

July 18, 2013

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JUL 25 2013

Dear Mr. Shanewise

Re: Karen Russell Case No: 2008-CP-40-07960

S.C. SUPREME COURT

I am writing this letter for the Record, and to hold the appellant division accountable for their deliberate failure to respond to any of my attempts at communication. I have sent to the Division of appellate defense, Attn: Robert M Dudek, by way of United States mail, via affidavit of Stakment, on July 1 2013 and notarized. A complete briefed argument with findings of fact and conclusions of law and supporting exhibits of all issues to presented to the South Carolina Supreme Court for this post conviction appeal, Case No: 2008-CP-40-07960. Further, I requested that any issue that appointed counsel concludes is not a valid issues, to please send me law to support said refusal to present said issue. I have also requested that I be consulted with before any motions are filed to the court. I have specifically requested that to prevent any of my valid issues from being procedural barred in Federal Court, because of the appellate defenses failure to raise them in the South Carolina Supreme Court. Therefore, the affidavit of Stakment, included with my brief and this document that Im writing to the South Carolina Supreme Court is to show my due diligence in having all my properly preserved issues presented by the Appellate defense to the Supreme Court for this appeal. Further, any failure of the Appellate defense to do so would be the "cause" and "prejudice" on these procedural bars.

This is why Im concerned about this lack of communication by the Appellate defense, Mr. Robert Dudek. In the brief sent to Mr. Dudek I submitted PER transcript pg# 49, line 1-25 which clearly shows that I did not knowingly and intelligently waive my rights to a direct appeal, and therefore I have requested a belated appeal pursuant to White v. State, supra, and Davis v. State, despire with further hearing and proceed with review of all direct appeal issues.

Further I have challenged the PER courts ruling both in their recognition of established legal standard for determining issues effectiveness, and their conclusion that the entire Record viewed as a whole and cumulative of mitigating evidence presented did not raise a reasonable probability that the result result of the proceeding would have been different, pursuant 28 USC § 2254(C)(1) and reflects an "unreasonable determination" of facts in light of the evidence presented in state court proceedings; and 3 2254 (d)(2) a partial reliance on a erroneous factual finding which further highlights the unreasonableness of the state courts decision.

I have challenged the Plea being involuntary and Unknowing based on the Judicial mitigation of said plea. See per transcript pg# 57, Lines 1 to 11, pg# 67, Lines 8-17, pg# 68, Lines 1 to 17, pg# 69, Lines 1-25 and trial transcript pg# 37, 38, Lines 1-25

I have challenged the lack of factual basis for said plea, See plea transcript, pg# 7, Lines 1-25 PER transcript pg# 73, 74 Lines 1-10, which further show that said plea was unconstitutional. Along with all issues preserved at the PER. Double jeopardy, Jurisdiction, Default Judgment, PER Court abuse of discretion, Post trial due process violations.

So because these issues are briefed with exhibits, findings of facts and conclusions of law I respectfully request to be consulted with before <sup>ANY</sup> action is taken by the Appellant defense, I have also requested for Mr. Dudek to ask for a continuance for proper research of these issues and consultation. Further, because I have provided the PER transcript, trial transcript, and plea transcript it would be clear malfeasance for him to refuse to file said requested issue. My case has been pending for close to ten (10) months and no action has been taken, no attorney has been appointed, no transcript has been ordered. Which further, support my allegations of long post trial delays, due process violations.

Please Stamp date and Return

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