

**SCOTT D. ROBINSON LAW FIRM, LLC**

**ATTORNEY AND COUNSELOR AT LAW**

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January 30, 2018

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**  
FEB 02 2018  
SC Court of Appeals

RE: The State v. Raeford Derrane Wideman  
Appellate Case No. 2017-002470

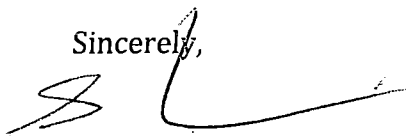
Dear Ms. Kitchings:

I am respectfully requesting an extension of time in which to order the transcript outside of the filing deadlines set by Rule 207 of the South Carolina Appellate Court Rules.

Appellate Defense has not received the Affidavit of Indigency back from Mr. Wideman. I sent Mr. Wideman the Affidavit of Indigency on 12/15/17 to Kirkland with no response. I have sent him a second copy today.

Additionally, on 01/10/18, Mr. Wideman filed a Pro Se Motion For New Trial. I have enclosed a copy for your records.

Sincerely,



Scott D. Robinson (S.C. Bar #65351)

cc:

Paula Murdoch  
Administrative Coordinator, Div. of Appellate Defense  
P.O. Box 11589  
Columbia, SC 29211

✓

FILED-CLERK'S OFFICE  
ANDERSON SC

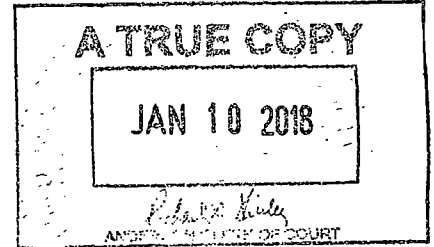
STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF ANDERSON 2018 JAN 10 AM 11:45 ) TENTH JUDICIAL CIRCUIT

THE STATE OF SOUTH CAROLINA )  
COMMON PLEAS AND )  
GENERAL SESSIONS ) INDICTMENT # 2015-GS-04-01 191

VS. )

STATE'S RESPONSE TO DEFENDANT'S  
MOTION FOR NEW TRIAL

RAEFORD DERRANE WIDEMAN,  
DEFENDANT. )



COMES NOW the State of South Carolina, by and through the undersigned, who responds to Defendant's Motion for New Trial pursuant to Rule 29 S.C. R. Crim. P. as follows:

1. On November 16<sup>th</sup>, 2017, this Defendant was convicted of Murder in the above-referenced action in Anderson County.
2. Pursuant to State v. Miller, 337 S.E.2d 883, 287 S.C. 280 (S.C. 1985), "[w]here there is competent evidence to sustain a jury's verdict, the trial judge may not substitute his judgment for that of the jury and overturn that verdict." Id. at 884, 287 S.C. at 283.
3. Competent evidence exists in the record to establish that this Defendant committed these acts with malice aforethought.

The State would therefore request that Defendant's motion be denied.

Respectfully Submitted,

Stan Overby - Bar No. 79870  
Assistant Solicitor  
10<sup>th</sup> Judicial Circuit

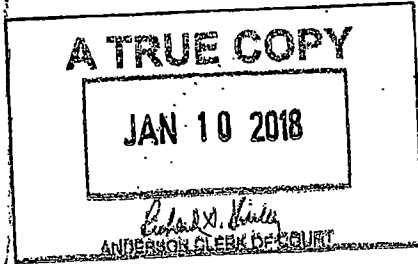
January 10, 2018

STATE OF SOUTH CAROLINA  
County OF ANDERSON

IN THE COURT OF GENERAL  
SESSION OF THE TENTH CIRCUIT

Raeford D Wideman Jr.  
Defendant  
v.

