

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Colleton County

Honorable G.D. Morgan, Jr., Circuit Court Judge

SAMUEL CAMPBELL,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2024-000192

APPENDIX

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S.C. SUPREME COURT

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1 In the Court of General Sessions for the
2 State of South Carolina, County of Colleton

3

4 Case No.: 2017GSS1500257+

5 State of South Carolina,

6 Plaintiff(s),

7 vs. Transcript of Record

8 Samuel Campbell,

9 Defendant(s).

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13

14

15 December 14, 2017

16 Walterboro, South Carolina

17

18

19

20

21 BEFORE:

22 The Honorable Brooks Goldsmith

23

24

25

1 APPEARANCES

2

3 REPRESENTING THE STATE

4 CETH UTSEY, Assistant Solicitor

5 14th Judicial Circuit Solicitor's Office

6 39 Sheridan Park Circle, Suite 2

7 Bluffton, SC 29910

8 843-255-5880

9

10

11 REPRESENTING DEFENDANT(S):

12

13 CHRIS MURPHY, Esquire

14 136 West Richardson Avenue

15 Summerville, SC 29483

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1 PROCEEDINGS

2 _____

3 MR. UTSEY: The Defendant, Samuel Campbell, comes
4 before you -- and this is a lot, Your Honor.
5 2017-GS-15-257, for safe cracking; 2017-296, for
6 burglary second degree violent; 2017-297, for burglary
7 second violent; 2017-298, for burglary second degree
8 violent; 2017-299, for burglary second degree violent;
9 2017-301, for breaking into a motor vehicle; 2017-303,
10 for grand larceny, value more than 2,000, but less than
11 10,000; 2017-305, for burglary second degree violent;
12 2017-307, breaking into a motor vehicle or compartment
13 to steal; 2017-308, for burglary second degree violent;
14 2017-309, for accessory after the fact to a felony;
15 2017-310, for burglary second degree violent.

16 There is no offer or recommendation in this case,
17 Your Honor. It is a straight-up plea. There is also
18 restitution in this case, Your Honor.

19 May I approach with the paperwork?

20 THE COURT: Yes, sir.

21 MR. MURPHY: Judge, while he's doing that, can I
22 hand up two statements in support?

23 THE COURT: Certainly.

24 MR. UTSEY: Your Honor, also, I believe probation '
25 has a violation with Mr. Campbell. And there are

1 victims here that would like to speak at the
2 appropriate time.

3 THE COURT: Mr. Murphy, have you explained to your
4 client the charges contained in these indictments, the
5 possible punishment, and have you explained to him his
6 Constitutional rights?

7 MR. MURPHY: Yes, sir, I have.

8 THE COURT: Have you done the math on this to see
9 how many years he could possibly get if he got them
10 consecutive?

11 MR. MURPHY: Yeah. I mean, it's a lot.

12 THE COURT: Longer than he would live.

13 MR. MURPHY: Yes. He's got 30 years on -- I think
14 there were six burglary seconds.

15 THE COURT: Was it six or seven? My math was
16 wrong, I have six.

17 MR. MURPHY: Six would be -- seven would be 105
18 years, 6 would be 90, plus 30 on the safe cracking,
19 plus two --

20 THE COURT: Grand larceny.

21 MR. MURPHY: Grand larceny, that's another five.
22 Probably close to 180 years, Judge.

23 THE COURT: Mr. Murphy, based on your
24 investigation of the facts and circumstances of these
25 cases, do you believe it likely that the State could

1 convince a jury of your client's guilt on each of these
2 charges beyond a reasonable doubt?

3 MR. MURPHY: Yes, sir, I do.

4 THE COURT: Apparently, if the Court accepts one
5 or all of these guilty pleas, it would constitute a
6 violation of the probation.

7 MR. MURPHY: Yes, sir, he admits to a willful
8 violation.

9 THE COURT: All right. Mr. Campbell, how old are
10 you, sir?

11 THE DEFENDANT: 33, sir.

12 THE COURT: 33?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: What kind of work have you normally
15 done?

16 THE DEFENDANT: Construction work.

17 THE COURT: The last time you were in criminal
18 court would have been approximately how long ago?

19 THE DEFENDANT: Two years.

20 THE COURT: I'm going to find out in a few
21 minutes, but you tell me, when you were in court two
22 years ago, what happened to you as a result of you
23 being in court?

24 THE DEFENDANT: I got sentenced to prison.

25 THE COURT: Have you ever been treated for the

1 abuse of alcohol, abuse of drugs or treated for any
2 mental illness?

3 THE DEFENDANT: No, sir.

4 THE COURT: In the past 24 hours, have you taken
5 any drugs, medication, or have you consumed any
6 alcohol?

7 THE DEFENDANT: No, sir.

8 THE COURT: Are you aware today of any physical,
9 nervous or emotional problem you might have that would
10 interfere with your ability to understand what's going
11 on here today?

12 THE DEFENDANT: No, sir.

13 THE COURT: Have you discussed these matters, even
14 briefly, with your lawyer today?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Did you have any trouble understanding
17 what discussions you had with him?

18 THE DEFENDANT: No, sir.

19 THE COURT: He and the solicitor tell me you wish
20 to plead guilty to all of those charges that I just
21 heard the solicitor announce; is that correct?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: The solicitor is getting ready to give
24 me some facts about each of your cases, please listen
25 to what he says.

1 MR. UTSEY: Thank you, Your Honor. I will begin
2 with the 2017-257, safe cracking, and 2017-309,
3 accessory after the fact to a felony.

4 On February 13th of 2017, on 9358 Snyders Highway
5 in Ruffin, South Carolina, law enforcement responded
6 because of a phone call they received from Tracy
7 Bertrum in regards to their house being robbed, their
8 tools being taken.

9 Your Honor, there was \$50,000 -- an estimate,
10 \$50,000 in stuff taken from Dr. Flowers and Tracy
11 Bertrum's place. Literally, they took deer meat out of
12 the freezer. They took everything they could from Dr.
13 Flowers and Tracy Bertrum. They also took a safe. Sam
14 Campbell was not involved with that burglary. He was
15 involved with the safe cracking after the burglary from
16 his codefendants. His codefendants actually robbed Dr.
17 Flowers and Tracy Bertrum.

18 And when they got back, we believe what happened
19 when they got back to Robert Orseni's house, they
20 called Sam Campbell to come help them break into the
21 safe. Sam Campbell then admitted under Miranda that he
22 used a welding torch to help break into the safe. And
23 his codefendants committed a burglary first degree on
24 Dr. Flowers and Tracy Bertrum's farm, Your Honor.

25 And also, Your Honor, there was -- Dr. Flowers and

1 Tracy Bertrum did receive all their guns back, except
2 for three of the guns. And I did meet with Dr. Flowers
3 a couple of nights ago. He estimated the value of the
4 guns to be around \$4,100, which is what the restitution
5 sheet is.

6 Your Honor, the next case, 2017-296, burglary
7 second degree violent. This occurred on 889 Poor Boy
8 Road in Walterboro, South Carolina in the County of
9 Colleton. The victim is Edward Price, Sr.

10 What happened here, Your Honor, is law
11 enforcement -- on February 13th, law enforcement
12 responded to the incident location in reference to a
13 stolen four-wheeler. The victim stated that he last
14 saw the four-wheeler on February 9th of 2017, and it
15 was parked underneath a shed. The victim stated that
16 the four-wheeler was locked in the shed using a cable
17 that was cut and the lock was missing. Mr. Campbell --
18 there was also a disc, type of disc harrow attached to
19 the back of it. Under Miranda, Mr. Campbell did admit
20 to this and he said that he sold the ATV to James
21 Woolick. And there is also restitution in the amount
22 of \$650 in that case.

23 The next case, 2017-297, 298 and 299. This is
24 three burg second degree violence. Your Honor, this
25 happened at a hunting club. Law enforcement responded

1 to the incident location, which is 5872 Pierce Road in
2 Cottageville, South Carolina, in the County of
3 Colleton. They responded on January 28th, 2017.

4 The victims there said that entry had been made
5 into their campers that they keep at the hunting club
6 that they go and stay at when they do hunt. The glass
7 was broken out on the campers. They stated that items
8 missing from the campers were radios, two bottle jacks.
9 Your Honor, all three campers were broken into, which
10 is the reason for three burg second violence.

11 Mr. Campbell admitted this under Miranda that --
12 excuse me, Your Honor, that he was at the incident
13 location. And he said he -- he also named the
14 codefendants who assisted him in the offense of these
15 burglaries.

16 The next case, 2017-301, breaking into a motor
17 vehicle. This occurred on 304 Robert E. Lee Drive in
18 Walterboro, South Carolina, County of Colleton. Max
19 Mitchell called law enforcement to state that a Yeti
20 cooler was missing from the back of his truck. It was
21 attached to the vehicle by -- he had a lock on it. The
22 lock was cut and the Yeti cooler was gone from the
23 vehicle.

24 The next case, 2017-303, grand larceny, value more
25 than two, but less than ten. This incident occurred on

1 464 Wesley Chapel Road in Cottageville, South Carolina,
2 in the County of Colleton. On January 16th of 2017,
3 law enforcement responded to the incident location in
4 reference to a stolen lawn mower. When law enforcement
5 interviewed Mr. Campbell, he provided an admission that
6 he did steal the lawn mower and sell it to a Ricky
7 Mixon. And which, law enforcement did find the lawn
8 mower at Ricky Mixon's house and return it to the
9 victim.

10 2017-305, he's pleading to burglary second degree
11 violent. The victim is Mr. Pearson, who is here today.
12 Your Honor, basically, how we found out about this was
13 from the interviews of the defendants. Mr. Campbell
14 did state that he was at the incident location. Other
15 codefendants stated that Mr. Campbell was at the
16 incident location. The other -- Mr. Campbell said that
17 he sat in the truck during the burglary, other
18 codefendants also said that Samuel Campbell sat in the
19 truck during the burglary. There was a number of items
20 taken from Mr. Pearson, around \$6,800 worth, which he
21 receiving restitution from James Aluska in that case.

22 And Your Honor, just the basic facts of it. They
23 did state -- Sam Campbell states that Robert Orseni and
24 Jimmy Aluska went into the house. And Sam Campbell
25 states that he waited in the road by the truck and they

1 loaded up items in his truck and went away from the
2 house.

3 Your Honor, the next case, 2017-307, breaking into
4 a motor vehicle, this occurred on [REDACTED] Road in
5 Walterboro, South Carolina, in the County of Colleton.
6 The victims are Eric and Cassie Hardy. Your Honor,
7 the -- let me see here. Law enforcement responded to
8 the incident location in reference to a larceny. The
9 victim advised that her husband came home and saw that
10 his Yeti cooler in the back of his truck was missing
11 from his truck. He had a lock on the Yeti cooler,
12 however, the lock was cut and the Yeti cooler was
13 taken. The victims did receive -- law enforcement did
14 find the Yeti cooler and returned it to the victims.

15 2017-308, burglary second degree violent. This
16 incident occurred on 713 Mozelle Road in Islandton,
17 South Carolina in the County of Colleton. On
18 January 24th, 2017, law enforcement responded to 713
19 Mozelle Road in reference to three stolen dirt bikes.

20 The victim stated that he had returned home from
21 work and went outside to ride his dirt bike with his
22 brothers. The dirt bikes were not there to ride them.
23 They were stored underneath a shed. Your Honor, the
24 dirt bikes were a 1999 Honda, a 2001 Yamaha and 1990
25 Honda.

1 Upon further investigation, Samuel Campbell did
2 admit to this under Miranda interview and other
3 codefendants also admitted to this and they said that
4 they sold some of the motorcycles in Orangeburg.
5 Therefore, the restitution was \$800 in this case.

6 And the last case, Your Honor, is 2017-310,
7 burglary second degree, violent. This occurred on [REDACTED]
8 [REDACTED] Road in Walterboro, South Carolina, County of
9 Colleton. The victim is Mr. O'Quinn, who is, also,
10 present today and he works with the sheriff's office.

11 Your Honor, law enforcement was called by
12 Mr. O'Quinn on February 15th of 2017. He stated that
13 his garage was broken into by cutting both of the pad
14 locks off of the door. The victim advised the last
15 time he was at the residence was on February 8th of
16 2017. A cutting torch set, which we believe Sam
17 Campbell used that same cutting torch set to cut the
18 safe open in order to get the guns. A cutting torch
19 set was taken, an air conditioner, car tires, tools, an
20 engine hoist. Law enforcement did locate some of these
21 things. I believe they even took his dish washer, Your
22 Honor. Law enforcement did find some of these things.
23 And therefore, the restitution for Mr. O'Quinn was
24 \$3,100, which he relayed to our office.

25 Your Honor, Mr. Campbell's prior record is a 2002,

1 driving under the influence, first offense; 2002, open
2 container; 2002, public drunk; 2005, driving under
3 suspension; 2012, resisting arrest, receiving stolen
4 goods; 2014 grand larceny, value more than 2000, but
5 less than 10,000, which he received five years
6 suspended to one year of active time followed by five
7 years of probation, according to his rap sheet. I
8 believe that's what he's on probation for today and
9 they are violating him. 2016, driving under
10 suspension, second offense; 2014, possession of less than
11 one gram of meth or cocaine base; and 2016 failure to
12 stop for a blue light, which he received three years,
13 suspended to two years of service, suspended to three
14 years probation in that case.

15 Your Honor, the victims would like to be heard and
16 I would also like to be heard on arguing for a sentence
17 at the appropriate time, Judge.

18 THE COURT: All right, sir.

19 Let me ask Mr. Campbell some questions.

20 Mr. Campbell, did you hear the solicitor recite
21 the facts concerning each of these charges?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you agree with those facts as
24 stated by the solicitor?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Are you guilty of each one of these
2 charges?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Has your attorney explained to you
5 your right to have a jury trial on these charges if you
6 wanted to have one?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Have you ever had a jury trial?

9 THE DEFENDANT: No, sir.

10 THE COURT: Well, as to these charges that you've
11 indicated you wish to plead guilty to, I need to tell
12 you, you are entitled to have a jury trial. Even as
13 you stand there now, you're entitled to have that jury
14 trial.

15 THE DEFENDANT: Yes, sir.

16 THE COURT: But if you were to have a jury trial,
17 among other things, the Court would instruct the jury
18 that you're presumed innocent and that the burden would
19 be upon the State to prove your guilt to the jury
20 beyond a reasonable doubt. You would have the right to
21 cross-examine any witnesses that the State might call
22 to testify against you. And, of course, you could have
23 your own witnesses testify for you and you could
24 testify yourself, or not. If you decided not to
25 testify, the Court would instruct the jury that they

1 could not hold that against you because you have a
2 Constitutional right not to testify. If you had made
3 any incriminating statements or confessions, things
4 such as I mentioned a moment ago, you have the right to
5 challenge the State's right to use that evidence
6 against you. But, of course, you would have the right
7 to challenge the State's right to use any evidence
8 against you.

9 Do you understand that you have all of those
10 valuable Constitutional rights as well as other
11 Constitutional rights?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: You do understand that you would be
14 giving up those rights as to each of these charges by
15 pleading guilty?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Is that what you wish to do?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Have you had enough time to discuss
20 these matters with your attorney?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Has he answered all of your questions?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Are you satisfied with his services?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Mr. Campbell, has anyone threatened
2 you or coerced you in any way to make you or to cause
3 you to plead guilty to these charges?

4 THE DEFENDANT: No, sir.

5 THE COURT: Has anyone promised you anything or
6 held out any hope of reward as an inducement to get you
7 to plead guilty?

8 THE DEFENDANT: No, sir.

9 THE COURT: Are you pleading guilty -- well, I
10 guess there was a reduction in some charges?

11 MR. UTSEY: Yes, Your Honor.

12 THE COURT: That's one thing.

13 MR. UTSEY: Yes, there was on one charge, the
14 burglary first to a burglary second.

15 THE COURT: You say that no one has promised you
16 anything or held out any hope of reward as an
17 inducement to get you to do this?

18 THE DEFENDANT: No, sir.

19 THE COURT: The decision to plead guilty to these
20 charges, was it made by you of your own free will?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Are you pleading guilty to each of
23 these charges because you are, in fact, guilty of each
24 one of these charges?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: I find there is a substantial factual
2 basis for each of the pleas and the decision to enter
3 these pleas has been made freely and voluntarily with
4 the advice of an attorney with whom to the Defendant
5 states he's satisfied. The Court accepts the plea.

6 And I believe we have an outstanding probation
7 violation issue?

8 PROBATION OFFICER: Yes, Your Honor.

9 THE COURT: Do you want to tell me about that?

10 PROBATION OFFICER: May I approach, Your Honor?

11 THE COURT: You may.

12 PROBATION OFFICER: Your Honor, Mr. Samuel
13 Campbell was brought on indictment number
14 13-GS-15-00316, probation case. The case began on
15 12/01/2014. The projected adjusted end date was
16 11/10/2020. He was sentenced by the Honorable Judge
17 Brooks Goldsmith in Colleton County. He was sentenced
18 to five years, suspended upon one year service and five
19 years probation. And this was a PTUP case.

20 Would you like me to read the violations, Your
21 Honor?

22 THE COURT: No, I can read the violation report,
23 that's fine. And I take it the recommendation is
24 revocation?

25 PROBATION OFFICER: Yes, Your Honor, and civil

1 judgment.

2 THE COURT: And civil judgment.

3 PROBATION OFFICER: For restitution.

4 THE COURT: Mr. Murphy, be glad to hear from you.

5 MR. MURPHY: On just that or --

6 THE COURT: Everything.

7 MR. MURPHY: Thank you, Judge.

8 THE COURT: I just wanted to get that in.

9 MR. MURPHY: Yes, sir, I appreciate that, Judge.

10 Of course, he admits to the violation of the probation.

11 Judge, he does not contest, in fact, he signed the

12 restitution form. We don't contest the amount of the

13 restitution that is due to the respective victims.

14 Judge, in the courtroom are 20 friends and family,

15 including his mother and two other, Derrick Proveaux,

16 along -- family friend, and Ms. Tiffany Campbell, his

17 wife. At the appropriate time, when I'm finished, if

18 the Court would entertain, Mr. Proveaux and Ms.

19 Campbell addressing the Court.

20 Judge, I've been involved almost since -- probably

21 within a week of Samuel's arrest. Based on my

22 discussions with the detectives, review of the packet

23 of material, his prior record to, the fact that he was

24 out on parole within 30 days of all of this stuff

25 happening, Judge, Samuel and I made the decision that

1 the best place for him was to remain at the Colleton
2 County Detention Center and we did not ask that bond be
3 set, Judge. Because, based on my review and
4 discussions with Samuel, I knew that this case was
5 going to involve some prison time.

6 Judge, from the minute that I met Samuel,
7 Mr. Campbell, he freely admitted his wrongdoing in all
8 of these cases. It's been my experience based on
9 that -- through years of practice that, typically, I
10 don't get the truth from a client the first time, the
11 second time, the third time. But I have to say that
12 Samuel was the exception because the minute I talked
13 with him -- and we met numerous times going over the
14 voluminous case jacket that Detective King with the
15 Colleton County Sheriff's Department put together -- he
16 has admitted he was wrong. He admitted his
17 involvement.

18 So much, Your Honor, that when this -- the way
19 this case developed was that an item that was stolen
20 was recovered. That led them to an individual, I
21 believe it was a young lady, who identified
22 Mr. Campbell and somebody else. When they found
23 Mr. Campbell, he gave a lengthy confession, admission
24 of everything that happened. That led the detectives
25 to be able to go and recover some of the items, to

1 identify other suspects that were involved in the case.
2 And that, basically, wrapped up this spree which
3 occurred, Your Honor, within a two-week period. All of
4 that occurred in a two-week period in Samuel's life.

5 Judge, it's no secret when you look at his prior
6 record that Samuel did this while he was under the
7 influence of methamphetamine and he freely admitted
8 that to me and to everyone. He had a horrible,
9 horrible methamphetamine problem. He had the problem
10 so much, Judge, that when he was before you a couple of
11 years ago, you ordered him as a condition of his
12 incarceration to be accepted into the ATU program with
13 the Department of Corrections. However, he did not get
14 enrolled into the program because he was paroled prior
15 -- didn't have enough time hanging over his head for
16 them to get him into the program and for him to
17 complete the program in order to see the effects of
18 that program.

19 Judge, he needs drug treatment. He needs
20 substantial drug treatment. And we are here, Judge,
21 basically, not contesting the charges, not making an
22 excuse for the charges, because there is no excuse.
23 And I believe at the appropriate time, Mr. Campbell
24 will address the Court as well. Judge, we're throwing
25 ourselves on the mercy of the Court. He needs

1 treatment. He is looking at substantial time. He
2 realizes that.

3 We've had a number of discussions about the
4 charges. I appreciate Mr. Utsey and the Solicitor's
5 office for the first hurdle that we had to get over was
6 reduction of the burglary first, which carried 15 to
7 life. He was -- through our negotiations and
8 everything, he was able to reduce that, and we do
9 appreciate him allowing us to plead to a burglary
10 second in that regard.

11 Judge, I handed up to the Court two letters, one
12 of which is from Ms. Heather Stone. It's a short
13 email. She is a mother to one of Samuel's children.
14 She's known Samuel 18 plus years. She reiterates he
15 has a drug problem.

16 Pastor Beckett from West Virginia has been the
17 family pastor since Samuel was born. And if you
18 realize in that email that Pastor Beckett sent to
19 Ms. Davis and forwarded to us, that Samuel has a
20 horrible drug problem. And it, unfortunately, ran in
21 the family, because it cost his brother and his
22 brother's wife their life through addiction. Addiction
23 is a horrible disease and it has affected his family
24 and it has affected Samuel greatly.

25 Judge, when he's been in the Colleton County

1 Detention Center, even though he was looking at two
2 most serious charges, the safe cracking and the
3 burglary first, which carries life, he was held in such
4 regard that they bestowed upon him and he has been for
5 almost half of the time that he's been there, the whole
6 time, under a trustee status because he's respectful,
7 he follows the law when he's not high. And he was
8 never a problem for the department -- the detention
9 center at Colleton County.

10 Judge, he's served 303 days since his arrest. Of
11 course, we ask that the Court grant him credit for
12 those 303 days. At this time, Judge, prior to
13 allowing -- if you will allow Samuel the opportunity, I
14 would ask that Mr. Proveaux and Ms. Campbell come
15 forward, if they could, Judge, and address the Court.

16 THE COURT: Certainly. Be glad to hear from you.

17 MR. PROVEAUX: My name is Derrick Proveaux.

18 THE COURT: Yes, sir, be glad to hear from you.

19 MR. PROVEAUX: I have known Sam since the year
20 after he lost his brother. He was my best friend for
21 most of that time. Me and Sam are alike, we both have
22 struggled with drugs all of our lives. I'm not going
23 to sit here and try to convince you that Sam doesn't
24 deserve some type of punishment. Obviously, he's made
25 a lot of mistakes, he's hurt these victims, hurt his

1 family, neglected a lot of people that he loves.

2 I feel like -- I feel like God wanted me to come
3 here today, Your Honor, to kind of share the unique
4 opportunity that I had five years ago. I, too,
5 struggled with methamphetamine and every other type of
6 drug you could name under the sun. Five years ago, I
7 was given an opportunity to go to the Hebron Colony
8 Ministries discipleship over addiction up in Boone,
9 North Carolina. Since then, I have graduated that
10 ministry, extended in the ministries as a student and
11 went on for the past four or five years to become, I
12 would like to think a good citizen of our community.

13 Sam served a lot of time. I mean, what he really
14 needs to do is serve God. He needs to surrender. I
15 don't really know other than that, Your Honor, what
16 else to say other than I love him. I love him like a
17 brother and he wasn't always this guy.

18 I love you, Sam.

19 THE COURT: All right. Thank you, sir.

20 MR. MURPHY: Judge, next is Ms. Tiffany Campbell.

21 THE COURT: Ms. Campbell.

22 MS. CAMPBELL: My name is Tiffany Campbell. I
23 don't stand here today making any excuses for Samuel
24 and his actions. And I do feel very sorry for the
25 victims.

1 We have two children together. I am the ex-wife
2 of Samuel and the mother of his two children. We have
3 two daughters, Gracie, 11 and is Caitlin is nine.
4 Samuel and myself were married for nine years. I have
5 known him for 17. We used to date. High hopes with a
6 small amount of time. I was his wife for nine years.
7 But most importantly, due to the two small children, I
8 hope and pray that I can show you that although he's
9 full of bad decisions and mistakes, he has trouble and
10 suffers with addiction. Drugs have taken over all that
11 he is and stripped him of all that he loves. These
12 actions don't match up to his heart or who he is.

13 Samuel was not always the criminal that he's
14 masked as today. He is no doubt and by no means feels
15 that he should be free from the consequences of his
16 actions, but drugs have a way of taking over who you
17 are. And he's been suffering from addiction for years.

