

11-F

Deficient Counsel / Ineffective

①

Ms. Emily Cranston Failed to Investigate the case properly to make sure the state actually had a case to lawfully present to the courts this was the core of my attorney's job in representing me before any motions, hearings or trial. Investigating the entire case, investigating the states alleged, gathering evidence to substantiate any charge is the foundation of Due process applied to the 6th Amendment for effective representation of counsel under the American Bar Association which I already filed a disciplinary. Never acknowledge my motion of Dismissal. Burnett v. State 352 S.C. 589, 576 S.E. 2d 144

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5)

Stinson v. U.S. (61 Fed 2d 534) (5th Cir. 1965)

I also submitted a motion to Dismiss. Counsel failed to follow up, OR Confer with me the advantages and disadvantages in doing so. Under the guidance of Counsel, I didn't waive Presentment to intelligently voluntarily and knowingly waive my Jurisdictional Rights: violation of 5th Amdt to United States Constitution S.C. Const. ART. I, § 11 - waiver to presentment, S.C. Code Ann 17-23-130, State v. Smalls (S.C. 2003). However, Assistant Deputy Attorney General will counter attack with State v. Gentry (S.C. 2005), citing all defects to indictments must be cognitively challenged in pretrial, but never explicitly after presentment as to challenge to it before Summary

11-14

③

(Plea hearing) to conclude the fact that a sentencing sheet doesn't serve as a substitute to a signed plea agreement (form) nor S.C. Code Ann. 17-23-130, which states in part "...

defendant must be brought before the clerk of court by the sheriff or his duly sworn deputies to sign indictment before waiving presentment to plea..."

All of this is procedural error by counsel, thereby, rendering ineffective less below professional norm under the 3 prong test Strickland v. Washington (1984) 6th and 14th Amendment to United States Constitution, S.C. Const. Art. 1 § 14.

Wreck v. U.S. 294 F.2d 204 (5th Cir. 1962)

Norton v. U.S. 294 F.2d 579 (10th Cir. 1961)

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④

INEFFECTIVENESS ON PRELIMINARY HEARING

At the bond arraignment, I signed the appropriate form for a Preliminary Hearing. I was denied through poor communication from lawyer. This is a major violation of S.C. Code Ann § 22-5-320 and Rule 2 of the South Carolina rules for Criminal Procedures (SCR CrimP)

The act of a court with respect to a matter as to which it has no jurisdiction are void, State v. Fender Beck 259 S.C. 256 191 S.C. 2d 520 (1972)

* I was never inform that the state must obtain a lawful true bill indictment according to statutes and state constitution that they failed to do so. thus depriving sub-matter jurisdiction State v. Gardner had I been inform I would not had plead guilty, demanded state obtain a lawful

11-5
⑤

INEFFECTIVENESS ON WARRANT TECHNICALITIES

Warrant NO: 2017A210400601 doesn't
Fit description of Crime under OFFENSE,
CDR code doesn't match description,
Doesn't specify Address, Lack of Due
process From sworn in of warrant
to the signing of the judge "more
than 72 hrs.", Affidavit doesn't match
description, all of this is a violation
of 14th Amendment.

Violation of S.C.R Crim.P. Rule 3
Infringements. This could've had a different
effect on outcome on unlawful
conviction Alabama v. Smith (1989),
(which was an invalid warrant)

* Also Warrant # 2017A210400598 is uncorres-
pondent to warrant process order.

Dear Ms. Abbott, 1-4-19

This is an attachment
that was left out of my
Issues For Appeal; you will
see that It's Label and go
with the following exhibits

11A-11E, that's Dated 1-4-19, ...

Could you please attach this
Exhibit with other Documents.

Thank you

Adrian AERO

"Please Accept in Kind!"

My Attorney at that time, Ms
Emily Cooper didn't see any
Issues, because she was the
Issue, my warrants wasn't Indicted
and I already Filed A disciplinary

IID-Continuous

I could have pled not guilty and the court would have had
Subject matter to put me on trial. Some relevant information
was hidden from me, I was prevented from considering it in
making a decision to plead guilty, my guilty plea was not
knowingly, voluntarily or intelligently entered.

State v. Carr 330 S.C. 132, 498 S.E. 2d 712 (1998).

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III E

* my sentencing sheet has more
than 1 offense listed, which also
states I am guilty of offense,

* I never made a waiver of my rights;

* My lawyer included charges in my plea agreement
Cumbe v. State 347 Ga. 404, 680 S.E.2d 100 (2002)

* My Indictment was back dated August 25 2017, when I got arrested
in December, which automatically shows I was unlawfully indicted
and convicted. (lack sub-matter jurisdiction, from the beginning)

* The Indictive act or act of only giving defendant general offense
code of 44-53-375 (B2) but then list on sentencing sheet that he was
indicted under 3rd offense and then stating that I plead to a lesser
offense of 44-53-375 from a non process of additional indictment proves

The fatal and unconstitutional attempt to swing the judge and illegally
convict the defendant U.S. v. Stokes 124 F.3d 45 (1st Cir. 1997) This procedure
is evidence of actual prosecutorial unconstitutionality sufficient to establish

due process violation. To even present this case to court(s) any further
after the solicitor found I was not properly indicted or the transmitting

of the case to the grand jury show fraudulent intent U.S. v. Keelum 568 F.3d
125 (2009), U.S. v. Lee 638 F.Rd App 25 (2016) presenting this information to

the court clearly represents use of induce influence on behalf of solicitor,
when the state violates any form of jurisdiction, at hand; shows

prejudice and as a result I didn't receive fair entitlement to my
Constitutional Rights 4th, 5th, 6th, 14th U.S.C.A. in violation of 5. This is the

purpose of being indicted by a grand jury to limit jurisdiction offense charges
by a group of officials representing U.S. v. Jenkins 675 F.3d 264 (2009)

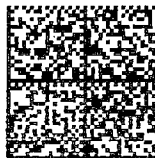
Adrian Nero #309915

Mailroom A1-51

Kirkland Correctional Institution

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Columbia, S.C. 29210



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MS. Jennifer Abbot-Kitchens
Clerk of Court

SC Court of Appeals South Carolina Court of Appeals

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