yrs)

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

The def. did commit the CSC 3rd by willfully and lewdly committing lewd and lascivious acts upon the body of a 14 yr. old child victim by fondling the child's penis with his hands and exciting him into an erection. The def. then directed the child to stick his penis inside the def.'s buttocks. The def. placed the child's penis in his mouth and performed oral copulation. The child stated that the incidents occurred more than twenty times from December 13, 2012 through October 1, 2013. A forensic interview on the child was completed at the Care House on 3/28/2014. These incidents took place at 429 River Road Apt. 5 & 716 McElveen St. Pamplico, S.C. both which are located in Florence County. This case has been investigated by the Pamplico Police Department case number 2014-03-0020 and the FCSO case number 2014-03-0647.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/  Municipality of

Florence

Affiant's Address 6719 Friendfield Road

Effingham, SC 29541-

Affiant's Telephone (843)665-2121

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/13/2012

defendant Tamarquis Antwain Wingate

did violate the criminal laws of the State of South Carolina (or ordinance of

County/  Municipality of Florence) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, 3rd degree - Commit/Attempt Lewd act (victim under 16 yrs & actor over 14 yrs)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of his arrest, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 4/11/2014 (Thursday)  
Signature of Issuing Judge            (L.S.)

Behinda B Timmons  
Judge Code: 7065

Judge's Address 6719 Friendfield Rd

Effingham, SC 29541-

Judge's Telephone (843)665-6690

Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518

CERTIFIED TRUE COPY  
CLERK OF SUPERIOR COURT  
FLORENCE COUNTY, S.C.

# K. (4X0)

ARREST WARRANT

2014A2110200351

STATE OF SOUTH CAROLINA

County/  Municipality of

Florence

THE STATE  
against

Tamarquis Antwain Wingate

Address:

Phone: \_\_\_\_\_ SSN: \_\_\_\_\_  
Sex: M Race: B Height: 5 5 Weight: 130

DL State: SC DL #: \_\_\_\_\_

DOB: \_\_\_\_\_ Agency ORI #: SC0210000

Prosecuting Agency: Florence County Sheriff

Prosecuting Officer: RENEA JENCO

Offense: Sex / Criminal sexual conduct with minor, or  
Attempt - victim 11 to 14 yrs of age inclusive -

Offense Code: 0396

Code/Ordinance Sec: 16-03-0655(B)

This warrant is CERTIFIED FOR SERVICE in the  
 County/  Municipality of

is to be arrested and brought before me to be  
dealt with according to the law. The accused to be

(L.S.)

Signature of Judge

Date: \_\_\_\_\_

RETURN

A copy of this arrest warrant was delivered to

defendant Tamarquis Antwain Wingate  
on 4-24-14

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions Court  
M S C-E 180 North Irby Street  
Florence, SC 295013456

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/  Municipality of

Florence

Personally appeared before me the affiant

being duly sworn deposes and says that defendant

did within this county and state on or about 12/13/2012

State of South Carolina (or ordinance of  County/  Municipality of

in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second deg.

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

The def. did commit the CSC 2nd by fondling the 14 yr. old child victims penis with his hands and exciting him into an erection. The def. then directed the child to stick his penis inside the def.'s buttocks. The def. also placed the child's penis in his mouth and performed oral copulation. The child stated that the incidents occurred more than twenty times from December 13, 2012 through October 1, 2013. A forensic interview on the child was completed at the Care House on 3/28/2014. These incidents took place at 429 River Road Apt. 5 & 716 McElveen St. Pamplico, S.C. both which are located in Florence County. This case has been investigated by the Pamplico Police Department case number 2014-03-0020 and the FCSO case number 2014-03-0647.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/  Municipality of

Florence

Affiant's Address 6719 Friedfield Road

Effingham, SC 29541-

Affiant's Telephone (843)665-2121

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/13/2012

defendant Tamarquis Antwain Wingate

did violate the criminal laws of the State of South Carolina (or ordinance of  County/  Municipality of

Florence) as set forth below:  
DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second deg.

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of his execution or as soon thereafter as is practicable

Sworn to and subscribed before me  
on 4/17/2014

Signature of Issuing Judge (L.S.)

Belinda B Timmons

Judge Code: 7065

Judge's Address 6719 Friedfield Rd

Effingham, SC 29541-

Judge's Telephone (843)665-6690

Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 516

CERTIFIED TRUE COPY  
CLERK OF COURTS  
FLORENCE COUNTY, S.C.

