

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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**Aug 19 2026**

S.C. SUPREME COURT

Certiorari to Charleston County

Honorable Jocelyn J. Newman, Circuit Court Judge

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MONTRELLE CAMPBELL,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2026-000753

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PETITION FOR WRIT OF CERTIORARI

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### **ISSUE PRESENTED**

Trial counsel erred in failing to object to the portion of the solicitor's improper and inflammatory closing argument comparing petitioner's trial by jury as his (petitioner's) day in court with the additional reference that the trial constituted the deceased's day in court as well because this remark aroused the passions of the jurors by placing them into the role of deciding the verdicts unfairly on behalf of the deceased and petitioner in the case.

## STATEMENT

Petitioner Montrelle Lamont Campbell was convicted of murder and two counts of attempted murder during the January 2018 term of the Charleston County General Sessions Court before Judge Deadra L. Jefferson, who sentenced him to life imprisonment without parole on the murder conviction and thirty years concurrent on both attempted murder convictions. Attorneys Mary Ford and Michael Williams represented petitioner at trial, and Assistant Solicitors Chad Simpson and Alex Ginsberg prosecuted the case. App. 1-727. Petitioner appealed and on July 17, 2024, the South Carolina Supreme Court affirmed his convictions and sentences. See State v. Campbell, 443 S.C. 182, 904 S.E.2d 441 (2024). App. 728-738.

On September 23, 2024, petitioner filed a PCR application with the Charleston County Office of the Clerk of Court. App. 739- 752. On June 20, 2025, the Respondent filed a Return and Partial Motion to Dismiss, which was granted in part in the case.<sup>1</sup> App.747-751.

A PCR hearing was convened in the case on January 21, 2026, before Judge Jocelyn Newman. App. 753-778. On February 25, 2026, Judge Newman signed an Order of Dismissal with Prejudice. App. 780-799.

Petitioner appealed Judge Newman's Order of Dismissal. This Petition for Writ of Certiorari follows.

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<sup>1</sup> Petitioner's actual innocence claim was dismissed, and trial court error claims were dismissed.

## ARGUMENT

Trial counsel erred in failing to object to the portion of the solicitor's improper and inflammatory closing argument comparing petitioner's trial by jury as his (petitioner's) day in court with the additional reference that the trial constituted the deceased's day in court as well because this remark aroused the passions of the jurors by placing them into the role of deciding the verdicts unfairly on behalf of the deceased and petitioner in the case.

On September 18, 2015, a shooting took place at a particular housing community in Charleston, South Carolina, whereinafter three people were shot by gunfire. Two of the wounded persons survived, but the third person ultimately died. At trial, Trivell Richardson testified that he rode with petitioner on the night in question, and that they stopped near this housing community at some point, and that after appellant exited the vehicle there he (Richardson) heard gunshots. Richardson stated that that petitioner was in possession of a rifle when he returned to the vehicle. App. 342, l. 1 – p. 377, l. 1.

During the PCR hearing held on the case, PCR counsel raised the issue of trial counsel's failure to object to the solicitor's improper and inflammatory closing remark regarding the deceased having his (deceased's) day in court. App. 756, l.25 - p. 757, l. 4.

The relevant excerpt from the solicitor's closing argument follows:

Thank you so much for your time—it's Montrelle Campbell's day. I know you are going to take it seriously. It's also Antwan Frost's day, Brother Dusty. You have to do something hard. But go there, work hard, do your duty, and I am confident you will return a just, a difficult, but just and fair verdict in this case which is Montrelle Campbell is guilty of murder and two counts of attempted murder. Thank you. App. 678, lines 17-24.

Trial counsel testified at the PCR hearing and attempted to explain her thought process in the matter of the failure to object to the solicitor's improper comment regarding the deceased and petitioner both having their day in court simultaneously. App. 768, lines 13-24; App. 775, l. 23 –

p. 776, 1.2. Clearly, the solicitor aroused the passions of the jury by directing them to focus on the deceased rather than the evidence presented against petitioner's in the case. This was prejudicial because the same interfered with the jury's duty to make a finding on whether the case held proof beyond a reasonable doubt against petitioner sans sympathy for the deceased.

