

RECEIVED

CLERK OF COURT OFFICE:

JAN 21 2014

S.C. SUPREME COURT

I Robert Campbell, 131941 HAVE ALSO FILED AND SENT A COPY OF THE APPEAL TO THE ATTORNEY GENERAL OFFICE. - ADDRESSED TO. KAREN C. RATIGAN, WITH A PROOF OF SERVICE AND A WRITTEN EXPLANATION TO WHY THE LOWER COURT WAS IMPROPER LIKE YOU ASK ME TO DO.

IN ORDER FOR REVIEW.

- # ① STATEMENT OF FACTS FOR COURT RECORD.
- # ② NOTICE OF INTENT TO APPEAL
- # ③ JUDGE KITTLEDGE LETTER AND MR. CULBERTSON LETTER WITH THE UNSIGNED ORDER OF DISMISSAL. AND THE PROOF OF SERVICE FROM LISA A. SUBER.
- # ④ FINAL ORDER OF DISMISSAL.

NOTE: WITH THE COPY OF THE NOTICE OF INTENT TO APPEAL. THE COURT DOCUMENTS FROM GREENVILLE CO. IS ON COURT FILE. SEE COURT RECORDS.

The SUPREME COURT OF SOUTH CAROLINA

Robert Campbell
S.C.D.C. NO. 131941
PETITIONER.

VS.

STATE OF S.C.

CASE NO. 2013-CP-23-1870

PROOF OF SERVICE

I HEREBY CERTIFY THAT ON THE 15 DAY OF JANUARY 2014,
I SERVED THE FOLLOWING WITH A COPY OF THE -
FINAL ORDER OF DISMISSAL DATED 12/3/2013 AND A COPY
OF THE NOTICE OF ^{INTENT} MOTION TO APPEAL, BY DEPOSITING
SAME IN THE U.S. MAIL, POSTAGE PREPAID AND PROPERLY
ADDRESSED AS FOLLOWS:

SUPREME COURT OF SOUTH CAROLINA
DANIEL E. SHEATOUSE, CLERK OF COURT
P.O. BOX 11330
COLUMBIA S.C. 29211

Respectfully Submitted.

Robert Campbell, 131941

DATE 1/15/2014

RECEIVED

JAN 21 2014

S.C. SUPREME COURT

#0
STATEMENT OF FACTS FOR COURT RECORDS TO BE REVIEW.

#. COURT REQUIRES A WRITTEN EXPLANATION FROM ROBERT CAMPBELL. -

NOTE. MY EDUCATION IS NOT THAT GOOD. WILL THIS COURT BEAR WITH ME PLEASE.

DATE JANUARY 15, 2014

I Robert Campbell Filed my First PCR Application ON FEBRUARY OF 1999 WITH THE HELP FROM ANOTHER INMATE. I DID NOT KNOW THAT MY RIGHTS HAD BEEN VIOLATED UNTIL HE SHOWED TO ME. AND THIS IS WHEN I FILED THE PCR APPLICATION. I FILED WITHIN ONE YEAR OF LEARNING OF MY RIGHTS.

ON DECEMBER 19, 2001. I WENT TO MY FIRST PCR HEARING. AND THATS THE SAME DAY I MEET AND TALK TO MY ATTORNEY, MR. SYMMES CULBERTSON. I ASKED HIM TO LET ME SHOW AND EXPLAIN TO THE COURT THE COURT DOCUMENTS I HAD. (WE) ME AND MY WITNESSES [did NOT] GET THE CHANCE TO SPEAK AT THIS HEARING. "BUT" THE JUDGE DID ASK MY ATTORNEY ABOUT THE OTHER PEOPLE IN THE COURTROOM. AND (HE) MR. CULBERTSON - STATED. ASSUMING WE GET TO THE ISSUE OF MY APPLICATION. SOME OF ~~THEM~~ ARE WITNESSES. SEE TRANSCRIPT. PAGE 9. LINE 20-25.