# K. (4XC)

# R. (4)(d)

OFFICE OF SOLICITOR  
TWELFTH JUDICIAL CIRCUIT

PLEA OFFER

IN RE: STATE V. [REDACTED]

Dear \_\_\_\_\_:

Your client, [REDACTED], has been charged with the following crimes that have yet to be indicted:

Warrant No.: 2014A2110200349  
Charge: CRIMINAL SEXUAL CONDUCT WITH A MINOR THIRD DEGREE

Warrant No.: 2014A2110200351  
Charge: CRIMINAL SEXUAL CONDUCT WITH A MINOR SECOND DEGREE

Warrant No.: \_\_\_\_\_  
Charge: \_\_\_\_\_

Warrant No.: \_\_\_\_\_  
Charge: \_\_\_\_\_

After a review of this file, we are willing to allow your client to plead as follows:

- As to Charge 1: plead as charged - 15 yrs
- As to Charge 2: plead as charged - 15 yrs concurrent
- As to Charge 3: \_\_\_\_\_
- As to Charge 4: \_\_\_\_\_

Please discuss this offer with your client and advise me at your earliest convenience as to what they are willing to plead to before I prepare an indictment on this case. I look forward to hearing from you soon.

Sincerely,

  
David A. Richardson, Jr.  
Assistant Solicitor

DOCKET APPEARANCE: 8-21-14 - *Morris*

# R.(4)(e)

DJC  
14-750  
PD-

DJ

STATE OF SOUTH CAROLINA )  
COUNTY OF FLORENCE )

INDICTMENT FOR  
CRIMINAL SEXUAL CONDUCT WITH A MINOR  
THIRD DEGREE AND  
CRIMINAL SEXUAL CONDUCT WITH A MINOR  
SECOND DEGREE

At a Court of General Sessions, convened on AUGUST 28, 2014, the Grand Jurors of FLORENCE County present upon their oath:

*Thursday*

**COUNT ONE- CRIMINAL SEXUAL CONDUCT WITH A MINOR THIRD DEGREE**

CDR: 3661 16-03-0655(C)

That [REDACTED] being over fourteen years of age, did in Florence County between the dates of December 13, 2012, and October 1, 2013, willfully and lewdly commit a lewd or lascivious act upon or with the body of a child, less than sixteen (16) years of age, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of said defendant or of the victim, including but not limited to: fondling the child's penis, in violation of Section 16-03-0655(C), S. C. Code of Laws, 1976, as amended.

**COUNT TWO- CRIMINAL SEXUAL CONDUCT WITH A MINOR SECOND DEGREE**

CDR: 0397 16-03-0655(B)

That [REDACTED] did in Florence County, State of South Carolina, between the dates of December 13, 2012, and October 1, 2013, willfully and unlawfully commit the crime of Criminal Sexual Conduct with a Minor in the Second Degree by engaging in sexual battery with a minor who was at least fourteen (14) years of age but who was less than sixteen (16) years of age and the Defendant was in a position of familial, custodial, or official authority to coerce the victim to submit or was older than the victim, in violation of Section 16-3-655(C), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

RECEIVED  
AUG 28 2014  
PUBLIC DEFENDER'S OFFICE  
BY BUR

*E.L. Clements III*

E.L. Clements, III  
TWELFTH CIRCUIT SOLICITOR

# R. (5)

COPY

TO: SCOTT SUGGS  
C/o Clerk of Court  
Post Office Box 1177  
Charleston, SC 29540

Date: 02/18/16

RE: .. { FREEDOM OF INFORMATION ACT REQUEST  
{ TAMARAQIS WINGATE  
{ 03-GS-16-1589

Dear SCOTT SUGGS:

I, TAMARAQIS WINGATE, SCDC  
the below information under the State's  
Act, pursuant to S.C. Code Ann. section  
Please provide to me at the below  
following documents:

request  
tion  
4-165.  
of the

Any "ORDER" or other document(s) under Indictment 03-GS-16-  
1589 MANDATING [I] WAS TO "REGISTER" WITH THE STATE'S  
SEX OFFENDER REGISTRY ACT PURSUANT TO § 23-3-430

The (FOIA) provides for waiver of search and duplication fees,  
where the disclosure of the requested information is in the public  
interest.

I feel this information will contribute significantly to the  
public understanding of treatment provided.

