

Adrian Patrokele Nero, #3099115  
Kirkland Correctional Institution  
Dorm: A1-51  
4344 Broad River Road  
Columbia, South Carolina 29210

January 1, 2019

Ms. Jennifer Abbott-Kitchens  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211-1629  
Re: The State v. Adrian Patrokele Nero  
Appellate Case No. 2018-009154

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JAN 08 2019

SC Court of Appeals

Ms. Abbotts-Kitchens,

I'm writing to inform you that I just received notice as of 12/31/18 that my former defense lawyer, Ms. Emily Merrill Crayton filed for my appeal on 12/21/18, and I just now getting it. I've never had to do my own litigating by submitting the issues I want to raise on appeal within 20 day from her letter dated 12/21/18. Isn't this my appointed appellate defense counsel's position to do so?? Besides here at Kirkland Reception and Evaluation Center, no intake inmate has the law library to be accessed unless there is a 30 day or less deadline. Even if you held me responsible to submitting my issues to be raised, we are on institution "lockdown", so it would be near impossible to meet the 20 day deadline. But I will do my best possible, please? Respond in kind.

Sincerely Submitted,

Sworn to and subscribed before this Appeal  
day of January 4<sup>th</sup>, 2019

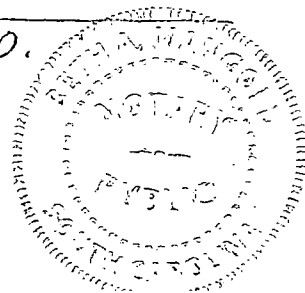
Adrian P. Nero.

B.A. Mangold (L.S.)  
Notary Public

My Commission Expires: My Commission Expires 8/10/2028

BETH A. MANGOLD

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



11A

In violation of Applicant's Constitutional Rights - both Federal and State: U.S.C.A. VI - Ineffective Assistance of Counsel. S.C. Const. Art. I §14 respectively. Strickland v. Washington (1984) Attorney representation fell below professional norms because she failure to Investigate the case fully, being that I never got my preliminary Hearing, IFSD she would have known that the warrants were in violation of Dismissal of Charges with the fact that solicitor failed to indict. In the allotted time schedule. Therefore my plea was Involuntary and is a major violation of Applicant's 14th Amendment to the United States Constitution of Due Process 4 Prong: (1) Right to be put on notice; (2) Right to be heard; (3) Right to call witnesses; (4) Right to CROSS EXAMINE. My Attorney, Ms. Emily Clayton, failed to have my Preliminary Hearing, which of was formally discuss between us, which she told me I wasn't getting a Hearing. Nor a New Lawyer before and after I proceeded with a motion for Dismissal. By Emily Clayton Not Acknowledging the facts and not deny me my rights in my case over the phone. "I am a Mate/Lawyer Request forms. Failure to effectively Communicate all the above with Applicant which is a violation of Rule 407 Professional Conduct Rule 1.4 Communication (A)(1)(5) governed all by Rule 413 - Lawyer Disciplinary Enforcement.

11-B

Never waived Presentment to Grand Jury: Applicant never initialed to waive his jurisdiction Rights. A violation of S.C. State Const. Art I § 11-a as well as U.S.C.A. XIV Due process State v. Smalls (S.C. 2003) State Attorney General's representative will Counterattack by citing State v. Gentry (S.C. 2005). Stating indictment Challenges must be made prior to Introduction of case before jury. It's violated altogether Due to matter of material fact the state failed appropriately check Box electronically before print out of sentencing sheet. It is not a "Harmless Error" by Circuit Judge to accept it, it would have potential effect on outcome of guilty plea. It is a clear "ERROR" of Law by the court. In accordance with the Law of South Carolina Ann. 17-23-130. one defendant(s) must be brought before the Clerk of Court to sign his/her Indictment for it to be formally waived. Thus, Florence County of General Session has failed to meet statutory laws for handling of defendant's indictment. See Section Code Ann. 19-1-90 For Further Clarity. In "No way" does a sentencing sheet substitute for the appropriate of obedience to said laws under Title 17, Chapter 23 by both the prosecutor and judge who have a foreknowledge when this illogical practice is clear and Convincingly to be more than an oversight through years.

OF experience prosecution of such said charges by prosecutors. A mere violation of Rule 3.8 "Special Responsibilities of a Prosecutor", Rule 4.7 "Professional Conduct" where they are held to higher model standards ensuring defendant's constitutional rights (both state and federal) aren't misconstrued and violated. Accountability under Rule 413 - Lawyer Disciplinary Enforcement (SCACR).

11C  
An indictment must be directly and formally stamped "True Bill" by members of the local grand jury and signed by the foreman. The prosecutor has no absolute jurisdiction authority to sign an indictment with own handwriting, nor anyone else as "True Bill" on the indictment. When this is done, it is considered fraud, and abuse of power. This automatically voids the entire legal documents as a whole, and deprive a defendant the right to know what to be called upon to answer in a court of law. Thus, prosecution is required to reindirect defendant prior to a summary trial, bench trial, and for jury trial - procedural protocols are outlined in S.C. Code Ann. Title 19, Chapter 1 and Title 17, Chapter 23. Not withstanding, South Carolina Rules for Criminal Procedure, Rule 3, (SCRR Crim) is violated.

11D  
In the case of sub-judice my plea was nothing more than pro forma answers to pro forma questions Stat vs. Gardner, 570 S.C.2d 184, 187 (2002). The judge never inform me that the state must obtain a true Bill indictment according to the statutes and state constitution and that they have failed to do so - thus depriving the court of subject-matter jurisdiction. The only way I could have been lawfully convicted if I plead guilty and gave the court sub-matter jurisdiction that it doesn't have. Have I been inform of this I would have never plead guilty, but would have demanded that the state first obtain sub-matter jurisdiction by obtaining a lawful indictment. I had no prior reason for doubting the indictment was lawfully obtained and could not have known about the indictment at the time of plea because of the solicitors fraud, perjury, and conspiracy designed to keep this bogus indictment hidden from me. In other words my guilty plea was not "an intelligent choice among the alternatives available" to me.

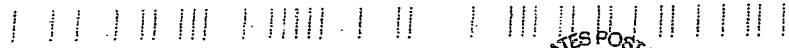
11D - Contiguous

I'm currently a prisoner in custody under sentence of a court established by an act of Congress or by a solicitor assigned by state. I presume the right to be released upon grounds that the sentence was imposed in violation of my 5<sup>th</sup> and. or that the court was out of jurisdiction to impose sentence. The circuit court did not have subject matter jurisdiction to sentence me when the grand jury was not properly impaneled. Article I § 11 of the S.C. Constitution provides:

No person may be held to answer for a crime the jurisdiction over which is not within the magistrate court, unless an presentment or indictment of a grand jury of the county where the crime has been committed. Circuit court has jurisdiction over an offense in the absence of a grand jury of the county where offense was committed or a valid waiver of presentment of indictment.

State v Beachman 342 S.C. 2d 597 (1986) Sennel v. Stube  
294 C. 2d 344 (1962)

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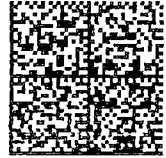



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