State of South Carolina



COMMON PLEAS AND  
GENERAL SESSIONS

2017 NOV 29 AM 11:00

FILED CLERKS OFFICE  
ANDERSON SC

DECLARATION OF THE DAY  
OF MAILING POST TRIAL  
MOTION FOR NEW TRIAL

I, Raeford D Wideman Jr., Declares:

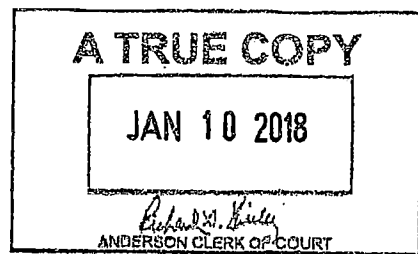
- 1 That on 11/16/17 I was found guilty by juror to an alleged murder charge. On the same day the trial judge for Anderson County had sentenced me to 30 years in prison.
- 2 That I am now incarcerated at Kirkland Correctional Institution in Columbia, SC
- 3 on Thanksgiving Holiday, in which falls on a Thursday, and Friday the Kirkland prison mail room was not opened.
- 4 Every Saturday the prison mail room is not open as well.
- 5 Counting the weekend from 11/17/17 to 11/23/17 will be 7 days
- 6 Because the prison mail room was closed on Thanksgiving Holiday and Friday and Saturday I can not mail the Post Judgement motion for new trial and declaration of day of mailing post trial motion for new trial to this court
- 7 on Monday, 11/27/17 I will give the above documents to prison mail room official so I can send the above documents certified receipt requested.

I declares under a penalty of perjury that my above statement is true and correct. This document had been executed at Kirkland CI

Date

Raeford D Wideman Jr.  
Signature

To: Trial Judge  
100 Main St  
Anderson, SC 29625



From: Rector D Wideman  
Kirkland Correctional Institution  
4344 Broad River Road  
Columbia, SC 29210

RE: STATE vs Wideman Jr. Case # 201505407 -

Post trial Motion for new trial  
Dear Trial Judge:

COMMON PLEAS AND  
CRIMINAL SERVICES

2017 NOV 29 AM 11:00

FILED-CLERK'S OFFICE  
ANDERSON SC

I am writing you regarding my state created right to file a Post trial motion for new trial on the grounds of Insufficiency of evidence. Upon information of belief my counsel, Scott Robinson, did not file under Rule 29 of the South Carolina criminal rules of Procedures. This is ineffective of counsel. To prove this, according to State vs Miller 337 SE 2d 883 (1985) I have a right to challenge the sufficiency of the evidence at a Post trial motion for new trial. There is absolutely no evidence of malice murder at my trial. The state must prove beyond a reasonable doubt the elements of malice murder. For example, At trial all the state witnesses said the victim moved the car. Plus, the victim ethanol level was dangerously high for the movement of the vehical that my sister was in. Again, there is no evidence of malice murder.

This Court should hear this motion because of ineffective assistance of counsel for by passing a substantive and Procedures right under rule 29. there is a reasonable probability that if my trial counsel would have filed a rule 29 Post trial motion of new trial on Insufficiency of evidence this Court would have granted this motion for relief.

STATE OF SOUTH CAROLINA  
County of ANDERSON

Raeferd D Wideman Jr.  
Defendant  
v.

State of South Carolina

IN THE COURT OF GENERAL  
SESSION OF THE TENTH CIRCUIT  
CASE #: 201505407

COMMON PLEAS AND  
GENERAL SESSIONS

2017 NOV 29 AM 11:00

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ANDERSON SC

POST JUDGEMENT MOTION FOR  
NEW TRIAL

A TRUE COPY

JAN 10 2018

*Richard M. Venter*  
ANDERSON CLERK OF COURT

Defendant Raeferd D Wideman Jr. Request this Court under the authority of Rule 29 of the South Carolina Criminal rules of Procedures; And State vs Miller 337 SE 2d 883 (1985) (In Criminal Trial Motion for New trial is only Available Post trial motion of new trial. The Defendant base this motion on the following ground: The state failed to present beyond reasonable doubt the sufficiency of evidence of Malice. The relief im asking this Courts to be acquitted of Malice.

WHEREFORE, The defendant pray that this Court: grant this motion

And Such other and further relief that this Court Seems Just and Proper

Date:

Raeferd D Wideman Jr.

Raeferd D. Wideman Jr.  
Kirkland Correctional Institution  
4344 Broad River Road  
Columbia, SC 29210

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**P.O. Box 10042  
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FEB 02 2018  
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**PITNEY BOWES**  
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