S.C. Code Ann. section 30-4-30 provides for a fifteen (15)  
day response.

I declare under the penalty of perjury that the foregoing is true and  
correct to the best of my understanding and belief.

With kind regards, ..... I'm,

Respectfully entrusted

TAMARAQIS WINGATE #315016  
LEE CORRECTIONAL INST.  
990 WISNERBY HIGHWAY  
Bishopville, SC 29010

ARREST WARRANT

H-092823

STATE OF SOUTH CAROLINA

County/ Municipality of HARTSVILLE

THE STATE against

WINGATE, TAMARQUIS

Address:

Phone: SSN:

Sex: M Race: B Height: 5'05 Weight: 150

DL State:

DOB: Agency ORI#: SC0160200

Prosecuting Agency: POLICE DEPT

Prosecuting Officer: KELLY, WILLIAM

Offense: LEWD ACT ON A MINOR

Offense Code: 2160

Code/Ordinance Sec. 16-15-140

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge (L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to defendant WINGATE, TAMARQUIS

on 5-28-03

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

CARL SALEEBY 133 W CAROLINA AVENUE HARTSVILLE, SC 29550

STATE OF SOUTH CAROLINA County/ Municipality of HARTSVILLE

AFFIDAVIT

Form Approved by S.C. Attorney General July 26, 1990 SCCA 518

Personally appeared before me the affiant KELLY, WILLIAM being duly sworn deposes and says that defendant WINGATE, TAMARQUIS did within this county and state on 05/14/03 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of HARTSVILLE) in the following particulars:

DESCRIPTION OF OFFENSE: LEWD ACT ON A MINOR 16-15-140

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

DET. STAN KELLY STATES THAT THE DEFENDANT DID IN THE CITY OF HARTSVILLE, DARLINGTON COUNTY ON OR ABOUT AUGUST 7, 2002 COMMIT THE OFFENSE OF LEWD ACT ON A MINOR TO WIT: THAT TAMARQUIS WINGATE AN ADULT MALE DID TAKE A MINOR MALE OF 8 YEARS OF AGE, AND DID LAY NUDE WITH THE VICTIM AND PLACED HIS PENIS UPON THE BUTTOCKS OF THE MINOR WITH THE INTENT OF AROUSING OR GRATIFYING THE SEXUAL PLEASURE OF HIMSELF OR SAID MINOR. THIS OFFENSE OCCURRED AT 315 MARLBORO AVENUE. PROBABLE CAUSE IS BASED ON STATEMENTS FROM THE DEFENDANT AND INVESTIGATION.

Sworn to and subscribed before me on MAY 29, 2003

Signature of Affiant: William S. Keef Affiant's Address: 135 W CAROLINA AVENUE HARTSVILLE, SC 29550 Affiant's Telephone: 843 383-3030

Signature of Issuing Judge (L.S.)

STATE OF SOUTH CAROLINA County/ Municipality of HARTSVILLE

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that defendant WINGATE, TAMARQUIS did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of HARTSVILLE) as set forth below:

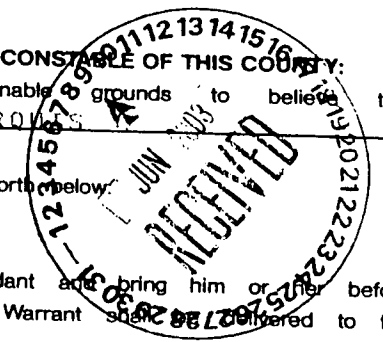
DESCRIPTION OF OFFENSE: LEWD ACT ON A MINOR 16-15-140

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge (L.S.): Judge's Address: 133 W CAROLINA AVENUE HARTSVILLE, SC 29550 Judge's Telephone: 843 383-3000

Judge Code: 001 Issuing Court: Magistrate Municipal Circuit

CARL SALEEBY



# K. (6)(C)

WITNESSES

William Kelly  
Hartsville Pd

*William Kelly*

ARREST WARRANT #:

H092823

Arrested on May 28, 2003

ACTION OF GRAND JURY

**TRUE BILL** AUG 21 2003

Foreman:

*[Signature]*  
Grand Jury

VERDICT

Foreman:

Petit Jury

Date:

DOCKET #: 03GS16-1589

THE STATE OF SOUTH CAROLINA  
County of Darlington

COURT OF GENERAL SESSIONS

Term: August, 2003

THE STATE

vs.

