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APR 24 2012

S.C. SUPREME COURT

4-21-12

Dawson Campbell
I.C. # Asu # 138
P.O. Box # 252
Turbeville, S.C. 29162

Dear Mr. Daniel Stokorse,

I have been currently moved to another inst. and would like all my legal information transferred to this facility if possible.

I am currently on appeal from PCR, but to my knowledge I was awaiting the appointment of counsel, so if you can forward this letter to the appeals court it would be greatly appreciated.

Thanks kindly

Dawson Campbell

*Turbeville Correctional inst.

P.O. Box # 252

Turbeville, S.C. 29162 *

Note: I am subject to be transferred at any given moment but I will notify you in regards.

Denton Campbell #308351

T.C. & ASu #138

Post office Box 252

Yarborough, South Carolina

29162



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MAILED FROM ZIP CODE 29162

M. Daniel Shearouse (Clerk of Court)

South Carolina Supreme Court

Post office Box #11330

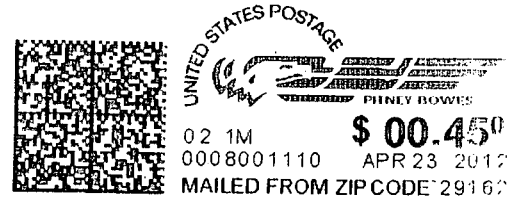
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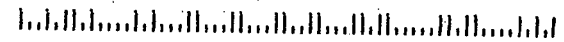


Denton Campbell #308551
T.C. & ASu #138
Post office Box 252
Turleville, South Carolina
29162



Mr. Daniel Shearouse (Clerk of Court)
South Carolina Supreme Court
Post office Box #11330
Columbia, South Carolina
29211

29211133030





SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1343
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

April 17, 2012

RECEIVED

APR 17 2012

The Honorable Daniel E. Shearouse
Clerk, S.C. Supreme Court
Post Office Box 11330
Columbia, SC 29211

S.C. Supreme Court

Dear Mr. Shearouse:

The following case falls under the 60 day rule for appeals, and the date we received the transcript is listed to the side.

Denton Campbell v. State of South Carolina

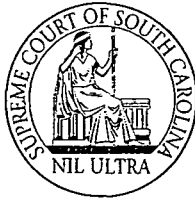
4/16/2012

I would appreciate you beginning our time limits from the above date, and if you need additional information, or have any questions please contact me.

Thank you for your assistance in this matter.

Sincerely,

Loriene French
Legal Services Coordinator



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

February 8, 2012

Denton Campbell #308351
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC 29010

Re: Campbell, Denton v. The State

Dear Mr. Campbell:

This responds to your letter of February 2, 2012. The Division of Appellate Defense accepted your case and they are currently awaiting delivery of the transcript from the Court Reporter. It is our understanding that once that is received, an attorney will be assigned to handle your appeal.

Further questions about the appellate process should be directed to the Division of Appellate Defense at Post Office Box 11549, Columbia, SC 29211. The telephone number for that office is (803) 734-1343.

Very truly yours,



CLERK

DES/jj

cc: Appellate Defense
Assistant Attorney General Mary S. Williams

2-2-12

Denton Campbell

990 Wisacky Hwy

Bishopville, S.C.

To: the honorable Daniel Stenrose

I am writing you in reference to my appeal process. I sent the indigent application you as requested, and was told that this office would notify me once received, with an appointment of counsel.

My concerns are growing high because it's been ⁴ months since I sent it (Application)-you. So please write me back in reference to my issue allowing me to know the status of my pending PCL Appeal. My Case # is: 2008-CP-14-0367. All I ask is that you and your office look into this issue, and forward to my parents. Thanks so advance.