18 I've known this man for 17 years. He held my hand
19 while I was in labor with our two girls. I've seen him
20 up at 6:00 a.m. with 102 fever, very little sleep from
21 the night before and still make it to work that day.
22 I've seen with my own eyes that he can function in
23 society as a civilized citizen and be a normal husband
24 and father. I've watched him too, for days, get up and
25 feed our babies while I was too exhausted to hold my

1 head up, Your Honor. While his wife in trying times
2 with sick children, I've seen him spend Sunday mornings
3 at his church with his family and get on his knees and
4 hold my hand to pay for whatever struggle we may have
5 been facing at the time.

6 My oldest wears his jacket everyday to school.
7 Although, I prefer she wear one that fits or matches,
8 it's the only thing that she has that keeps her close
9 to him. My children's walls are decorated with
10 pictures of them and the father they knew when Sam was
11 healthy. They both ask for their father everyday.
12 They want to know when he's going to get better and
13 when he's coming home. I wish I had more time to tell
14 you about it so that you could see just how much they
15 need and miss their dad.

16 There are many people out there that have suffered
17 from addiction, got the rehab they needed and were able
18 to find who they once were. Your Honor, give
19 (inaudible) and able to help others like they were at
20 one time. As I sit here, Your Honor, and know the man
21 he truly is, as I sit here and watch our girls cry over
22 their father, and as I sit here knowing the man he's
23 capable of being and has been, all I can do is beg for
24 mercy. Mercy that I know he certainly and clearly
25 doesn't deserve, but with some rehabilitation and

1 guidance, he still has time to make up for lost time
2 and get on his feet and be the man we all once knew at
3 one time.

4 I stand before you today and pray and ask you for
5 mercy. Please allow him to get the help that he needs
6 to recover from this addiction so that he can come home
7 and be a dad again. Thank you for your time.

8 THE COURT: Thank you, ma'am.

9 MR. MURPHY: Judge, you can see -- and I know that
10 you, based on all of your years on the bench, know the
11 cost, the collateral consequences of drug addiction.
12 And this case speaks volumes about that and the
13 consequences of an addicted -- of an addicted person.

14 At this time, Judge, Samuel would like to address
15 the Court.

16 THE COURT: I'll be glad to hear from you,
17 Mr. Campbell.

18 THE DEFENDANT: Thank you, Your Honor. Your
19 Honor, as my ex-wife and friend said, you know, I have
20 not always been this person. I have been a productive
21 member of society at one time. I have an extensive
22 drug problem. I don't know, from my experience, an
23 average meth user, one to two grams a day is average.
24 I was using up to seven, sometimes more a day. That's
25 over a \$700 addiction a day.

1 My drug -- my criminal past got extensive in 2014
2 after my divorce. I got heavier into drugs. I just
3 ask for mercy. I know I don't deserve it. And, you
4 know, prison is bad, but my mind is holding me captive
5 more than anything knowing what I've done to the
6 victims, taken away sense of security and comfort. And
7 I would like to sincerely from the bottom of my heart
8 ask the victims if they can ever to please forgive me
9 and I'm so sorry.

10 Your Honor, my two biggest fears is my kid not
11 growing up without me and never get to see my mother
12 alive on the outside again. She's 63. My grandmother
13 died at 67 from a physical -- from an illness and my
14 mother has been diagnosed with the same thing. I'm
15 asking for a miracle. I'm asking please to grant mercy
16 where it doesn't belong. That's it, Your Honor.

17 THE COURT: All right. Thank you, Mr. Campbell.

18 MR. MURPHY: Judge, Ms. Davis, his mother, is in
19 the courtroom and I spoke with her before the hearing
20 and -- prior to the hearing. She -- I don't think she
21 can make it through addressing the Court, Judge.

22 Again, we are -- we are asking that at one time
23 when Samuel was before you, you recognized a young man
24 that needed help with addiction. And we just didn't
25 have enough time for him to be enrolled in that unit.

1 And I've got to think that if possibly during that
2 first time when you recognized that issue and that
3 problem with him, that we may not be here. That the
4 victims of this burglary of Samuel's two-week drug
5 binge would not be in this courtroom as well and his
6 family and friends would not be put through this hell
7 that they're living.

8 Judge, again, we're throwing ourselves on the
9 mercy of the Court. We're not contesting the
10 restitution. I would ask that that be possibly
11 converted to a civil judgment if it could at this
12 point. I don't know. Judge, that's basically what we
13 have. Thank you, Judge.

14 THE COURT: Thank you, Mr. Murphy.
15 Solicitor.

16 MR. UTSEY: Thank you, Your Honor. Your Honor,
17 the State -- this is one of the worst cases I've ever
18 had in Colleton County, Judge, as far as burglaries go
19 and the string of burglaries. We believe Sam Campbell
20 is the common factor. Out of all these codefendants,
21 he has the most charges and we believe him to be the
22 worst one out of everybody. He's the one that you do
23 not want your kid to hang around with.

24 His prior record, he had already been to the
25 prison and, clearly, he, obviously, didn't learn

1 anything from it because he came right out and within a
2 month after he got out, he started this string of
3 events and then he went on a meth binge, as Mr. Murphy
4 says. And this was within a month, within one month
5 after he got out of prison. That shows that he is a
6 danger to the community. He's not going to stop.

7 And he also -- I think one of the biggest factors,
8 like Mr. Knight was saying earlier with guns, Sam
9 Campbell stole guns, Judge, and it could have
10 resulted -- in the number of burglaries that he did, it
11 could have resulted in somebody getting killed. And
12 thank goodness it did not get to that level. But the
13 fact that he stole guns and went around to all of these
14 houses and every single night stole stuff. And I
15 guarantee there's stuff we don't know about, which I
16 know that's not what we're here for today, but -- he's
17 just one of the worst cases that I've ever had, Judge,
18 and that's the reason I'm asking for 25 years because I
19 think he deserves it and I think the victims deserve
20 it.

21 Your Honor, the victims are here and would like to
22 speak.

23 THE COURT: I'll be glad to hear from them.

24 Yes, sir.

25 MR. O'QUINN: Judge, I'm Frank O'Quinn. This is

1 my wife. I work with the Sheriff's Office and I can
2 account for one of the things he's talking about,
3 things that have been taken I know about a year and a
4 half before this house got broken into and he admitted
5 to breaking into it, he broke into it before prior.
6 There was a truck valued at \$5,000 that was loaded up
7 with stuff from the house that he couldn't get crank
8 and was in the process of towing it away when I found
9 out about it.

10 So, it's -- there's just -- nobody knows what else
11 has been taken or who has been vandalized or whatever.
12 So I mean, I want the full 25 that he can get. The
13 percentage of coming off meth and certain drugs are
14 very slim. You go right back onto them. And that's
15 probably the best thing for him is to get that the
16 25-dollar rehab -- or 25-year rehab. And that's pretty
17 much all I need to say.

18 THE COURT: Thank you, sir.

19 MS. O'QUINN: I just want to add that Frank and I
20 have worked hard for everything that we have and it was
21 a really awful feeling to know that the things were
22 ripped away from us. And I think he deserves the 180
23 years.

24 THE COURT: Thank you, ma'am.

25 MR. FLOWERS: Your Honor, I'm Joe Flowers. I've

1 been practicing medicine in Walterboro for 53 years
2 now. Mr. Campbell and that group broke into my farm
3 house, they ransacked the house. They even went into
4 to attic. They went into the crawl space under the
5 house. They stole everything they could from us. They
6 stole three four-wheelers. They stole meat out of the
7 freezer. They stole TVs. They stole tools, a heater,
8 a portable heater, chairs, hunting equipment, pictures
9 off the walls, chain saws, generators. They stole
10 everything they could, truck loads of stuff. They
11 stole a safe out of the house with 78 guns in it. It
12 took four of us to put the safe in the house without
13 any guns in it. They tried to crank a John Deere
14 tractor, but couldn't get it cranked, apparently, so
15 they didn't steal that. They tried everything they
16 could.

17 Your Honor, it's time that we put a stop to the
18 thievery in this county. It has got beyond all reason.
19 The people in this county, including me are very fed up
20 with people stealing from us, from people that worked
21 hard all of their life to have these things and it
22 being stole from them. It violates us. You worry
23 about it ever time you think about it. I've never in
24 my 82 years had anything that has hurt me like this
25 has.

1 I want you -- I know they talk about the drug
2 problem. We've got drug problems, sure, but people
3 have got to want to do something about it themselves,
4 it's got to come from within. You can't make people
5 get off drugs. But, you know, that's no excuse for
6 doing the things people do. They're using it as an
7 excuse now when it's no excuse. If they want to do
8 something about it, they will do something about it.
9 If they don't want to do something about it, it never
10 will happen.

11 So it's time we send a message to these people
12 that are professional thieves, that all they do is
13 steal and they don't work. I ask you to impose the
14 maximum sentence on this man so that he will stay off
15 the streets and not be stealing from this county again.
16 Thank you, sir.

17 THE COURT: Thank you, Doctor.

18 MR. PEARSON: My name is Mr. Robert Pearson. I'm
19 a military man, Your Honor. I spent 22 years in the
20 service. I am used to quick justice and I believe that
21 justice should fit the crime. Drugs, that's an excuse,
22 a poor one at that. I think this individual needs to
23 serve the maximum penalty that you can possibly bestow
24 upon him. I have never known this man before, but when
25 he invaded my life by being a part of all of this, I

1 don't deal with invasions. I do not deal with them at
2 all. I think the max penalty that you could possibly
3 put on him would be the best thing to be served for
4 this community of Colleton County, Walterboro, South
5 Carolina, Roundo, Cottageville, wherever he has ever
6 did crime with inside his two week little oh, I decided
7 that I want to get high again. He needs to go away and
8 go away for a long time. Thank you.

9 THE COURT: Thank you, sir.

10 MR. UTSEY: I believe that's all, Your Honor.

11 THE COURT: Mr. Campbell, I find you have
12 willfully violated the terms of your probation, I'm
13 going to revoke your probation in full, terminate your
14 probation and convert any monies owed to a civil
15 judgment.

16 On the two breaking into motor vehicle cases, on
17 each of those, I sentence you to five years,
18 concurrent, credit for time served. Concurrent with
19 all other sentences, too. On the grand larceny
20 charges, sentence you to five years, concurrent, credit
21 for time served. On each of the burglary charges,
22 there were seven of those, I believe, I sentence you to
23 the Department of Corrections for a period of 15 years,
24 concurrent, credit for time served. On the accessory
25 after the fact to a felony, I sentence you to 15 years,

1 concurrent, credit for time served. On the cases in
2 which the restitution orders have been signed, I'm
3 going to order restitution, but, of course, the only
4 way that it could possibly be collected, I suppose, is
5 some part of parole, if any.

6 Now, on the remaining charge, the safe cracking
7 charge, I sentence you to 22 years, concurrent, credit
8 for time served, and again, restitution on that case,
9 also.

10 Anything else we need to do on this case,
11 Solicitor?

12 MR. UTSEY: No, Your Honor.

13 THE COURT: Mr. Murphy?

14 MR. MURPHY: Let me look at my notes real quick.
15 Your Honor.

16 No, sir.

17 THE COURT: All right, Court will be in recess for
18 five minutes.

19 (Whereupon, this case concluded.)
20
21
22
23
24
25

1

2 CERTIFICATE

3

4 STATE OF SOUTH CAROLINA:

5 COUNTY OF BEAUFORT:

6 I, MONA L. MANLEY, Court Reporter, certify that I was
7 authorized to and did stenographically report the foregoing
8 proceedings and that the transcript is a true and complete
9 record of my stenographic notes.

8

DATED this 22nd day of July, 2018.

9

10

11

Mona L. Manley /s/

12

MONA L. MANLEY

13

Official South Carolina Court Reporter

14

Circuit Reporter for the 14th Circuit

15

(850) 893-6662

16

mmanley@sccourts.org

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WITNESSES

King/CCSO

Det King

DOCKET NO. 2017GS1500257

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina
County of Colleton

Defendant

COURT OF GENERAL SESSIONS

May Term 2017

I
hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2017A1510100095

THE STATE

vs.

Samuel Lane Campbell

Indictment For

Safecracking

SC Code: 16-11-390

CDR Code: 0141

Defendant

Witness:

C.C.C. PLS. and G.S.

*True Bill**Roske Drawdy*

Foreperson of Grand Jury

Date: *5/11/17*

VERDICT

Foreperson of Petit Jury

Date:

INDICT

2017 MAY 12 AM 8:50
COLLETON COUNTY
GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF COLLETON)

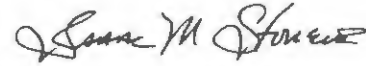
2017GS1500257

At a Court of General Sessions, convened on May 11, 2017, the Grand Jurors of Colleton County present upon their oath:

Safecracking

That in Colleton County, South Carolina, on or about February 13, 2017, the Defendant, Samuel Lane Campbell, did use explosives, tools, or other implement in or about a safe used for keeping money or other valuables with intent to commit larceny or another crime, all in violation of Section 16-11-390, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

2017 MAY 13 PM 6:20

GEN. S. L. CAMPBELL
COUNTY OF COLLETON

WITNESSES

King/CCSO

Just King

ARREST WARRANT NUMBER

2017A1510100125

*True Bill**Rooke Drowdy*

Foreperson of Grand Jury

Date: *5/11/17*

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2017GS1500296

The State of South Carolina

County of Colleton

COURT OF GENERAL SESSIONS

May Term 2017

THE STATE

vs.

Samuel Lane Campbell

Indictment For

Burglary, 2nd Degree (Violent)

SC Code: 16-11-312(B)(3)

CDR Code: 0086

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

2017 MAY 12 AM 8:50
COLLETON COUNTY
GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA)

COUNTY OF COLLETON)

INDICTMENT

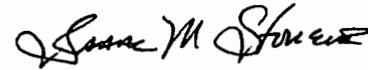
2017GS1500296

At a Court of General Sessions, convened on May 11, 2017, the Grand Jurors of Colleton County present upon their oath:

Burglary, 2nd Degree (Violent)

That in Colleton County, South Carolina, on or about February 9, 2017, the Defendant, Samuel Lane Campbell, did enter a building without consent and with intent to commit a crime therein and the entering or remaining occurred in the nighttime, all in violation of Section 16-11-312(B)(3), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

JUL 15 AM 8:20

GENERAL SESSIONS COURT
COLLETON COUNTY

WITNESSES

King/CCSO

[Signature]

DOCKET NO. 2017GS1500297

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina
County of Colleton

Defendant

COURT OF GENERAL SESSIONS

May Term 2017

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2017A1510100115

THE STATE

vs.

Samuel Lane Campbell

Indictment For

Burglary, 2nd Degree (Violent)

SC Code: 16-11-312(B)(3)

CDR Code: 0086

Defendant

Witness:

C.C.C. PLS. and G.S.

*True Bill**Rooke Drawdy*

Foreperson of Grand Jury

Date: 5/11/17

VERDICT

Foreperson of Petit Jury

Date:

INDICT

2017 MAY 12 AM 8:50

COLLETON COUNTY
GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF COLLETON)

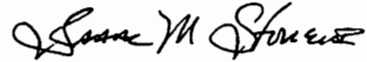
2017GS1500297

At a Court of General Sessions, convened on May 11, 2017, the Grand Jurors of Colleton County present upon their oath:

Burglary, 2nd Degree (Violent)

That in Colleton County, South Carolina, on or about January 28, 2017, the Defendant, Samuel Lane Campbell, did enter a building without consent and with intent to commit a crime therein and the entering or remaining occurred in the nighttime, all in violation of Section 16-11-312(B)(3), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

JUN 15 15 08:20

GENERAL SESSIONS COURT
COLLETON COUNTY

WITNESSES

King/CCSO

[Signature]

DOCKET NO. 2017GS1500298

The State of South Carolina
County of Colleton

After being fully advised as to my
 legal rights, I hereby waive
 presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

May Term 2017

I
 hereby appear in my own proper
 person and plead guilty to the within
 indictment or to

ARREST WARRANT NUMBER

2017A1510100116

THE STATE

vs.

Samuel Lane Campbell

Indictment For

Burglary, 2nd Degree (Violent)

SC Code: 16-11-312(B)(3)

CDR Code: 0086

Defendant

Witness:

C.C.C. PLS. and G.S.

*True Bill**Rooke Droudy*

Foreperson of Grand Jury

Date: *5/11/17*

VERDICT

Foreperson of Petit Jury

Date:

INDICT

2017 MAY 12 AM 8:50
 COLLETON COUNTY
 GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA)

COUNTY OF COLLETON)

INDICTMENT

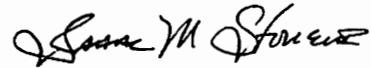
2017GS1500298

At a Court of General Sessions, convened on May 11, 2017, the Grand Jurors of Colleton County present upon their oath:

Burglary, 2nd Degree (Violent)

That in Colleton County, South Carolina, on or about January 28, 2017, the Defendant, Samuel Lane Campbell, did enter a building without consent and with intent to commit a crime therein and the entering or remaining occurred in the nighttime, all in violation of Section 16-11-312(B)(3), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

2017 MAY 15 PM 8:20
GENERAL SESSIONS COURT
COLLETON COUNTY

WITNESSES

King/CCSO

[Signature]

DOCKET NO. 2017GS1500299

The State of South Carolina
County of Colleton

After being fully advised as to my
 legal rights, I hereby waive
 presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

May Term 2017

I _____
 hereby appear in my own proper
 person and plead guilty to the within
 indictment or to

ARREST WARRANT NUMBER

2017A1510100117

THE STATE

vs.

Samuel Lane Campbell

Indictment For

Burglary, 2nd Degree (Violent)

SC Code: 16-11-312(B)(3)

CDR Code: 0086

Defendant

*True Bill**Rooke Drouby*

Foreperson of Grand Jury

Date:

5/11/17

VERDICT

Witness:

Foreperson of Petit Jury

Date:

INDICT

C.C.C. PLS. and G.S.

2017 MAY 12 AM 8:50
 COLLETON COUNTY
 GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

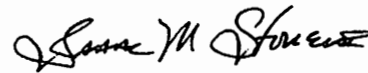
INDICTMENT
2017GS1500299

At a Court of General Sessions, convened on May 11, 2017, the Grand Jurors of Colleton County present upon their oath:

Burglary, 2nd Degree (Violent)

That in Colleton County, South Carolina, on or about January 28, 2017, the Defendant, Samuel Lane Campbell, did enter a building without consent and with intent to commit a crime therein and the entering or remaining occurred in the nighttime, all in violation of Section 16-11-312(B)(3), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

JUN 13 15 PM 8:20

GENERAL SESSIONS COURT
COLLETON COUNTY

WITNESSES

King/CCSO

Det King

DOCKET NO. 2017GS1500301

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina
County of Colleton

Defendant

COURT OF GENERAL SESSIONS

May Term 2017

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2017A1510100118

THE STATE

vs.

Samuel Lane Campbell

Indictment For

Breaking Into Motor Vehicle or
Compartment to Steal

SC Code: 16-13-160(A)(1)

CDR Code: 0258

Defendant

*True Bill**Rooke Drawdy*

Foreperson of Grand Jury

Date: *5/11/17*

Witness:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

C.C.C. PLS. and G.S.

2017 MAY 12 AM 8:50
COLLETON COUNTY
GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA

INDICTMENT

COUNTY OF COLLETON

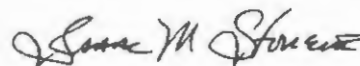
2017GS1500301

At a Court of General Sessions, convened on May 11, 2017, the Grand Jurors of Colleton County present upon their oath:

Breaking Into Motor Vehicle or Compartment to Steal

That in Colleton County, South Carolina, on or about January 31, 2017, the Defendant, Samuel Lane Campbell, did break or attempt to break into a motor vehicle or its compartment with the intent to steal it or anything of value from it, attached or annexed to it, or used in connection with it or in the perpetration of a criminal offense, all in violation of Section 16-13-160(A)(1), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

MAY 13 AM 8:20

GENERAL SESSIONS COURT
COLLETON COUNTY

WITNESSES

King/CCSO

But King

DOCKET NO. 2017GS1500303

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina
County of Colleton

Defendant

COURT OF GENERAL SESSIONS

May Term 2017

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2017A1510100123

THE STATE

vs.

Samuel Lane Campbell

Indictment For

Grand Larceny, value greater than
\$2,000 but less than \$10,000

SC Code: 16-13-30(B)(1)

CDR Code: 3420

Defendant

Witness:

C.C.C. PLS. and G.S.

True Bill

Rooke Drawdy
Foreperson of Grand Jury

Date: *5/11/17*

VERDICT

Foreperson of Petit Jury

Date:

INDICT

2017 MAY 12 AM 8:50
COLLETON COUNTY
GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF COLLETON)

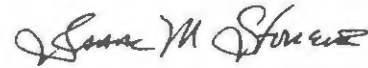
2017GS1500303

At a Court of General Sessions, convened on May 11, 2017, the Grand Jurors of Colleton County present upon their oath:

Grand Larceny, value greater than \$2,000 but less than \$10,000

That in Colleton County, South Carolina, on or about January 16, 2017, the Defendant, Samuel Lane Campbell, did, take and carry away property of Robert Debello with the intent to deprive the owner of such property, which was valued at the time of the offense in excess of two thousand dollars and less than ten thousand dollars, all in violation of Section 16-13-30(B)(1), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

2017 MAY 15 AM 8:20
GENERAL SESSIONS COURT
COLLETON COUNTY

50

WITNESSES

King/CCSO

Da King

DOCKET NO. 2017GS1500305

The State of South Carolina
County of Colleton

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

May Term 2017

I
hereby appear in my own proper person and plead guilty to the within indictment or to

THE STATE

vs.

Samuel Lane Campbell

ARREST WARRANT NUMBER

2017A1510100121

Indictment For

Burglary, 1st Degree

SC Code: 16-11-311(A)(3)

CDR Code: 0079

True Bill

Rooke Drawdy

Foreperson of Grand Jury

Date: *5/11/17*

Defendant

VERDICT

Witness:

Foreperson of Petit Jury

Date:

INDICT

C.C.C. PLS. and G.S.

2017 MAY 12 AM 8:50
COLLETON COUNTY
GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA)

COUNTY OF COLLETON)

INDICTMENT

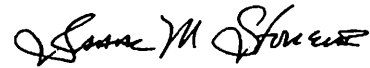
2017GS1500305.

At a Court of General Sessions, convened on May 11, 2017, the Grand Jurors of Colleton County present upon their oath:

Burglary, 1st Degree

That in Colleton County, South Carolina, on or about January 1, 2017 through February 12, 2017, the Defendant, Samuel Lane Campbell, did enter a dwelling without consent and with intent to commit a crime therein and the entering or remaining occurred in the nighttime, all in violation of Section 16-11-311(A)(3), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

2017 MAY 15 AM 8:20

GENERAL SESSIONS COURT
COLLETON COUNTY

WITNESSES

King/CCSO

[Signature]

DOCKET NO. 2017GS1500307

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina
County of Colleton

Defendant

COURT OF GENERAL SESSIONS

May Term 2017

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2017A1510100122

THE STATE

vs.

Samuel Lane Campbell

Indictment For

Breaking Into Motor Vehicle or
Compartment to Steal

SC Code: 16-13-160(A)(1)

CDR Code: 0258

Defendant

*True Bill**Rooke Drawdy*

Foreperson of Grand Jury

Date: 5/11/17

Witness:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

C.C.C. PLS. and G.S.

2017 MAY 12 AM 8:51
COLLETON COUNTY
GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF COLLETON)

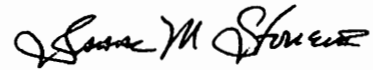
2017GS1500307

At a Court of General Sessions, convened on May 11, 2017, the Grand Jurors of Colleton County present upon their oath:

Breaking Into Motor Vehicle or Compartment to Steal

That in Colleton County, South Carolina, on or about January 12, 2017, the Defendant, Samuel Lane Campbell, did break or attempt to break into a motor vehicle or its compartment with the intent to steal it or anything of value from it, attached or annexed to it, or used in connection with it or in the perpetration or a criminal offense, all in violation of Section 16-13-160(A)(1), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

2017 MAY 15 AM 8:21

GENERAL SESSIONS COURT
COLLETON COUNTY

WITNESSES

King - CCSO

Det King

DOCKET NO. 2017GS1500308

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina
County of Colleton

COURT OF GENERAL SESSIONS

May Term 2017

THE STATE

vs.