Fact - IN LATE FEBRUARY OF 2002. I GOT THIS LETTER AND COURT ORDER FROM MY ATTORNEY MR. CULBERTSON. (HE) TELL ME THAT. JUDGE - KITTREDGE HAS NOT SIGNED THE ORDER YET. BUT I WILL HAVE (30) DAYS FROM THE DATE IT IS SIGNED TO FILE AN APPEAL. SEE MR CULBERTSON LETTER AND UNSIGNED ORDER. MR. CULBERTSON LETTER DATED - [FEBRUARY 25, 2002]. ← COURT EVIDENCE

I THEN WROTE TO JUDGE JOHN W. KITTREDGE. AND (HE) WROTE ME BACK IN JUNE OF 2002. TELLING ME THAT. HE HAD DONE RULE ON MY CASE. HE SAID HE SIGNED ON FEBRUARY 15, 2002. AND FILED IN THE CLERK OF COURT OFFICE ON FEBRUARY 18, 2002. SEE JUDGE KITTREDGE LETTER. NOTE THIS LETTER FROM JUDGE KITTREDGE IS [DATED JUNE 27, 2002]. AND MY ATTORNEY MR. CULBERTSON LETTER IS DATED [FEBRUARY 25, 2002]. PLUS THE PROOF OF SERVICE BY MAIL SIGNED BY [LISA A. SUBER]. WAS A EMPLOYEE AT THE ATTORNEY GENERAL - OFFICE [WHO SIGN AND DATED] THIS PROOF OF SERVICE. DATED FEBRUARY - 14, 2002. (SHE) SENT MR CULBERTSON THIS UNSIGNED ORDER. JUDGE KITTREDGE SAID. HE SIGN IT ON THE [15] OF FEBRUARY AND FILED IT ON THE [18] OF FEBRUARY 2002. I AM SENDING IN ALSO COPIES OF THIS UNSIGNED ORDER WITH MY ATTORNEY LETTER AND JUDGE KITTREDGE LETTER. FACT - [IF] THE LOWER COURT WOULD HAVE LET ME [SPEAK AND PRESENT EVIDENCE] AT THAT PCR HEARING. I COULD HAVE PROVED MY INNOCENT OF THEM OTHER CHARGES THAT I PLEAD GUILTY TO. THIS IS MY ARGUMENT AND FACT TO SHOW THAT THE DETERMINATION BY THE LOWER COURT WAS IMPROPER ON MY CASE. AND I AM ASKING THIS COURT TO VACATE MY SENTENCE. Robert Campbell.

STATE OF South Carolina
COUNTY OF GREENVILLE

IN The Court of Common Pleas
2013-CP-23-1870

Robert Campbell
S.C.D.C. NO. 131941
Applicant

NOTICE OF INTENT TO APPEAL: - ON -

v.

State of South Carolina
Respondent

[ACTUAL INNOCENTS]. SEE AND REVIEW
COURT DOCUMENTS FOR [EVIDENCE] OF PROOF.

ON NOVEMBER 21, 2013, I GOT A UNSIGNED FINAL ORDER OF DISMISSAL FROM THE S.C. ATTORNEY GENERAL'S OFFICE. AND IT STATES, I MUST FILE A [NOTICE OF INTENT TO APPEAL] WITHIN THIRTY (30) DAYS IF I WANT TO SECURE APPROPRIATE APPELLATE REVIEW. HERE'S MY REASONS TO BE REVIEWED. I - ROBERT CAMPBELL IS PLEADING ACTUAL INNOCENT TO CHARGES THAT I DID NOT COMMIT. SEE EVIDENCE OF COURT RECORDS AND IF THERE IS ANY DNA PROOF, LET COURT RECORDS SHOW'S. ATTACHMENTS. HERE'S

(6) GREENVILLE COUNTY GENERAL SESSIONS DOCUMENTS FOR EVIDENCE FOR MY PROOF OF CLAIMS OF BEING NOT GUILTY OF ALL SAID CHARGES. COURT ORDERS

→ NOTE. MUST BE REVIEWED. ① ORDER FOR BAIL, DATED MAY 21, 1985. ② ORDER OF COMMITMENT, DATED SEPTEMBER 27, 1985. PLUS - A COPY OF THE [DECEMBER 11, 2001 - TRANSCRIPT PAGES 15 AND 16] P. 15 & 16. # 18 - 25 AND - 1 AND 2 OF - PAGE 16.

my STATEMENT OF ACTUAL INNOCENTS AND MENTAL HEALTH ISSUES. FOR COURT RESPONDS; ACCORDING TO THIS COURT ORDER [ORDER OF COMMITMENT] IS I AM STILL UNDER MENTAL HEALTH?

