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OCT 05 2023

S.C. SUPREME COURT
FAX

(864) 233-5959

SYMMES W. CULBERTSON

ATTORNEY AT LAW

9 TOY STREET

GREENVILLE, SC 29601

PHONE
(864) 233-1166

February 25, 2002



LOOK AT DATE

Mr. Robert Campbell, #131941
McCormack Correctional Institute
Route 2, P.O. Box 100
McCormack, South Carolina 29835

RE: Your PCR Case

Dear Mr. Campbell:

Enclosed please find a copy of the Order of Dismissal we have received pursuant to your PCR Hearing of December 19, 2001. As you can see, this Order has not been signed by Judge Kittredge. You will have thirty (30) days from the date it is signed to file an appeal. If it is your intent to file an appeal, please let me know.

You will need to follow procedures for filing this appeal and for getting a new attorney to handle it for you.

If you have any questions, please let me know.

With best regards, I remain

Sincerely,

Symmes W. Culbertson

SWC/j
Enclosure

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
Robert Campbell, #131941,)
)
Applicant,)
)
vs)
)
State of South Carolina,)
)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS

1999-CP-23-982

PROOF OF SERVICE BY MAIL

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Personally appeared before me, Lisa A. Suber, who being first duly sworn, states:

1. That I am an employee of the Office of the Attorney General.
2. That regular communication by mail exists throughout the State of South Carolina, and that this is a proper circumstance of service by mail.
3. That I have this day served a copy of the proposed Order of Dismissal in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:



Symmes W. Culbertson, Esquire
Culbertson Law Firm
9 Toy Street
Greenville, South Carolina 29601

DATED this 14th day of February, 2002.



Lisa A. Suber
LISA A. SUBER

major

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS

99-CP-23-982

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S.C. SUPREME COURT

Robert Campbell, 131941,)
)
Applicant,)

v.)

ORDER OF DISMISSAL

State of South Carolina,)
)
Respondent.)

PROCEDURAL HISTORY

This matter comes before the Court by way of an Application for Post-Conviction Relief filed February 25, 1999. The Respondent made its Return on May 29, 1999. An evidentiary hearing into the matter was convened on December 19, 2001 at the Greenville County Courthouse. The Applicant was present at the hearing and was represented by Symmes Culbertson, Esquire. The Respondent was represented by Bryan Dukes of the South Carolina Attorney General's Office.

This Court had before it the Conditional Order of Dismissal signed by Judge Joseph J. Watson, the records of the Greenville County Clerk of Court, and the Applicant's records from the South Carolina Department of Corrections.

The records before this Court indicate that the Applicant is presently confined in the McCormick Correctional Institution.

PLEASE READ →

FINDINGS OF FACT AND CONCLUSIONS OF LAW

←

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe

the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

This Court finds that this Application for Post-Conviction Relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §17-27-10, et. seq. S.C. Code Ann. §17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgement of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The

SEE → * Applicant was convicted of the offenses he challenges in this Application on February 28, 1985. ← This Application was filed on February 25, 1999 well after the one year statutory filing period had expired.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that the Applicant has failed to file his application within the time limits established in S.C. Code Ann. §17-27-45(a). Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

→ This Court advises Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order to secure the appropriate appellate review. His attention is also directed to South Carolina Appellate Court Rule 227 for appropriate procedures after notice has been timely filed.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this _____ day of _____, 2002.

John W. Kittredge
Presiding Judge
Thirteenth Judicial Circuit

_____, South Carolina.

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South Carolina Office of Appellate Defense S.C. SUPREME COURT

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June 6, 2003

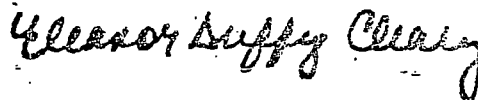
Symmes W. Culbertson
9 Toy Street
Greenville, SC 29601

Dear Mr. Culbertson:

It has been brought to my attention that you [never received] a signed copy of the Order of Dismissal in the case of Robert Campbell v. State, which you handled on the PCR level. I am therefore mailing you a copy so that you can close your file. We did take over representation and I filed a petition on Mr. Campbell's behalf in March.

Thank you for your help with this case. If you have any further questions, please do not hesitate to contact me.

Sincerely,



Eleanor Duffy Cleary
Assistant Appellate Defender

EDC/kde

cc: Robert Campbell ✓



State of South Carolina
The Circuit Court

JOHN W. KITTREDGE
JUDGE

GREENVILLE COUNTY COURTHOUSE
SUITE 213, 305 EAST NORTH STREET
GREENVILLE, SOUTH CAROLINA 29601
Administrative Assistant: Susan B. Patterson
PHONE: (864)467-8593
FAX: (864)467-8596

June 27, 2002

Robert Campbell #131941
Evans C.I. F-5-B-272
P.O. Box 29512-02
Bennettsville, SC 29512

Dear Mr. Campbell:

I have ruled on your case. I enclose a copy of the order that I signed on February 15, 2002, which was filed in the clerk of court's office on February 18, 2002. This order of dismissal ends the case in the circuit court. Thank you.

Sincerely,


John W. Kittredge

JWK/sbp