Samuel Lane Campbell

Indictment For

Burglary - 2nd Degree (Violent)

SC Code: 16-11-312(B)(3)

CDR Code: 0086

Defendant

I _____
 hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

ARREST WARRANT NUMBER

2017A1510100124

*True Bill**Rooke Drowdy*

Foreperson of Grand Jury

Date: *5/11/17*

VERDICT

Foreperson of Petit Jury

Date:

INDICT

2017 MAY 12 AM 8:50
 COLLETON COUNTY
 GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA

COUNTY OF COLLETON

INDICTMENT

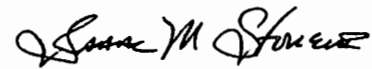
2017GS1500308

At a Court of General Sessions, convened on May 11, 2017, the Grand Jurors of Colleton County present upon their oath:

Burglary – 2nd Degree (Violent)

That in Colleton County, South Carolina, on or about January 23, 2017, the Defendant, Samuel Lane Campbell, did enter a building without consent and with intent to commit a crime therein and the entering or remaining occurred in the nighttime, all in violation of Section 16-11-312(B)(3), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

JUN 13 10 08:20

GENERAL SESSIONS COURT
COLLETON COUNTY

56

WITNESSES

King/CCSO

[Signature]

DOCKET NO. 2017GS1500309

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina
County of Colleton

Defendant

COURT OF GENERAL SESSIONS

May Term 2017

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2017A1510100119

THE STATE

vs.

Samuel Lane Campbell

Indictment For

Accessory After the Fact to Felony

SC Code: 16-1-55

CDR Code: 2413

Defendant

True Bill

Rooke Drawdy

Foreperson of Grand Jury

Date: *5/11/17*

Witness:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

C.C.C. PLS. and G.S.

2017 MAY 12 AM 8:50
COLLETON COUNTY
GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA

COUNTY OF COLLETON

INDICTMENT

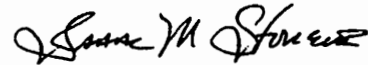
2017GS1500309

At a Court of General Sessions, convened on May 11, 2017, the Grand Jurors of Colleton County present upon their oath:

Accessory After the Fact to Felony

That in Colleton County, South Carolina, on or about February 13, 2017, the Defendant, Samuel Lane Campbell, did commit the offense of accessory after the fact to a Felony, Class A, B, C, or Murder, all in violation of Section 16-1-55, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

MAY 15 AM 8:20

GENERAL SESSIONS COURT
COLLETON COUNTY

58

WITNESSES

King - CCSO

[Signature]

DOCKET NO. 2017GS1500310

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina
County of Colleton

COURT OF GENERAL SESSIONS

May Term 2017

THE STATE

vs.

Samuel Lane Campbell

Indictment For

Burglary – 2nd Degree (Violent)

SC Code: 16-11-312(B)(3)

CDR Code: 0086

Defendant

I
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

ARREST WARRANT NUMBER

2017A1510100120

True Bill

Rooke Drawdy

Foreperson of Grand Jury

Date: 5/11/17

VERDICT

Foreperson of Petit Jury

Date:

INDICT

2017 MAY 12 AM 8:50
COLLETON COUNTY
GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA)

COUNTY OF COLLETON)

INDICTMENT

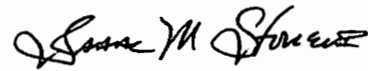
2017GS1500310

At a Court of General Sessions, convened on May 11, 2017, the Grand Jurors of Colleton County present upon their oath:

Burglary – 2nd Degree (Violent)

That in Colleton County, South Carolina, on or about February 8, 2017 through February 14, 2017, the Defendant, Samuel Lane Campbell, did enter a building without consent and with intent to commit a crime therein and the entering or remaining occurred in the nighttime, all in violation of Section 16-11-312(B)(3), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

303 MAY 15 PM 8:20
GENERAL SESSIONS COURT
COLLETON COUNTY

STATE OF SOUTH CAROLINA

COUNTY OF

COLLETON

STATE

VS.

Samuel Lane Campbell

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

City, State, Zip:

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO:

Safecracking

In violation of §

16-11-390

of the S.C. Code of Laws, bearing CDR Code #

0141

☐ NON-VIOLENT☐ VIOLENT☒ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45

The charge is:

☒ As indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is:

☒ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Arthur C. Wiley, IV 102393

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 22 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 303 days☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☒ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☒ Ordered

PTUP

Total: \$ 4,100.00 plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

§14-1-206 (Assessments 107.5%)	\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$ 3.75
TOTAL	\$	\$ 128.75

Clerk of Court/Deputy Clerk
Court Reporter: Patricia C. Grant
Mona Manley

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017-GS-15-257

AW#: 2017A1510100095

Date of Offense: 2/13/17

S.C. Code §: 16-11-390

CDR Code #: 0141

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS(CSC w/minor 1st or Lewd Act)

Grand Jury.

Recommendation by the State.

County Detention Center,

not to exceed _____ years

days/months/years and or payment

probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

pursuant to S.C. Code §24-13-40 to be calculated and applied by the State

Department of Corrections.

Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☒ Ordered

PTUP

plus 20% fee: \$ _____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning

\$ _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel.

Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 2139

Sentence Date: December 14, 2017

Not more than 15 years

61

STATE OF SOUTH CAROLINA

COUNTY OF

COLLETON

STATE

VS.

Samuel Lane Campbell

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

City, State, Zip:

DL#

* SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Burglary, 2nd Degree (Violent)

In violation of § 16-11-312 (B)

of the S.C. Code of Laws, bearing CDR Code # 0086

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

The charge is: ☒ As indicted, ☐ Lesser Included Offense,

The plea is: ☒ Without Negotiations or Recommendation,

ATTEST:

Arthur C. Utsey, II

102393

Samuel Campbell

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 303 days

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☒ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☒ Ordered

Total: \$ 150.00 plus 20% fee: _____ \$ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$	100
§14-1-211 (A)(2)(DUI Surcharge)	\$	100
§56-5-2995 (DUI Assessment)	\$	12
§56-1-286 (DUI Breath Test)	\$	25
Proviso 61.6 (Public Def/Probation)	\$	500
§14-1-212 (Law Enforce. Funding)	\$	25
§14-1-213 (Drug Court Surcharge)	\$	150
§50-21-114 (BUI Breath Test Fee)	\$	50
§56-5-2942(J) (Vehicle Assessment)	\$	40/ea
3% to County (if paid in installments)	\$	3.75
TOTAL	\$	128.75

Clerk of Court/Deputy Clerk

Court Reporter:

Patricia C. Grant
Mona Manley

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017-GS-15-296

A/W#:

2017A1510100125

Date of Offense:

2/9/17

S.C. Code §:

16-11-312 (B)

CDR Code #:

0086

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

(CSC w/minor 1st or Lewd Act)

Defendant Waives Presentment to Grand Jury.

Negotiated Sentence,

Recommendation by the State.

Attorney for Defendant

County Detention Center,

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning

\$ _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel. Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code

Sentence Date

2/13/17
December 14, 2017

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

COLLETON

STATE

VS.

Samuel Lane Campbell

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

City, State, Zip:

DL#

* SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADS

TO: Burglary, 2nd Degree (Violent)

In violation of § 16-11-312(CB) of the S.C. Code of Laws, bearing CDR Code # 0086

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45The charge is: ☒ As indicted, ☐ Lesser Included Offense,(CSC w/minor 1st or Lewd Act)The plea is: ☒ Without Negotiations or Recommendation,☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Arthur C. Utsey, Jr. 102393

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 303 Days☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient:

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine:

§14-1-206 (Assessments 107.5%)	\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL

\$ 128.75

Clerk of Court/Deputy Clerk

Court Reporter:

Patricia C. Grant
Hona Manley

Presiding Judge

Judge Code:

Sentence Date

2139
14, 2017

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

COLLETON

STATE

VS.

Samuel Lane Campbell

INDICTMENT/CASE#: 2017-GS-15-298

AW#: 2017A1510100116

Date of Offense: 1/28/17

S.C. Code §: 16-11-312(B)

CDR Code #: 0086

SENTENCE SHEET

AKA: _____
 Race: _____ Sex: _____ Age: _____
 DOB: _____ SS#: _____
 Address: _____
 City, State, Zip: _____
 DL# _____ * SID# _____
 *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Burglary, 2nd Degree (Violent)

In violation of § 16-11-312(B) of the S.C. Code of Laws, bearing CDR Code #

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
The charge is: ☒ As indicted, ☐ Lesser Included Offense,The plea is: ☒ Without Negotiations or Recommendation,☐ Defendant Waives Presentment to Grand Jury,

(def.'s initials)

☐ Negotiated Sentence,

Recommendation by the State.

ATTEST:

Arthur C. Utley, III

102393

Samuel Campbell

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,

for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
 incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 303 Days☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning

\$ _____ Paid to Public Defender Fund

Other: _____

*Fine:

§14-1-206 (Assessments 107.5%)	\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$	100
§14-1-211 (A)(2)(DUI Surcharge)	\$	100
§56-5-2995 (DUI Assessment)	\$	12
§56-1-286 (DUI Breath Test)	\$	25
Proviso 61.6 (Public Def/Probation)	\$	500
§14-1-212 (Law Enforce. Funding)	\$	25
§14-1-213 (Drug Court Surcharge)	\$	150
§50-21-114 (BUI Breath Test Fee)	\$	50
§56-5-2942(J) (Vehicle Assessment)	\$	40/ea
3% to County (if paid in installments)	\$	3.75

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter:

Patricia C. Grant
 Mona Manley

Presiding Judge

Judge Code 2139

Sentence Date

December 14, 2017

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

COLLETON

STATE

VS.

Samuel Lane Campbell

INDICTMENT/CASE#: 2017-GS-15-299

AW#: 2017A1510100117

Date of Offense: 11/28/17

S.C. Code §: 16-11-312 (B)

CDR Code #: 0086

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

City, State, Zip:

DL#

* SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADS

TO:

Burglary 2nd Degree (Violent)

In violation of §

16-11-312 (B)

of the S.C. Code of Laws, bearing CDR Code #

0086

☐ NON-VIOLENT☒ VIOLENT☒ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ \$17-25-45The charge is: ☒ As indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is: ☒ Without Negotiations or Recommendation,☐ Negotiated Sentence,

Recommendation by the State.

ATTEST:

Arthur C. Clary, Jr. 102393

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections☐ County Detention Center,

for a determinate term of

15

days/months/years or

☐ under the Youthful Offender Act not to exceed

years

and/or to pay a fine of \$

; provided that upon the service of

days/months/years and or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 303 Days☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp.

☐ Set by SCDPPPS

May serve W/E beginning

Substance Abuse Counseling ☐

Recipient:

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning

\$ Paid to Public Defender Fund

Other:

*Fine:

§14-1-206 (Assessments 107.5%) \$

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$

§56-5-2995 (DUI Assessment) \$12 \$

§56-1-286 (DUI Breath Test) \$25 \$

Proviso 61.6 (Public Def/Probation) \$500 \$

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$

§50-21-114 (BUI Breath Test Fee) \$50 \$

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 3.75

TOTAL

\$ 128.75

Clerk of Court/Deputy Clerk

Court Reporter:

Patricia C. Grant

Mona Manley

Presiding Judge

Judge Code:

Sentence Date:

2139
December 14, 2017

Not more than 5 years and/or not more than \$1,000 65

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

COLLETON

STATE

VS.

Samuel Lane Campbell

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

City, State, Zip:

DL#

* SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADS

TO: Breaking Into a Motor Vehicle, or tanks, pumps, where fuel, lubricants

In violation of § 16-13-160 of the S.C. Code of Laws, bearing CDR Code # 0258 stored

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

The charge is: ☒ As indicted, ☐ Lesser Included Offense,

☐ Defendant Waives Presentation to Grand Jury.

(def.'s initials)

The plea is: ☒ Without Negotiations or Recommendation

☐ Negotiated Sentence,

☐ Recommendation by the State.

ATTEST:

Arthur C. Elbey, II 102393 Paul Gellu

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 303 Days

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms:

Obtain GED ☐

☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient:

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine:

§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ <u>100.00</u>
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ <u>3.75</u>

TOTAL

\$ 128.75

Clerk of Court/Deputy Clerk

Court Reporter:

Patricia C. Grant
Mona Manley

Presiding Judge

Judge Code:

Sentence Date

2139
December 14, 2017

Not more than 5 years or a fine

STATE OF SOUTH CAROLINA

COUNTY OF

COLLETON

STATE

vs.
Samuel Lane Campbell

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

City, State, Zip:

DL#

* SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADSTO: Grand Larceny, value greater than \$2,000 but less than \$10,000In violation of § 16-13-30 of the S.C. Code of Laws, bearing CDR Code # 3420☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45The charge is: ☒ As indicted, ☐ Lesser Included Offense,The plea is: ☒ Without Negotiations or Recommendation,☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Arthur C. Wiley, Jr.

Solicitor

SC Bar # 102393

Defendant

Attorney for Defendant

SC Bar # 8875

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 303 Days☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

*Fine:

§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ <u>100.00</u>
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ <u>3.75</u>

TOTAL

\$ 128.75

Clerk of Court/Deputy Clerk

Court Reporter:

Patricia C. Grant
Mona Manley

☐ Appointed PD or appointed other counsel. Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 2139Sentence Date: December 14, 2017

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

COLLETON

STATE

vs. Samuel Lane Campbell

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

City, State, Zip:

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Burglary 2nd Degree (Violent)

In violation of § 16-11-312 (B)

of the S.C. Code of Laws, bearing CDR Code # 0086

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45The charge is: ☐ As indicted, ☒ Lesser Included Offense,The plea is: ☒ Without Negotiations or Recommendation,☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Arthur C. Wiley, Jr. 102393 Samuel Campbell

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 303 Days☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

*Fine:

§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
Proviso 61.6 (Public Def/Probation)	\$500	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)		\$ 3.75

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk

Court Reporter: Patricia C. Grant

Mona Manly

Presiding Judge

Judge Code: 2139

Sentence Date

December 14, 2017

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

STATE

COLLETON

VS.

Samuel Lane Campbell

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

City, State, Zip:

DL#

* SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADS

TO:

In violation of §

16-13-160

of the S.C. Code of Laws, bearing CDR Code #

0258

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45

The charge is:

☒ As indicted,☐ Lesser Included Offense,☐

Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is:

☒ Without Negotiations or Recommendation☐

Negotiated Sentence,

☐ Recommendation by the State.

ATTEST:

Arthur C. Utsey, Jr.

102393

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections☐ County Detention Center,

for a determinate term of

5

days/months/years or

☐ under the Youthful Offender Act not to exceed

years

and/or to pay a fine of \$

;

provided that upon the service of

days/months/years and or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient:

May serve W/E beginning
Substance Abuse Counseling ☐

*Fine:		\$
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$ 25.00
Proviso 61.6 (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk Patricia C. Grant
Court Reporter: Mona ManleyRandom Drug/Alcohol Testing ☐
Fine may be pd. in equal consecutive weekly/monthly
pmts. of \$ Beginning
\$ Paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel.
Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.Presiding Judge
Judge Code: 2139
Sentence Date December 14, 2017

Not more than 15 years

69

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

COLLETON

STATE

Samuel Lane VS. Campbell

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

City, State, Zip:

DL#

* SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADS

TO: Burglary 2nd Degree (Violent)

In violation of § 16-11-312

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS of the S.C. Code of Laws, bearing CDR Code # 0086

The charge is: ☒ As indicted, ☐ Lesser Included Offense,

The plea is: ☒ Without Negotiations or Recommendation, ☐ Defendant Waives Presentment to Grand Jury,

ATTEST:

Arthur C. Hays, Jr.

102393

Samuel Campbell

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the

for a determinate term of

and/or to pay a fine of \$

of \$ 15 ; provided that upon the service of 303 days/months/years and or payment

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 303 days

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☒ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☒ Ordered

Total: \$ 800 plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§14-1-206 (Assessments 107.5%)		\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	
§56-5-2995 (DUI Assessment)	\$12	\$	
§56-1-286 (DUI Breath Test)	\$25	\$	
Proviso 61.6 (Public Def/Probation)	\$500	\$	
§14-1-212 (Law Enforce. Funding)	\$25	\$	25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$	
§50-21-114 (BUI Breath Test Fee)	\$50	\$	
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
3% to County (if paid in installments)		\$	3.75

TOTAL

\$ 128.75

Clerk of Court/Deputy Clerk

Court Reporter:

Patricia C. Grant
Mona Manley

INDICTMENT/CASE#: 2017-GS-15-308

AW#: 2017A1510100124

Date of Offense: 1/23/17

S.C. Code §: 16-11-312

CDR Code #: 0086

SENTENCE SHEET

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning

\$ Paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 2139

Sentence Date: December 14, 2017

not more than 15 years

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

COLLETON

STATE

VS.

INDICTMENT/CASE#: 2017-GS-15-309

AW#: 2017A1510100119

Date of Offense: 2/13/17

S.C. Code §: 16-1-55

CDR Code #: 2413

Samuel Lane Campbell

AKA:

Race: Sex: Age:

DOB: SS#:

Address:

City, State, Zip:

DL# * SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Accessory After the Fact to Felony, A, B, C or Murder

In violation of § 16-1-55 of the S.C. Code of Laws, bearing CDR Code # 2413

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (CSC w/minor 1st or Lewd Act) (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Arthur C. Utley, II 102393 SC Bar # Defendant

Solicitor SC Bar # Defendant Attorney for Defendant SC Bar # 82/3

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are

incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State

Department of Corrections. 303 Days

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic

Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms: Obtain GED ☐☐ Set by SCDPPPS Attend Voc. Rehab. Or Job Corp. _____

Recipient: May serve W/E beginning

*Fine: Substance Abuse Counseling ☐

§14-1-206 (Assessments 107.5%) \$

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$

§56-5-2995 (DUI Assessment) \$12 \$

§56-1-286 (DUI Breath Test) \$25 \$

Proviso 61.6 (Public Def/Probation) \$500 \$

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$

§50-21-114 (BUI Breath Test Fee) \$50 \$

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk Patricia C. Grant

Court Reporter: Mona Manley

Presiding Judge

Judge Code: 2139

Sentence Date: December 14, 2017

FORM 5

STATE OF SOUTH CAROLINA)

COUNTY OF COLLETON)

IN THE COURT OF COMMON PLEAS

Full name and prison number (if any) of Applicant.)

SAMUEL LANE CAMPBELL #360837)

v.)

State of South Carolina)

19-CP-15-149

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legible handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Kirkland Corr. Inst.
2. Name and location of Court which imposed sentence 14th Judicial Circuit, General Sessions COLLETON COUNTY
3. Name(s) of co-defendant(s) (if any) ROBERT CRISTIE, MICHAEL Z. HALLARD
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2017-15-257 SAFE CRACKING
 - (b) 2017-15-309 ACCESSORY AFTER THE FACT - SAFE CRACKING
 - (c) N/A
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) 12-14-2017, 22 YEARS CEN CURRENT
 - (b) 12-14-2017, 15 YEARS CEN CURRENT

- (c) N/A
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty N/A
- (c) after a plea of nolo contendere N/A
7. Did you appeal from the judgment of conviction or the imposition of sentence?
YES
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. SOUTH CAROLINA COURT OF APPEALS
- ii. N/A
- iii. N/A
- (b) the result in each such Court to which you appealed:
- i. REMITTITUR; DISMISSED RULE 221(b)
- ii. N/A
- iii. N/A
- (c) the date of each such result:
- i. ORDER: 3-15-2018 / REMITTITUR 4-2-2018
- ii. N/A
- iii. N/A
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. RULE 203(d)(1)(B)(IV)
- ii. N/A
- iii. N/A
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) N/A
- (c) N/A
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) SEE ATTACHED PAGES: ARGUMENTS 1-15, EXHIBITS 34 PAGES
- (b) SEE ATTACHED PAGES: ARGUMENTS 1-15, EXHIBITS 34 PAGES
- (c) SEE ATTACHED PAGES: ARGUMENTS 1-15, EXHIBITS 34 PAGES
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) SEE ATTACHED PAGES: ARGUMENTS pg 1-15, EXHIBITS 34 PAGES
- (b) SEE ATTACHED
- (c) SEE ATTACHED
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? N/A
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? N/A
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? N/A
- (d) any other petitions, motions or applications in this or any other Court? N/A
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A
- (c) the disposition thereof:
- i. N/A
- ii. N/A
- iii. N/A

iv. N/A

(d) the date of each such disposition:

i. N/A

ii. N/A

iii. N/A

iv. N/A

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. N/A

ii. N/A

iii. N/A

iv. N/A

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. N/A

ii. NA

iii. N/A

(b) the proceedings in which each ground was raised:

i. N/A

ii. N/A

iii. N/A

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) COUNSEL'S FAILURE TO INSTRUCT

(b) DID NOT KNOW THE LAW OR PROCEDURES THEREOF

(c) NA

17. Were you represented by an attorney at any time during the course of:

STATE OF SOUTH CAROLINA)

County of Colleton)

VERIFICATION

I, _____, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Samuel Campbell

SWORN to and subscribed before me this 22
day of February, 2019.

Melissa D. King (L.S.)
Notary Public

My Commission Expires: Dec. 1, 2025

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, _____, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Samuel Campbell
Applicant

SWORN or affirmed to and subscribed before me this
22 day of February, 2019.

Melissa Sprig
Notary Public

My Commission Expires: Dec. 1, 2025

DEFENDANT RESPECTFULLY REQUESTS THIS HONORABLE COURT TO ASSES THE CIRCUMSTANCES OF THE CASE, THE FACTS, THE DOCUMENTATION, APPOINT EFFECTIVE COUNSEL AND GRANT DEFENDANT'S APPLICATION FOR POST CONVICTION RELIEF.

HERE WITHIN PLEASE FIND THE FOLLOWING ISSUES, ARGUMENTS AND FACTUAL BASIS FOR POST CONVICTION RELIEF. THE DEFENDANT STATES THE FOLLOWING IN SUPPORT OF HIS PCR APPLICATION.

DEFENDANT'S REPRESENTING COUNSEL WAS INEFFECTIVE ON AN ARRAY OF ISSUES IN THE CASE. DEFENDANT BELIEVES THAT HE HAS ADDITIONAL CLAIMS FOR POST CONVICTION RELIEF, BUT DOES NOT YET HAVE COLLATERAL COUNSEL, ACCESS TO THE DISCOVERY PROCESS OR FUNDS FOR EXPERT SERVICES TO INVESTIGATE THESE CLAIMS. SEE S.C.R. CIV P. 15, LEAVE TO AMEND "SHALL BE FREELY GIVEN WHEN JUSTICE SO REQUIRES".

COUNSEL FOR DEFENDANT PREJUDICED DEFENDANT AND VIOLATED HIS 6th AMEND RIGHT TO ADEQUATE REPRESENTATION AT ALL STAGES OF THE COURT PROCESS. ABA PROVIDES THAT COUNSEL HAS A DUTY TO PROPERLY REPRESENT HIS CLIENT AS HIS ADVOCATE, ABA STANDARDS FOR CRIMINAL JUSTICE 4, 1.1 THROUGH 4, 8.1 3RD ED. 1993 (UPDATED 2018), SEE HILL V. LOCKHART 474 U.S. 52, 59 (1985), (LAFER V. COOPER 182 L.E. 2d 398 (2012))

THE 6th AMEND. REQUIRES EFFECTIVE ASSISTANCE OF

COUNSEL AT CRITICAL STAGES, INCLUDING PLEA NEGOTIATION AGREEMENTS (ORAL AND WRITTEN), PROVISIONS OF THE DETRIMENTAL RELIANCE EXCEPTION) WITH SENTENCE PROPORTIONALITY UNDER THE SPECIFIC INTENTIONS OF LEGISLATURE, THE 8TH AMENDMENT UNDER SOLEM V. HELM 463 U.S. 277, 103 S.Ct. 3001 (1983) AND THE 14TH AMENDMENT LIBERTY INTEREST OF PAROLE AS PROVOUCED FROM THE BENCH UNDER CONSTRUCTIVE LANGUAGE, WITH THE ORDER FOR RESTITUTION.

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 JUDICIAL PROCESS THAT THE TRIAL COURT CANNOT BE RELIED UPON AS HAVING PRODUCED A JUST RESULT SEE STRICKLAND V. WASHINGTON 476 U.S. 68 (1984), BUTLER V. STATE 286 S.C. 411 (1985)

THE PROPER MEASURE OF PERFORMANCE IS WHETHER THE ATTORNEY PROVIDED REPRESENTATION WITHIN THE RANGE OF COMPETENCE REQUIRED IN CRIMINAL CASES. HERE THE COUNSEL OF RECORD WAS DEFICIENT IN HIS ADEQUATE ASSISTANCE AND THUS ITS REASONABLENESS UNDER PROFESSIONAL NORMS IS NOT MET. SEE CHERRY V. STATE 300 S.C. 115, 117 (1989)

HERE COUNSEL'S LACK OF ASSISTANCE IS EVIDENT, EVEN DISPOSITIVE AND APPLICANT CAN PRODUCE RELEVANT AND CREDIBLE TESTIMONY AND EVIDENCE CONCERNING HIS CLAIMS. SEE MORREHEAD V. STATE 329 S.C. 329 (1988), APPLICANT'S

CLAIM IS SUPPORTED BY MORE THAN MERELY SPECULATION.

