

FORM 5

STATE OF SOUTH CAROLINA)

County of CHARLESTON)

JOHN. CHAMPAIGNE #266901)

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

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly 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 Charleston County Detention Center
2. Name and location of Court which imposed sentence D.T Wallace Building
101 Meeting St., Charleston S.C. 29401
3. Name(s) of co-defendant(s) (if any) None
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2012 GS1002816 Burglary 2nd (non-Violent)
 - (b) 2012 GS1002819 Burglary 2nd (non-Violent)

- (c) 2012 GS1005174 Burglary 2nd (non-violent)
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) February 3rd, 2014 / 2-3-14 - 10 yrs sentence run-concurrent
- (b) February 3rd, 2014 / 2-3-14 - 10 yrs sentence run-concurrent
- (c) February 3rd, 2014 / 2-3-14 - 10 yrs sentence run-concurrent

6. Check whether a finding of guilty was made:
- (a) after a plea of guilty Alford plea
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____

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. The South Carolina Court of Appeals
- ix. _____
- ix. _____

- (b) the result in each such Court to which you appealed:
- i. The results of The South Carolina Court of Appeals was a dismissal, due to Appellant failed to provide an sufficient explanation, it was remitted to the lower courts.
- ix. _____
- ix. _____

- (c) the date of each such result:
- i. April 17th, 2014 / 4-17-2014
- ix. May 5th, 2014 / 5-5-14
- ix. _____

- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Rule 203 (d)(1)(B)(iv) of the South Carolina Appellate Court Rules (SCACR) Rule 221(b), SCACR
- ix. _____
- ix. _____

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: Insufficient Assistance of Counsel
- (a) W. Jeffrey Young, Circuit Judge unlawfully base my case on hands of 1 hand of A
- (b) No-Co-defendant's No (Principal Perpetrator)
- (c) No Fingerprint, No DNA, No Entries, Prosecution with holding EVIDENCE
11. State concisely and in the same order the facts which support each of the grounds set out in (10): On 6-3-13 My Attorney at the present time Ms. Jorette Proctor was relieve due to conflict of interest on 6-4-13, Rodney D Davis was appointed sheet Attached.
- (a) I was charged with Burglary 2nd and not Accessory to the Fact
- (b) I Am/WAS the only 1 Arrested.
- (c) AFIS/Latent Print Department, DNA ANALYSIS, NOT AT CRIME SCIENCE WITH BRADY MATERIAL
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? YES
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____
- (d) any other petitions, motions or applications in this or any other Court? _____
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. I Filed A Motion For Reconsideration in the Court of G.S 9th Circuit
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. Charleston County Clerk of Court Ninth Judicial Circuit
- ii. 100 Broad St suite 106 Charleston S.C. 29401
- iii. _____
- iv. _____

- (c) the disposition thereof:
- i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (d) the date of each such disposition:
- i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
- i. _____
 - ii. _____
 - iii. _____
 - iv. _____

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?

Yes.

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

(a) which grounds have been presented:

- i. INSUFFICIENT ASSISTANCE OF COUNSEL ON 12-30-13 AND SEVERAL OTHER OCCASIONS
- ii. _____
- iii. LACK OF EVIDENCE - PROSECUTORIAL MISCONDUCT 11-1-13 HEARD IN FRONT OF JUDGE McDONALD'S

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

- i. JUDGE ROGER YOUNG PUSHED IT OFF TO THE SIDE AS IT WERE NOTHING AT ALL
- ii. _____
- iii. JUDGE McDONALD ASKED, MR. DAVIS IF HE WANTED TO PROCEED WITH THE MOTION MR. DAVIS REFUSED WITHOUT MY CONSENT.

Judge Roger Young

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) _____
- (b) _____
- (c) _____

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

- (a) your arraignment and plea? YES
- (b) your trial, if any? _____
- (c) your sentencing? YES
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
YES

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. Mr Rodney D Davis 4000 Faber Place Dr. Suite 300
North Charleston S.C. 29405
 - ii. _____
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. Not defensive spoke very little, wouldn't listen to me
 - ii. 10 yr sentence run-concurrent
 - iii. Filed Appeal with Court of Appeal, it got dismissed do to insufficient explanation and Mr Davis behalf he said he seen no grounds for an appeal.