Tamarquis Wingate

I N D I C T M E N T F O R

2468

LEWD ACT/ATTEMPTING OR COMMITTING UPON

A CHILD 16-15-140

# R. (6)(d)

STATE OF SOUTH CAROLINA )  
County of Darlington )

INDICTMENT #03GS16-1589

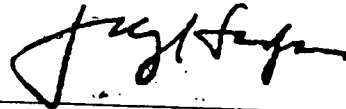
At a Court of General Sessions, convened on August 25, 2003  
the Grand Jurors of Darlington County present upon their oath:

COUNT: LEWD ACT/ATTEMPTING OR COMMITTING UPON  
A CHILD 16-15-140

That Tamarquis Wingate, a person over the age of fourteen (14) years, did  
in Darlington County, on or about May 14, 2003, willfully and lewdly commit or  
attempt to commit a lewd or lascivious act upon or with the body, or any part or  
member thereof, of a child under the age of sixteen (16) years, to wit: Marquis  
Hawkins, 8 years old, with the intent of arousing, appealing to, or gratifying  
the lust or passions or sexual desires of himself or of said child, in violation  
of Section 16-15-140, S.C. Code of Laws.

Against the peace and dignity of the State, and contrary to the statute  
in such cases made and provided.

SOLICITOR: \_\_\_\_\_



# R. (6)(e)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Darlington VS. Jamarquis Wergate  
STATE: Darlington  
AKA: Jamarquis Wergate  
Race: B Sex: M Age:   
DOB:  SS#:   
Address:   
City, State, Zip:   
DL#:  SID#:

03 INDICTMENT/CASE#: 1589  
-GS- 16  
AW#: H09J823  
Date of Offense: 5-14-03  
S.C. Code §: 16-15-140  
CDR Code #: 2141618  
 CASE RESTORED SENTENCE  
 PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: Reid Act / Attempt or Committing  
in violation of § 16-15-140 of the S.C. Code of Laws, bearing CDR Code # 2141618  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  17-25-45

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentation to Grand Jury.  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: [Signature] Solicitor Jamarquis Wergate Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of  days/months/years or  under the Youthful Offender Act not to exceed 1 years and/or to pay a fine of \$ ; provided that upon the service of  days/months/years and/or payment of \$ ; plus costs and assessments as applicable\*; the balance is suspended with probation for  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. 188 days

RESTITUTION:  Heard,  Waived,  Ordered  
Total: \$  plus 20% fee: \$   
Payment Terms:   
 set by SCDPPPS

SPECIAL CONDITIONS:

PTUP  days/hours Public Service Employment  
Obtain GED   
Attend Voc. Rehab. or Job Corp.   
May serve W/E beginning   
Substance Abuse Counseling   
Random Drug/Alcohol Testing   
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$  beginning   
\$  paid to Public Defender Fund  
Other:

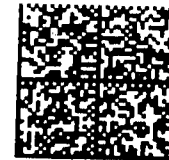
Recipient:   
\*Fine:   
\$14-1-206 (Assessments 107.5%) \$   
\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$   
\$14-1-211(A)(2) (DUI Surcharge) \$100 \$   
\$56-5-2995 (DUI Assessment) \$12 \$   
§ 35.13 (Public Def/Prob) \$500 \$   
\$73.3, 1B TP (Law Enforce. Funding) \$25 \$   
\$33.7, 1B TP (Drug Court Surcharge) \$100 \$   
\$50-21-114(BUI Breath Test Fee) \$50 \$   
\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$   
3% to County (if paid in installments) \$   
TOTAL \$ 128.75

Appointed PD or appointed other counsel, \$35.13 TP Requires \$500 be paid to Clerk during probation.

Tomma Carter  
Clerk of Court/ Deputy Clerk  
Court Reporter: Pamela Carter

PRESIDING JUDGE [Signature]  
Judge Code: 0111511  
Sentence Date: 3/20/04

After Five Days Return To  
**SCOTT B. SUGGS**  
**CLERK OF COURT**  
POST OFFICE BOX 1177  
DARLINGTON, SC 29540