THE 6th AMENDMENT APPLIES TO "ALL CRITICAL STAGES OF THE CRIMINAL PROCEEDINGS" SEE MISSOURI V. FRYE SUP U.S. 134, 132 S. CT. 1399 (2012). THE QUESTION IS WHETHER DEFENSE COUNSEL HAS THE DUTY TO COMMUNICATE THE TERMS OF A FORMAL OFFER, TO ACCEPT A PLEA ON TERMS AND CONDITIONS THAT MAY RESULT IN A LESSER SENTENCE, A CONVICTION OF LESSER CHARGES, OR BOTH" 132 U.S. @ 132 S. CT. @ 1408.

IN THE INSTANT CASE APPELLANT'S COUNSEL AND THE STATE KNEW THAT ROBERT ORSINI, APPELLANT'S CO-DEFENDANT IN THE SAFE CRACKING CHARGE WAS BEING GRANTED THE DRUG TREATMENT AND TO PAY THE RESTITUTION (SEE RECEIPT FROM SAUTTER + ASSOCIATES - RESTITUTION FOR CASE NO. 2017A1510100131; 2017A1510100133-139; 2017A1510100093-94, MARCH 9, 2018, CASHIER'S CHECK #124521, AMOUNT \$5,500.00 DOLLARS) BEFORE MR. ORSINI WAS ACTUALLY CONVICTED OF ANY OF THE 10 CHARGES THAT MR. ORSINI HAS, INCLUDING THE BURGLARY 1st DEGREE (REDUCED TO BURGLARY 2ND, PAROLE ELIGIBLE, 12 YEARS) AND THE SAFE CRACKING OF DR. JOE FLOWERS (MR. ORSINI WAS THE CENTRAL PART TO THIS CRIME AND HE BROKE INTO DR. FLOWERS RESIDENCE, RANSACKED AND STOLE THE SAFE, THEN TRANSPORTED THE SAFE TO HIS RESIDENCE WHERE THEN AS STATED BY SOLICITOR LITSEY, PAGE 7, LINE 13-24 MR. ORSINI CONTACTED THE APPELLANT TO HELP OPEN A SAFE) WHICH MR. ORSINI RECEIVED ONLY 4 YEARS FOR AND THIS IS NOT HIS CONTROLLING SENTENCE AND IS PAROLE ELIGIBLE UNDER CHAPTER 22 OF THE SOUTH CAROLINA CODE OF LAWS, CLASSIFICATION SYSTEM AND ADULT CRIMINAL OFFENDER MANAGEMENT SYSTEM (2018). S.C. 24-22-10, 24-22-20 AND 24-22-70 GOOD BEHAVIOR AND EARNED

WORK CREDITS AS SPECIFIED IN SECTION S.C. 24-13-210 AND S.C. 24-13-230.

APPLICANT CAN SHOW AND PROVE THAT COUNSEL FAILED TO ENFORCE THE DETRIMENTAL RELIANCE DOCTRINE. THE 12-15 YEAR SENTENCE THAT WAS AGREED BETWEEN THE SOLICITOR, MR. UTSEY, AND COL GOLD SMITH AND APPELLANT'S COUNSEL OF RECORD AS ADVISED WITH INSTRUCTION TO APPELLANT WITH COOPERATION FOR AGREED SENTENCE RANGE.

HERE COUNSEL BASED FROM DEFENDANT'S/APPELLANT'S COOPERATION, MINOR ROLE IN THE CASE SPECIFIC OF THE SAFECRACKING AND LIMITED CRIMINAL HISTORY (NOT TRAFFICK RELATED OR DRIVING WHILE SUSPENDED, OR PUBLIC INTOXICATION) OF 2012 RECEIVING STOLEN GOODS, 2014 GRAND LARCENY, 2014 POSSESSION OF LESS THAN ONE GRAM. NONE OF ANY PRIORS FOR VIOLENT OFFENSES, SEE SENTENCING TRANSCRIPT (pg 12, LINE 25, pg 13, LINE 1-14). WAS/IS IN PRIME POSITION TO ARGUE FOR THE AGREED NEGOTIATED TERM OF PRISON, 12-15 YEARS. INSTEAD APPELLANT RECEIVED 22 YEARS, NON-VIOLENT 85% UNDER A NON OBJECTED TO SENTENCE WHICH WAS PURPORTED TO BE WITHOUT NEGOTIATION OR RECOMMENDATION (SEE SENTENCING STATE), (SEE SENTENCING TRANSCRIPT, pg 3, LINE 11-18) YET, THE STATE AND MR. UTSEY, THE PROSECUTION PRODUCE TO THE COURT THAT HE WISHED TO AGREE TO THE COURT FOR A SENTENCE (SEE SENTENCING TRANSCRIPT pg 13, LINE 11-17). CLEARLY THERE WAS A SET NEGOTIATION AND SENTENCE (SEE SENTENCING TRANSCRIPT pg 11, LINE 9-14) AS THE APPELLANT'S SENTENCING TRANSCRIPT UNDER HIS INFORMATION BY MR. UTSEY CLEARLY POINTS OUT THE APPELLANT'S COOPERATION. (SEE SENTENCING TRANSCRIPT pg 7-12 ALL). SENTENCING OF THE

DEFENDANT WAS IMPROPER AND THE RESULT OF THE PLEA UNDER DIRECTION OF COUNSEL WAS PREJUDICIAL. APPELLANT AGREED TO A NEGOTIATED 12-15 YEAR SENTENCE AND APPELLANT HAD RELIANCE ON THAT SPECIFIC AGREEMENT.

APPELLANT DID NOT KNOW THAT THE STATE VIOLATED ACTUAL CONTRACT LAW AND AS SUCH THE PROCESS. WHERE THE STATE IS REQUIRED UNDER LAW (CONSTITUTIONAL) TO BE BOUND BY ALL ORAL AND WRITTEN AGREEMENTS TO DEFENDANTS/APPELLANTS.

IT IS THE DEROGATIVE OF ANY PERSON TO WAIVE HIS RIGHTS, CONFESS, AND PLEAD GUILTY UNDER JUDICIALLY DEFINED SAFE GUARDS, WHICH ARE ADEQUATELY ENFORCED, SEE STATE V. KERR 330 S.C. 132 (1998); DAVIES V. STATE 675 S.E.2d 416 (2009)

APPELLANT'S COUNSEL FAILED TO ENFORCE STATES NEGOTIATED PLEA OF 12-15 YEARS, INSTEAD THE STATE CREATED AN OPEN PLEA WHERE DEFENDANT/APPELLANT THEN RECEIVED MORE TIME THAN HE WAS LED TO BELIEVE HE WOULD RECEIVE FROM THE STATE. APPELLANT WAS THEN FORCED TO EITHER TAKE THE PLEA, FOR THE MORE TIME OR PROCEED TO TRIAL WHERE DEFENDANT WOULD RECEIVE 30 YEARS IF CONVICTED OF THE SAFE CRACKING.

APPELLANT STATES THAT HE WAS DENIED EFFECTIVE ASSISTANCE OF COUNSEL WHEN TRIAL COUNSEL FAILED TO SPECIFICALLY ENFORCE APPLICANT'S PLEA AGREEMENT BASED UPON THE DETRIMENTAL RELIANCE DOCTRINE EXPRESSED BY THE SOUTH CAROLINA SUPREME COURT IN CUSTODIO V. SOUTH CAROLINA 441 S.E.2d 31 (2007)

IN RELIANCE ON AN AGREEMENT OFFERING APPELLANT A 12-15 YEAR RANGE PLEA, DEFENDANT FULLY COOPERATED WITH THE SOLICITORS OFFICE, POLICE INVESTIGATIONS, OTHER ACCOMPLICES AND RECOVERY OF PROPERTY WITH AGREEMENT TO PAY RESTITUTION, AND APPELLANT RELIED ON THE PLEA OFFER TO HIS DETRIMENT BY TAKING THE SUBSTANTIAL STEP OF COOPERATING AS STATED BY THE STATE, MR. UTSEY IN APPELLANTS SENTENCING TRANSCRIPTS AND PLEADING GUILTY, GOING THROUGH WITH HIS PART OF ACCEPTANCE OF THE CRIMINAL ACT, BEFORE THE SOLICITOR CHANGED THE PLEA AND THE OFFER (U.S. CA AMEND 6). ADDITIONALLY THE REED COURT FOUND THE GENERAL RULE IS SUBJECT TO DETRIMENTAL RELIANCE EXCEPTION. SEE REED V. BECKA 333 S.C. 676 (CT. APP. 1999)

THIS EXCEPTION IS STATED AS: ABSENT AN ACTUAL PLEA OF GUILTY, A DEFENDANT MAY ENFORCE AN ORAL PLEA AGREEMENT ONLY UPON A SHOWING OF DETRIMENTAL RELIANCE ON A PROSECUTORIAL PROMISE IN PLEA BARGAINING. SEE REED 333 S.C. @ 688, SEE STATE V. PEAKE 345 S.C. 72 (CTAPP 2001)

HERE DEFENDANT/APPELLANT STATES THAT HE HAD A DETRIMENTAL RELIANCE ON THE PROMISE AND THAT THE AGENT MR. UTSEY HAD AUTHORITY TO MAKE THE PROMISE.

EVEN IF THE AGREEMENT HAS NOT BEEN FINALIZED BY COURT, A DETRIMENTAL RELIANCE ON A PROSECUTORIAL PROMISE IN PLEA BARGAINING MAY MAKE A PLEA AGREEMENT BINDING. IN THE INSTANT CASE, WE HAVE A PLEA AGREEMENT THAT WAS WITHDRAWN BY THE SOLICITOR. THE FACT THE AGREEMENT WAS ORAL DOES NOT PREVENT THE POSSIBLE ENFORCEMENT OF THE AGREEMENT.

UNDER THE PROVISIONS OF HILL V. LOCKHART 474 U.S. 52, 106

(U)

S. Ct 306 (1985), AND JORDAN V. STATE 297 S.C. 52 (1988), A PERSON WHO PLEADS GUILTY UPON THE ADVICE OF COUNSEL MAY ATTACK THE VOLUNTARY AND INTELLIGENT CHARACTER OF THE GUILTY PLEA ONLY BY SHOWING THE ADVICE HE RECEIVED FROM COUNSEL WAS NOT WITHIN THE RANGE OF COMPETENCE, SEE CARTER V. STATE 329 S.C. 355 (1998)

APPELLANT STATES BECAUSE COUNSEL COULD OF ENFORCED THE PLEA AGREEMENT UNDER THE DETRIMENTAL RELIANCE EXCEPTION AND COUNSEL FAILED TO TAKE ACTION, COUNSEL FAILED TO RENDER REASONABLY EFFECTIVE ASSISTANCE.

ACCORDINGLY, COUNSEL WAS INEFFECTIVE IN FAILING TO HAVE THE PLEA AGREEMENT ENFORCED BASED ON THE DETRIMENTAL RELIANCE EXCEPTION JORDAN V. STATE 297 S.C. 52 (1988), COUNSEL FAILED TO PROTECT DEFENDANTS RIGHT TO ENFORCE THE PLEA AGREEMENT.

FURTHER, COUNSEL'S DEFECTIVE PERFORMANCE PREJUDICED APPELLANT. APPELLANT STATES HE FELT HE HAD TO PLEAD, EVEN THOUGH THE AGREEMENT HAD BEEN DEFAULTED ON BY THE STATE, BECAUSE IF HE DID NOT THEN HE WOULD OF RECEIVED A MANDATORY 30 YEAR SENTENCE, JUST FOR THE SAFECRACKING (ALL OTHER SENTENCES WERE RANGING BETWEEN 5 YRS AND 15 YEARS) IF HE WENT TO TRIAL. APPELLANT STATES HE WOULD NOT OF PLEAD HAD HE KNOWN OR REALIZED HE HAD A BINDING PLEA AGREEMENT. ACCORDINGLY, APPELLANT WAS PREJUDICED BY COUNSEL'S FAILURE TO HAVE THE PLEA AGREEMENT ENFORCED.

THUS THE APPELLANT CLAIMS THE APPROPRIATE REMEDY IS THE SPECIFIC PERFORMANCE OF THE PLEA AGREEMENT. SEE SPROUSE V. STATE 355 S.C. 335 (2003). ACCORDINGLY, DEFENDANT STATES

THE SOLICITOR'S OFFICE CAN NOT ASSERT ANYTHING OTHER THAN THE PROMISED PLEA AGREEMENT OF BETWEEN 12-15 YEARS ON APPELLANT'S SENTENCE AS NEGOTIATED, CUSTODIO V. STATE, 444 S.E.2d 36 (S.C. 2007)

MR. MURPHY STATES THE NEGOTIATIONS AND EVERYTHING FROM MR. UTSEY AND THE SOLICITOR'S OFFICE (SEE PG 21, LINE 3-10 OF SENTENCING TRANSCRIPT), WITH THIS FACT IN HAND IT SHOWS THAT THERE WAS A DETRIMENTAL RELIANCE ON AN AGREEMENT OF TIME.

WHERE EVEN THE STATE (SOLICITOR) IS IN ADMISSION OF FAULT AND WHERE THE STATE PROVIDES NO CONSIDERATIONS OR RECOMMENDATIONS (SEE PG 3, LINE 16 OF SENTENCING TRANSCRIPT) AND THE APPELLANT'S SENTENCING SHEET.

YET THE SOLICITOR, MR. UTSEY THEN INSISTS TO THE COURT TO ARGUE FOR SENTENCE (SEE PG 13, LINE 16-17 OF SENTENCING TRANSCRIPT), THIS IS A CLEAR PROCEDURAL VIOLATION OF OUR PROCESS AND THE STATE USED TO VIOLATE AGREEMENT OF SENTENCE OF 12-15 YEARS AS EQUATED IN ALL OTHER SENTENCES OF APPELLANT'S (SEE SENTENCING TRANSCRIPT) AND AGGRIEVE IT TO THE COURT VIOLATING APPELLANT'S RIGHTS AND THE DETRIMENTAL RELIANCE THE APPELLANT DEPENDS ON FROM AND FOR HIS COOPERATION.

ADDITIONALLY MR. MURPHY FAILED TO OBJECT TO UNSUBSTANTIATED REMARKS IN THE COURTROOM BY MR. O'QUINN ABOUT A CASE AND CHARGES THAT WERE NEVER CHARGED, ONLY ALLEGED AND NO DOCUMENTED CONFESSION THAT THE COURT ALLOWED IN ITS SETTING DURING SENTENCING (SEE PG 30, LINE 1-17 OF SENTENCING TRANSCRIPTS) THIS

CREATING A PLATFORM OF PREJUDICE BY INFLUENCE TO THE COURT, TO ENHANCE APPELLANTS SENTENCE CREATING CONSTITUTIONAL VIOLATIONS OF SAFEGUARDS

IN DIRECT RELATION TO THIS MR. MURPHY ALSO FAILED TO OBJECT TO MR. FLOWERS STATEMENT (SEE PG. 31, LINE 1-17 OF SENTENCING TRANSCRIPT) WHERE MR. FLOWERS (A INFLUENTIAL POLITICAL MEMBER OF LEGISLATURE WITH TIES TO MR. MURPHY APPELLANTS ATTORNEY AND THE JUDGE) STATED TO THE COURT "MR. CAMPBELL AND THAT GROUP BROKE INTO MY FARM HOUSE, THEY RAUSACKED THE HOUSE. THEY EVEN WENT INTO THE ATTIC. THEY WENT INTO THE CRAWL SPACE UNDER THE HOUSE. THEY STOLE EVERYTHING THEY COULD FROM US"... , PG. 31, LINE 1-5.

MR. CAMPBELL WAS NOT CHARGED OF THE BURGLARY, MR. UTSEY - THE SOLICITOR STATED FOR THE RECORD MR. CAMPBELL HAD NOTHING TO DO WITH THE BURGLARY. YET, MR. FLOWERS GAVE HIS STATEMENT OF THE BURGLARY AND THEFT, POURING OUT HIS ANGER TO THE COURTS ABOUT THIS ACT AND YET THE APPELLANT DID NOT COMMIT THE ACT THAT THE COURT HEARD, TO USE TO INFLATE APPELLANTS SENTENCE (ALL OF APPELLANTS SENTENCES DID NOT EXCEED 15 YEARS, EXCEPT THE SAFE CRACKING, 22 YEARS). MR. MURPHY DID NOT OBJECT AS PREJUDICIAL AND BIAS OR EVEN A CONSTITUTIONAL VIOLATION OF THE PROCESS, AND THE COURT ALLOWED THE FALSE STATEMENTS FROM MR. FLOWERS EVEN THOUGH THE COURT AND SOLICITOR KNEW THE APPELLANT DID NOT BURGLARIZE MR. FLOWERS' HOME, THUS CREATING A CLEAR PLATFORM OF PREJUDICE AND BIAS AT SENTENCING.

APPELLANT STATES THAT THE FAILED OBJECTIONS OF COUNSEL AND THE VUE PROCESS VIOLATIONS OF COURT CREATED BY THE SOLICITOR THROUGH BREACH OF THE DETRIMENTAL RELIANCE AND THE FALSE CLAIMS OF MR. FLOWERS AT SENTENCING CREATED AN 8th AMENDMENT VIOLATION IN SENTENCING PROPORTIONALITY SOLEM V. HELM 463 U.S. 277 (1983). THE EFFECT OF MR. FLOWERS'S STATEMENT TO THE COURT.

COURTS PROPORTIONALITY ANALYSIS UNDER THE 8th AMENDMENT SHOULD BE GUIDED BY OBJECTIVE CRITERIA, INCLUDING THE GRAVITY OF THE OFFENSE AND THE HARSHNESS OF THE PENALTY, THE SENTENCES IMPOSED ON OTHER CRIMINALS IN THE SAME JURISDICTION, AND THE SENTENCES IMPOSED FOR COMMISSION OF THE SAME CRIME IN OTHER JURISDICTIONS, U.S.C.A. AMEND 8. SOLEM V. HELM 463 U.S. 277, 103 S.Ct. 3001 (1983).

UNDER JUSTIFIED ABILITY OF THE COURT TO PUNISH A RECIDIVIST MORE SEVERELY THAN IT PUNISHES A FIRST OFFENDER, YET THE COURTS MUST FOCUS ON THE PRINCIPAL FELONY - THE FELONY THAT TRIGGERS THE DISPROPORTIONATE SENTENCE.

HERE APPELLANT WAS NOT CHARGED AS A HABITUAL OFFENDER. HIS PRIOR OFFENSES CONSIST OF 6 MISDEMEANORS AND 2 CLASS F FELONIES THAT SPAN 15 YEARS. (SEE SENTENCING TRANSCRIPT, STATED BY SOLICITOR PG 13, LINE 1-14.)

APPELLANT'S RECORD AND ADMISSION AT SENTENCING SHOWS AN ADDICTION TO METHAMPHETAMINE, AND A CONSEQUENT DIFFICULTY IN HOLDING A JOB. INCARCERATING APPELLANT FOR 22 YEARS IS UNLIKELY TO ADVANCE THE GOALS OF OUR CRIMINAL JUSTICE SYSTEM IN ANY SUBSTANTIAL WAY.

NEITHER DEFENDANT/APPELLANT OR THE STATE WILL HAVE AN INCENTIVE TO PURSUE CLEARLY NEEDED TREATMENT FOR HIS METHAMPHETAMINE PROBLEM, OR ANY OTHER PROGRAM OF REHABILITATION. (NOTE MR. ORSINI WAS GRANTED PLACEMENT IN TREATMENT BEFORE HIS CONVICTION OF THE SAFE CRACKING AND WAS ALLOWED TO PAY RESTITUTION TO DR. FLOWERS, SEE RECEIPT: QUERRY SAUTER + ASSOCIATES: RESTITUTION - CASE NUMBERS 2017A1510100131; 2017A1510100133-139; 2017A1510100093-94, MARCH 9, 2018. \$5,500⁰⁰ AND ANOTHER \$4,500⁰⁰ WAS PAID. IN EXCHANGE MR. ORSINI'S BURGLARY 1ST OF DR. FLOWERS WAS REDUCED TO BURGLARY 2ND; 12 YEARS AND THE SAFE THAT MR. ORSINI STOLE DURING THAT BURGLARY, CREATING THE SAFE CRACKING CHARGE, MR. ORSINI RECEIVED 4 YEARS, ALL PAROLE ELIGIBLE). APPELLANT'S PRESENT SENTENCE IS 22 YEARS WITHOUT PAROLE (A MINIMUM TERM NON-VOLUNTARY SENTENCE OF 18 YEARS, 8 MONTHS) THIS SENTENCE IS FAR MORE SEVERE THAN HIS CO-DEFENDANTS AND OTHER COURTS CONSIDERED IN; RUMMEL V. ESTELLE 445 U.S. 263, @ 280-281, 100 S.Ct. 1133 @ 1142-1143, SEE U.S. V. GOODSON 700 F.2d 417 (2017) PRIOR BANK ROBBERY AND DEFENDANT ONLY RECEIVED 155 MONTH SENTENCE. SPOUSE V. STATE 355 S.C. 335 (2003) SENTENCE FROM NEWBERRY AND LAURENS COUNTY (8TH CIRCUIT) 12 YEARS SUSPENDED ON THE SERVICE OF 10 YEARS, MR. SPOUSE WAS ALREADY SERVING A PRISON SENTENCE FOR ASSAULT AND BATTERY WITH INTENT TO KILL AND THE NEW SENTENCE WAS RUN CONCURRENT TO EACH OTHER, SEVERAL CHARGES HAVE BEEN DISMISSED. SEE STATE V. FORD 278 S.C. 384 (1992) FLORENCE COUNTY, 15 YEARS AND DENNIS V. LECKE 477 S.W.2d 1 (1978) 10 YEARS. APPELLANT STATES THAT A

REMAND/HEARING IS NECESSARY ON THE IMPOSITION OF THE 22 YEAR SENTENCE. OBVIOUS REFORM AND SENTENCING BILL OF 2010, WHERE THE INTENT OF THE REFORM BILL IS TO REDUCE PRISON POPULATION AND CREATE EQUAL SENTENCING, WHICH THE LEGISLATURE SPECIFICALLY STATES THERE IS NOT.

THE COURTS HAVE CONTINUED TO RECOGNIZE THAT THE 8th AMENDMENT PROSCRIBES GROSSLY DISPROPORTIONATE PUNISHMENTS, EVEN WHEN IT HAS NOT BEEN NECESSARY TO RELY ON THE PROSCRIPTION. WERE THE ATTEMPT TO ASSERT THAT THE 8th AMEND. ESTABLISHES ONLY A NARROW PRINCIPLE OF PROPORTIONALITY IS CONTRARY TO THE ENTIRE LINE OF CASES CITED IN THE TEXT.

THE CONSTITUTIONAL LANGUAGE ITS SELF SUGGESTS NO EXCEPTION FOR IMPRISONMENT. THE COURT HAS RECOGNIZED THAT THE 8th AMEND. IMPOSES "PARALLEL LIMITATIONS", ON BAIL, FINES, AND OTHER PUNISHMENTS, JORGAN V. WRIGHT 430 U.S. 651, 664, 97 S. CT. 1401 @ 1408. THE COMMON-LAW PRINCIPLE INCORPORATED INTO THE 8th AMEND. CLEARLY APPLIED TO PRISON TERMS SEE HODGES V. HUNKIN, SUPRA AND HUTTO V. FINNEY 437 U.S. 678 @ 685 ("CONFINEMENT IN A PRISON.... IS A FORM OF PUNISHMENT SUBJECT TO SCRUTINY UNDER 8th AMEND STANDARDS").

AS A MATTER OF PRINCIPLE THAT A CRIMINAL SENTENCE MUST BE PROPORTIONATE TO THE CRIME FOR WHICH THE DEFENDANT HAS BEEN CONVICTED. FINDING, NO PENALTY IS PER SE CONSTITUTIONAL. AS THE COURT NOTED IN ROBINSON V. CALIFORNIA 370 U.S. @ 640, 8 S. CT. 1417 (1962), A SINGLE DAY IN PRISON MAY BE UNCONSTITUTIONAL IN SOME CIRCUMSTANCES.

THE APPLICATION OF SOLEIN V. HILSON ASSUMES THE COURTS

ARE A COMPONENT TO JUDGE THE GRAVITY OF AN OFFENSE, AT LEAST ON A RELATIVE SCALE.

COMPARISONS CAN BE MADE IN LIGHT OF THE HARM CAUSED OR THREATENED TO THE VICTIM OR SOCIETY; AND THE CULPABILITY OF THE OFFENDER. AS IN THE EDMOND J. FLORINA 458 U.S. 782 (1982) CASE THE COURT DETERMINED THAT THE PETITIONER'S CONDUCT WAS NOT AS SERIOUS AS HIS ACCOMPLICE'S CONDUCT. AS SUCH AS THE CRIMINAL LAW MAKES CLEAR, NON VIOLENT CRIMES ARE LESS SERIOUS THAN CRIMES MARKED BY VIOLENCE OR THE THREAT OF VIOLENCE (THE STATE RECOGNIZES THAT THE CRIMINAL LAW IS MORE PROTECTIVE OF PEOPLE THAN PROPERTY).

