

# South Carolina Court of Appeals

OFFICES OF THE CLERK OF COURT

From ~~From~~ Robert Campbell  
S.C.D.C. # 131941

CASE# 2013-CP-23-1870

**RECEIVED**

OCT 21 2013

**SC Court of Appeals**

DEAR CLERK OF COURT:

Will you PLEASE file this APPEAL AND SEND ME  
A NOTICE that it's BEEN FILED. I AM UNABLE TO  
MAKE COPIES FOR MYSELF. THANK YOU FOR YOUR  
HELP AND TIME. DATE 10/13/2013 - NOTE -  
FOR COURT RECORDS AND EVIDENCE. - I AM SENDING  
WITH THIS APPEAL (8) [COURT DOCUMENTS] FOR COURT  
REVIEW.

NOTE: [Judge Hill] SIGN OFF ON THE [CONDITIONAL ORDER OF DISMISSAL] -  
SEPTEMBER 25, 2013. AND THE COURT GRANTED ME (20) DAYS TO  
SEND IN MY REASONS WHY MY PCR APPLICATION SHOULD NOT  
BECOME FINAL. AND YES I DID SEND IN MY REASONS. BUT DUE -  
TO JUDGE HILL ALREADY SIGNED THE CONDITIONAL ORDER. I AM  
TRYING TO FILE MY APPEAL IF THEY HEAR ME OUT.

South Carolina Court of Appeals

Robert B. Campbell  
S.C.D.C. # 131941

V.

State of South Carolina

CASE# 2013-CP-23-1870

NOTICE OF MOTION TO  
APPEAL:

**RECEIVED**

OCT 21 2013

**SC Court of Appeals**

I, Robert Campbell is [Appealing] the Decision of the PER Judge  
 D. Garrison Hill. NOTE: [For Court Records]. my Education is Not that  
 good. AND i AM WITH OUT A ATTORNEY WHO CAN HELP ME THE RIGHT AND  
 LEGAL WAY. PLEASE UNDERSTAND THE WAY I AM FILING THIS APPEAL. -  
 I FILED MY FIRST PER IN [FEBRUARY OF 1999] WITH THE HELP OF ANOTHER  
 INMATE. AND I DID NOT NO HOW TO FILE ONE ON MY OWN. BUT FIRST. LET  
 ME EXPLAIN COURT FACTS. BEFORE I WENT TO COURT IN [FEBRUARY OF 1986].  
 IT WAS [ORDER BY THE COURT] ON SEPTEMBER 27, 1985 THAT I MUST GO  
 THROUGH PSYCHIATRIC EVALUATION. AND THAT ORDER STATED. THE DESIGNATED  
 EXAMINER SHALL MAKE A [WRITTEN REPORT] TO THE COURT WHICH SHALL INCLUDE -  
 ① A DIAGNOSIS OF THE PERSON'S MENTAL CONDITION. AND ② CLINICAL FINDINGS  
 BEARING ON THE ISSUES OF WHETHER OR NOT THE PERSON IS CAPABLE OF  
 UNDERSTANDING THE PROCEEDINGS AGAINST HIM AND ASSISTING IN HIS OWN  
 DEFENSE AND IF THERE IS A SUBSTANTIAL PROBABILITY THAT HE WILL ATTAIN  
THAT CAPACITY IN THE FORESEEABLE FUTURE. FACTS. UP UNTIL THIS DAY AND  
 TIME. THERE IS NO ORDER BY THE COURT OR DOCTOR THAT CLEARED ME TO  
 STAND TRIAL. AND AS OF COURT ORDER. I AM STILL UNDER MENTAL HEALTH.  
 COURT LAW. SEE AND REVIEW [ORDER OF COMMITMENT].

LEGAL MAIL  
MAIL ROOM

78

↓

AND AT THE [MENTAL HEALTH PLACE] I WAS PUT ON MEDICATION. [4 TO 5] -  
DIFFERENT KIND OF MEDICATIONS. AND THIS MEDICATION INFRINGED ON  
MY ABILITY TO KNOW HOW TO FILE A PCR. OR BEFORE THE DEADLINE OF  
THE (1) YEAR STATUTE OF LIMITATION LAW. THE SOUTH CAROLINA SUPREME COURT  
STATES ON [STATUTE OF LIMITATION LAW]. THE SUPREME COURT HAS CARVED  
OUT AN EXCEPTION TO THE STATUTE OF LIMITATION FOR WHEN AN APPLICANT  
DID NOT KNOWINGLY OR VOLUNTARILY WAIVE HIS RIGHT TO APPEAL FROM HIS  
HIS (PCR) APPLICATION. *Edom v. State*. 337 S.C. 256, 523 S.E. 2d 753 -  
(1999). AND *AUSTIN v. STATE*. 305 S.C. 453, 409 S.E. 2d 595 (1999).