U.S. POSTAGE >>> PITNEY BOWES



ZIP 29532 \$ 000.48<sup>5</sup>  
02 1W  
0001379873 MAR 03 2016

31506

F5-211

**RECEIVED**

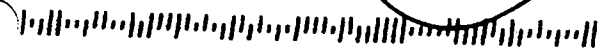
MAR 8 2016

LEE CI MAIL ROOM

Tamarquis Wingate  
Lee C.I. (FSC.211)  
Bishopville, SC 29010

Received  
3/09/16

2901039999



# R.(6)

R. (17) (7 pages)

Pg 1/7



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

Received  
09/09  
Sif, Petty

September 3, 2015

Mr. Tamarquis Antwain Wingate, #315016  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville, SC 29010

Re: Your letter

Dear Mr. Wingate:

I am in receipt of your letter dated August 27, 2015. I will be filing a brief in your case in the South Carolina Court of Appeals in the near future. Everything needed to support the legal arguments I make will be included in the Record on Appeal. Also, your transcripts were sent to you on March 12, 2015. Regarding your inquiry of the number of clients I represented last year, I could only estimate that number to be about seventy-five.

Sincerely,

Robert M. Dudek  
Chief Appellate Defender

RMD/pcm

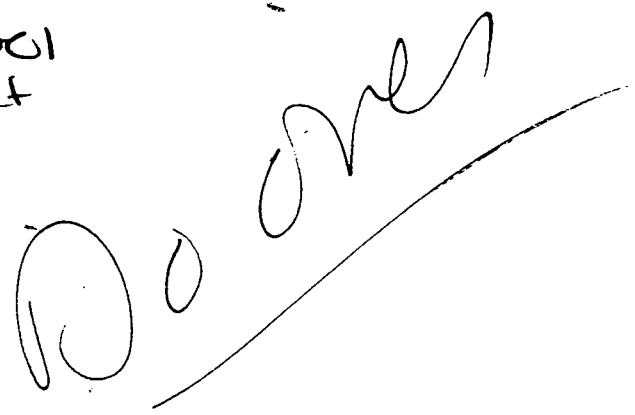
Tamarra Wingate 315016  
LEE Correa. F5A-159  
990 Wisacky Highway  
Bishopville, SC 29010

(Form 643)  
Pg 2/7

October 30, 2015

Mr. Robert M. Duder (Chief Appellate Defender)  
Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, S. Carolina 29201  
oct

RE: ~~your~~ your letter



Dear Mr. Duder

I am in receipt of your letter dated October 23, 2015. I see that you are filing an Anders Brief; you are still my Court-Appointed Attorney, until the Petition to be Relieved is final.

There was a motion for a mistrial on my case when the objections to this prejudicial hearsay testimony were sustained. As well as a number of ~~other~~ <sup>other</sup> errors of law. I will like to talk to you (face to face) in an interview on such matters

I am entitled a <sup>right to</sup> fair procedure and equally, under the fourteenth Amendment see (Anders v. Cal.)

Sincerely  
~~Respectfully Submitted~~

J.A. Wren

cc:



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

Received  
11/10/15  
Pg 3/7

November 3, 2015

Mr. Tamarquis Antwain Wingate, #315016  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville, SC 29010

Re: Your Letter

Dear Mr. Wingate:

I received your letter regarding the Anders brief in your case. If you think there was a proper mistrial motion you can put that in your pro se brief or memorandum to the Court. If you think there were "other errors of law" you can also include that in your pro se brief or memorandum to the Court under the Anders procedure. I did the absolute best with the record I inherited in this case. You should point out potential issues you believe exist in your case to the Court under the Anders procedure, and not to me. I would suggest you follow the Anders procedure with the Court that has been set up for your protection.

Finally, as to the lack of mistrial motion I think this is an issue that will have to be explored later in post-conviction relief. The PCR court will want to know if your attorney had a strategic reason not to move for a mistrial such as (he was satisfied with the jury) in your case. Finally, and again, please follow the Anders procedure with the Court since I have done my best with this record.

Sincerely,

Robert M. Dudek  
Chief Appellate Defender

RMD/blw



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
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Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

March 17, 2016

Mr. Tamarquis Antwain Wingate, #315016  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville, SC 29010

Re: Your Letter

Dear Mr. Wingate:

I received your letter dated March 10, 2016. I am enclosing the documents we have in your file that you requested. Most of the documents you requested are trial level documents. As they are not needed for your appeal, I do not have them in my file. You may wish to contact your trial counsel to obtain these documents.