HERE THE APPELLANT'S CULPABILITY CLEARLY DEFINES DISTINCTIONS IN THE CASE THAT [REDACTED] ILLUSTRATE THE DISPROPORTIONATE SENTENCE THAT WAS RECEIVED BY APPELLANT COMPARED TO HIS CO-DEFENDANT(S).

WHERE APPELLANT'S (MITIGATING FACTORS) TOTAL ACTIONS IN THE COMPLETE CASE OF THE SAFECRACKING AND BURGLARY 1ST DEGREE OF DR. FLOWERS WAS SOLELY PLACED (CHARGED) FOR THE ACTION OF SAFECRACKING AND ACCESSORY AFTER THE FACT OF SAFECRACKING, BOTH NON-VIOLENT CHARGES.

AS WHERE HIS ACCOMPLICE(S), MR. ORSINI ACTUALLY COMMITTED THE BURGLARY 1ST DEGREE TO STEAL THE SAFE FROM DR. FLOWERS, THEN MR. ORSINI TRANSPORTED EVERYTHING BACK TO HIS HOME, ATTEMPT TO OPEN THE SAFE (OR ACTUALLY DID OPEN THE SAFE) THEN CONTACTED APPELLANT TO COME OVER SEE PROSECUTIONS (MR. UTSEY'S) STATEMENT TO THE COURT, SENTENCING TRANSCRIPT PG7, LINE 13-24.

AS THE PROSECUTION STATES MR. ORSINI IN THE SAFECRACKING

CHARGE ACTUALLY COMMITTED THE VICIOUS OFFENSE OF BURGLARY 1ST DEGREE (REDUCED TO BURGLARY 2ND DEGREE VICIOUS, 12 YEARS PAROLE ELIGIBLE) TO OBTAIN THE SAFE, TO INTEND TO ENTER IT AND AS STATED BY THE STATE WITHOUT APPELLANT'S KNOWLEDGE UNTIL AFTER THEN MR. ORSINI CONTACTED APPELLANT GIVING CREDENCE TO ONLY ACCESSORY AFTER THE FACT OF SAFE CRACKING AND NOT ACTUAL SAFE CRACKING BOTH OF WHICH DEFENDANTS WAS MADE TO PLEAD TO BY COURT AND COUNSEL.

THIS MR. ORSINI'S ACTS WHICH BY LAW CLEARLY SHOWS HIS GREATER ACTION AND CULPABILITY IN THE SAFE CRACKING CHARGE(S) BECAUSE MR. ORSINI REMOVED IT BY FORCE FROM DE FLOWERS HOUSE. MR. ORSINI FOR HIS ACTIONS WITH THE SAFE CRACKING RECEIVED 4 YEARS.

APPELLANT'S MINOR ROLE AND MITIGATING FACTORS AS STATED BY THE STATE IN THE CASE RECEIVED 22 YEARS FOR THE SAFE CRACKING AND 15 YEARS FOR ACCESSORY AFTER THE FACT SAFE CRACKING AND AS SUCH SENTENCE WAS NOT APPLIED ARBITRARILY AND CAPRICIOUSLY FOR THE SAFE CRACKING CASE(S), CREATING DISPROPORTIONATE PUNISHMENT IN THE CASE.

APPELLANT'S LAST ISSUE OF THE CASE IS A MATTER OF THE FORMER ISSUES. APPELLANT'S COUNSEL FAILED TO CONTEST DURING PLEA NEGOTIATIONS WITH THE STATE AND THEN AGAIN SHOULD OF OBJECTED AT APPELLANT'S PLEA HEARING, WHERE APPELLANT WAS SUBSEQUENTLY INDICTED ON SAFE CRACKING, INDICTMENT NO. 2017-15-257 AND ACCESSORY AFTER THE FACT SAFE CRACKING, INDICTMENT NO. 2017-15-309 (SEE INDICTMENTS)

WHERE APPELLANT COULD NOT BE CHARGED WITH BOTH AS THE SAME DESCRIBED ACT TO THE GRAND JURY, FOR EACH INDICTMENT USE THE SAME UNLAWFUL AND AS SUCH ARE THE SAME ACT AND THUS BECOMES A DOUBLE JEOPARDY VIOLATION, MATTHEWS V. STATE 387 S.E. 258 (SC 1990) AND AS SUCH BASED FROM THE STATES OWN EVIDENCE (MR. UTSEY, SENTENCING TRANSCRIPTS PG 7, LINE 13-24); MR CAMPBELL WAS CONTACTED TO COME HELP OPEN THE SAFE, SHOWS THAT THE ACT OF OPENING THE SAFE UNLAWFULLY WAS ALREADY COMMITTED BY OTHERS AND THAT APPELLANT SHOULD NOT OF BEEN CHARGED WITH SAFECRACKING OR CONVICTED BUT ONLY FOR THE ACCESSORY CHARGE BASED FROM THE STATES OWN STATEMENT OF APPELLANTS MURDER WERE ACTUALLY SATISFIES. WHERE COUNSEL FAILED TO ADEQUATELY REPRESENT HIS CLIENT BASED ON ALL AVAILABLE, RELEVANT AND MITIGATING EVIDENCE, WILGINS V STATE 539 U.S. 570 (2008).

APPELLANT SHOULD NOT OF HAD TO PLEAD TO THE SAFECRACKING, ONLY TO THE ACCESSORY AFTER THE FACT SAFECRACKING AND AS SUCH THE APPELLANT STATES THAT HIS COUNSEL WAS DEFICIENT IN HIS DUTIES THAT LEAD TO HIS INEFFECTIVE REPRESENTATION, THUS NOT PRESERVING ANY ISSUES FOR APPELLATE REVIEW.

CONCLUSION

APPELLANT REQUESTS THIS COURT TO REVIEW THESE FACTS AND GRANT POST CONVICTION RELIEF UNDER S.C. LAW 17-27-80 OF APPELLANT'S DETRIMENTAL RELIANCE, HIS 8th AMEND. PROTECTION UNDER SOLAN V. HELAN AND TO DISMISS THE SAFECRACKING CHARGE UNDER THE PROTECTIONS OF DOUBLE JEOPARDY, OR GO TO TRIAL.

Grady Query

itled Circuit Court
Director & Mediator

itled National Trial
Query Civil Trial Specialist



Query Sautter & Associates
Attorneys and Counselors at Law

Michael W. Sautter
Managing Partner

Michael H. Ellis, Jr.
Attorney

Brooke Hutt Malden
Attorney

19-CP-15-149

RECEIPT

Savannah Treadway on behalf of Robert Qesini

Resubmission for case numbers:

2017A1510100131; 2017A1510100133-139; 2017A1510100093-94

10 CHARGES

Thank You

PLEAD GUILTY IN DECEMBER 2018



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

April 02, 2018

The Honorable Patricia C. Grant
PO Box 620
Walterboro SC 29488-0028

REMITTITUR

Re: The State v. Samuel L. Campbell
Lower Court Case No. 2017GS1500257, 2017GS1500296,
2017GS1500297, 2017GS1500298, 2017GS1500299, 2017GS1500301,
2017GS1500303, 2017GS1500305, 2017GS1500307, 2017GS1500308,
2017GS1500309, 2017GS1500310
Appellate Case No. 2018-000015

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Samuel Lane Campbell, 360837
Christopher John Murphy, Esquire
Robert Michael Dudek, Esquire
John Benjamin Aplin, Esquire
Alan McCrory Wilson, Esquire

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

COLLETON

STATE

VS.

INDICTMENT/CASE#: 2017-GS-15-257

AW#: 2017A1510100095

Date of Offense: 2/13/17

S.C. Code §: 16-11-390

CDR Code #: 0141

AKA: Samuel Lane Campbell

Race: Sex: Age:

DOB: SS#:

Address:

City, State, Zip:

DL# SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADS

TO: Safecracking

In violation of § 16-11-390 of the S.C. Code of Laws, bearing CDR Code # 0141

☐ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Arthur C. Wiley, Jr. 102393 Samuel Campbell

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 22 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment of \$; plus costs and assessments as applicable; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 303 days☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☒ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☒ Ordered

PTUP

Total: \$ 4,100.00 plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient:

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine:

\$14-1-206 (Assessments 107.5%)	\$	
\$14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
\$14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
\$14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
\$14-1-213 (Drug Court Surcharge)	\$150	\$
\$50-21-114 (BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk

Court Reporter: Patricia C. Grant

Mona Manley

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 2139

Sentence Date: December 14, 2017

ARREST WARRANT

2017A1510100095

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Colleton

THE STATE

17-767

against

Samuel Lane Campbell

Address: 446 Fleming Rd

Round O, SC 29474-

Phone: S&N: [REDACTED]

Sex: M Race: W Height: 6 4 Weight: 220

DL State: [REDACTED] DL #: 011287720

DOB: 11-01-1984 Agency ORF: SC0150000

Prosecuting Agency: Colleton County Sheriff

Prosecuting Officer: James C King - S00015

Offense: Burglary / Safecracking

Offense Code: 0141

Code/Ordinance Sec: 16-11-0390

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Samuel Lane Campbell

on 2/15/2017

Signature of Constable Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

P O Box 620

101 Hampton Street

Walterboro, SC 29488

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Colleton

Personally appeared before me the affiant James C King

being duly sworn deposes and says that defendant Samuel Lane Campbell

did within this county and state on or about 2/13/2017

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Colleton)

in the following particulars:

DESCRIPTION OF OFFENSE: Burglary / Safecracking

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on 2/13/2017 located 476 Wesley Chapel Ave. in Cottageville, S.C. within Colleton County, S.C. the defendant Samuel Lane Campbell did commit the offense of Burglary/Safecracking in violation of S.C. 16-11-0390. In that on this said date the defendant along with co-defendants Robert Orsini, Halie K. Lyons, Michael D. Z. Haggard did unlawfully enter into a stolen safe without permission from the owner Joseph Flowers to remove firearms therein. Probable Cause is based on the victim Joseph Flowers reported that his residence of 9358 Sniders Hwy was broken into and a safe was stolen in regards to OCA 17-767. On 2/15/2017 during an investigation the stolen safe was located at 476 Wesley Chapel Av. in Cottageville, S.C. The co-defendant Robert Orsini was arrested and during a post Miranda interview he admitted to acting in concert with the defendant and co-defendants to prove the same. OCA#17-767

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Colleton

Affiant's Address 112 S. Miller Street

Walterboro, SC 29488-

Affiant's Telephone (843)549-2211

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 2/13/2017 defendant Samuel Lane Campbell

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Colleton) as set forth below.

DESCRIPTION OF OFFENSE: Burglary / Safecracking

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 2/15/2017

Signature of Issuing Judge

Kenneth Arthur Campbell Jr.

Judge Code: 5675

(L.S.)

Judge's Address 40 Klein Street

Walterboro, SC 29488-1732

Judge's Telephone (843)549-1122

Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit



GRAND JURY SUMMARY

Charge: Burglary/Safecracking 16-11-0390

OCA: 17-767

Incident Date & Location: 02/13/2017 [REDACTED] Cottageville, S.C.

Suspect(s): Samuel Campbell, Hallie Lyons, Robert Orsini and Michael Dee Zane Haggard

Victim(s): Tracy Burttram and Dr. Joseph Flowers

Reporting Officer: Lt. T. Benton

Investigating Officer: Detective Sgt. James C. King

CONFESSION: YES

On 2/13/2017 located a [REDACTED] in Cottageville S.C. within Colleton County the defendant Samuel Lane Campbell and co-defendants Robert Orsini, Hallie Lyons, and Michael Zane Haggard did commit the offense of Burglary/Safecracking in violation of S.C. 16-11-0390. In that the defendant and co-defendants unlawfully enter into a stolen gun safe and remove guns without permission of the owner Dr. J. Flowers. Probable Cause is based upon the victim Dr. J. Flowers reported to the Colleton County Sheriff's Office that during a burglary of his residence in Colleton County, S.C. his gun safe was unlawfully stolen. Detectives with the Colleton County Sheriff's Office did located the victim safe at 476 Wesley Chapel Ave after the reported burglary. The victim's safe was forced open by the defendant and co-defendants by means of a stolen cutting torch reported by the victim Frank O'Quinn. The firearms that were located in the safe were found in the residence upon a consent to search at the incident location. The defendant Samuel Lane Campbell provided a post Miranda statement that he assisted the codefendants with the unlawful breach of the victims safe. The co-defendants Robert Orsini, Michael Dee Zane Haggard and Hallie Lyons did act in concert with the defendant

Samuel Campbell. The co-defendants Robert Orsini, Michael Dee Zane Haggard and Hallie Lyons provided a post Miranda statement of this unlawful event.

100

WITNESSES

King/CCSO

[Signature]

DOCKET NO. 2017GS1500257

The State of South Carolina

County of Colleton

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

May Term 2017

I hereby appear in my own proper person and plead guilty to the within indictment or to

THE STATE

vs.

Samuel Lane Campbell

ARREST WARRANT NUMBER

2017A1510100095

Indictment For

Safecracking

SC Code: 16-11-390

CDR Code: 0141

True Bill

[Signature]

Foreperson of Grand Jury

Date: 5/11/17

Defendant

Witness:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

C.C.C. PLS. and G.S.

2017 MAY 12 AM 8:50
COLLETON COUNTY
GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF COLLETON)

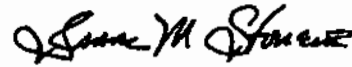
2017GS1500257

At a Court of General Sessions, convened on May 11, 2017, the Grand Jurors of Colleton County present upon their oath:

Safecracking

That in Colleton County, South Carolina, on or about February 13, 2017, the Defendant, Samuel Lane Campbell, did use explosives, tools, or other implement in or about a safe used for keeping money or other valuables with intent to commit larceny or another crime, all in violation of Section 16-11-390, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor



GRAND JURY SUMMARY

Charge: Accessory/Accessory after the Fact to Felony A, B, C, or
Murder

OCA: 17-767

Incident Date & Location: 02/13/2017 [REDACTED] Cottageville, S.C.

Suspect(s): Samuel Campbell

Victim(s): Tracy Burttram and Dr. Joseph Flowers

Reporting Officer: Lt. T. Benton

Investigating Officer: Detective Sgt. James C. King

CONFESSION: YES

On 2/13/2017 located at [REDACTED] in Cottageville S.C. within Colleton County the defendant Samuel Lane Campbell did commit the offense of Accessory/Accessory after the fact of Felony A, B, C, or Murder in violation of S.C. 16-01-0055. In that the defendant did unlawfully enter into a stolen gun safe and remove guns without permission of the owner Dr. J. Flowers that was reports stolen by the victim Dr. J. Flowers. Probable Cause is based upon the victim Dr. J. Flowers reported to the Colleton County Sheriff's Office that during a burglary of his residence in Colleton County, S.C. his gun safe was unlawfully stolen. Detectives with the Colleton County Sheriff's Office did located the victim's safe a [REDACTED] after the reported burglary. The victim's safe was forced open by the defendant by means of a stolen cutting torch reported by the victim Frank O'Quinn. The defendant Campbell did remove firearms from the safe and possess the stolen firearms with the Intent to obtain ill-gotten gains. The defendant Samuel Lane Campbell provided a post Miranda statement that he assisted the

co-defendants Robert Orsini, Hallie Lyons and Michael Dee Zane Haggard with the unlawful breach of the victims safe and he knew about the burglary.

The honorable Patricia C. Grant
 Clerk of court
 General sessions
 Colleton County

19-CP-15-149

Feb, 26, 2019

RE: PCR Filing

COLLETON COUNTY
 Superior Court
 Common Pleas
 2019 FEB 28 AM 11:47

Dear clerk of court

Please find enclosed my PCR for
 filing in the court of General Sessions.

I would respectfully like to
 request a file stamped copy of my
 PCR for my own personal record.

Thank you for your time and
 assistance in this matter.

Respectfully,
 Samuel Campbell

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF COLLETON	)	FOR THE FOURTEENTH JUDICIAL CIRCUIT
	)	
Samuel L. Campbell, SCDC #360837,	)	Case No. 2019-CP-15-00149
	)	
Applicant,	)	
	)	RETURN TO THE APPLICATION
v.	)	FOR POST-CONVICTION RELIEF
	)	AND PARTIAL MOTION TO DISMISS
State of South Carolina,	)	(Counsel Already Appointed)
	)	
Respondent.	)	

Respondent the State of South Carolina, making its return¹ to the application for post-conviction relief filed by Applicant Samuel L. Campbell² on February 28, 2019, and received by the State of South Carolina Attorney General's Office on July 1, 2022, would respectfully show this Court:

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Colleton County Clerk of Court. During its May 2017 term, the Colleton County Grand Jury indicted Applicant for one count safecracking (2017-GS-15-00257); two counts breaking into a motor vehicle or compartment to steal (2017-GS-15-00301; -00307);

¹ Respondent's return was due to be filed within sixty days of receipt of Applicant's instant post-conviction relief application. *See* Rule 12(a), SCRPC ("[T]he State of South Carolina shall answer or otherwise respond to an application for post-conviction relief within 60 days after service of the application, if it arises out of a guilty plea, and 90 days if it arises out of a trial."). Now, having completed the return required in this matter, and in light of no demonstrable prejudice to Applicant as a consequence of the delay, Respondent respectfully asks this Court to accept this return as timely filed. *See* S.C. Code Ann. § 17-27-70(a) (establishing that the Court may fix the time in which the State must respond and that "respondent shall file with its answer the record or portions thereof that are material to the questions raised in the application."); *Guinyard v. State*, 260 S.C. 220, 195 S.E.2d 392 (1973) (holding the trial court may extend the time for filing and that the time limit prescribed by the statute is not mandatory, but discretionary with the trial court.).

² Applicant filed this post-conviction relief application *pro se*. Counsel, James K. Falk, Esquire, was appointed on August 12, 2022, to represent Applicant in this matter.

one count of grand larceny, value greater than \$2,000, but less than \$10,000 (2017-GS-15-00303); one count burglary, 1st degree (2017-GS-15-00305); six counts of burglary – 2nd degree, violent (2017-GS-15-00296; -00297; -00298; -00299; -00308; -0310); and one count accessory after the fact to felony (2017-GS-15-00309). On December 14, 2017, Applicant appeared before the Honorable Brooks Goldsmith and pleaded guilty to one count safecracking; two counts breaking into a motor vehicle or compartment to steal; one count of grand larceny, value more than 2,000, but less than 10,000; seven counts of burglary – 2nd degree, violent³; and one count accessory after the fact to felony, without recommendation or negotiations. Christopher Murphy, Esquire, represented Applicant. Assistant Solicitor Ceth Utsey of the Fourteenth Circuit Solicitor's Office prosecuted the case. Judge Goldsmith sentenced Applicant to concurrent terms of twenty-two years' imprisonment for the safe cracking charge; five years' for each of the breaking into a motor vehicle charges; five years' for the grand larceny charge; fifteen years' for each of the burglary charges; and fifteen years' for the accessory charge.⁴

Applicant filed a timely notice of appeal. On March 15, 2018, the South Carolina Court of Appeals dismissed Applicant's appeal pursuant to Rule 203(d)(1)(B)(iv), SCACR, for failure to provide a sufficient explanation as to why an appeal from his guilty plea should proceed. *State v. Campbell*, (S.C. Ct. App. filed March 15, 2018). The case was remitted back to the circuit court on April 2, 2018.

³ One of the seven counts of burglary – 2nd degree, violent offense, is the lesser included offense of the originally indicted offense of burglary, 1st degree.

⁴ In addition to the sentences received, Judge Goldsmith revoked Applicant's probation in full and converted all monies owed on previous charges to civil judgments. (Plea Tr. 33).

II. Facts Presented at Guilty Plea

The facts for the indictments were articulated by the State at Applicant's plea hearing as follows:

MR. UTSEY: Thank you, Your Honor. I will begin with the 2017-257, safe cracking, and 2017-309, accessory after the fact to a felony.

On February 13th of 2017, on 9358 Snyders Highway in Ruffin, South Carolina, law enforcement responded because of a phone call they received from Tracy Bertrum in regards to their house being robbed, their tools being taken.

Your Honor, there was \$50,000 -- an estimate, \$50,000 in stuff taken from Dr. Flowers and Tracy Bertrum's place. Literally, they took deer meat out of the freezer. They took everything they could from Dr. Flowers and Tracy Bertrum. They also took a safe. Sam Campbell was not involved with that burglary. He was involved with the safe cracking after the burglary from his codefendants. His codefendants actually robbed Dr. Flowers and Tracy Bertrum.

And when they got back, we believe what happened when they got back to Robert Orseni's house, they called Sam Campbell to come help them break into the safe. Sam Campbell then admitted under Miranda that he used a welding torch to help break into the safe. And his codefendants committed a burglary first degree on Dr. Flowers and Tracy Bertrum's farm, Your Honor.

And also, Your Honor, there was -- Dr. Flowers and Tracy Bertrum did receive all their guns back, except for three of the guns. And I did meet with Dr. Flowers a couple of nights ago. He estimated the value of the guns to be around \$4,100, which is what the restitution sheet is.

Your Honor, the next case, 2017-296, burglary second degree violent. This occurred on 889 Poor Boy Road in Walterboro, South Carolina in the County of Colleton. The victim is Edward Price, Sr.

What happened here, Your Honor, is law enforcement -- on February 13th, law enforcement responded to the incident location in reference to a stolen four-wheeler. The victim stated that he last saw the four-wheeler on February 9th of 2017, and it was parked underneath a shed. The victim stated that the four-wheeler was locked in the shed using a cable that was cut and the lock was missing. Mr. Campbell -- there was also a disc, type of disc harrow attached to the back of it. Under Miranda, Mr. Campbell did admit to this and he said that he sold the ATV to James Woolick. And there is also restitution in the amount of \$650 in that case.

The next case, 2017-297, 298 and 299. This is three burg second degree violence. Your Honor, this happened at a hunting club. Law enforcement responded to the incident location, which is 5872 Pierce Road in Cottageville, South Carolina, in the County of Colleton. They responded on January 28th, 2017.

The victims there said that entry had been made into their campers that they keep at the hunting club that they go and stay at when they do hunt. The glass was broken out on the campers. They stated that items missing from the campers were radios, two bottle jacks. Your Honor, all three campers were broken into, which is the reason for three burg second violence.

Mr. Campbell admitted this under Miranda that -- excuse me, Your Honor, that he was at the incident location. And he said he -- he also named the codefendants who assisted him in the offense of these burglaries.

The next case, 2017-301, breaking into a motor vehicle. This occurred on 304 Robert E. Lee Drive in Walterboro, South Carolina, County of Colleton. Max Mitchell called law enforcement to state that a Yeti cooler was missing from the back of his truck. It was attached to the vehicle by -- he had a lock on it. The lock was cut and the Yeti cooler was gone from the vehicle.

The next case, 2017-303, grand larceny, value more than two, but less than ten. This incident occurred on 464 Wesley Chapel Road in Cottageville, South Carolina, in the County of Colleton. On January 16th of 2017, law enforcement responded to the incident location in reference to a stolen lawn mower. When law enforcement interviewed Mr. Campbell, he provided an admission that he did steal the lawn mower and sell it to a Ricky Mixon. And which, law enforcement did find the lawn mower at Ricky Mixon's house and return it to the victim.

2017-305, he's pleading to burglary second degree violent. The victim is Mr. Pearson, who is here today. Your Honor, basically, how we found out about this was from the interviews of the defendants. Mr. Campbell did state that he was at the incident location. Other codefendants stated that Mr. Campbell was at the incident location. The other -- Mr. Campbell said that he sat in the truck during the burglary, other codefendants also said that Samuel Campbell sat in the truck during the burglary. There was a number of items taken from Mr. Pearson, around \$6,800 worth, which he receiving restitution from James Aluska in that case.

And Your Honor, just the basic facts of it. They did state -- Sam Campbell states that Robert Orseni and Jimmy Aluska went into the house. And Sam Campbell states that he waited in the road by the truck and they loaded up items in his truck and went away from the house.

Your Honor, the next case, 2017-307, breaking into a motor vehicle, this occurred on [REDACTED] Road in Walterboro, South Carolina, in the County of Colleton. The victims are Eric and Cassie Hardy. Your Honor, the -- let me see here. Law enforcement responded to the incident location in reference to a larceny. The victim advised that her husband came home and saw that his Yeti cooler in the back of his truck was missing from his truck. He had a lock on the Yeti cooler, however, the lock was cut and the Yeti cooler was taken. The victims did receive -- law enforcement did find the Yeti cooler and returned it to the victims.

2017-308, burglary second degree violent. This incident occurred on 713 Mozelle Road in Islandton, South Carolina in the County of Colleton. On January 24th, 2017, law enforcement responded to 713 Mozelle Road in reference to three stolen dirt bikes.

The victim stated that he had returned home from work and went outside to ride his dirt bike with his brothers. The dirt bikes were not there to ride them. They were stored underneath a shed. Your Honor, the dirt bikes were a 1999 Honda, a 2001 Yamaha and 1990 Honda.