Sincerely

Denton Campbell

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FEB 07 2012

S.C. SUPREME COURT

Denton Campbell #308351

L.C. & Ctcs. S. #2251

990 Wisacky Hwy.

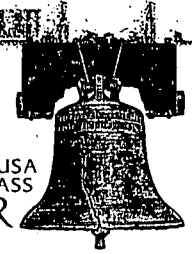
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29010

COLUMBIA, SC 290

FEB 2012

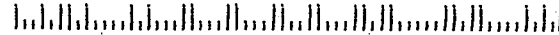
USA
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FOREVER



The Honorable Daniel Steloge
Clerk of the Supreme Court
Post office Box 11330
Columbia, South Carolina
29211

Legal mail -

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SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
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Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

November 21, 2011

RECEIVED

NOV 21 2011

S.C. Supreme Court

Ms. Margaret T. Sullivan
Circuit Court Reporter
504 Henderson Street
Sumter, SC 29150-3167

Dear Ms. Sullivan:

Please provide us with the following transcript:

Denton Campbell v. State of South Carolina Case #: 08-CP-14-00367

County: Clarendon Date of Trial: April 28, 2011

Presiding Judge: William Jeffrey Young

To ensure prompt payment, please sign and complete the enclosed CID FORM 3500 and include the original criminal case number (Indictment number) where the space is provided.

Please number the lines on the paper from 1-25, and include any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments.

If you are aware of any co-defendants or if the Attorney General's Office has already requested a transcript, please let us know.

Sincerely,


Lorie French
Legal Services Coordinator

cc: S.C. Supreme Court
Attorney General's Office

fel

The Honorable Daniel Shearose
Clerk of the Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211-1330

Denton Campbell
SCDC #308351, Chesterfield 2251
Lee Correctional Inst.
990 Wisacky Hwy.
Bishopville, South Carolina 29010

RE: NOTICE OF APPEAL

October 25, 2011

Dear Mr. Shearose:

Enclosed please find the original Order of Dissisal attached to the NOTICE OF APPEAL to be filed in this Honorable Court. I would kindly request that a filed copy be forward back to me.

Also, find the Certificate of service to the Respondent in these matters.

Should you have any questions please feel free to contact me at the listed address above.

Denton Campbell
Denton Campbell

cc: Robert D. Corney
Assistant Attorney General

RECEIVED
OCT 25 2011
S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

Appeal From Clarendon County
Court of Common Pleas

Honorable W. Jeffrey Young, Presiding Judge

Case No: 2008-CP-14-0367

Denton Campbell,.....Appellant,

V.

State of South Carolina,.....Respondent.

NOTICE OF APPEAL

Denton Campbell appeals the order of the Honorable W. Jeffrey Young dated September 18, 2011. Appellant received written notice of entry of this order on September 30, 2011.

Counsel of Record:

Robert D. Corney
S.C. Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549

Denton Campbell

Denton Campbell
SCDC #308351, Chesterfield 2251
Lee Correctional Inst.
990 Wisacky Hwy
Bishopville, South Carolina
29010

THE STATE OF SOUTH CAROLINA
In The Supreme Court

Appeal From Clarendon County
Court of Common Pleas

Honorable W. Jeffrey Young, Presiding Judge

Case No: 2008-CP-14-0367

Denton Campbell,.....Appellant,

V.

State of South Carolina,.....Respondent.

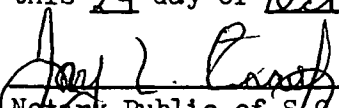
Certificate of Service

The Appellant hereby certifies that a true copy of the NOTICE OF APPEAL has been served upon the Respondent by mailing one (1) copy in the United States mail, postage prepaid,

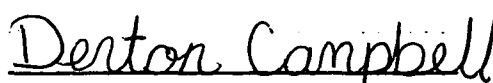
Addressed to:

Robert D. Corney
S.C. Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549

Sworn and Subscribed before me
this 24 day of Oct, 2011.


Notary Public of S.C.

My commission expires: 3-9-2014


Denton Campbell

STATE OF SOUTH CAROLINA)
COUNTY OF CLARENDON)
))
))
Denton Campbell, #308351,)
Applicant,)
))
v.)
))
State of South Carolina,)
))
Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

2008-CP-14-0367

ORDER OF DISMISSAL

BEULAH G. ROBERTS
CLERK OF COURT
CLARENDON COUNTY, SC
APR 28 2011 9:56 AM

This matter comes before the Court by way of an Application for Post-Conviction Relief filed July 17, 2008¹. The Respondent made its Return on or about September 1, 2009. An evidentiary hearing into the matter was convened on Thursday, April 28, 2011, at the Sumter County Courthouse. The Applicant was present at the hearing and proceeded *pro se*. The Respondent was represented by Mary S. Williams of the South Carolina Attorney General's Office.

At the hearing, Applicant's trial counsel, Scott L. Robinson, Esquire ("Counsel") testified. This Court had before it the records of the Clarendon County Clerk of Court, the guilty plea transcript, and the Applicant's records from the South Carolina Department of Corrections.

