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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appeal From Marion County
Court of General Sessions

Appellate Case # 2019-000175

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FEB 26 2019

SC Court of Appeals

The State,

Respondent,

v.

Derell Dewitt Wiggins.

Appellate.

Appellate Derell Dewitt Wiggins has received a letter from a Bradley Coy Richardson on February 19, 2019 at the Kirkland Correctional Institution mailroom advising me that the court of appeals has given me twenty (20) days from the date of Bradley Coy Richardson transmittal letter to inform the court in writing of any arguable basis that there are issues preserved for appeal, or appeal will be dismissed. Furthermore, I as the appellate Derell Dewitt Wiggins respectfully amend this appeal pursuant to Rule 203 of appellate Rule. I as the appellate raises the following grounds for relief that Bradley Coy Richardson failed to raise:

- (1) Involuntary guilty plea;
- (2) Judicial misconduct;
- (3) Denial of Due Process of 14th Constitutional Amendment
- (4) Denial of effective assistance of counsel

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Facts of the Case

- (1) I as the appellate 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) I as the appellate qualified as indigent and for referral to the Twelfth Circuit Office of the Public Defender, Due to a conflict, Bradley Coy Richardson was appointed to represent appellate on or about January 4, 2018.
- (3) I as the appellate plead under North Carolina v Alford that was qualified by the Court and accepted on January 25, 2019. Appellate entered a plea to a lesser included offense of Voluntary manslaughter without recommendation from the State. The State, at the plea dismissed remaining charges. Additionally appellate plea was held in Florence South Carolina General Sessions and Jurisdiction was waived for the purpose of the plea.
- (4) The potential sentence for Voluntary manslaughter, a Class A Felony, is punishable by (2) two, to thirty (30) years, no parole.

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(5) At the January 25, 2019 Plea and Sentencing, Appellate was sentenced to a sentence of twenty-five (25) years with credit for five hundred thirty-three (533) days credit by a Judge Thomas A Russo.

This appeal followed Plea Counsel's inability to find or identify any grounds to support an appeal.

Grounds in support of appeals in Criminal Cases in the appellate Court sits to review errors of law only. STATE V. WOOD 362 S.C. 520, 525; 608 S.E. 2d 435, 438 (Ct App 2004). A trial Court ruling will not be reversed without or absent an abuse of discretion, or the commission of a legal error that results in prejudice to the defendant. State v McLeod 362 S.C. 73, 79, 606 S.E. 2d 215, 218-19 (Ct App 2004).

In the instant case the record will reflect that I as the appellate at more than one occasions during this plea and prior to sentence being imposed, spoke several times in open court that I did not wish to plead guilty and withdrew the plea audibly several times in open court stating that "I don't want the plea and I would like a jury trial".

The trial court in return stated that, "there will be no trial" and sentenced me to (25) twenty-five years. This is an abuse of discretion

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and rendered appellate plea involuntary and further denied my due process of the law in violation of the 14th U.S. Constitutional Amendment. During the Proceedings at the middle of the Prosecutor J. Ryan White Statement, I left the Courtroom and requested a Jury trial due to the statements he made concerning my case which every single accusation was knowingly false. Prosecutor committed Perjury and Prosecutorial misconduct. While waiting in a cell a Bradley Coy Richardson came and talked with me with several threats. Thirty minutes later I was back in the courtroom, after the Proceedings continued, I and my family spoke in open court along with victims family. During the Proceedings before the sentence was imposed, I informed the Court several times loud and clear that I want a Jury trial. During this the Judge Thomas Russo told me I couldn't have a trial. After this was said I made a second attempt to walk out the courtroom at which time I was physically held restraint by Bradley Coy Richardson and unknown officers in the courtroom which camera will show I was physically forced to take the plea. I was held until the sentence was imposed. I also have proof that I disqualified Bradley Coy Richardson who is not my attorney. I have a 100 issues that can be raised and proof thereof to be shown of the Judicial misconduct of the Twelfth Judicial Circuit since the moment of my arrest. As for now I will just like to

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raise the basis for this appeal and will be more than satisfied to raise any other such.

I was sentenced January 25, 2019 in the Florence County Court to (25) years. However my trial date was supposed to be held in Marion County Court of General Sessions on February 12, 2019. I was denied of that trial which was (2) two weeks later. As of right now I am being kidnapped and held against my will. The Court has ruthlessly deprived me of my liberty.

Furthermore, based on the following appellate response to the Court of Appeals, the foregoing appellate request to be granted a new trial, a change of venue from the Twelfth Judicial Circuit, non-contact with Bradley Coy Richardson, and for the appellate Court to not accept any redacted records and demand full records thereof.

Respectfully submitted,
Derrell Wiggins
Derrell Wiggins #345961

Sworn before me this
22nd day of February, 2019

2019 Beth Mangold
Notary Public

BETH A. MANGOLD

Notary Public, State of South Carolina
My Commission Expires 8/10/2028

My Commission Expires 8/10/2028

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Certificate of Service

I Derrell Wiggins upon the 22nd
day of February, 2019 did send an original
Copy of Arguable basis for appeal to the Persons
Listed Below:

The South Carolina Court of Appeals
Clerk of Court
P.O. Box 11629
Columbia SC 29211

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FEB 26 2019
SC Court of Appeals

by depositing an original copy of two
hand written copies of the document
listed above by prepaid via mail authorized
by mailroom personnel / Notary Public MS.
Beth A Mangold of the Kirkland Correctional
Inst Proscribed by applicable Rule of law.
Please send a clocked stamped copy at your
earliest convenience. Thanks for your cooperation.

Respectfully Submitted,
Derrell Wiggins
Derrell Wiggins
345961

Sworn before me this
22nd day of February, 2019

2019 Beth A Mangold
Notary Public

BETH A. MANGOLD
Notary Public, State of South Carolina
My Commission Expires 8/10/2028

My Commi 55:

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Derrell D Wiggins #345961
Kirkland B & E C-1 64B
4344 Broad Rider Rd
Columbia SC, 29210

Clerk of Court
P.O. Box 11629
Columbia SC, 29211

Re: State of South Carolina.

Respondent,

Derrell D. Wiggins,

V.

appellate.

Appellate # 2019-000175

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Dear Clerk:

FEB 26 2019

SC Court of Appeals

Please find for filing my supplemental
brief in support of Notice of appeal filed
in behalf of I, as the appellate by Mr.
Bradley Coy Richardson on Feb 13, 2019

Feb 22, 2019

Derrell Wiggins
Derrell Wiggins
#345961

Derrell Wiggins #3415961

Mailroom

01-64

Kirkland Correctional Institution

4344 Broad River Road

Columbia, S.C. 29210



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The Court of Appeals
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Columbia SC 29211

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