19. State clearly the relief you seek in filing this application:

To be immediately set free, and to clear my name of these
allegation, get my life back with my family.
Reduced sentence Time Served.

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA)
County of Charleston)

VERIFICATION

I, John Champaigne, 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.

John Champaigne

SWORN to and subscribed before me this 14th
day of July, 2014.

John Edward (L.S.)
Notary Public

My Commission Expires: October 27, 2015

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

I, John Champaigne, 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.

John Champaigne
Applicant

SWORN or affirmed to and subscribed before me this
14th day of July, 2014.

Don Edward
Notary Public

My Commission Expires: October 27, 2015

Prelay to Court: 10/15

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

13 OCT -8 AM 9:08

CLERK OF COURT

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT

Warrant No (s): M728005; M727964; M996713;
M996714

Charge(s): Burglary 2nd (NV) (4 Counts)

STATE OF SOUTH CAROLINA

Plaintiff,

vs.

JOHN EDWARD CHAMPAIGNE,

Defendant,

MOTION FOR DISMISSAL
And IMMEDIATE RELEASE FROM JAIL

The Defendant above-named, through the undersigned pro/se, would show unto this Court:

That the Defendant is presently incarcerated in the Charleston County Detention Center awaiting trial on the above-stated charges.

That the Defendant has been incarcerated since his date of arrest and is not able to make bond.

That the Defendant is informed and believes to have all charges dismiss on account of Prosecutorial Misconduct:

On grounds of Prosecution has had adequate time to produce and present evidence/facts on these charges to the courts, and has failed to do so.

Shades of Richard Nixon altered and erased tapes, missing photo, fingerprints, video interview, Hiding Brady material.

None of the elements that pretains to Burglary 2nd, or any are here nowhere close to substantial evidence, merely by far circumstantial, as provided in the SIXTH AMENDMENT to the UNITED STATES CONSTITUTION, Article 1, Section(s) 9, 13, 16 of the South Carolina Constitution and Section 17-23-90 of the South Carolina Code of Laws as amended in 1976, hereby moves to be discharged from imprisonment.

Respectfully Submitted,
John Champaigne
John E. Champaigne
pro/se

Charleston, South Carolina
Pated: October 4th 2013

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

Plaintiff,

vs.

JOHN EDWARD CHAMPAIGNE

Defendant,

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT

Warrant No(s) M727964, M996713, M996714

Charge(s) Burglary 2nd (NV) (3 Count)

MOTION FOR RECONSIDERATION

I the Defendant above-named would like to file, ask for reconsider my sentence on the above charges.

Prosecution could not convict me on the above charge so the Young) from (Sumter Dist) indicated Hands of one Hands of all.

Without the principle perpetrator how can the hands of one be in my case.

I the Defendant believes that my 10 yr sentence is severe. For a man who committed no crime but merely received items that can not yet still (Factual) be stolen.

Mere presence does not make a man guilty. I have no co-defendant, once again no (principle perpetrator) the man who actually committed the crime.

I the Defendant JOHN EDWARD Champaigne has been incarcerated (imprisoned) since 6-13-12 June 13, 2012.

I plead under the ALFORD PLEA. I've asked for my attorney Rodney D. Davis to file such motion as this and an appeal.

I ask the courts to please take into consideration my motion and modify my time to a lesser sentence, as provided in the SIXTH Amendment to the United STATES Constitution, Article 1, Section 13, of the South Carolina Constitution and Section 17-23-90 of the South Carolina Code of Laws as amended in 1976 moves to such.

I also notified my attorney Rodney D. Davis of this matter and concern on Feb 27, 2014. Every days after my case was heard I have yet to get an response.