Upon further investigation, Samuel Campbell did admit to this under Miranda interview and other codefendants also admitted to this and they said that they sold

some of the motorcycles in Orangeburg. Therefore, the restitution was \$800 in this case.

And the last case, Your Honor, is 2017-310, burglary second degree, violent. This occurred on [REDACTED] Road in Walterboro, South Carolina, County of Colleton. The victim is Mr. O'Quinn, who is, also, present today and he works with the sheriff's office. Your Honor, law enforcement was called by Mr. O'Quinn on February 15th of 2017. He stated that his garage was broken into by cutting both of the pad locks off of the door. The victim advised the last time he was at the residence was on February 8th of 2017. A cutting torch set, which we believe Sam Campbell used that same cutting torch set to cut the safe open in order to get the guns. A cutting torch set was taken, an air conditioner, car tires, tools, an engine hoist. Law enforcement did locate some of these things. I believe they even took his dish washer, Your Honor. Law enforcement did find some of these things. And therefore, the restitution for Mr. O'Quinn was \$3,100, which he relayed to our office.

(Plea Tr. 7-12).

III. Allegations Raised and Relief Sought in Post-Conviction Relief Application

Applicant timely commenced this PCR action on February 28, 2019. In his application, Applicant asserts he is being held in custody unlawfully, alleging⁵:

1. Ineffective assistance of counsel
 - a. Counsel failed to convey acceptance of the negotiated sentence offered by State and thereafter failed to enforce the 12-15 year plea offer that Applicant "detrimentally relied" on;
 - b. Counsel failed to object to "unsubstantiated remarks in the courtroom by [victim] Mr. O'Quinn about a case and charges that were never charged, only alleged and no documented confession that the court allowed in its setting during sentencing;"
 - c. Counsel failed to object to a statement made by victim Mr. Flowers regarding a burglary Applicant was not involved in, where Mr. Flowers stated, "Mr. Campbell and that group broke into my farmhouse, they ransacked the house. They even went into the attic. They went into the crawl space under the house. They stole everything they could from us;"
2. Involuntary guilty plea
 - a. Applicant "detrimentally relied" on the negotiated plea offer of 12-15 years when cooperating with the State prior to his guilty plea;
 - b. Applicant felt he "had to plead... because if he did not then he would of received a mandatory 30 years sentence;"
3. Trial court abused its discretion when sentencing Applicant to a greater

⁵ Applicant's allegations have been summarized by Respondent for brevity and clarity.

- sentence than that of his co-defendant; and
4. Double jeopardy.

Applicant requests relief as follows: “the Honorable Court to asses[s] the circumstances of the case, the facts, the documentation, appoint effective counsel and grant [Applicant’s] application for post-conviction relief.” Applicant additionally asserts the “appropriate remedy is the specific performance of the plea agreement” offered – an offer between 12 –15 years.

Attached to this return and incorporated by reference are the Colleton County Clerk of Court records regarding the subject convictions; Applicant’s records from the South Carolina Department of Corrections; the records from Applicant’s appeal; the plea transcript; and the records of the current PCR action. The State reserves the right to amend this return upon receipt of any relevant materials.

IV. Partial Motion to Dismiss

Applicant alleges he was disparately sentenced by the plea court as his co-defendant received less time than him for the same offense. In support of this allegation Applicant asserts he was less culpable for the burglary, 1st degree offense⁶ for which he was charged than his co-defendant was. To the extent Applicant alleges the trial court abused its discretion when sentencing Applicant, this allegation should be summarily dismissed for failure to state a cognizable claim under the Uniform Post-Conviction Procedure Act⁷ (the Act). *See, e.g., Drayton v. Evatt*, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993) (“[PCR] is not a substitute for appeal or a place for asserting errors for the first time which could have been reviewed on direct appeal.”). An applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the

⁶ As a result of Applicant’s plea, Applicant pleaded to the lesser included offense of burglary, second – violent.

⁷ S.C. Code Ann. § 17-27-10 to -160.

- Constitution of the United States or the Constitution or laws of this State;
- 2. United States or the Constitution or laws of this State;
- 3. That the court was without jurisdiction to impose sentence;
- 4. That the sentence exceeds the maximum authorized by law;
- 5. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
- 6. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
- 7. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy....

S.C. Code Ann. § 17-27-20(A).

Post-conviction relief “is a proper avenue of relief *only when the applicant mounts a collateral attack challenging the validity of his conviction or sentence.*” *Al-Shabazz v. State*, 338 S.C. 354, 367, 527 S.E.2d 742, 749 (2000). Post-conviction relief is not a substitute for remedies incident to the proceedings in the trial court or on direct appeal. S.C. Code Ann. § 17-27-20(B). An applicant can allege constitutional violations in a PCR action unless he could have raised the issue on direct appeal. *Gibson v. State*, 329 S.C. 37, 41, 495 S.E.2d 426, 428 (1998) (citing *Simmons v. State*, 264 S.C. 417, 215 S.E.2d 883 (1975) (affirming the PCR court’s denial of relief because the applicant could have argued on direct appeal that the trial court erred in admonishing applicant’s defense attorney and that the State improperly commented on the applicant’s failure to call his wife as a witness at trial); S.C. Code Ann. § 17-27-20(b) (1976)); *but see Fortune v. State*, 428 S.C. 545, 837 S.E.2d 37, 44 (2019) (instructing that, in some instances, an applicant may argue a claim for post-conviction relief based on constitutional violations other than a violation of his

Sixth Amendment right to counsel due to the ineffective assistance of counsel; recognizing Fortune was entitled to a new trial because the State made improper statements during its closing arguments at trial).

However, because an application for post-conviction relief is not a substitute for a direct appeal, and because of the modern simplification of criminal jurisdiction jurisprudence in South Carolina, the *overwhelming* majority of cognizable claims fall under the broad umbrella of “ineffective assistance of counsel,” a contention under the Sixth Amendment to the Constitution of the United States. *See Roscoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (noting that allegations of trial court error are not cognizable on PCR); *Simmons v. State*, 264 S.C. 417, 215 S.E.2d 883 (1975) (finding that alleged trial errors and sufficiency of evidence are direct appeal issues that are not cognizable PCR claims); *Stepney v. State*, 278 S.C. 47, 292 S.E.2d 41 (1982) (explaining that issues that could have been raised on direct appeal cannot be considered on PCR application absent claims of ineffective assistance of appellate counsel).

Trial court error does not constitute an appropriate basis for a finding of ineffective assistance of counsel, and is not a cognizable claim for post-conviction relief. *See Wolfe v. State*, 326 S.C. 158, 162 n.2, 485 S.E.2d 367, 369 n.2 (1997). Direct appeal issues which could have been reviewed on appeal and were not objected to at trial or during guilty plea proceeding may only be presented to support a claim of ineffective assistance of counsel, not as a separate ground for relief. *Hyman v. State*, 278 S.C. 501, 502, 299 S.E.2d 330, 331 (1983). Accordingly, to the extent Applicant alleges the trial court abused its discretion when sentencing Applicant, the State moves to dismiss this allegation for failure to state a cognizable claim.

V. Response to Allegations of Ineffective Assistance of Counsel

Applicant also alleges he is entitled to post-conviction relief because counsel was ineffective for failing to convey Applicant’s acceptance of a plea offer from the State, ineffective

for failing to object to statements made by two victims prior to sentencing, and because Applicant felt forced to plea.

Ineffective Assistance of Counsel, Generally

The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant—like all other defendants—the right to “assistance by an attorney, whether retained or appointed, who plays the role necessary to ensure that the trial is fair.” *Strickland v. Washington*, 466 U.S. 668, 685 (1984). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive *effective* assistance of counsel guaranteed by the Sixth Amendment. *See generally* S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions). The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right, and raises a question of fact that can only be determined by an evidentiary hearing. *Rogers v. State*, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

The reviewing court applies the two-part test outlined in *Strickland* to determine whether counsel’s conduct “was so defective as to require reversal” of the applicant’s conviction. 466 U.S. at 687. To obtain relief, a PCR applicant must prove (1) counsel’s performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel’s deficient performance. *Id.* at 687–88; *accord. Cherry v. State*, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. *Strickland*, 466 U.S. at 700; *see also Bell v. Cone*, 535 U.S. 685, 695 (2002) (explaining that “[w]ithout proof of both deficient performance and prejudice to the defense . . . , it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable” (citation and internal quotation marks omitted)).

The applicant has the burden of establishing both deficiency and prejudice in order to be entitled to relief. *Hughes v. State*, 346 S.C. 554, 558, 552 S.E.2d 315, 317 (2001); see Rule 71.1(e), SCRCPP (“The applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence.”). To prove deficient performance, the applicant must establish that, in light of all the circumstances, the acts or omissions complained of “were outside the wide range of competence” demanded of attorneys in criminal cases. *Strickland*, 466 U.S. at 688. To prove prejudice, the applicant must establish that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Id.* at 694. A reasonable probability is a probability “sufficient to undermine confidence in the outcome.” *Id.* Significantly, “the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged.” *Id.* at 696.

Because the Sixth Amendment right to counsel also applies to a defendant entering a guilty plea, *Hill v. Lockhart*, 474 U.S. 52 (1985), extended the two-part *Strickland* test to challenge guilty pleas based on ineffective assistance of counsel. See *Padilla v. Kentucky*, 559 U.S. 356, 373 (2010) (recognizing that the guilty plea process is a “critical phase of litigation” for purposes of the Sixth Amendment right to effective assistance of counsel). When reviewing a guilty plea, the analysis of counsel’s performance under the first prong of *Strickland* remains unchanged—the applicant must show that counsel’s representation fell below an objective standard of reasonableness demanded of attorneys in criminal cases. *Hill*, 474 U.S. at 58–59; accord *Thompson v. State*, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000).

An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel’s advice to plead guilty was not “within the range of competence demanded of attorneys in criminal cases.” *Hill*, 474 U.S. at 56. The second, or “prejudice” prong, however, “focuses on whether counsel’s constitutionally ineffective performance affected the outcome of

the plea process.” *Id.* at 58–59. Specifically, when an applicant claims counsel’s deficient performance caused him to accept a plea, the applicant “must show that there is a reasonable probability that, but for [plea] counsel’s [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial.” *Id.* at 59.

This inquiry “focuses on a defendant’s decisionmaking” and does not turn on the outcome of a defendant’s actual criminal proceeding or potential outcome had a defendant chosen to proceed to trial. *Lee v. United States*, --- U.S. ----, 137 S. Ct. 1958, 1966 (2017). However, an applicant must convince the court that a decision to reject the plea bargain would have been rational under the circumstances. *Padilla*, 559 U.S. at 372. The question here is whether the applicant, if correctly informed of circumstances surrounding the plea, would have pleaded guilty—not whether counsel would have still advised him or her to plead guilty. *Turner v. State*, 335 S.C. 382, 385, 517 S.E.2d 442, 444 (1999).

Reviewing “[c]ourts should not upset a plea solely because of *post hoc* assertions from a defendant about how he would have pleaded but for his attorney’s deficiencies.” *Lee*, 137 S. Ct. at 1967. Rather, judges should “look to contemporaneous evidence to substantiate a defendant’s expressed preferences.” *Id.* at 1958 In determining whether a guilty plea was taken in accordance with constitutional standards, the reviewing judge must analyze and consider the entire record, including the transcript of the guilty plea and the evidence presented at the PCR hearing. *Harres v. Leeke*, 282 S.C. 131, 134, 318 S.E.2d 360, 361 (1984).

Allegation Counsel was Ineffective for Failing to Convey Acceptance of a Plea Offer

Applicant alleges counsel failed to communicate his acceptance of a plea offer where the State offered a negotiated sentence of 12 – 15 years. Respondent submits Applicant cannot satisfy either requirement of the *Hill* test.

Although a defendant is entitled to effective representation in connection with the negotiation of a plea, a defendant has no constitutional right to plea bargain. *Weatherford v. Bursey*, 429 U.S. 545, 561 (1977); *Frye*, 566 U.S. at 148 (“[A] defendant has no right to be offered a plea . . .”); accord. *State v. Chisolm*, 312 S.C. 235, 237–38, 439 S.E.2d 850, 852 (1994). Rather, “[t]he decision whether to offer a plea bargain is within the solicitor’s discretion.” *State v. Whipple*, 324 S.C. 43, 49, 476 S.E.2d 683, 686 (1996); see *State v. Thrift*, 312 S.C. 282, 291–92, 440 S.E.2d 341, 346–47 (1994) (“Prosecutors may pursue a case to trial, or they may plea bargain it down to a lesser offense, or they can simply decide not to prosecute the offense in its entirety.”); *State v. Langford*, 400 S.C. 421, 436 n.6, 735 S.E.2d 471, 479 n.6 (2012) (stating “[u]ndoubtedly, the solicitor has discretion in choosing how to proceed with a case, including whether to prosecute in the first place and whether he brings it to trial or offers a plea bargain”). In other words, because a defendant is not entitled to any particular plea offer, his attorney cannot be constitutionally ineffective for failing to obtain one. See *Chisolm*, 312 S.C. 235, 439 S.E.2d 850 (solicitor was not required to plea bargain with appellant charged with murder when appellant wished to plead to voluntary manslaughter).

However, should a plea offer be extended, the United States Supreme Court has held that “as a general rule, defense counsel has the duty to communicate formal offers from the prosecution to accept a plea on terms and conditions that may be favorable to the accused.” *Missouri v. Frye*, 566 U.S. 134, 145 (2012). In the context of plea negotiations, an attorney’s failure to communicate a formal plea offer to a criminal defendant falls below an objective standard of reasonableness under *Strickland*. *Missouri v. Frye*, 566 U.S. 134 (2012); *Lafler v. Cooper*, 566 U.S. 156 (2012); see *Strickland*, 466 U.S. at 688 (explaining that counsel has a duty “to consult with the defendant on important decisions and to keep the defendant informed of important developments in the course

of the prosecution.”). In *Lafler* and its companion case, *Frye*, the Court recognized that “the right to adequate assistance of counsel cannot be defined or enforced without taking account of the central role plea bargaining plays in securing convictions and determining sentences.” *Lafler*, 566 U.S. at 170 (citing *Frye*, 566 U.S. at 143–44).

The defendant in *Lafler* ultimately proceeded to trial rather than accept a plea deal, and the parties conceded that counsel was deficient during the plea negotiation process. *Id.* at 166. Although the fairness of the trial was not contested, the Court expressly rejected the notion that “[a] fair trial wipes clean any deficient performance by defense counsel during plea bargaining.” *Id.* at 169. Such as position “ignores the reality that criminal justice today is for the most part a system of pleas, not a system of trials.” *Id.* at 169–70.

Thus, the key question in *Lafler* was “how to apply *Strickland*’s prejudice test where ineffective assistance results in a rejection of the plea offer and the defendant is convicted at the ensuing trial.” *Id.* at 163. Unlike *Hill*, the ineffective advice in *Lafler* “led not to an offer’s acceptance but to its rejection.” *Id.* In other words, “[h]aving to stand trial, not choosing to waive it, is the prejudice alleged.” *Id.* at 163–64; *see id.* at 169 (explaining that “the question is not the fairness or reliability of the trial but the fairness and regularity of the processes that preceded it, which caused the defendant to lose benefits he would have received in the ordinary course but for counsel’s ineffective assistance”).

The Court ultimately held that, to show prejudice, the defendant must demonstrate a reasonable probability that (1) he would have accepted the plea offer; (2) the prosecution would not have withdrawn the offer in light of intervening circumstances; (3) the court would have accepted its terms; and (4) the conviction or sentence, or both, under the offer’s terms would have been less severe than under the judgment and sentence that in fact were imposed. *Lafler*, 566 U.S.

at 164; *accord. Collins v. State*, 422 S.C. 250, 262, 810 S.E.2d 871, 877 (2018).

For the above-reasons, Applicant cannot satisfy either requirement of *Hill*. However, the record likely does not refute or disprove Applicant's allegations of ineffective assistance of counsel; therefore, the State requests an evidentiary hearing to fully resolve the issues. *See Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (providing an evidentiary hearing shall be held when a PCR application "alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court").

Allegation Counsel was Ineffective for Failing to Object to Statement's Made by Victims

Applicant alleges counsel was ineffective for failing to object to: 1) "unsubstantiated remarks in the courtroom by [victim] Mr. O'Quinn about a case and charges that were never charged, only alleged" and 2) "a statement made by victim Mr. Flowers regarding a burglary Applicant was not involved in, where Mr. Flowers stated, 'Mr. Campbell and that group broke into my farmhouse, they ransacked the house. They even went into the attic. They went into the crawl space under the house. They stole everything they could from us'." Respondent submits Applicant cannot satisfy either requirement of the *Hill* test.

Leaving an issue unpreserved does not automatically constitute ineffective assistance of counsel. *See Millidge v. State*, 422 S.C. 366, 374, 811 S.E.2d 769, 800-01 (2018) (stating an applicant must prove both deficiency and prejudice to establish ineffective assistance of counsel for failing to preserve an issue); *see also id.* at 380, 811 S.E.2d at 804 ("[T]he proper inquiry for determining prejudice ... is whether there is evidence in the record to support the trial court's finding. . . . If so, an appellate court would necessarily have affirmed the trial court's [ruling] ").

Similarly, "[a]n ineffective assistance claim based on a failure to object is tied to the admissibility of the underlying evidence." *Hough v. Anderson*, 272 F.3d 878, 898 (7th Cir.

2001). "If evidence admitted without objection was admissible, then the complained of action fails both prongs of the *Strickland* test: failing to object to admissible evidence cannot be a professionally 'unreasonable' action, nor can it prejudice the defendant against whom the evidence was admitted." *Id.*; see *Miller v. Keeney*, 882 F.2d 1428, 1434 (9th Cir. 1989) (noting that if a petitioner challenges a futile objection, he fails both *Strickland* prongs); *U.S. ex rel. Link v. Lane*, 811 F.2d 1166, 1170 (7th Cir. 1987) (finding there is no prejudice from failure to object unless there is a legally supportable argument for exclusion of the evidence).

"At sentencing a judge has an obligation to consider information material to punishment." *Hayden v. State*, 283 S.C. 121, 123, 322 S.E.2d 14, 15 (1984). "A trial judge generally has wide discretion in determining what sentence to impose. It is also true that before making that determination, a judge may appropriately conduct an inquiry broad in scope, largely unlimited either as to the kind of information he may consider or the source from which it may come." *State v. Franklin*, 267 S.C. 240, 246, 226 S.E.2d 896, 898 (1976).

For the above-reasons, Applicant cannot satisfy either requirement of *Hill*. However, the record likely does not refute or disprove Applicant's allegations of ineffective assistance of counsel; therefore, the State requests an evidentiary hearing to fully resolve the issues. See *Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (providing an evidentiary hearing shall be held when a PCR application "alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court").

Allegation Plea was Entered Involuntarily

Applicant alleges he cooperated with the State prior to his guilty plea and "detrimentally relied" on the alleged plea offer extended by the State for a negotiated 12 – 15 year sentence.

Applicant additionally asserts he felt he “had to plead,” stating, “if he did not then he would of received a mandatory 30 year sentence.” Respondent submits these claims are without merit.

“[I]t is the prerogative of any person to waive his rights, confess, and plead guilty, under judicially defined safeguards, which are adequately enforced.” *Reed v. Becka*, 333 S.C. 676, 685, 511 S.E.2d 396, 401 (Ct. App. 1999). Accordingly, because a criminal defendant waives several constitutional rights by pleading guilty, the Due Process Clause requires that guilty pleas are entered into voluntarily, knowingly, and intelligently. *Boykin v. Alabama*, 395 U.S. 238 (1969); *Pittman v. State*, 337 S.C. 597, 524 S.E.2d 623 (1999). To be intelligent, a plea must be made by a mentally competent defendant who understands both the charges against him and the consequences of his plea. *Brady v. United States*, 397 U.S. 742, 748 (1970). To be voluntary, a plea must be free of threats or other coercion that would impermissibly distort the defendant’s choice. *Id.* at 755; *see also United States v. Smith*, 440 F.2d 521, 528–529 (7th Cir.) (Stevens, J., dissenting) (explaining that voluntariness relates to the trustworthiness of the admission of guilt and binding character of the waiver of the constitutional protections which would be available to the accused if he elected to stand trial).

Before a court can accept a guilty plea, the defendant must be advised of the constitutional rights he or she is waiving; the right to a jury trial, the right to confront one’s accusers, and the privilege against self-incrimination. *Boykin*, 395 U.S. at 243. Additionally, the defendant “must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived.” *Pittman*, 337 S.C. at 599.

The defendant’s knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and “may be accomplished by colloquy between court and

defendant, between court and defendant's counsel, or both." *State v. Ray*, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993); *See also Wolfe v. State*, 326 S.C. 158, 485 S.E.2d 367 (1997) (guilty plea not involuntary where the colloquy demonstrated the trial judge asked defendant twice whether he understood there were no promises and that no sentencing recommendations were binding on the judge). To ensure the defendant understands the consequences of his guilty plea, the plea judge "usually questions the defendant about the facts surrounding the crime and punishment that could be imposed." *Dover v. State*, 304 S.C. 433, 434–35, 405 S.E.2d 391, 392 (1991). However, the plea judge "does not have to direct the defendant's attention to every consequence of his plea provided the record reveals affirmative awareness of the consequences of a guilty plea." *Carter v. State*, 329 S.C. 355, 362, 495 S.E.2d 773, 776 (1998).

The voluntariness of a guilty plea, however, "is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing." *Harres*, 282 S.C. at 133, 318 S.E.2d at 361. An applicant who enters a plea on the advice of counsel may "only attack voluntary, knowing and intelligent character of the plea by showing that plea counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel's errors, the [applicant] would not have pled guilty, but would have insisted on going to trial." *Roscoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). In evaluating an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing. *Wolfe*, 326 S.C. at 165, 485 S.E.2d at 370; *cf. Rayford v. State*, 314 S.C. 46, 443 S.E.2d 805 (1994) (finding that, where the transcript of the guilty plea proceeding refuted applicant's claim that he did not

understand the terms of a plea bargain, granting PCR was inappropriate notwithstanding applicant's claim his lawyer misadvised him).

Nonetheless, because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual . . . , a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed." *Dalton v. State*, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Blackledge v. Allison*, 431 U.S. 63, 74 (1977); see also *Jamison v. State*, 410 S.C. 456, 469–71, 765 S.E.2d 123, 129–30 (2014) (observing that "guilty plea[s] must be treated as final in the vast majority of cases" and instructing that caution must be exercised so as not to "undermine the solemn nature of a guilty plea and the finality that generally attaches to a guilty plea"). Indeed, admissions made during a guilty plea should be considered conclusive unless an applicant presents valid reasons why he should be allowed to depart from the truth of his statements." *Id.* at 137–38, 654 S.E.2d at 874 (internal citations and quotation marks omitted); cf. *Blackledge*, 431 U.S. at 73–74 (pointing out that representations made by a defendant, his lawyer, and the prosecutor at a guilty plea hearing, as well as any findings made by the judge accepting the plea, constitute a "formidable barrier in any subsequent collateral proceedings").

Surmounting *Strickland's* high bar is never an easy task, and the strong societal interest in finality has "special force with respect to convictions based on guilty pleas." *Lee*, 582 U.S. ___, 137 S. Ct. at 1967 (internal citations and quotation marks omitted); cf. *Hill*, 474 U.S. at 58 ("[R]equiring a 'prejudice' showing from defendants who seek to challenge the validity of their guilty pleas on the ground of ineffective assistance of counsel 'will serve the fundamental interest in the finality of guilty pleas.'").

The State submits Applicant can satisfy neither requirement of the *Hill* test. However, the State requests an evidentiary hearing to fully resolve the issues. See *Sharper v. State*, 279 S.C.

264, 265, 305 S.E.2d 247, 248 (1983) (providing an evidentiary hearing shall be held when a PCR application “alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the [PCR] court”).

Allegation Counsel was Ineffective for Failing to Object to Charges that Constituted Double Jeopardy

Applicant alleges counsel was ineffective for failing to object to Applicant being charged with both safecracking and accessory after the fact which he alleges constituted double jeopardy. Respondent asserts Applicant’s allegations of double jeopardy are likely without merit.

The “Double Jeopardy Clause protects against a second prosecution for the same offense after acquittal or conviction, and protects against multiple punishments for the same offense.” *State v. Brandt*, 393 S.C. 526, 538, 713 S.E.2d 591, 597 (2011) (quoting *Stevenson v. State*, 335 S.C. 193, 198, 516 S.E.2d 434, 436 (1999)). In *Blockburger v. United States*, the United States Supreme Court clarified “[t]he applicable rule is that, where the same act or transaction constitutes a violation of two distinct statutory provisions, the test to be applied to determine whether there are two offenses or only one, is whether each provision requires proof of a fact which the other does not.” 284 U.S. 299, 304 (1932). In other words, “*a single act may be an offense against two statutes*; and if each statute requires proof of an additional fact which the other does not, an acquittal or conviction under either statute does not exempt the defendant from prosecution and punishment under the other.” *Id.* (emphasis added); *accord. State v. Moyd*, 321 S.C. 256, 258, 468 S.E.2d 7, 9 (Ct. App. 1996) (“A defendant may be severally indicted and punished for separate offenses without being placed in double jeopardy *where a single act consists of two ‘distinct’ offenses.*”) (emphasis added). However, a “counselled plea of guilty, knowingly, and intelligently entered pursuant to a favorable plea bargain, waives a plea of former jeopardy.” *Kelly v. State*, 274 S.C. 613, 266 S.E.2d 417 (1980).

