

STATE OF SOUTH CAROLINA |
COUNTY OF MARION |

STATE OF SOUTH CAROLINA |
PLAINTIFF, |

vs. |

DERELL DEWITT WIGGINS, |

DEFENDANT. |

IN THE COURT OF GENERAL SESSIONS
OF THE TWELFTH JUDICIAL CIRCUIT

Docket No. 2018-GS33-00102

RECEIVED
FEB 06 2019
SC Court of Appeals

**AFFIDAVIT ATTENDANT TO APPEAL
FROM A GUILTY PLEA**

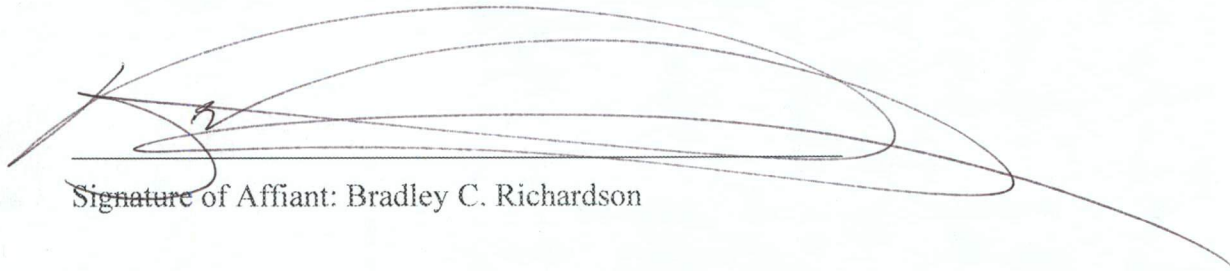
PERSONALLY APPEARED BEFORE ME, Bradley C. Richardson who being duly sworn,
deposes and says:

Per Appellate Rule 203(B)(iv) regarding an appeal from a guilty plea I hereby attest to the following:

- 1- Defendant was charged with Murder (§16-03-0010), Criminal Conspiracy (§16-17-410), Possession of a Weapon During the Commission of a Violent Crime (§16-23-490), Kidnapping (§16-03-0910), Possession of a Firearm with an Obliterated Serial Number (§16-23-0030), Attempted Murder (§16-03-0029) and Criminal Sexual Conduct (§16-03-0652) on or about August 11, 2017.
- 2- Defendant qualified as indigent and for referral to the Twelfth Circuit Office of the Public Defender. Due to a conflict, I was appointed to represent Defendant on or about January 9, 2018.
- 3- Defendant's plea under North Carolina v. Alford was qualified by the Court and accepted on January 25, 2019. Defendant entered a plea to a lesser included offense of Voluntary Manslaughter without recommendation from the State. The State, at the completion of the plea to the aforementioned charge, dismissed the remaining charges. Additionally, plea was held in Florence County General Sessions and Defendant waived jurisdiction for the purpose of the plea.
- 4- The potential sentence for Voluntary Manslaughter, a class A Felony, is punishable by Two (2) to Thirty (30) years, no parole.
- 5- At the January 25, 2019 plea and sentencing, Defendant was sentenced to a sentence of Twenty-Five (25) years with credit for Five Hundred Thirty-Three (533) days by The Honorable Thomas A. Russo.

- 6- During the Plea Judge's qualification, the Defendant was made aware that he has a right to appeal within ten (10) days of accepting the plea in accordance with Appellate Ruel 203 (B)(iv).
- 7- This appeal is tendered solely at the request of Defendant pursuant to Appellate Rule 203 (B)(iv)., as Defense Counsel is not aware of independent legal grounds for appeal.

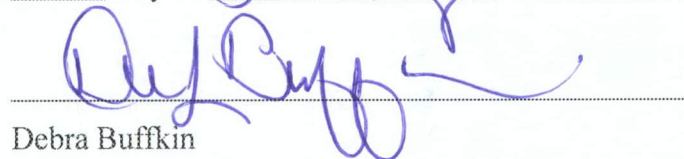
Respectfully Submitted,



Signature of Affiant: Bradley C. Richardson

SWORN AND SUBSCRIBED TO before me this

5th Day of February, 2019



Debra Buffkin

Notary Public for the State of South Carolina

My Commission Expires: 2/6/2023

STATE OF SOUTH CAROLINA

(NC - Alton)
IN THE COURT OF GENERAL SESSIONS

COUNTY OF Marion
STATE VS. Derrell Dewitt Wiggins
AKA:
Race: Black Sex: M Age: 27
DOB: SS#:
Address: 1
City, State, Zip: Marion, SC 29571
DL#: SID#:
*CDL Yes No CMV Yes No Hazmat Yes No

INDICTMENT/CASE#: 2018-GS-33-001
A/W#: 2017A3310100536
Date of Offense: 8/11/2017
S.C. Code § : 16-03-0010; 16-03-0020
CDR Code #: 0116

FILED
2019 JAN 25 PM 3:38
MARION COUNTY SC
CLERK OF COURT

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was TO: Manslaughter / Voluntary manslaughter (2-30)
Convicted of or PLEADS

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

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

ATTEST: Solicitor 102584 Defendant Derrell Wiggins Attorney for Defendant 6805 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 25 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 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 SCDOC.

Credit for 533 days
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 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$ days/hours Public Service Employment
Payment Terms:
Set by SCDPPPS

Table with 3 columns: Description, Amount, Total. Includes items like § 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, § 56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$3.75, TOTAL \$128.75

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Obtain GED Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing

CLERK OF COURT, MARION COUNTY SOUTH CAROLINA
May be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund
Other: ORDER ATU

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.
Presiding Judge Judge Code: 2141 Sentence Date: 1-25-2019

Clerk of Court/ Deputy Clerk E. Rasm
Court Reporter: K. Reed
SCCA/217 (04/2018)