NOTE: AT MY FIRST PCR HEARING. DATED [DECEMBER 19, 2001]. IT WAS  
POSTPONED. AND I DID NOT GET THE CHANCE TO SPEAK OR PRESENT MY  
EVIDENCE OR HAVE MY WITNESSES BE HEARD. AND MY ATTORNEY -  
MR. SYMMES W. CULBERTSON TOLD ME AND MY FAMILY THAT. MY CASE WILL  
BE COMING BACK UP IN FEBRUARY. BUT IN LATE FEBRUARY OF 2002. I GOT  
THIS [LETTER AND UNSIGNED ORDER] FROM MR CULBERTSON. AND IT TELL ME.  
→ (i) GOT (30) DAYS TO PUT IN AN APPEAL AFTER JUDGE KITTREDGE SIGNS  
OFF ON IT. THIS LETTER IS DATED [FEBRUARY 25, 2002]. BUT JUDGE  
KITTREDGE SAID. HE ORDER IT ON FEBRUARY 15, 2002. AND FILED IT ON  
[FEBRUARY 18, 2002]. IN FACT. I NEVER GOT A SIGNED ORDER. AND  
UP UNTIL JUNE 6, 2003. MR CULBERTSON DID NOT HAVE ONE EITHER.  
BECAUSE MR. ELEANOR D. CLEARLY HAD TO SEND HIM ONE SO HE  
COULD CLOSE HIS FILES ON ME. SEE BOTH ATTORNEY LETTERS. BUT -  
HERE'S MY POINT. [IF] I DIDN'T HAVE THE HELP OF THIS INMATE. I  
WOULD HAVE FILED MY FIRST PCR. IT'S BECAUSE. I DID NOT KNOW HOW  
TO FILE ONE. OR WHAT TO FILE ON. AND YES. I STILL NEED HELP OF  
AN ATTORNEY. THIS IS WHY THE COURT KEEPS TURNING ME DOWN.  
IT'S BECAUSE I DON'T NO HOW TO FILE RIGHT. FOR COURT RECORDS: -  
I AM SENDING FOR EVIDENCE. (8) DOCUMENTS. —

① Order of Commitment, dated 9/27/1985

② UNSIGNED ORDER. AND BOTH ATTORNEY'S LETTERS.

NOTE. THE UNSIGNED ORDER CAME WITH MR CULBERTSON LETTER  
DATED 2/25/2002.

Under S. E. Court of Appeals. i must go by Court Rules. —

NOTE: When Judge John W. Kittredge stated in his order. [HE] sign off on the order [February 15, 2002]. AND filed it [February 18, 2002]. but my Attorney, Mr Symmes W. Culbertson who sent me this [unsigned order] dated [February 25, 2002]. that's (10) days after the Judge had sign off on the order. AND still up until now. i still aint gotten no signed order yet. Plus - the [Appellate Defense] Mr Eleanor D. Cleary who was handled my case never said nothing about the unsigned order to the court. He had to send Mr Culbertson one (16) months later so he could ~~close~~ close his files on me. so i was unable to file an appeal. because i was waiting on the Judge to sign on it. and when i did found out about this. my time to file a appeal had ran out. Trier - from the day Judge Kittredge signed the order and when Mr Cleary [mailed] Mr Culbertson a signed order. it was too late for me to file my appeal. "i should not be held wrong for this." i would have filed my appeal [if] i gotten the order that was signed. the court and both attorney stop me from filing my appeal by not sending me a signed order. Here is evidence. see both attorney letters. i am requesting a new hearing and a attorney. the only one i had got post ponded. Question for the court: —  
 Due to the date that Mr Culbertson sent me this order. was he at the post ponded hearing? He could not been there.  
 This is evidence of [Due Process] under court law.

70  
LAW OF THE U.S. CONSTITUTION. ACCORDING TO THE SIXTH AMENDMENT. -

I AM ENTITLED TO EFFECTIVE ASSISTANCE AT EVERY CRITICAL STAGE.

MY GUILTY PLEA WAS NOT KNOWINGLY, VOLUNTARILY AND INTELLIGENTLY ENTERED. I WOULD NOT HAVE GIVEN UP MY RIGHTS TO PLEA GUILTY IF MY COUNSEL ADVISED ME THAT I AM PLEADING GUILTY TO LIFE. I AM PURSUANT - MY [PCR AND APPEAL] TO RYAN V. MARTINEZ; 566 U.S. \_\_\_\_\_ 2012.