The State submits Applicant cannot satisfy the standard to prove double jeopardy. However, the State requests an evidentiary hearing to fully resolve the issues. See *Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (providing an evidentiary hearing shall be held when a PCR application “alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the [PCR] court”).

VI. Any Future Amendments and Invocation of Discovery Process

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRPC. *Pro se* filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State pursuant to *Love v. State*, 428 S.C. 231, 834 S.E.2d 196 (2019), or, alternatively, the State will request a continuance in the matter. *Id.*, 428 S.C. at 245, 834 S.E.2d at 203 (Kittredge, J., dissenting) (“If, however, the proposed amendment . . . would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments.”).

If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, the State reserves the right to move to dismiss this allegation or claim. S.C. Code Ann. §§ 17-27-10 to -160; Rule 71.1, SCRPC. See also Rules 15(a)–(b), SCRPC. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State. See Rule 15(a), SCRPC.

Pursuant to S.C. Code Ann. § 17-27-150, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, the State requests that all potential exhibits

and materials used to produce potential expert witness testimony be sent to the State well in advance of the evidentiary hearing. As noted above, the State reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to the State. *See Love*, 428 S.C. 231, 834 S.E.2d 196.

VII. Response to Any and All Other Allegations

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this return is hereby denied.

VIII. Conclusion

WHEREFORE, the State moves to dismiss Applicant's allegations of trial court error, and requests this Court grant its partial motion to dismiss as set forth in section IV. Thereafter, the State respectfully requests an evidentiary hearing be held on Applicant's allegations of ineffective assistance of counsel and involuntary guilty plea.

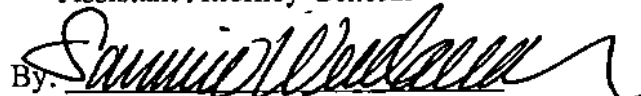
Respectfully submitted,

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October 3, 2022

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

Samuel Campbell, #360837

Applicant,

v.

State of South Carolina

Respondent,

) IN THE COURT OF COMMON PLEAS
) FOR THE FOURTEENTH JUDICIAL
) CIRCUIT

) Case No.: 2019-CP-15-00149

) Certificate of Service by Mail

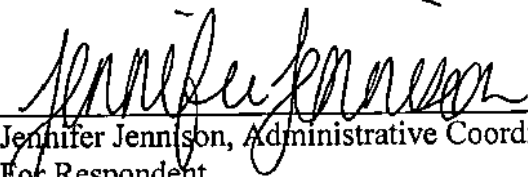
1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return to the Application for Post-Conviction Relief and Partial Motion to Dismiss in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

James K. Falk, Esquire
Falk Law Firm, LLC
Post Office Box 1058
Charleston, SC 29402

DATED this 3rd day of October, 2022.

2022 OCT - 5 PM 3:12

COLLETON COUNTY
COMMON PLEAS COURT


Jennifer Jennison, Administrative Coordinator
For Respondent

State of South Carolina	)	
	)	Circuit Court
County of Beaufort	)	2019-CP-15-00149

Samuel L. Campbell	)	
	)	
v.	)	Transcript of Record
	)	
State of South Carolina	)	

November 18, 2022
Beaufort, South Carolina

B E F O R E:

The Honorable G.D. Morgan, Jr., Judge.

A P P E A R A N C E S:

James K. Falk, Esq.
Attorney for the Plaintiff

Lauren Mims, Esq.
Attorney for the Defendant

Tamara Bentzur
Transcriber



1		<u>I N D E X</u>			
2	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
3	Samuel Campbell				
4	Mr. Falk	7, 30		19	
5	Ms. Mims		15, 32		
6	Christopher J. Murphy				
7	Ms. Mims	20			
8	Mr. Falk		28		
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1	<u>E X H I B I T S</u>			
2	NO.	DESCRIPTION	ID.	EV.
3				
4				
5		<u>NO EXHIBITS INTRODUCED</u>		
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1 THE COURT: Again, call the call and I'll turn it over to
2 the applicant.

3 MS. MIMS: May it please the Court.

4 THE COURT: Yes, ma'am.

5 MS. MIMS: This is the post-conviction relief matter of
6 Samuel Campbell. Applicant is presently confined in the South
7 Caroline Department of Corrections, pursuant to orders of
8 commitment from the Colleton County clerk of court during its
9 May 17th term. The Colleton County grand jury indicted
10 applicant for one count of safe cracking, two counts of
11 breaking into a motor vehicle or compartment to steal, one
12 count of grand larceny, value greater than 2,000 dollars but
13 less than 10,000 dollars, one count of burglary first degree,
14 six counts of burglary second degree violent, and one count of
15 accessory after the fact felony.

16 December 24th, 2017, applicant appeared before the
17 Honorable Brooks Goldsmith and pleaded guilty to one count of
18 safe cracking; two counts of breaking into a motor vehicle or
19 compartment to steal; one count of grand larceny value more
20 then 2,000 but less than 10,000; seven counts of burglary in
21 the second degree violent; and one count accessory after the
22 fact.

23 Without recommendation or negotiations, Christopher J.
24 Murphy, Esq. Represented applicant. Assistant Solicitor Seth
25 Utsey of the Fourteenth Circuit Solicitor's Office prosecuted

1 the case. Judge Goldsmith sentenced applicant to concurrent
2 terms of 22 years imprisonment for the safe cracking charge; 5
3 years for each of the breaking into a motor vehicle charge; 5
4 years for the grand larceny charge; 15 years for each of the
5 burglary charges; and 15 years for the accessory charge.

6 Applicant filed a timely notice of appeal on March 15th,
7 2018. The South Carolina Court of Appeals dismissed
8 applicant's appeal pursuant to Rule 203 for failure to provide
9 a sufficient explanation as to why an appeal of his guilty
10 pleas should proceed. The case was remitted back to the
11 circuit court on April 2nd, 2018.

12 And due to the number and nature of the charges applicant
13 has pled to, I would ask this Court to apprise applicant of
14 what could happen if he is successful on PCR.

15 THE COURT: All right. Before we get there.

16 MS. MIMS: All right.

17 (Pause.)

18 THE COURT: All right, Mr. Campbell.

19 Who's Mr. Campbell?

20 All right, Mr. Campbell, you understand this is a PCR
21 hearing, and I have no authority to reduce your sentence, that
22 I can --if I do grant your PCR motion and the order of relief,
23 it goes back down, and it basically starts over. So the
24 sentence that you received, and I believe you received 22
25 years. Is that right?

1 THE APPLICANT: Yes.

2 THE COURT: All right. You were charged and indicated on
3 a number of matters, and it could go back down. And one of
4 them is burglary first. You understand that? That faces up
5 to life, as well as a number of other charges, the burglary
6 second up to 15 years. You understand that?

7 So if it went back down, they could start over and try
8 you, and you could get convicted of all of those. And you
9 could be sentenced to life. You understand that?

10 THE APPLICANT: Yes. That was accessory to burglary
11 first.

12 THE COURT: All right. So you understand though that you
13 had all of these charges, and you could get a sentence of -- a
14 consecutive sentence of all of these, it would clearly exceed
15 22 years. And could be -- I didn't add it up. I don't know
16 if you add it up what the number --

17 MS. MIMS: I think the transcript they said it would add
18 up to around 180 years.

19 THE COURT: That's what I thought. I added it up last
20 night. It was 180, so you technically could go back down, and
21 you could -- if you were convicted, you could receive up to
22 180 years. You understand that?

23 THE APPLICANT: Yes, sir.

24 THE COURT: So again, I cannot reduce your sentence, and
25 you could go back down, and you could receive a greater

1 sentence than you have right now. Do you understand that?

2 THE APPLICANT: Yes, sir.

3 THE COURT: Understanding that, do you want to go forward
4 with your PCR hearing?

5 THE APPLICANT: Yes, sir.

6 THE COURT: All right. All right, Mr. Falk.

7 MR. FALK: We call Mr. Campbell.

8 THE COURT: All right, Mr. Campbell.

9 SAMUEL CAMPBELL, after being duly sworn, testified
10 as follows:

11 THE COURT: Hold on just a minute, Mr. Falk. We're going
12 to get somebody moved I believe. Which one is it? Right
13 here?

14 (Pause.)

15 THE COURT: All right. Now, let's proceed. All right,
16 Mr. Falk.

17 DIRECT EXAMINATION

18 BY MR. FALK:

19 Q Mr. Campbell.

20 A Yes, sir.

21 Q Who represented you on this case?

22 A Chris Murphy.

23 Q And that's Christopher J. Murphy?

24 A Yes, sir.

25 Q And was he retained, or was he appointed to represent

1 you?

2 A He was retained. He had a -- I think it was a
3 downpayment of 7,500 dollars, and then in ten months he would
4 receive full payment. I think it was 17,500 altogether.

5 Q And so how many times did you meet with him?

6 A I believe it was three. He did the first initial
7 appearance once he was retained. And then after receiving the
8 discovery, I met with him one time. And then he met with me
9 two days prior before we actually went to court.

10 Q Now, were you out on bond at this time or was he coming
11 to see you in the detention center?

12 A Coming to see me in the detention center.

13 Q And did he represent you at the preliminary hearing?

14 A He never showed up for the first one. I asked to be
15 postponed until counsel was present. He never showed up for
16 the second one, so they directly indicted me on the second
17 one. I didn't -- they didn't even give me a preliminary
18 hearing.

19 Q Was that on all the charges? Was this a preliminary
20 hearing for all the charges or --

21 A Yes.

22 Q And so what did he tell you about the strikes of the case
23 against you?

24 A Well, I met with him after he got my discovery. We
25 didn't really go through the discovery. I mean, it was 500

1 pages. He just told me that in his -- all his years he's
2 never seen a more well-put-together discovery. And pretty
3 much told me that Mr. Orcini (phonetic) had written statements
4 or whatever. And that was pretty much it with the discovery.

5 He did advise me that the only thing that the solicitor
6 was offering was 30 years. I never seen anything on paper.
7 But that was the plea offer that he told me that they'd given
8 him.

9 Q Hold on a minute.

10 MR. FALK: The court reporter, I think he's going to
11 faint. Sir, are you okay? All right.

12 THE WITNESS: Too fast? Okay.

13 MR. FALK: I thought so but maybe it wasn't.

14 THE WITNESS: Yes, sir.

15 BY MR. FALK:

16 Q So was there a discussion about a plea in this case?

17 A Well, he met with my -- he told me -- he came to me two
18 days before trial. He said he just had met with the judge and
19 solicitor in the judge's chambers and talked to the judge
20 asking if my client entered a guilty plea, open plea, what
21 would you be willing to try to work with on offer. And he had
22 told me the judge told him ask if there's going to be anybody
23 speaking against me. And he then advised the judge about
24 that, and the judge said between 12 and 15 years is what he'd
25 be willing to give me on an open plea. And that if he deemed

1 necessary to rule over that, he would give me a option to
2 withdraw my plea. And that didn't happen.

3 Q So were you in the court -- were you -- did you hear this
4 conversation or was this --

5 A No, sir. I did not hear this conversation. This was
6 something he did with just the solicitor and the judge,
7 apparently in the judge's chamber. He then met with my mother
8 outside of the courtroom. And then came to the jail and met
9 with me.

10 Q Okay. And --

11 A Again, I never seen anything on paper.

12 Q When I looked through your PCR application, you talked
13 about some cooperation that you did.

14 A Yes. I fully admitted to all my part and party. I
15 helped them recover the property.

16 Q How did you help them recover the property?

17 A I told them where it was at.

18 Q And when did you do this?

19 A Immediately upon being arrested.

20 Q Okay because I'm just trying to flush out one of your --
21 you were saying that you sort of -- you relied on this.

22 A Yeah. I mean, I was -- you know, it was -- it was a week
23 after he received the last payment. He came to me, and he
24 said this is our best option. He said this is what we'll go
25 with. He said I've met with the judge and solicitor. And he

1 said he's going to offer you between 12 and 15 years, and if
2 he deems necessary to go over that, he'll give you a chance to
3 withdraw your plea. And I fully relied on that because, I
4 mean, that was my attorney. That's what he advised me.

5 Q The cooperation that you did was not then after that.

6 A No. The cooperation was fully then right when I was
7 arrested.

8 Q Okay. And were you ready to go to trial? I mean --

9 A I mean, you know, I didn't study anything with the law.
10 I just went completely with what my attorney advised me. And
11 you can see it in the transcripts. He even stood up and said,
12 your honor, in all of his years of practicing law he's never
13 had a client that was as honest about what had happened. You
14 know, they also deemed me -- they said in my -- in the court
15 that I was called over to the -- Mr. Orcini's property for the
16 sole intent to bring implications to open the safe and safe
17 cracking.

18 Well, in my motion, Mr. Orcini said I just showed up,
19 which is the truth. I had no idea they was burglarizing Dr.
20 Flowers' house. I just happened to show up to my cousin's
21 house afterwards. I wasn't called over to bring any safe
22 cracking tools or to safe crack. And they actually -- the
23 ones that actually stole the safe -- I wasn't charged with the
24 burglary.

25 They received four years for safe cracking. I received

1 22 years. And I believe that has something to do with when
2 the solicitor stood up and said that I was called over there
3 with the sole intent to be the one to crack the safe, when in
4 the motion it doesn't state that.

5 Q Maybe it's because you've got the mask up. You said you
6 had codefendants on the safe cracking charge.

7 A Yes, sir.

8 Q And what did they receive?

9 A They received four years. They was charged with the
10 burglary first. Their burglary first got dropped to a second,
11 and they received ten years for the burglary second and four
12 years for safe cracking. I was charged with -- when you read
13 the warrant, the statement on the warrant, it acts -- it talks
14 like it's talking about accessory after the fact to safe
15 cracking. When Mr. Murphy presented that to the State, the
16 State said well, no, that's accessory after the fact to first
17 degree burglary. But when you read the statement on the -- on
18 the warrant itself, it actually describes safe cracking. So
19 again, I pled to a burglary first -- accessory to burglary
20 first that was dropped to burglary second.

21 Q You pled to accessory to burglary first.

22 A Yes, sir.

23 Q What you're saying is that you helped people conduct a
24 burglary? No, you were an accessory, and so the principals
25 got actually charged with burglary second is what you're

1 saying.

2 A Well, they was charged with burglary first to begin with.

3 Q Okay.

4 A But they was reduced, yes, sir. And again, I had no
5 knowledge of anything about the burglary prior to the burglary
6 or during the burglary. I just happened to show up at the
7 house afterwards.

8 Q And when did your codefendants get sentenced?

9 A It was after me. It was within six months to a year
10 after me I'm assuming.

11 Q So they weren't going to try everybody together.

12 A No. And -- no. Oh yeah, I was -- my appeal he filed for
13 me was on the grounds of excessive sentencing compared to
14 codefendants. But at the time, I was the only one that was
15 sentenced. And the appellate court said there was no grounds
16 to even file for an appeal on that.

17 Q So you thought that when you were going to go into court
18 that day and plea you were going to get no more than 15.

19 A Yes, sir.

20 Q And if you were going to get more than 15, you'd be able
21 to stop everything.

22 A Right. That's what he told me the judge told him.

23 Q So when the judge gave you the 22-year sentence, why
24 didn't you say something then?

25 A Well, I turned around and asked Mr. Murphy. I said what

1 about my chance to withdraw the plea? And he stacked his
2 papers up and stuck them under his arm, and said it's over,
3 and turned and walked out of the courtroom.

4 Q So you asked him about that?

5 A Yes, sir.

6 Q And you would be happy today to be resentenced?

7 A Yes, sir.

8 Q In that 12-to-15-year range?

9 A Yes, sir.

10 Q So that's really the relief you're seeking here today.

11 A Yes, sir. That's -- that's what I was told, yeah.

12 MR. FALK: No further questions.

13 THE COURT: I just want to make sure that I'm clear. He
14 was indicted one count safe cracking; two counts breaking into
15 a motor vehicle; one count of grand larceny greater than 2,000
16 less than 10,000; one count of burglary first degree; six
17 counts burglary second degree violent; and one count of
18 accessory after the fact felony.

19 Is that correct?

20 MS. MIMS: I believe so, Your Honor.

21 THE COURT: I'm reading them. Each one of those has an
22 indictment number.

23 MS. MIMS: Right. Right. I have it here. It's just not
24 all laid out.

25 THE COURT: All right. And then he pled to one count of

1 safe cracking; two counts of breaking into a motor vehicle;
2 one count of grand larceny 2,000 -- greater than 2,000 less
3 than 10,000; seven counts of burglary second degree violent;
4 and then one count accessory after the fact.

5 MS. MIMS: And I believe one was reduced.

6 THE COURT: Well, the burg first would have been reduced,
7 and that's why he pled to the seven counts of burg second.
8 All right.

9 MS. MIMS: That's my understanding, Your Honor.

10 THE COURT: Okay. That was all the questions you had;
11 wasn't it?

12 MR. FALK: Yes, Your Honor.

13 THE COURT: All right. Cross.

14 MS. MIMS: Yes. Do you mind if I stand here?

15 THE COURT: Yes, ma'am, that's fine.

16 MS. MIMS: Can you hear me fine from over here?

17 THE WITNESS: Yes, ma'am.

18 CROSS-EXAMINATION

19 BY MS. MIMS:

20 Q It was your testimony that you met with your attorney
21 three times?

22 A I believe so, yes, ma'am.

23 Q Okay. And during those meetings you recall reviewing
24 discovery?

25 A We never really reviewed discovery. He just told me that

1 in all of his years he never seen a more well-put-together
2 discovery, and that he did tell me about the statement that
3 Robert Orcini (phonetic) had put in. But other than that, we
4 didn't really discuss the discovery, no.

5 Q Let me ask you this first. You stated a little bit
6 earlier that you gave the statement immediately after your
7 arrest. Correct?

8 A When I was arrested, they asked me where the property
9 was. I told them where it was at.

10 Q Okay. And was this before you retained Mr. Murphy?

11 A Yes. That was before I ever left the scene. I mean, as
12 soon as they -- when they put the cuffs on me before they put
13 me in the car.

14 Q Okay. So did you ever want to go to trial?

15 A Well, no, I never contested my -- my guilt in it. I
16 mean, I just was looking for more than 30 years, which was --
17 better than 30 years, which is what I was told was the only
18 thing that was offered to me, until he said he met with the
19 judge and solicitor.

20 Q And do you recall discussing the elements of each crime
21 with Mr. Murphy?

22 A No, ma'am. I believe we never had a meeting longer than
23 30 minutes.

24 Q Okay. And did you give your attorney any leads or
25 witnesses or anything to investigate?

1 A No, just what was in the discovery.

2 Q Okay. And so your sole goal was to plead guilty.

3 Correct?

4 A Yes.

5 Q And it was your understanding that you had up to 30
6 years. Correct?

7 A Yes.

8 Q And do you recall at the plea hearing the solicitor
9 stating that this would be a straight-up plea?

10 A Yes.

11 Q And you understood what that meant?

12 A Just that it was the facts on what they were. There were
13 no reductions or changing any of the charges, I'm assuming.

14 Q Well, all right, so did you understand that there was no
15 offer from the solicitor?

16 A Well, the solicitor stood up in court and said he was
17 offering -- he asked for 25 years, which I never heard. The
18 only thing I heard was 30.

19 Q Okay.

20 A Seth Utsey, the solicitor did -- I remember that. I
21 said -- it should be in the transcripts.

22 Q But there wasn't an offer extended to you to plead
23 guilty. You pled guilty because you wanted to?

24 A I never seen anything in paperwork though.

25 Q Okay. And do you recall telling the judge that you had

1 no complaints with counsel?

2 A Well, I -- yes, I was fully at the reliance of, you know,
3 Mr. Murphy come from a very good background. I was told, you
4 know, the thing with my case is is my -- my victim, the one --
5 the guys that my cousin and them actually burglarized, is
6 probably one of the most prominent men in town. It was hard
7 even finding a counsel to retain because of conflict of
8 interest. I was going over several counties. Finally, the
9 county Dorchester -- Saint George is the one that referred me
10 to Mr. Murphy. And again, even though the people around my
11 town spoke highly of him, of his practice, so I was fully
12 reliant on what he told me to do.

13 Q Okay. And you recall -- you understood you were
14 answering to a guilty plea. Correct?

15 A Yes, ma'am.

16 Q And do you recall telling the judge that no one coerced
17 or promised you anything?

18 A I mean, and I -- that is -- even if -- even if you was to
19 enter a plea the solicitor give, if it's a negotiated plea, I
20 would have had to have said the same thing. And my attorney
21 then advised me too also when I was asked that to say no. I
22 mean, I do know from my knowledge even if you enter a
23 negotiated plea that the judge has the power to overrule that.
24 So I wasn't promised anything, but I was told that that's what
25 I was looking at.

1 Q So you weren't promised the 12 or 15, but you just --
2 that's what you -- that was your understanding of what it was?

3 A That's what I was told by my attorney that the judge
4 said, yes.

5 MS. MIMS: I beg the Court's indulgence. No further
6 questions, Your Honor.

7 THE COURT: All right. Any redirect?

8 REDIRECT EXAMINATION

9 BY MR. FALK:

10 Q It was your understanding that you could -- if you didn't
11 get the 12 to 15 you were going to be able to withdraw your
12 plea.

13 A Yes, sir.

14 MR. FALK: No further questions.

15 THE COURT: Any recross?

16 MS. MIMS: No, Your Honor.

17 THE COURT: All right. You may step down.

18 THE WITNESS: Thank you.

19 THE COURT: All right. Next witness.

20 MR. FALK: We'll rest.

21 THE COURT: All right. State.

22 MS. MIMS: The State calls Christopher J. Murphy.

23 MR. MURPHY: Good morning, Judge.

24 THE COURT: Good morning.

25 CHRISTOPHER J. MURPHY, after being duly sworn,

1 testified as follows:

2 THE CLERK: You can have a seat. This is the microphone
3 for the courtroom.

4 THE WITNESS: Okay.

5 DIRECT EXAMINATION

6 BY MS. MIMS:

7 Q Can you hear me okay from over here?

8 A Yes, ma'am.

9 Q Okay. How long have you been practicing law?

10 A 27 years.

11 Q And how much of that practice has been criminal law?

12 A Started out prosecuted for about six years. After that,
13 I've been in private practice the remaining amount.

14 Predominant practice is criminal defense.

15 Q Do you recall how many times you met with applicant?

16 A Campbell?

17 Q Yes.

18 A It was a number of occasions.

19 Q Okay.

20 A I would say it was more than three.

21 Q And do you recall kind of what you discussed during those
22 meetings?

23 A The first -- the first meeting, the initial client
24 meeting would have been just, you know, get to know Mr.

25 Campbell, go over, you know, who I was, where I'm from. His

1 mother was the one that actually retained me. We went over
2 the retainer agreement, had him sign that. I think I would
3 have had him sign a HIPAA form in case I needed to get any
4 type of medical records later on. That was just an initial
5 discussion about the case.

6 Granted, we did not have discovery at that time. He knew
7 that. Told him that once we got discovery we would be back in
8 time. Advised him to not talk to anybody about the case, do
9 not talk on the phone about the case, do not make any notes
10 about the case. That he has no friends. Basically my -- what
11 I always do with every client. Samuel understood that and
12 agreed -- agreed to those terms and told him we would be back
13 in touch.

14 Q And it was applicant's testimony a little earlier that he
15 testified before y'all -- you ever -- he ever retained you as
16 counsel. Correct? I'm sorry if that was -- I'll re-ask the
17 question.

18 A Okay.

19 Q Mr. Campbell retained you after he had already gave a
20 statement to the police. Correct?

21 A Correct. He actually gave two statements to the police.

22 Q And can you just briefly describe what those statements
23 were, what the State's evidence was?

24 A The statements, first off he had just gotten out on
25 parole or probation. And it's my recollection that he may not

1 even have made that initial meeting. I may be mistaken on
2 that, but he had just made parole in December of '16.

3 They obtained a warrant for him for absconding parole.
4 And so that -- that warrant was active. There was a number of
5 break-ins that had occurred in Colleton County, one of which
6 was a -- two of which were prominent members of the Colleton
7 County community. One of them was Dr. Flowers, who was the
8 doctor for everybody in Colleton County. He was also on the
9 county council.

