



RECEIVED

NOV 18 2016

The Supreme Court of South Carolina ^{SC Court of Appeals}

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

November 17, 2016

J.M. Long, III, Esquire
Office of the Horry County Public Defender
203 Laurel Street
Conway, SC 29526

Re: The State v. Nelson Castro
Appellate Case No. 2016-002159
Lower Court Case No. 2010GS2600445

Dear Counsel:

As you know, the above appeal is pending before the South Carolina Court of Appeals. Further, the records of the Court of Appeals reflect that you are appellant's counsel of record in the appeal.

Enclosed is correspondence received from your client. To the extent he may be seeking any relief from this Court, no action will be taken on it since you currently represent him. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

To the extent that he may be trying to seek relief based on a claim that you were ineffective at the resentencing, that is a matter that most likely will need to be raised in an application for post-conviction relief once the above appeal is resolved. Rule 71.7(b) of the South Carolina Rules of Civil Procedure ("An application for post-conviction relief cannot be made while an appeal from the

conviction or sentence is pending or during the time in which an appeal may be perfected.").

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

Enclosure

cc: Robert Michael Dudek, Esquire (with enclosure)
John Benjamin Aplin, Esquire (with enclosure)
The Honorable Jenny Abbott Kitchings (with enclosure)

To all the judges of the South Carolina Supreme Court
My name is Nelson H. Castro. SCDC# 340257. I'm writing you
in regard case #2010ES7600445. I was granted PCR Relief
and my case reversed and remanded to the circuit court for
resentencing by the South Carolina Supreme Court on July 20th
2016. My concern is that I was not properly represented by
my attorney. He told me that the procedures used to reverse my
case by the supreme court were federal procedures and that the
state does not have to follow those procedures and so that
we won the appeal for resentencing but we did not win nothing.
He also told me that the judge was going to resentence me to 18 years
instead of 15 years. I was resentenced to the same 15 years on
October 13, 2016. Because I had exercised my right to a jury trial
and my lawyer did not argue that my sentence should be considered.
My lawyer did not argue the fact that two co-defendants were
arrested and originally indicted for trafficking for the same
transaction as me and were allowed to plead to a lesser offense
and received sentences of 3 and 2 years.

I know that what I did was wrong but I have learned
my lesson, I learned my lesson long time ago. I have served
6 years and 9 months for 3 ounces of cocaine first offense.
All I have on my record is a simple possession of marijuana that's all
and I have a son that I have not met yet, I need to go home and
take care of him, he is my only son and it kills me that he is
growing up without a father. I have never be home from pris.
I have never been giving a second chance to do right. Also once
I get release I will be deported back to my country and

I will have to start all over again but I will work hard
to have a simple and normal life and take care of my son
I'm asking you for help because I know that you are the
one that can help me out. When I went back for resentencing
I was released from Lee Correctional Institution maximum security facility
and I couldn't take anything with me so I lost everything
I had and now I'm having to go through P & E again
so I feel like I'm being punished instead of getting relief.
My mom prays for me all the time, she loves me so much, she thought
I was coming home my son though! I was coming home, I thought
I was going. You have no idea how hard it is to think you are
going home and instead go back to the beginning. My mom has
been crying ever since, all she wants to do is see me before she dies
and father he is almost 70 years old he loves me so much and
all he wants is to see me free before he dies. I know that I deserve
to be punished for what I have done but the time I have served
I believe is enough time for 3 ounces first offense and
more than enough time for me to know better not to do it again.
I used to always work for a living until I started hanging
out with the wrong people. This is the only wrong I have done
in my life and I deeply regret it I really do regret it!
I ask you please reconsider my case if there is anyway
that I can get parole or probation I'll take it because
I need to go home with my family and take care of my
son. I'm sorry for taking your time. Thank you and
I hope that I hear from you. Sincerely, Nelson Castro

RECEIVED

NOV 14 2016

S. C. SUPREME COURT