"I AM ASKING THIS COURT FOR A RESPONDS TO THIS QUESTION"

For Court Record: Robert Campbell Statement of Actual INNOCENTS.

"SEE Bail Proceeding Form 2" → Entered Computer

ON [March 23, 1985] i WAS LOCK up in the GREENVILLE Co. Jail -
For Burglary and Armed Robbery. WARRANT NO. B350003 - B350004

AND ON [May 21, 1985]. i MADE Bail For Just them charges. but -

→ The [STATE] CHARGE ME For CRIMES that HAPPEN ON these's days as well.

4/5/85 - 4/13/85 - 4/17/85 - 5/25/85 - THESE'S CRIMES i did NOT

Commit BECAUSE. i AM all ready in Jail when they HAPPEN. Fact -
when i MADE. Bail and got out. "THESE'S CRIMES had DONE HAPPEN." This

must [HAR STATUTE OF LIMITATIONS]. ITS UNCONSTITUTIONAL. Violating the
5th 6th and 14th AMENDMENT. _____ ON [SEPTEMBER 27, 1985]

[it WAS ORDERED by the COURT] that i must go though Psychiatric
EVALUATION. AND it WAS ORDERED that. The DESIGNATED EXAMINERS shall
MAKE A [WRITTEN REPORT] to the COURT ON my [MENTAL CONDITION]. Fact -

BEFOR i WENT to COURT in FEBRUARY 28, 1986. "MENTAL HEALTH all ready
got me ON medication." AND AFTER AS WELL. PLEASE SEE TRANSCRIPT.

THE COURT KNOWS ABOUT this ISSUES. THE MEDICATIONS they had
ME ON INFRINGED ON my ABILITY to WERE i COULD NOT TAKE CARE
OF my SELF. this is why i did NOT FILE befor this STATUTE OF LIMITATION
deadline. [if] A PERSON is NOT GUILTY of A CRIME AND they CAN
PROVE it thouth the COURT. then there should NOT BE (NO) LAW
that STOP this. NEW LAWS ARE MADE EVERY day. but it don't stop
OR Hold up A PERSON BEING INNOCENTS OF A CRIME. _____

CONSTITUTION LAW STATES. A PERSON IS INNOCENT UNTIL PROVEN GUILTY.

(FACT) i PLEADED GUILTY to these's charges by signing. i WAS NOT

PROVEN GUILTY AT ALL. _____, CHARGE DATE i MADE Bail For

3/17/85. ← SEE Bail Proceeding Form 2. NOTHING ELSES.

They
wrong

P. 2
The State ASK The Court to Dismiss my PCR Application for -
Not litigate all issues related to my case at the First PCR Hearing. And
the [State says] (AN Applicant is ENTITLED TO A FULL ADJUDICATION ON THE
MERITS OF THE ORIGINAL PETITION, OR "ONE BITE AT THE APPLE"). FACT
At that First PCR Hearing. (WE) ME AND MY WITNESSES did NOT
get the opportunity to SPEAK OR PRESENT EVIDENCE to Help clear me
of these charges. that's why i did NOT litigate all my issues. BECAUSE
the Court Post Poned the Hearing. # 2 if i AM OR WAS ENTITLED TO
ONE bite at the Apple. why did my PCR Application got dismissed ON
STATUTE OF LIMITATIONS. dose this MEAN. i WAS NOT GOING TO GET A
REASONABLE OPPORTUNITY AT THE ONE BITE AT THE APPLE? . _____

NOTE: This UNSIGNED FINAL ORDER OF DISMISSAL STATES: - i got (30)
Days to FILE A NOTICE OF INTENT TO APPEAL OR MY REASONS. but the
Court ALL WAY RULES AGAINST ME?. _____ SEE - All.