10 Another person that home was broken into was a relative
11 of the late Judge Gerald Smoak. There was just a number of
12 people whose homes had been broken into. An informant led --
13 gave the Colleton County Sheriff's Office the name of Samuel
14 Campbell and some others. When they ran Samuel's background
15 they found out that he had a warrant for the probation
16 violation. It was either probation or parole.

17 And they then received information that he was at a
18 location. They went to that location. They found the
19 defendant, Mr. Campbell. They also found at that time
20 methamphetamine when they were serving the warrant. He was
21 arrested for the methamphetamine.

22 They also found items in there that appeared to be items
23 that could be related to the burglaries and the break-ins of
24 the vehicles. They arrested him on the probation violation.
25 He gave a statement.

1 During that statement, he laid out his involvement in a
2 number of the incidents. He also informed them where they
3 could locate some of the stolen material. He did that after
4 being Mirandized. Voluntarily gave the statement. Also gave
5 the statement as to the involvement of codefendants, some of
6 which, as he testified to, were related to him.

7 That then led them to the other codefendants. Those
8 codefendants, after being questioned, also gave statements.
9 They also implicated Mr. Campbell. That led them to other
10 property that was stolen.

11 At some point, Dr. Flowers and some of the other victims
12 identified the property as being stolen from their residences
13 and their vehicles. They then -- they being the Colleton
14 County Sheriff's Department then went back to Mr. Campbell
15 again prior to me being retained. They interviewed him again.
16 He gave them further information that led to property being
17 recovered in Orangeburg County, I believe it was, and the
18 subsequent arrest of some other individuals that were charged
19 in the crime.

20 All of that was compiled. I was then retained. That's
21 when I went to talk to him. We requested a preliminary
22 hearing at that time. Or at some time during that period, as
23 I always do because it's easier to review evidence at a
24 preliminary hearing sometimes, particularly a case of this
25 many charges. I knew it would be a while before we would get

1 the discovery or all of it.

2 After I received the discovery, went back and talked to
3 Samuel, we waived the preliminary hearing or basically told
4 them I wasn't going to go forward with it. Discussed that
5 with him, why I didn't based on the evidence of which part of
6 it is in this notebook, which I always put together a notebook
7 in anticipation of a trial.

8 And Samuel agreed to that. As he stated and as I stated
9 to him, the case jacket, the lead detective did -- he did a
10 great job. The evidence against Samuel in addition to his two
11 statements was overwhelming. A number of people had agreed to
12 testify, were going to testify against him, based on my
13 discussions with the prosecutor.

14 They considered Samuel, based on his prior record and
15 what they were hearing from the codefendants as being the
16 "ringleader" of this criminal enterprise. And that they were
17 not going to make any plea negotiations in this case.

18 Samuel agreed that the best course of action would be --
19 and on my advice is that, listen, you need to stay here. You
20 need to rack up some credit for time served. And let's try to
21 reduce and work on these charges. And eventually, if we can
22 work on the charges, I was concerned, and he was indicated and
23 arrested for burglary in the first degree. The accessory
24 after the fact was for the safe cracking. The actual
25 blowtorching and getting into the gun safe, which was Dr.

1 Flowers, if I'm not mistaken.

2 The -- we worked on the burglary first. There were no
3 negotiations for the longest time, as you can imagine, based
4 on who the victims were. There was a lot of political
5 pressure being put on this case, one by the solicitor, two by
6 the sheriff of Colleton County.

7 And they worked it very hard. The put together a very
8 good case against Samuel, and he knew that. And I agree with
9 him. He knew -- he understood that this was not going to be a
10 trial, and that we were working to the best resolution that we
11 could get, based on all the evidence against him.

12 Sometime in -- of course, Judge Buckner was recused, the
13 resident judge. He was not going to hear the case. Judge
14 Goldsmith came -- was scheduled to come in December. Went
15 back, I was negotiating with the solicitor. My notes reflect
16 and I have an email that I showed you, and I can enter that
17 into evidence if we need to, where I discussed again with Seth
18 Utsey.

19 He said there will be no plea bargains. As far as time,
20 I begged him can you at least reduce the charge of the burg
21 first to a burg second. That got Mr. Campbell out of the
22 mandatory minimum 15 years. At least gave us an argument, an
23 opportunity to argue for less than 15.

24 He went back to his boss, the solicitor Duffey Stone.
25 They agreed to reduce the burg first to a burg second, but

1 that was the extent of the plea negotiation.

2 I went back and talked to Samuel on November 8th of 2017.
3 That would have been a month before the court date. And I let
4 him know at that time, and as my notes reflect, the burg first
5 was being reduced to a burg second. I said I was working on
6 the safe cracking. And there would be no offer as far as
7 time.

8 And that was conveyed to him. He understood that going
9 in. We did talk to the judge back in chambers. As I told
10 Samuel I would. The judge did not make any type of
11 recommendation as far as the time.

12 Samuel asked me what I thought it would get. And I said,
13 you know, based on what I knew, I mean, I said you're going to
14 get significant time. It could be, you know -- I don't think
15 it could be 15 years. I don't know what the judge is going to
16 do, but life without parole is off the table.

17 I think you're going to get credit for something less
18 than 30 years, which the safe cracking carried. Based because
19 you're talking responsibility. And as you note -- if you
20 could -- as the transcript would reflect, we went through and
21 I basically laid it out to the judge how Mr. Campbell was
22 cooperative from the beginning, prior to my involvement in the
23 case. That his statement led to other individuals that were
24 involved in the case, led to the discovery or the retrieval of
25 a number of the items from -- from the burglary -- burglaries.

1 And that's -- that was the case.

2 Q Okay. And so I just want to comb through a little bit.

3 There was never any discussion about going to trial?

4 A No. I mean, from the beginning, we knew that this was --
5 this was going to be a plea. Now, I prepared in case
6 something went south. You know, if they were going to go
7 forward on a burglary first, you know, I mean, you might as
8 well roll the dice and go to trial.

9 But this was never, from my experience, from my
10 discussions with Mr. Campbell, this was not going to be a
11 trial. This was going to be how are we going to mitigate the
12 potential sentence in the case.

13 Q And you agree it was his inclination to go to get a plea
14 deal. Correct?

15 A Oh yes.

16 Q Or to plead guilty.

17 A Yes, based on my experience, the review of the evidence
18 that they had against him, the likelihood is that if he had
19 gone to trial, he would have been found guilty of these
20 charges.

21 Q And you feel that was in your client's best interest?

22 A It was clearly in his best interest to plead guilty. As
23 he stated just now in his testimony, he was looking for
24 something less than the 30 years on the safe cracking, and he
25 got something less than 30 years on safe cracking.

1 MS. MIMS: No further questions, Your Honor.

2 THE COURT: All right.

3 Cross.

4 CROSS-EXAMINATION

5 BY MR. FALK:

6 Q So you did have a conversation with the judge?

7 A We did talk, you know, based -- particularly in light of
8 the fact of who these people were that were involved in the
9 case. One, I wanted to ensure that the judge didn't have a
10 conflict, because Judge Goldsmith being a retired judge does
11 come down this area. And I knew that he knew Judge Buckner,
12 and I wanted to make sure that he was comfortable with going
13 forward with the trial or with the plea.

14 And in fact, if you reviewed the transcript, Judge
15 Goldsmith had on one of Samuel's original charges in his prior
16 criminal history, Judge Goldsmith was actually the judge that
17 heard that guilty plea. Because one of the arguments I made
18 at the guilty plea was that Judge Goldsmith had ordered him to
19 be into the ATU treatment facility.

20 My argument to the judge was that he didn't get an
21 opportunity to do that when he was in the Department of
22 Corrections. And that he came out and got right back into his
23 methamphetamine habit, and that's what basically spiraled out
24 of control.

25 Q And what was your conversation with him?

1 A With who?

2 Q With Mr. Campbell after your conversation with the judge?

3 A I just told him that we went back there, and the judge,
4 you know -- that there were no discussions. We didn't discuss
5 any time. He -- if I'm not mistaken -- again, like I
6 testified to, I think Samuel asked me what I thought was going
7 to -- was going to go forward. And again, I said, you know, I
8 don't -- you know, we've got rid of the mandatory minimum of
9 the 15. That you're not going to get, in my opinion -- you're
10 not going to get 30. That you're going to get something less
11 for that because you're going to get credit I think, based on
12 your cooperation and everything. But he understood that it
13 was a straight-up plea.

14 That there were no recommendations. It was not a
15 negotiated plea where, judge, we've negotiated a sentence of
16 X. And at that point, as you know, if it's a negotiated plea,
17 the judge can basically take it, or we go on to another court
18 term. This was not that case. It was a straight-up plea.

19 Q And did you ever tell him that if he didn't get the 12-
20 to-15 years that he could withdraw his plea that day?

21 A No.

22 Q Did he ever ask you about that after he got the 22 years?

23 A I don't recall that. The next conversation that Samuel
24 and I had he asked me to file an appeal of the sentence, which
25 we did file the notice of appeal for him. And that would have

1 been sometime after the guilty plea. And I want to -- I want
2 to say that it was before the new year, so it was timely
3 filed.

4 MR. FALK: No further questions.

5 THE COURT: All right. Any redirect?

6 MS. MIMS: I beg the Court's indulgence. No redirect.

7 THE COURT: All right. You may step down. Thank you,
8 Mr. Murphy.

9 THE WITNESS: Judge, may I be excused?

10 THE COURT: You may be excused.

11 THE WITNESS: Thank you, sir.

12 THE COURT: All right, any other witness from the State?

13 MS. MIMS: No, Your Honor. The State rests.

14 THE COURT: All right.

15 I'll hear from --

16 MR. FALK: Could I recall my client?

17 THE COURT: Yes.

18 DIRECT EXAMINATION (ON RECALL)

19 BY MR. FALK:

20 Q You were here for Mr. Murphy's testimony?

21 A Yes, sir.

22 Q Did he ever tell you that the judge did not discuss
23 anything about years?

24 A No, sir. And he also -- again, I didn't even know I was
25 coming to court today until 10:00 last night. The only other

1 person he spoke to before speaking to me after actually
2 talking to the judge was my mother. He met with her outside
3 of the courthouse of Colleton County.

4 And I'd just like to add I never waived my right to
5 preliminary hearing. There would have to be a signature of
6 some sort for that to happen. Correct? All right. That
7 never happened. And the night before my second preliminary
8 was scheduled, I don't know how far the phone records go back
9 at Colleton County, but it should be on the phone conversation
10 me and him had. I talked to him the night before. He said
11 I'll see you in the morning. When I got to court, he wasn't
12 there. I never waived my right to preliminary hearing.

13 Q Okay. Let me just kind of go back a little bit. And did
14 he -- but you're sure that he told you that, if you didn't get
15 the 12-to-15 years, you could withdraw the plea?

16 A I'm 100 percent positive.

17 Q And you're sure that you -- at the end of the plea, when
18 you got the 22 years, you're sure you told him that?

19 A 100 percent positive. I asked him what happened and why
20 didn't I get my chance to withdraw the plea. And as I said,
21 he stacked his paperwork on the podium, stuck them under his
22 arm, and said it's over and turned around and walked out of
23 the courtroom.

24 MR. FALK: No further questions.

25 THE COURT: Any cross?

1 MS. MIMS: Thank you, Your Honor.

2 CROSS-EXAMINATION (ON RECALL)

3 BY MS. MIMS:

4 Q I just wanted to reiterate. It was your decision to
5 plead guilty. Correct?

6 A Yes, ma'am.

7 Q And it was your decision to get the best outcome for your
8 plea. Correct? Or for your -- for your charges. Correct?

9 A Upon what I had been advised, yes.

10 Q And you testified I believe a little bit earlier that you
11 never saw anything in writing regarding the 12 or 15 years.

12 Correct?

13 A Never saw regarding it or the 30 years that he said.

14 MS. MIMS: No further questions, Your Honor.

15 THE COURT: Any other questions?

16 MR. FALK: No, Your Honor.

17 THE COURT: All right. You may step down.

18 THE WITNESS: Thank you.

19 THE COURT: All right. Any other witnesses from the
20 State?

21 MS. MIMS: I beg the Court's indulgence once more.

22 THE COURT: All right.

23 (Pause.)

24 MS. MIMS: No further witnesses for the State.

25 THE COURT: All right. I'll hear from you, closing?

1 MR. FALK: We have nothing else to add.

2 THE COURT: All right. Anything from the State?

3 MS. MIMS: Unless you want us to do brief closings, would
4 you?

5 THE COURT: He said he's --

6 MS. MIMS: He's good to go.

7 THE COURT: Yeah. I've heard it all. I've read the --
8 I've read the file also.

9 MS. MIMS: Okay.

10 THE COURT: But I will take it under advisement. I'll
11 let you know my decision.

12 All right. Thank you both.

13 (End of Transcript of Record)

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Tamara Bentzur, CET-824
Transcriber

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF COLLETON	)	FOURTEENTH JUDICIAL CIRCUIT
Samuel L. Campbell, SCDC #360837,	)	Case No. 2019-CP-15-00149
Applicant,	)	ORDER OF DISMISSAL
v.	)	
State of South Carolina,	)	
Respondent.	)	

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COLLETON COUNTY
COMMON PLEAS COURT

This matter is before the Court by way of an application for post-conviction relief (PCR) filed by Samuel L. Campbell (Applicant) on February 28, 2019. An evidentiary hearing convened before the Honorable G.D. Morgan, Jr. Applicant was present and represented by James K. Falk, Esquire. Assistant Attorney General Lauren Mims represented the State. At the hearing, Applicant testified on his behalf. Respondent called as a witness trial counsel Christopher J. Murphy. Following a thorough review of the records before this Court and the testimony and evidence presented at the evidentiary hearing, this Court finds Applicant did not meet his burden of proof. Thus, this Court denies and dismisses this application with prejudice.

Procedural History

Applicant is presently confined in the South Carolina Department of Corrections serving an aggregate twenty-two-year sentence. In May 2017 term, the Colleton County Grand Jury indicted Applicant for safecracking (2017-GS-15-00257); two counts of breaking into a motor vehicle or compartment to steal (2017-GS-15-00301; -00307); grand larceny, value greater than \$2,000, but less than \$10,000 (2017-GS-15-00303); burglary, 1st degree (2017-GS-15-00305); six counts of burglary – 2nd degree, violent (2017-GS-15-00296; -00297; -00298; -00299; -00308; -

0310); and accessory after the fact to felony (2017-GS-15-00309). These charges arose from nine separate incidents that occurred in January and February of 2017.

On December 14, 2017, Applicant appeared before the Honorable Brooks Goldsmith and pled guilty to safecracking; two counts of breaking into a motor vehicle; grand larceny; seven counts of second-degree burglary; and accessory after the fact to felony. Applicant entered the plea without recommendation or negotiations. Christopher Murphy, Esquire, represented Applicant, and Assistant Solicitor Ceth Utsey represented the State. Judge Goldsmith sentenced Applicant concurrently to twenty-two years for safecracking; five years for each breaking into a motor vehicle charge; five years for grand larceny; fifteen years for each burglary charge; and fifteen years for accessory after the fact.¹

Applicant filed a timely notice of appeal. On March 15, 2018, the South Carolina Court of Appeals dismissed Applicant's appeal pursuant to Rule 203(d)(1)(B)(iv), SCACR, for failure to provide a sufficient explanation to appeal from a guilty plea. The remittitur was sent April 2, 2018.

Current Application

On February 28, 2019, Applicant timely commenced this PCR action alleging he is being held in custody unlawfully for the following reasons:²

1. Ineffective assistance of counsel
 - a. Counsel failed to convey acceptance of the negotiated sentence offered by State and thereafter failed to enforce the 12-15 year plea offer that Applicant detrimentally relied on;
 - b. Counsel failed to object to "unsubstantiated remarks in the courtroom by [victim] Mr. O'Quinn about a case and charges that were never charged, only alleged and no documented confession that the court allowed in its setting during sentencing;"
 - c. Counsel failed to object to a statement made by victim Mr. Flowers regarding a burglary Applicant was not involved in, where Mr. Flowers stated, "Mr. Campbell and that group broke

¹ Judge Goldsmith also revoked Applicant's probation in full.

² Applicant's allegations have been summarized.

into my farmhouse, they ransacked the house. They even went into the attic. They went into the crawl space under the house. They stole everything they could from us;"

2. Involuntary guilty plea
 - a. Applicant detrimentally relied on the negotiated plea offer of 12-15 years when cooperating with the State prior to his guilty plea;
 - b. Applicant felt he "had to plead... because if he did not then he would of received a mandatory 30 years sentence;"
3. Trial court abused its discretion when sentencing Applicant to a greater sentence than that of his co-defendant;³ and
4. Double jeopardy.

SUMMARY OF PCR TESTIMONY

At the PCR hearing, Applicant testified he met with counsel three times at the detention center, including once after counsel received discovery. He stated counsel also met with him two days before he went to court. Applicant testified they did not really review discovery, although counsel told him he had "never seen a more well-put-together discovery." Applicant testified counsel also advised him that victim Orcini had written statements. He stated counsel advised him the solicitor had only offered thirty years.

Applicant testified that when counsel met with him two days before trial, counsel told him he met with the judge and solicitor to see what offer he could obtain or what sentence the judge would likely give at an open plea. Applicant stated counsel told him that the judge asked if anyone would be speaking against Applicant at trial. Applicant further testified counsel told him that "the judge said between 12 and 15 years is what he'd be willing to give me on an open plea." He further stated counsel relayed that if the judge felt like he needed to sentence him to more than 12 to 15 years, he would give Applicant a chance to withdraw his plea. However, Applicant stated he never saw anything in writing. Applicant maintained he did not believe he would receive a sentence of greater than fifteen years and requested to be resentenced in the 12-to-15-year range.

³ In its return, Respondent moved to summarily dismiss this ground.

Applicant testified he confessed when he was arrested and helped police recover some of the stolen property. He stated he had no idea his codefendants were planning to burglarize Dr. Flower's home—he just happened to show up at the house—and he was not called to provide safecracking tools. Applicant complained that his codefendants received a lighter sentence.

Applicant testified he pled guilty because plea counsel advised him to. When asked, however, if he wanted a trial, he replied, "Well, no, I never contested my—my guilt in it." He stated he wanted a better offer than thirty years, which was all he was offered. Ultimately Applicant agreed his goal was to plead guilty, and he understood it was a straight-up plea and he faced up to thirty years.

Plea counsel testified he met with Applicant more than three times. He stated Applicant had already provided two statements to police when counsel was retained. Counsel further explained Applicant had been released on probation in December 2016, and law enforcement had a warrant against him for absconding probation. He testified law enforcement found methamphetamine and items that appeared to be related to the robberies when they served the arrest warrant on Applicant.

Plea counsel testified he reviewed the discovery with Applicant and advised him the evidence against him was overwhelming. He stated the solicitors considered Applicant the ringleader and initially were not going to make any offers. Applicant agreed that his best course of action would be to see if counsel could obtain a favorable plea. Counsel explained the victims were prominent members of the community, and the State was unwilling to negotiate for a long time. Counsel stated he continued to attempt negotiations, and the solicitor eventually agreed to reduce the first-degree burglary charge to second-degree burglary, which removed a mandatory fifteen-year minimum. Counsel testified he relayed to Applicant that the State was willing to

reduce the first-degree burglary charge, but there were no other offers at that time. He stated he spoke with the judge in chambers, but the “judge did not make any type of recommendation as far as the time.” Counsel testified he advised Applicant he would likely get significant time, but he would not be facing life without parole. He advised Applicant he would likely get more than fifteen years but probably not thirty years, which was the maximum sentence for safecracking. Counsel clarified that Applicant understood it was a straight-up plea with no recommendations.

Counsel testified he understood from the beginning that Applicant wanted to plead guilty, although he “prepared in case something went south.” He explained that if he had to proceed on first-degree burglary, he “might as well roll the dice and go to trial.” However based on his discussions with Applicant, he understood that Applicant did not want a trial. Counsel believed it was in Applicant’s best interest to plead guilty.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Beaufort County Clerk of Court records of the underlying convictions, Applicant’s records from the South Carolina Department of Corrections, the trial transcript, Applicant’s appellate records, and the records from this PCR action. 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. After a careful review based on the Strickland standard set forth below, this Court finds Applicant has failed to carry his burden of proof. Below are this Court’s findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

Ineffective Assistance of Counsel / Involuntary Plea

In a PCR action, an applicant bears the burden of proving the allegations. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). An applicant alleging ineffective assistance of counsel must prove “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 (1984); Butler, 286 S.C. at 441, 334 S.E.2d at 813. “The test for effective assistance of counsel is whether the representation was within the range of competence demanded of attorneys in criminal cases.” Watson v. State, 287 S.C. 356, 357, 338 S.E.2d 636, 637 (1985). Courts presume counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. at 441, 334 S.E.2d at 813. An applicant must overcome this presumption to received relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

To establish ineffective assistance of counsel, a PCR applicant must prove (1) counsel’s performance fell below an objective standard of reasonableness and (2) the applicant sustained prejudice as a result of counsel’s deficient performance. Strickland, 466 U.S. at 687–88; Cherry, 300 S.C. at 117–18, 386 S.E.2d at 625. “A PCR applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel’s errors, the applicant would not have pled guilty and would have insisted on going to trial.” Dalton v. State, 376 S.C. 130, 136, 654 S.E.2d 870, 873 (Ct. App. 2007). To prove prejudice following a guilty plea, the applicant “must show that there is a reasonable probability that, but for counsel’s errors, he would not have pleaded guilty and would have insisted on going to trial.” Hill v. Lockhart, 474 U.S. 52, 59 (1985).

Advice regarding plea

In his application, Applicant alleged counsel was ineffective for failing to convey his acceptance of the negotiated sentence offered by State and thereafter failed to enforce the twelve-to-fifteen-year plea offer that Applicant detrimentally relied on. He further alleged his plea was involuntary because he detrimentally relied on the negotiated plea offer of twelve-to-fifteen years when cooperating with the State prior to his guilty plea; and he felt he “had to plead... because if he did not then he would of received a mandatory thirty-year sentence. This Court finds Applicant did not prove this claim.

Initially, this Court finds credible counsel’s testimony that the State never made any offers other than to reduce first-degree burglary to second-degree burglary, and he did not advise Applicant that the sentencing range was twelve to fifteen years. This Court further finds credible counsel’s testimony that Applicant wanted to plead guilty. In fact, this was consistent with Applicant’s testimony that he did not want a trial because he “never contested his guilty.” Based on the foregoing testimony as well as counsel’s credible testimony about the strength of the State’s case, this Court finds counsel’s advice was reasonable under prevailing professional norms and not deficient. Likewise, this Court finds Applicant did not prove a reasonable likelihood he would have proceeded to trial but for counsel’s advice. Again, Applicant himself acknowledged he never contested his guilt and did not want a trial. Thus, Applicant did not prove counsel was ineffective.

Applicant likewise did not prove his plea was not knowing or voluntary. This Court finds credible counsel’s testimony that Applicant understood it was a straight-up plea with no recommendations. Further the plea colloquy itself shows Applicant entered the plea knowingly and voluntarily, with an understanding of the sentence he faced. (Plea 3-4, 14-15). Thus, Applicant did not prove his plea was involuntary, and this claim is denied.

Failed to object to victim statements

In his application, Applicant alleged counsel was ineffective for not objecting to statements of victims at his plea hearing. However, Applicant did not offer any testimony or argument on this at the PCR hearing to show what basis counsel should have objected. Further, this court is not aware of an objection counsel could have made that would have precluded the victim statements. Ultimately Applicant did not meet his burden of proof, and this claim is denied.

Trial court error

In his application, Applicant alleged the trial court committed error by sentencing him to a greater sentence than his co-defendants. This Court agrees with the State's return that this is not a cognizable PCR claim and dismisses this claim.

Double Jeopardy

In his application, Applicant alleged "double jeopardy." However, Applicant did not offer any testimony or argument on this at the PCR hearing to show a double jeopardy violation. Further, this Court has reviewed the records and does not see any evidence of a double jeopardy violation. Ultimately Applicant did not meet his burden of proof, and this claim is denied.

CONCLUSION

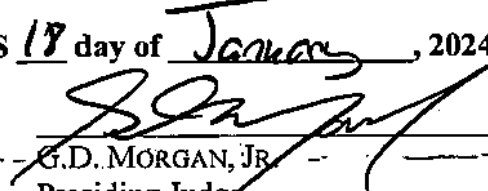
Based on the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant relief. This, this application is denied and dismissed with prejudice. Should Applicant wish to secure appellate review, he must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgement. See Rule 203, SCAC. Applicant has the right to an appellate counsel's assistance in seeking review of the denial of PCR. Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991). If applicant wishes to seek appellate review, PCR counsel must serve and file

a notice appeal on applicant's behalf. Rule 71.1(g), SCRCR. Attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. This application for PCR is denied and dismissed with prejudice; and
2. Applicant shall be remanded to and remain in the custody of the State.

AND IT IS SO ORDERED THIS 18 day of January, 2024.


G.D. MORGAN, JR.

Presiding Judge

Fourteenth Judicial Circuit

Beaufort, South Carolina.