PROCEDURAL HISTORY

The records before this Court indicate that the Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clarendon County Clerk of Court. Applicant was indicted at the January 2005 term of the Clarendon County Grand Jury for (1) Murder, (2) Burglary in the First Degree, (3) Attempted Armed Robbery, and (4) Possession of a Weapon During the Commission of a Violent Crime (2005-GS-14-0062). Scott

¹ Application was not received by Respondent until June 24, 2009
1 of 8

CERTIFIED TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE
DATE 9/26/11
Beulah G. Roberts
CLERK OF COURT
CLARENDON COUNTY, SC

Robinson, Esquire, represented Applicant on the charges. On March 15, 2005, Applicant proceeded to jury trial before the Honorable Paula Thomas, at which Applicant was acquitted of Murder and the lesser included Voluntary Manslaughter, but was convicted of First Degree Burglary, Attempted Armed Robbery and Possession of a Weapon During the Commission of a Violent Crime. Applicant was sentenced on March 16, 2005, to twenty (20) years imprisonment for First Degree Burglary, fifteen (15) years imprisonment for Attempted Armed Robbery and five (5) years for Possession of a Weapon, all sentences to run concurrently.

A notice of appeal was filed, followed by the submission of an Anders brief on Applicant's behalf. Applicant withdrew the appeal before a decision was rendered and an order granting Applicant's request to dismiss his appeal was entered on August 14, 2008.

In his current Application, the Applicant alleged that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel.
2. Due Process Violations

Applicant then filed an amended application in which he cited the following additional grounds for relief:

1. Ineffective assistance of counsel:
 - a. "failing to challenge Applicant's arrest. See investigative report."
 - b. "failing to hire a private investigator prior to trial"
 - c. "failing to do an independent investigation of the facts and circumstances of applicant's case when records show there was a lack of probable cause to warrant an arrest."
 - d. "failing to quash single indictment with multiple offenses when applicant only received arrest warrants for two (2) out of the four (4) offenses and it was never filed with the Clerk of court. See indictment."

- e. “failing to reinforce applicant’s statements to support the facts that applicant was denied a substantial right to preliminary hearing”
- f. “failing to investigate state’s witnesses prior to trial”
- g. “failing to request an in court camera to be conducted by the trial court during applicant’s trial regarding State’s eye witness M. Boultrie”
- h. “failing to properly challenge the material variance between the charge and the proof”
- i. “failing to request a severance due to the improper joinder of said defendants in one indictment”
- j. “for not objecting to improper instructions of jury charge and re-charge, when applicant was only one indicted on one indictment, under one indictment (#) number. (When all charges stemmed from one murder, so without the jury finding the Applicant guilty of the most serious it kills the indictment in its entirety)”
- k. “failing to interview applicant’s alibi witnesses prior to trial”
- l. “failing to subpoena applicant’s witnesses when asked. When witness was at applicant’s trial all three (3) days waiting to be called upon.”

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.

Ineffective Assistance of Counsel

The Applicant alleges he received ineffective assistance of counsel. In a post-conviction relief action, the Applicant has the burden of proving the allegations in the application. Rule 71.1(e),

SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). The Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Ineffective Assistance of Counsel

At the PCR hearing, Applicant alleged that counsel was ineffective in failing to interview the state's witnesses prior to the start of trial, in failing to investigate alibi witnesses, in failing to move to quash the indictments and to challenge the admissibility of evidence against Applicant.

Counsel testified that, although he did not independently interview the State's witnesses, he thoroughly reviewed the co-defendant's statements during his preparation for trial and spoke in depth with the investigators involved in the case. Counsel went on to testify that he believed his investigation into Applicant's case was reasonable and adequately prepared him to represent Applicant at trial. Further, counsel articulated that based on his investigation, Applicant's version of the facts did not match the version given by police, but that he did elicit from police that there was no physical evidence linking Applicant to the crime. Rather, the three co-defendants' statements implicating Applicant as the shooter were the main pieces of evidence against Applicant. Counsel went on to say that he did not recall Applicant ever mentioning potential alibi witnesses to interview or investigate, but that it was possible Applicant had mentioned some potential alibi witnesses. Counsel stated that, in regards to objecting to the admissibility of any evidence used at trial against Applicant, he did make several objections during the course of the trial, but ultimately it was up to the trial judge to determine the admissibility of all evidence. Additionally, counsel stated that he chose not to challenge the admissibility of the co-defendant statements after seeing counsel for a co-defendant challenge the admissibility of a statement four different times, each time ending with the statement being admitted. In regards to quashing the indictment, counsel made it clear that he was aware of the additional charges of attempted armed robbery and possession of a weapon early on, and stated Applicant's allegations regarding the indictments/warrants are without merit as the lack of a warrant would not make these charges/indictments invalid. Counsel articulated that he was well prepared for trial and that his trial strategy was to show that Applicant was not present during the commission of these crimes,