(3) Filed PCR Application. NOTE: NEED TO BE REVIEW — Violation
ON S.C. ATTORNEY GENERAL OFFICE. SEE Order of Commitment. The Court
AND the STATE ATTORNEY OFFICE tried me [WITHOUT THE CONSENT] OF THE
Signed order. it WAS NOT CLEARED ~~by~~ by the Court ON WHETHER OR NOT
i WAS CAPABLE OF UNDERSTANDING THE PROCEEDING AGAINST ME.

DATE _____ . ROBERT CAMPBELL

REQUESTING FROM THIS COURT: VACATE SENTENCE

3



State of South Carolina
The Circuit Court

JOHN W. KITTREDGE
JUDGE

GREENVILLE COUNTY COURTHOUSE
SUITE 213, 305 EAST NORTH STREET
GREENVILLE, SOUTH CAROLINA 29601
Administrative Assistant: Susan B. Patterson
PHONE: (864)467-8593
FAX: (864)467-8596

June 27, 2002

Robert Campbell #131941
Evans C.I. F-5-B-272
P.O. Box 29512-02
Bennettsville, SC 29512

Dear Mr. Campbell:

I have ruled on your case. I enclose a copy of the order that I signed on February 15, 2002, which was filed in the clerk of court's office on February 18, 2002. This order of dismissal ends the case in the circuit court. Thank you.

Sincerely,


John W. Kittredge

JWK/sbp

SYMMES W. CULBERTSON
ATTORNEY AT LAW

PHONE
(864) 233-1166

9 TOY STREET
GREENVILLE, SC 29601

FAX
(864) 233-5959

February 25, 2002



LOOK AT DATE

Mr. Robert Campbell, #131941
McCormack Correctional Institute
Route 2, P.O. Box 100
McCormack, South Carolina 29835

RE: Your PCR Case

Dear Mr. Campbell:

Enclosed please find a copy of the Order of Dismissal we have received pursuant to your PCR Hearing of December 19, 2001. As you can see, this Order has not been signed by Judge Kittredge. You will have thirty (30) days from the date it is signed to file an appeal. If it is your intent to file an appeal, please let me know.

You will need to follow procedures for filing this appeal and for getting a new attorney to handle it for you.

If you have any questions, please let me know.

With best regards, I remain

Sincerely,

A handwritten signature in black ink, appearing to read 'Symmes W. Culbertson', written over a horizontal line.

Symmes W. Culbertson

SWC/j
Enclosure

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

Robert Campbell, #131941,)
)
Applicant,)
)
vs)
)
State of South Carolina,)
)
Respondent.)

IN THE COURT OF COMMON PLEAS

1999-CP-23-982

PROOF OF SERVICE BY MAIL

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Personally appeared before me, Lisa A. Suber, who being first duly sworn, states:

1. That I am an employee of the Office of the Attorney General.
2. That regular communication by mail exists throughout the State of South Carolina, and that this is a proper circumstance of service by mail.
3. 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 prepaid:

Symmes W. Culbertson, Esquire
Culbertson Law Firm
9 Toy Street
Greenville, South Carolina 29601

DATED this 14th day of February, 2002.

Lisa A. Suber
LISA A. SUBER

major violation

Fact - (She) SENT Mr. Culbertson the UNSIGNED ORDER. SHE SENT this off A day before it got signed.

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE)

99-CP-23-982

Robert Campbell, 131941,)
)
Applicant,)
)
v.) ORDER OF DISMISSAL
)
State of South Carolina,)
)
Respondent.)
_____)

PROCEDURAL HISTORY

This matter comes before the Court by way of an Application for Post-Conviction Relief filed February 25, 1999. The Respondent made its Return on May 29, 1999. An evidentiary hearing into the matter was convened on December 19, 2001 at the Greenville County Courthouse. The Applicant was present at the hearing and was represented by Symmes Culbertson, Esquire. The Respondent was represented by Bryan Dukes of the South Carolina Attorney General's Office.

This Court had before it the Conditional Order of Dismissal signed by Judge Joseph J. Watson, the records of the Greenville County Clerk of Court, and the Applicant's records from the South Carolina Department of Corrections.

The records before this Court indicate that the Applicant is presently confined in the McCormick Correctional Institution.

