



ALAN WILSON
ATTORNEY GENERAL

August 29, 2013

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AUG 29 2013

S.C. Supreme Court

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

RE: State v. John B. Campbell – Appellate Case No. 2012-213219

Dear Mr. Shearouse:

On August 22, 2013, Petitioner John B. Campbell filed a pro se Motion to Relieve Counsel in the above-referenced criminal appeal. On August 28, 2013, this Court asked the State and Petitioner's appellate counsel to file returns to Mr. Campbell's motion. Please accept this letter as the State's return to Mr. Campbell's motion.

Regarding Mr. Campbell's request to relieve his appellate counsel, the State wishes to leave the matter to the sound discretion of this Court. However, the State notes Mr. Campbell has no inherent right to represent himself in his direct criminal appeal. See State v. Roberts, 364 S.C. 583, 588, 614 S.E.2d 626, 629 (2005) ("Appellant clearly does not have a federal constitutional right to proceed pro se in this appeal from his criminal conviction. We also find there is no state constitutional provision which confers such a right."). Additionally, the State notes Mr. Campbell is currently represented by Appellate Defender Kathrine H. Hudgins, who is highly skilled and experienced and who has already filed an appellate brief in the Court of Appeals, participated in an oral argument at the Court of Appeals, filed a petition for rehearing in the Court of Appeals, and filed a petition for a writ of certiorari in this Court on Mr. Campbell's behalf. Finally, as to Mr. Campbell's contentions regarding the legality of his sentence, the State notes Mr. Campbell's fifteen-year sentence for his attempted kidnapping conviction fell within the appropriate sentencing range for the offense. See S.C. Code Ann. § 16-1-80 ("A person who commits the common law offense of attempt, upon conviction, must be punished as for the principal offense."); S.C. Code Ann. § 16-3-910 ("Whoever shall unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away any other person by any means whatsoever without authority of law, except when a minor is seized or taken by his

parent, is guilty of a felony and, upon conviction, **must be imprisoned for a period not to exceed thirty years** unless sentenced for murder as provided in Section 16-3-20.” (emphasis added)); see also State v. Barton, 325 S.C. 522, 531, 481 S.E.2d 439, 444 (Ct. App. 1997) (“Absent partiality, prejudice, oppression, or corrupt motive, [a reviewing court] lacks jurisdiction to disturb a sentence that is within the limits prescribed by statute.”).

If a more formal return is desired by this Court, the State will promptly provide one upon request. Thanks, and if you should have any questions or concerns, please contact me at (803) 734-3727.

Sincerely,

A handwritten signature in black ink, appearing to read 'MRF', with a large, sweeping flourish extending to the right.

Mark R. Farning
Assistant Attorney General
Bar No. 76901

MRF/

cc: Kathrine H. Hudgins, Esquire
John B. Campbell, Inmate #228072
Victim Services