

Kashawn A. Shell

September 15, 2025

Ground one.

Petitioner's 6th and 14th Amendment Rights were violated because I did not receive Effective Assistance of Counsel.

### Facts supporting Ground one

1. Attorney's Failed to, investigate, locate, and interview witnesses or others
2. Attorney's Failed to obtain witnesses to testify in court.
3. Attorney's Failed to obtain witnesses statements
4. Attorney's Failed to review evidence with Applicant, before court.
5. Attorney's Failed to get client a second evaluation through the Department of Mental Health and the Department of Disability and special Needs, along with a criminal responsibility evaluation.
6. Attorney's Failed to object to Judge question.
7. Attorney's promised 10 years.
8. Counsel of my Choice / Not Advised to switch lawyers.
9. Prejudice
- ~~10. Promised 10 years~~

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S.C. SUPREME COURT

Failure to interview witnesses, September 15, 2025

Counsel Jason Chehoski stated at the PCR hearing, he pushed back against this because he felt the Applicant was not being truthful. I told Counsel Jason Chehoski my witnesses name and I wrote their names down on paper along with their addresses. I also told Counsel Aimee Zmroczek my witnesses name. Dalton v. State 376 S.C. 130 654 S.E.2d 870 (2007) Synopsis Background: Defendant, who pleaded guilty to second-degree criminal sexual conduct with minor and lewd act on a minor, moved for postconviction relief. The Circuit Court, Spartanburg County, Roger L. Couch, J., granted application for relief after finding plea was involuntary due to counsel's failure to interview witnesses. State petitioned for review. Also Mr. Chehoski, and Ms. Zmroczek did not get their statements, and get them to testify in court.

## Disclosure of Evidence.

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Both counsel, Jason Chelowski, and Aimee Zmacek failed to review evidence with Applicant before trial

court. The evidence they failed to show was, Photo, gun, tape recording or written statements, and DNA test result, during Richland County, and Lexington County.

Riddle v. OZmint 369 S.C. 396 31 S.E.2d 70 (2006)

Holdings: 1 Solicitor's failure to disclose impeachment evidence constituted Brady violation. State v. Proctor 348 S.C. 322 559 S.E.2d 318 (2001) Defendant was convicted in the circuit court, Charleston County, Charles W. Whetstone, Jr., J., of four counts of first degree criminal sexual conduct and one count of first degree burglary. Defendant appealed. The court of Appeals, Anderson, J., held that (1) the state was required to disclose the proficiency test results of the DNA analyst who analyzed defendant's DNA in connection with the rapes of victim, and (2) evidence supported finding that defendant was competent to stand trial for rape and burglary. Affirmed in part and remanded.

Failure to get Additional competency evaluation. September 15, 2025

In Appendix case No. 2024-001887, Mr. Zelenka asked Counsel Jason Chehoski, did you consider seeking a second evaluation? Counsel Chehoski replied, I did not, after reading the report and the details, I did not feel that a second report would yield any different results. Counsel Jason Chehoski also stated in case No. 2020-CP-32-03906, he received the 2019 evaluation (State Exhibit 1) and reviewed it with the Applicant and gave him a copy on May 17, 2019. Upon his review of the report, he did not request a second evaluation. It can't be both, either I didn't request a second evaluation or Mr. Chehoski didn't feel a second report would yield any different results. *Ruben v. State* 419 S.C. 14 795 S.E.2d 841 (2017) The supreme court, Hearn J., held that: Plea Counsel's failure to request additional competency evaluation amounted to deficient performance, and 2 defendant was prejudiced. Affirmed in part, reversed in part, and remanded. Pleicones, Acting J., filed dissenting opinion. I, Kashawn Shell never knew anything about a second evaluation, both Mr. Chehoski and Ms. Zmroczek never told me.

Failure to object.

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Counsel Jason Chehoski, and Aimee Zmroczek failed to object to, Judge Honorable Frank Addy, when he knew I was heavily medicated. The Judge asked me what I'm taking? And I told him, Haldol, and Zyprexa but instead he still let me proceed with the case. Also Counsel Chehoski, and Counsel Zmroczek did a Guilty plea checklist and on number 18, both lied and checked, ~~Based upon~~ I am satisfied that at the time I advised the defendant of his rights he was not under the influence of alcohol or drugs. Both lied about me being under drugs. *Sell v. U.S.* 539 U.S. 166 123 S.Ct. 2174 188 A.L.R. Fed. 679 (2003) *Sell* basically talks about the Government can give people involuntarily antipsychotic drugs to a mentally ill defendant facing serious criminal charges in order to render that defendant competent to stand trial, but only if the treatment is medically appropriate, is substantially unlikely to have side effects that may undermine the fairness of the trial. It also says, assuming that defendant was not dangerous to himself or others, he could not be ordered involuntarily to take antipsychotic drugs solely to render him competent to stand trial without consideration of important questions. Vacated and remanded. Justice Scalia filed dissenting opinion in which Justice O'Connor and Thomas joined.

Promised 10 years.

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Both Counsel Jason Chehoski, and Aimee Zmroczek lied to me, when we went to court in November 20, 2019. Mr. Chehoski, and Ms. Zmroczek was in a room and gave me two papers to sign, knowing I ~~couldn't~~<sup>couldn't</sup> read. They both told me I was getting 10 years which means I would have to do eight and a half years. The only way I can prove this is to take a polygraph and I know it's not admissible in court but my truth can lead into a investigation with both Counsel Jason Chehoski, and Aimee Zmroczek.

Counsel of my Choice Violated, September 15, 2025

Both Counsel's Jason Chehoski, and Aimee Zmroczek or anybody, did not advise me of the right to switch lawyers. U.S. v. Gonzalez-Lopez 548 U.S. 140 126 S.Ct. 2557 165 L.Ed.2d 409 (2006) Holdings: The Supreme Court, Justice Scalia, held that: Where defendant's Sixth Amendment right to counsel of his choice was violated because the disqualification of his chosen counsel was erroneous, no additional showing of prejudice was required to make the violation complete, and 2 trial court's erroneous deprivation of defendant's Sixth Amendment right to choice of counsel entitled him to reversal of his conviction, as error qualified as a "structural error" not subject to review for harmlessness. Affirmed and remanded. Justice Alito filed dissenting opinion in which Chief Justice Roberts, and Justices Kennedy and Thomas joined.

# Prejudice

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In Appellate Case No. 2024-001887, Appendix, page 35, Ms. Patterson, Assistant State Attorney stated at court in November 20, 2019, when they were arrested on December 11th, they were outside of a Red Roof Inn. At the PCR hearing on December 18, 2023, in my Appendix page 121, Mr. Zelenka asked, Ms. Aimee Zmorczek, did your client admit to you that when he got to the Red Roof Inn, he had knocked on the victim's door twice? Ms. Zmorczek responded, yes. I Kashawn Shell never told Ms. Zmorczek I knocked on the victim's door. As you can see, Ms. Patterson stated they were outside of a Red Roof Inn. Ms. Aimee Zmorczek, was being prejudice.

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Supreme court of south carolina  
P.O. Box 11330  
Columbia, S.C. 29211

LEGAL MAIL

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