

Dear Ms. Howard,
RECEIVED

MAR 25 2025

RE: Myron Kelley v. State

Appellate case No. 2025-000387

S.C. SUPREME COURT

I've received your correspondence in which you gave Appellant Twenty (20) day to provide requirements and written statement of notice of entry to final order in this case. Appellant is currently presiding within SDC which has created obstacles upon appellant abilities to meet such deadline. Appellant request an extension for time in amount of Thirty (30) additional day to perform these requested obligations. Because he lack access to an computer and must handwrite all these copies per se and obtain these items from counsel for the state.

Appellant wish to have an in person hearing to ensure documentations does not go missing again because state has Appellant within custody (SCDC) which places restraints upon appellant's correspondence which he just received this legal document from mailroom today. The state possess recorded footage of such at McCormick C.I at mailroom. However, the envelope is stamped dated March 20, 2025. Appellant signed and dated it 3-13-2025 the day it reached his hands.

Appellant has been thriving to receive Due Process of Law since his very first per hearing where the state neglected to address all grounds raised at hearing within their order of dismissal/granted related appeal. Because per counsel admitted it was her very first per proceeding.

And refused to preserve ground for further review through an Rule 59(E) motion as required. Which the state's counsel possess evidence of yet is neglecting to acknowledge such Exhibits in Appendix and this per. Furthermore, The ruling of sc. Supreme held in Law Analysis and constitution,

Wherefore, in Case v. State, Supra, State "If Appellant meet his burden he should be given an hearing regardless of Successiveness...." Appellant has carried his burden across the thresh hold of Justice, to rest at the feet of the constitution through a preponderance of evidence.

2) Appellant indicate the date he receive notice of entry of the final order in this case was February 23, 2024. However, Appellant pray the court will allow appellant reasons^{to} sustain the record where SCDC had Appellant placed in solitary confinement and all appellant's property were held for over six (6) months which appellant has proof of through Challenges of grievances and SCDC form 192 "Inmate Inventory sheet" dated March 06, 2024 and September 24, 2024 which deprived appellant of the opportunity to file this writ of Certiorari because Legal property was also held by the state employee's of SCDC. Where Appellant is thriven to gather these for the court to provide his action were not of intention, but by force of Respondent's bias oppression.

Appellant is raising a Subject matter Jurisdictional Issue here And show that Counsel was deficient for failure to inform claim of such And nevertheless Prejudice by not Challenging such meritorious Issue.

Wherefore Respondent's actions proclaim to provoke a cover up for their failures and procedural violations committed designedly so now Respondent's quote statute of Limitation to evade addressing Sc Code Ann. § 27-27-80 and § 27-27-260(B) which Appellant is raising because of his entitlement to a "fair bite" at the apple, which the record amend appellant facts as the exhibits that was attached to writ of Certiorari. Per counsel letters addressed to Appellant Myron Kelley possess an prejudicial proclamation to Sixth (6th) Amend rights violations - *Robertson v. State*, 795 S.E.2d 29, 36 (2016).

Per counsel mention Appellant wanted witnesses which ^{she} must have call being she was representing him so appellant had to rely on Per counsel and she fail to honor appellant wish so no evidence was educed.

And appellant condorly does not have an proof of service because SCDC utilized inter departmental mail for the state Respondent's. If allowed 25 minutes in open court or video appellant will provide meritorious proof through order of Mail documents keep by Respondent's. of Respondent's malarkey methodic prohibiting appellant attempts.

Three Reasons

Furthermore, Plea Counsel admitted under oath that he believed that motions of file, dated February 25th, 2009 could've been granted and that he filed a motion on the face of client indictment because counsel perceived an error. See, Appendix pg. 61 Line 7-Line 15, & pg. 67 Line 3-Line 16

Counsel obligations per the constitution is to ensure his representation provide protection from any unconstitutional deprivations tried by the prosecution and bring these violations to the courts attention. For the Law is intended to protect the rights of all citizens not to invoke Justice by/hor off emotional base judgments. But the merited Facts basis of Law, held by the (state) constitution.

Counsel testimony at per hearing should have been honored in Myron - Favor claims to Ineffective assistance of counsel, Due process of Law & No Indictment, & Subject matter Jurisdiction.

Counsel revealed there was no deal for mandatory sentencing & that sentence was left in the hands of Judge Thomas G. Cooper." Appendix page 65 Line 2 - Line 22 which gave merit to Myron claims that counsel was deficient on advice to client and created prejudice when client less a deprivation of all four criminal constitutional rights through process of such proceeding. - State v. Tressdale, 278 S.C. 368, 370, 296 S.E.2d 528, 529 (1982) ("Appellant here entered a conditional plea which is a practice not recognized in South Carolina and a practice which we expressly disapprove.... [A] guilty plea constitutes waiver of all prior claims of constitutional rights or deprivations thereof.")

However, the supreme court has ruled that "LACK of Subject Matter Jurisdiction over a criminal case may not be waived, even by consent of the parties and should be taken notice of by Appellate court." - State v. Tuttle, 572 S.E.2d 309, waiver of objection criminal key 51.

Which give special Attention to Myron challenge to first per application claim of Subject Matter Jurisdiction where during hear he raised that the court of General Session Lacked Jurisdiction to hear or accept his guilty plea pursuant to S.C. constitution Article V, § 4. see State v. Patterson, 273 S.C. 361, 256 S.E.2d 417 (1979) and Holbrook, 274 S.C. 4, 268 S.E.2d 181. (1979).

Because In Washington, Jr., v State, July 05, 2013 WL 4340460, Ineffective assistance of counsel claim (Citing) "the SC Court of Appeals did not consider the merits of the... issue because it was not preserved by trial counsel." Id. at 469, 475, 746 S.E.2d at 43, 47. Accordingly, the Supreme court found "an examination of the merits of the Issue IS appropriate in analyzing the prejudice prong in [the] PCR claim." Id. at 475, 746 S.E.2d at 47,

counsel quoted he met with his client 3 or 4 times before trial date. - Bardner v. State, 25 S.E.2d , "Defendant guilty plea was neither voluntary nor knowingly.... Defendant did not fully understand nature of the constitutional rights being waived in that met with his Attorney only twice for approximately 20 minutes each time."

Counsel admittance that he failure to provide the necessary information for filing a notice of appeal, and failed to file a notice of appeal ~~through~~ Client asked constitutes Ineffective Assistance of Counsel" - (citing) Lewis v. State, June 24, 2023 WL 3957479.

And In Jones v. State, June 21, 2023, 2023 WL 4088065, States, However, "EAJ violation found to be unconstitutional, after time for appeal lapsed is not a direct Appeal Issue and is not barred from PCR consideration." Tribbian v. State, 329 S.C. 37, 41, 495 S.E.2d 428 (1998). In a PCR proceeding, an Applicant collaterally attacks his conviction and may raise any claims of constitutional violations relating to his conviction." Williams v. Ozmint, 308 S.C. 473, 477, 471 S.E.2d 600, 601 (2008).

An Applicant may still challenge the Subject Matter Jurisdiction of the trial court, and such a claim is one that may be raised at any time. See Brown v. State, 343 S.C. 342, 540 S.E.2d 846 (2001)

For as you notice Appellant utilize this paper to respond because of such discrimination by SCDC. And to prove we all make mistakes However, not all are mature enough to admit this.

I pray this Court find favor in appellant answer to the (3) three requirements requested.

Thank you

Respectfully

submitted

I AM.

Myron D. Kelley

03/29/2025

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