Victim impact evidence has little, if any probative value at the guilt phase of a trial because it inflames the passions and prejudices of the jury. State v. Bowman, 118 N.C. App. 635, 656 S.E.2d 638 (2008). Victim impact evidence is not admissible if it is so unduly prejudicial that it renders a trial fundamentally unfair. See Hall v. Catoe, 360 S.C. 353, 601, S.E.2d 335 (2004). In Hall v. Catoe, *supra*, the Court found error where the solicitor's victim impact argument asking the jurors to weigh the worth of the defendant's life against the lives of the two girls the defendant fatally shot and killed by asking "what are the lives of these two girls worth...are they worth the life of this man, the psychopath, this killer who stabs and stabs and kills." The Court in Hall v. Catoe, *supra* reversed and held that comparing the victim's lives to the defendant's life was so emotionally inflammatory that it became a material part of the jury's deliberation process.

The test of whether a solicitor's closing comments are improper hinges on whether the same infected the trial with such unfairness to the point where there was a denial of due process. Donnelly v. DeChristoforo, 416, U.S. 637 (1979); State v. Coleman, 301 S.C. 57, 389 S.E.2d 659 (1990). A solicitor's closing argument must be carefully tailored so as not to appeal to the personal biases of the jury or arouse the jurors' passions or prejudices. State v. Caldwell, 300 S.C. 494, 388 S.E.2d 816 (1990). Compare Von Dohlen v. State, 360 S.C. 598, 602 S.E.2d 738 (2004), where the Court held that the solicitor's argument asking the jurors to place themselves in the deceased victim's shoes was improper and that trial counsel erred in failing to object to the same.

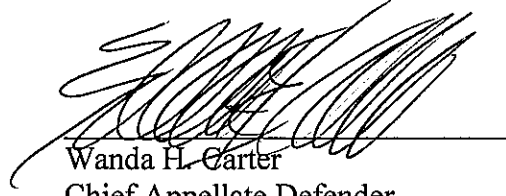
Compare State v. Reese, 370 S.C. 31, 633 S.E.2d 898 (2006), where the Court reversed because the solicitor at closing commented “who speaks for [the deceased]” because this Golden Rule violation asked the jury to view the evidence from the deceased point of view on a personal level, which was an inflammatory and erroneous remark; particularly where there was a question as to whether there was malice associated with the killing in the case. Compare State v. McDaniel, 320, S.C.33, 462 S.E.2d 882 (1995), where the Court reversed because of the prosecutor’s repeated use of the word “you” at closing thereby asking the jurors to place themselves in place of the assaulted female in the case. The South Carolina Supreme Court in State v. White, 246 S.C. 502, 144, S.E.2d 481 (1965), reversed a death sentence for rape because the solicitor told the jury:

I don’t know whether you have got daughters or not, I believe one or two of you are not married. But everybody has got a mother. Not everybody, but most everybody has got a sister, daughters...How, if this young lady was your sister, how would you feel? How, if she was your wife, how would you feel? Gentlemen, she is all of that to somebody...And but for the grace of God that could be your sister, your daughter or your wife...But when you get back there...think about your wife, think about your daughters, think about your sister or your mother, being in the same position as this young lady...

Clearly, in the case at bar, petitioner was prejudiced by the solicitor’s suggestion to the jury that they must concentrate on the deceased also at petitioner’s trial because the trial was the deceased’s day in court as well. Counsel’s failure to object to this obvious attempt to inflame the passions of the jury constituted error, (see Strickland v Washington, 466 U.S. 668 (1984), such that but for the failure to object to this error (and move for a mistrial) a reasonable likelihood exists that the outcome of petitioner’s trial would have been different.

### **CONCLUSION**

Based on the foregoing argument, counsel for petitioner would request that this Court grant the petition and allow full briefing on the issue raised above.



Wanda H. Carter  
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This 19th day of August, 2026.