but rather that he was an out-of-town kid that had been used to pin the crimes on. Finally, counsel finished by testifying that there was no part of his representation in this case that he believed he should have done differently and that he felt he had adequately represented Applicant at trial.

Based on the testimony presented at trial and a review of the record in its entirety, I find that Applicant has failed to carry his burden in proving counsel was ineffective in his representation on these charges. Counsel advised Applicant of all relevant issues regarding the charges he was facing, including reviewing all discovery materials and co-defendant statements with Applicant. Additionally, counsel performed sufficient investigation into Applicant's case to adequately prepare a reasonable trial strategy which counsel effectively developed and implemented at trial, resulting in Applicant being acquitted of both a murder and a lesser included voluntary manslaughter charge. Counsel gave Applicant all the information and advice necessary to make an intelligent and voluntary decision on whether to proceed to trial and whether to testify at trial. Applicant has failed to prove by a preponderance of the evidence that counsel was ineffective in any portion of his representation. Therefore, I find that counsel's representation fell within the range of competence demanded of attorneys in criminal cases based on professional norms and Applicant's allegations to the contrary are without merit.

Further, Applicant has failed to carry his burden in proving any prejudice resulted from the alleged deficiency in representation by counsel. Applicant alleges counsel failed to adequately investigate his case prior to proceeding to trial, but has failed to prove prejudice from that supposed failure. (Failure to conduct independent investigation does not constitute ineffective assistance of

counsel when the allegation is supported only by mere speculation as to the result. Whitehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998).) With regard to Applicant's contention that counsel failed to investigate supposed alibi witnesses, Applicant has failed to set forth any evidence of prejudice as a result of this alleged deficiency. Prejudice from trial counsel's failure to interview or call witnesses cannot be shown where the witnesses do not testify at post conviction relief. Underwood v. State, 309 S.C. 560, 425 S.E.2d 20 (1992); Bassette v. Thompson, 915 F.2d 932 (4th Cir. 1990), cert. denied, 499 U.S. 982 (1991). The Applicant's mere speculation as to what a witnesses' testimony would have been cannot, by itself, satisfy his burden of showing prejudice. Clark v. State, 315 S.C. 385, 434 S.E.2d 266 (1993); Glover v. State, 318 S.C. 496, 458 S.E.2d 538 (1995). An Applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice from the witness' failure to testify at trial. Bannister v. State, 333 S.C. 298, 509 S.E.2d 807 (1998). Applicant failed to present testimony of any alleged alibi witness at the PCR hearing, thereby failing to prove prejudice from this perceived deficiency. Therefore, I find Applicant has failed to prove any prejudice resulted from any alleged deficient performance by counsel, and therefore, this application must be denied and dismissed with prejudice.

Other Allegations

No other allegations were raised at the PCR hearing. Therefore, any additional allegations are deemed waived because no evidence was presented at the hearing to support them.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that the Applicant has not

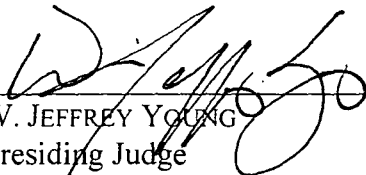
established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

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 Rule 243, SCACR, 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 18 day of Sept, 20 11.



W. JEFFREY YOUNG
Presiding Judge
Third Judicial Circuit

Sumter, South Carolina.

Anton Campbell
DC # 308351, Chesterfield 2251
e Correctional Inst.
10 Wisacky Hwy.
shopville, South Carolina 29010



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The Honorable Daniel Shearose
Clerk of the Supreme Court
P.O. Box 11330
Columbia, South Carolina 29211-13

10/24/11