I ASSESS MENTAL RETARDATION - 17-27-45(B). I AM SENDING IN - DOCUMENTATION THAT SHOWS. I WAS UNDER [PSYCHIATRIC CARE]. IN FACT. -

I WAS ON MEDICATIONS AT THE TIME OF THE GUILTY PLEA AND TIME THERE AFTER. "FOR MANY YEARS". SEE S.C.D.C. MEDICAL RECORD. AND ACCORDING -

TO THE SOUTH CAROLINA SUPREME COURT. I AM STILL ENTITLED TO A FAIR BITE OF THE APPLE. THUS BAR STATUE OF LIMITATION. NOTE - PLEASE

SEE AND REVIEW PCR APPLICATION. CASE # 2013-CP-23-01870. -

NOW ACCORDING TO COURT LAW. THE "ORDER OF COMMITMENT" THATS DATED. [SEPTEMBER 27, 1985]. THE JUDGE ORDER. (i) ROBERT CAMPBELL BE COMMITTED TO THE SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH

FOR A PSYCHIATRIC EVALUATION, PURSUANT TO SECTION 44-23-410, -  
CODE OF LAWS OF SOUTH CAROLINA. AND THAT THE EXAMINERS SHALL -

MAKE A [WRITTEN REPORT] TO THE COURT ON ME. IT ALSO STATES. -

"IT IS FURTHER ORDERED" THAT IF THE DESIGNATED EXAMINERS CONCLUDE THAT THE DEFENDANT IS MENTALLY ILL. THE DEFENDANT SHALL BE RETAINED BY THE SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH UNTIL SUCH TIME AS THE HEARING, REQUIRED AND PROVIDED BY SECTION 44-23-430. MAY BE CONDUCTED BY THIS COURT. IT IS SO ORDERED. 9/27/1985

→ FOR COURT RECORDS WHEN REVIEWING THIS CASE. "WHERE IS THE

[WRITTEN REPORT] FROM THE EXAMINERS OR DOCTORS LIKE THE JUDGE REQUESTED IT. SO DUE TO THAT IT AINT NO WRITTEN REPORT.

I AM STILL UNDER MENTAL HEALTH ACCORDING TO COURT ORDER.

HERE IS MORE PROOF OF WRONG DOING IN THE [UNSIGNED ORDER OF DISMISSAL].

SEE PAGE ① AND ② OUTLINED. IT STATES. 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. [THIS IS WRONG] - SEE AND REVIEW HEARING. PCR DATED -

DEC. 19, 2001. FACT - WE DID NOT GET THE CHANCE TO SPEAK OR PRESENT OUR EVIDENCE AT THIS HEARING. AND THE [ORDER ALL SO STATED]. -

~~██████████~~ THE "APPLICANT" WAS CONVICTED OF THE OFFENSES HE CHALLENGES IN THIS APPLICATION ON [FEBRUARY 28, 1985]. THIS IS NOT RIGHT AGAIN. I WAS [CONVICTED IN 1986]. NOT 1985. THAT'S THE WRONG YEAR. IN FACT. THIS HOLE ORDER IS FALSE. "HERE MORE PROOF." SEE -

[PROOF OF SERVICE BY MAIL] SIGNED BY [LISA A. SUBER]. SHE STATED. -

THAT I HAVE THIS DAY SERVED A COPY OF THE PROPOSED ORDER OF DISMISSAL IN THE ABOVE-CAPTIONED MATTER ON THE FOLLOWING PERSON BY DEPOSITING SAME IN THE UNITED STATES MAIL. POSTAGE PRE PAID. —

SYMMES W. CULBERTSON, ESQUIRE

CULBERTSON LAW FIRM 9 TOY S.T. GREENVILLE S.C. 29601

DATED THIS [14 DAY OF FEBRUARY, 2002]. ← SEE DATE ON HER.

NOTE [IF] SHE SENT MR CULBERTSON THIS ORDER ON FEBRUARY 14, 2002.

[THIS IS WHY IT WAS NOT SIGNED]. BECAUSE JUDGE KITTREDGE SAID. -

HE SIGNED ON IT [FEBRUARY 15, 2002] AND FILED IT ON FEBRUARY 18, 2002.

THIS IS THE REASON MR CULBERTSON SENT ME THIS UNSIGNED ORDER?.

THIS IS A TRUTH STATEMENT FROM ROBERT CAMPBELL. AND I AM ASKING

THIS COURT TO GRANT ME A NEW PCR HEARING. AND GIVE ME A

ATTORNEY WHO WILL HELP ME. DATE 10/15/2013

THIS IS FALSE INFORMATION TO THE COURT. AND ITS UNCONSTITUTION.

THIS IS A VIOLATION OF THE (6) AMENDMENT.