Sincerely,

Robert M. Dudek  
Chief Appellate Defender

RMD/ssd

NOTICE OF INTENT TO APPEAL  
THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
APPEAL FROM FLORENCE COUNTY  
THE HONORABLE DONALD B. HOCKER, PRESIDING JUDGE

Pg 5/7

NO. 2014-GS-21-01378

The State of South Carolina,  
Respondent.

against

[REDACTED]

Appellant.

2014 DEC 17 PM 3:33  
CLERK OF COURT C.P. & G.S.  
FLORENCE COUNTY, SC

FILED

NOTICE OF INTENT TO APPEAL

[REDACTED] appeals from his conviction of Criminal Sexual Conduct With  
Minor- Victim Under 16 Years of age – Second Degree <sup>(2c73)</sup> and the sentence imposed on December  
10, 2014 in the Court of General Sessions for Florence County, South Carolina.

Daniel T. Jordan  
Assistant Public Defender  
Box N, City-County Complex  
Florence, South Carolina 29501  
(843) 665-3055

Attorney for Appellant

December 17, 2014

*Wednesday*

Other Counsel of Record

David A. Richardson, Jr.  
Assistant Solicitor  
Twelfth Judicial Circuit  
Box Q, City-County Complex  
Florence, South Carolina 29501  
(843) 665-3091

CERTIFIED: A TRUE COPY

*Cornie Hal-Spearia*

CLERK OF COURT C.P. & G.S.  
FLORENCE COUNTY, S.C.

COPY 2  
COPY 1 sent

Pg 6/7

Tamarius Wingle 3501  
FSC. 211 L.A.D  
990 W. Wackerly Hwy 4  
Bville, SC 29010

Robert M. Dudek  
Chief Appellate Defender  
P.O. box 11589  
Columbia, SC 29201-1589  
[RE: 2014-002717]

Date July 7, 2016

Robert Dudek.

In writing this B/c you are  
Currently my Court Appointed Attorney until your  
Petition to be relieved have been granted.  
I've called you numerous of times and its no  
avail no assistance.

I have filed my Pro-se brief as  
well as amended Pro-se & you haven't written  
to me. How can you assure me of my rights if  
can not assist me at all.

The Respondents did not put in  
neither initial or final brief concerning my case  
I want to make sure the Court of Appeals reads  
and decides on my case fair to me. Because of my  
compliance. Also Motion for En Banc?

Respectfully Submitted

July 7<sup>th</sup> / 16

T. Wingle  
3501  
Wackerly Hwy 4  
Bville, SC 29010



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Page 7/7

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11689  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

August 10, 2016

Mr. Tamarquis Antwain Wingate  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville, SC 29010

Re: Your Letter

Dear Mr. Wingate:

I am in receipt of your letter regarding the Anders brief in your case. The state does not file a responsive pleading in an Anders brief or Johnson petition case. If you have sent in your *pro se* brief then you have complied with the Anders procedure. You do not have to send in any *pro se* response in an Anders case. As to your reference to hearing your case *en banc*, that is reserved for rehearing in very few cases and an Anders brief case would not qualify. I trust this addresses your concern.

Sincerely,

Robert M. Dudek  
Chief Appellate Defender

RMD/ssd

STATE OF SOUTH CAROLINA  
In The Court Of Appeals

APPEAL FROM FLORENCE COUNTY  
Donald B. Hocker, Circuit Court Judge

THE STATE,

Respondent,

- - VS - -

TAMARQUIS ANTWAIN WINGATE,

Appellant

APPELLATE CASE NO: 2014-002717

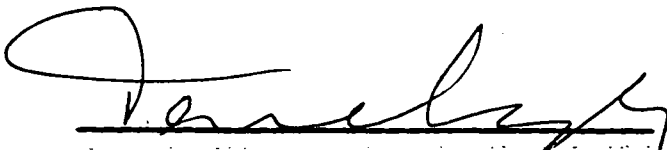
CERTIFICATE OF SERVICE

I, Tamarquis A. Wingate, the appellant in the above appeal; do hereby declare under the penalty of perjury, that on this day, I have served a copy of Appellant's ~~Supplemental Brief & Appendix~~ by placing a copy of same, in prison mailroom officials hands, for depositing the United States Mail, requesting First Class Postage affixed, and addressed as indicated below:

OFFICE OF THE ATTORNEY GENERAL  
State of South Carolina  
P.O. Box 11549  
Columbia, SC. 29211

RESPONDENT

SIGN THIS 2 DAY OF Feb, 2016

  
TAMARQUIS A. WINGATE  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville, SC. 29010