PLEASE READ →

FINDINGS OF FACT AND CONCLUSIONS OF LAW

←

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe

the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

This Court finds that this Application for Post-Conviction Relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §17-27-10, et. seq. S.C. Code Ann. §17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgement of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant was convicted of the offenses he challenges in this Application on February 28, 1985. This Application was filed on February 25, 1999 well after the one year statutory filing period had expired. ←
WRONG

CONCLUSION

Based on all the foregoing, this Court finds and concludes that the Applicant has failed to file his application within the time limits established in S.C. Code Ann. §17-27-45(a). Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

→ This Court advises Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order to secure the appropriate appellate review. His attention is also directed to South Carolina Appellate Court Rule 227 for appropriate procedures after notice has been timely filed.

I WAS CONVICTED ON FEB. 28. 1986. Not 1985. This order is
WRONG.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this _____ day of _____, 2002.

John W. Kittredge
Presiding Judge
Thirteenth Judicial Circuit

_____, South Carolina.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 Robert Bernard Campbell,)
 S.C.D.C. No. 131941,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 2013-CP-23-1870

FILED - CLERK OF COURT
 GREENVILLE CO. S.C.
 PAUL B. WICKENSIMMER
 2013 DEC 9 PM 2:15

FINAL ORDER OF DISMISSAL

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed April 2, 2013. The Respondent made its return on September 19, 2013, requesting the application be summarily dismissed based upon the expiration of the statute of limitations, the presumption against successive PCR applications, and the doctrine of laches.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal filed October 1, 2013, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated October 17, 2013, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

In a document captioned "Motion: To Grant a New P.C.R. Hearing" and filed October 1, 2013, the Applicant argues he has documents that show he is not guilty of the charges. ←

In documents filed October 23, 2013 and captioned "Motion: Order be Granted for a new

must be review

P.C.R. Hearing” and “Motion. Requesting the Order be Granted,” the Applicant argues he did not “get a fair hearing” at his first PCR hearing on December 19, 2001. The Applicant argues he has been “under psychiatric care” and this bars the statute of limitations. The Applicant argues the PCR attorney from his first PCR application sent him an unsigned order in that case. SEE EVIDENCE ↘

This Court has reviewed the Applicant’s response to the Conditional Order of Dismissal in its entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

This Court notes the Applicant pled guilty on February 28, 1986. As this action was filed on April 2, 2013, it was clearly filed outside the expiration of the statute of limitations. See S.C. Code Ann. § 17-27-45(a) (Supp. 2003). This is the Applicant’s third application for post-conviction relief. This Court notes successive PCR applications are disfavored. See Land v. State, 274 S.C. 243, 246, 262 S.E.2d 735, 737 (1980). This Court finds the Applicant had the opportunity to litigate all issues related to his case at the evidentiary hearing for his first PCR application on December 19, 2001. See Odom v. State, 337 S.C. 256, 261, 523 S.E.2d 753, 755 (1999) (“[A]n applicant is entitled to a full adjudication on the merits of the original petition, or ‘one bite at the apple.’”). This Court also notes the Applicant’s attorney from his first PCR hearing filed a proper notice of appeal in that case and the South Carolina Supreme Court denied the petition for writ of certiorari in that appeal on June 12, 2003.

This Court finds the Respondent’s argument that this application violates the doctrine of laches is compelling. The Applicant pled guilty to this charge on February 28, 1986 and filed this PCR application more than twenty-seven years later. This delay has prejudiced the Respondent and the allegations in this PCR application could have been raised many years ago.

McElrath v. State, 276 S.C. 282, 277 S.E.2d 890 (1981).

IT IS THEREFORE ORDERED that, for the reasons set forth in this Court's Conditional Order of Dismissal, the PCR application is hereby denied and dismissed with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

AND IT IS SO ORDERED this 3RD day of Dec., 2013.

D. Garrison Hill

D. Garrison Hill
Chief Administrative Judge
Thirteenth Judicial Circuit

_____, South Carolina.

ROBERT CAMPBELL # 131941

McCormick Corr. Inst. F-2-B-212

386 Redemption WAY

McCormick S. C. 29899

THE SUPREME COURT OF SOUTH CAROLINA

DANIEL E. SHEAROUSE, CLERK.

P.O. box 11330

Columbia S.C. 29211