Respectfully Submitted
John Champaigne
John Champaigne
P/302

Charleston, South Carolina

Date: Feb 20th 2014

FILED
2014 MAR 11 PM 3:27
JULIE A. HARRINGTON
CLERK OF COURT
BY

Precedence 11

Charleston County Public Defender

101 Meeting Street, 5th Floor, Charleston, SC 29401-2214 ♦ (843) 958-1850 ♦ Fax (843) 958-1860

June 4, 2013

VIA HAND DELIVERY

John Edward Champaigne
Inmate #61468
Sheriff Al Cannon Detention Center

RE: Conflict Attorney Appointment

Dear Mr. Champaigne:

The Charleston County Public Defender's Office has determined that it cannot provide representation for you since there is a potential conflict of interest between your case and the case of another client. In order to protect your rights, the Public Defender petitioned the Court to have a private attorney appointed to represent you.

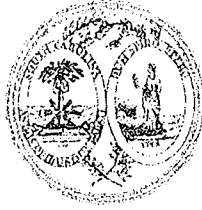
The Court has appointed Rodney D Davis to represent you. You can contact your attorney at 4000 Faber Place Drive Ste 300, North Charleston, SC 29405 phone number 843-323-4353. The new attorney should be contacting you soon. We are providing a copy of your case file to this attorney. Best of luck with your case.

Sincerely,

Susan Gaddy

Susan Gaddy
Case Management

State of South Carolina



Charleston County
101 Meeting Street, Suite 400
Charleston, SC 29401
Phone (843) 958-1900
Fax (843) 958-1905

Berkeley County
300 B California Avenue
Moncks Corner, SC 29461
Phone (843) 724-3800 ext. 4329
Fax (843) 719-4588

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit

December 6, 2012

Lorelle D. Proctor, Esquire
Public Defender
101 Meeting St 5th Floor
Charleston, SC 29401-2214

RE: State of South Carolina vs. John Edward Champaigne
Charges: Burglary Second x4

Dear Lorelle:

Please find attached additional Discovery in reference to the above captioned matter.

If you have any questions, please contact me at (843) 958-1900.

Sincerely,
Culver Kidd
Culver Kidd
Assistant Solicitor
CDD/nmm

Attachments:	Fast Money Pawn Shop Receipt.....	64	201207908-04 > M99713-714
	Palmetto Pawn Receipt.....	65	201207908-04 > M99714
	Cash America Pawn of Charleston 3 Receipt.....	66	201207908-04 > M99714
	Money Man #9 Receipt.....	67	201207908-04 > M99714
	Money Man #7 Receipt.....	68	201207908-04 > M99714
	Customer Record.....	69	

5 CDs Labeled: Def. John Champaigne/2012007409

They claim it does not exist

	Det. Terry Interview.....	70	2012007409-01 > M99713-714
→	Video Interview.....	71	2012007409-01 > M99714
	Cash AM Video.....	72	2012007409-01 > M99714
	Money Man Meeting St.....	73	2012007409-01 > M99714
	Money Man Dorch. Rd.....	74	2012007409-01 > M99714

Received By: _____

Date: _____

Pertaining to Question 10



950 Taylor Street
PO Box 608
Columbia, SC 29202-0608
803-799-6653 Phone
803-799-4118 Fax
www.scbarr.org

November 4, 2013

John Champaigne, #61468
Charleston County Detention Center
3841 Leeds Avenue
North Charleston, SC 29405

ADVANCING JUSTICE,
PROFESSIONALISM
AND UNDERSTANDING
OF THE LAW.

RE: Letter to SC Bar

Dear Mr. Champaigne:

The South Carolina Bar is not authorized to give any legal advice. Also, we are not authorized to investigate or discipline attorneys and do not have the authority to replace or remove appointed attorneys.

You can contact the 9th Circuit Public Defender and make him aware of the issues that you are currently having with your appointed attorney. (He is the supervisor of your appointed attorney). You can write to him at:

D. Ashley Pennington
101 Meeting Street, 5th Floor
Charleston, SC 29401-2214

If that does not resolve your issues, you can file a complaint against your attorney by writing to the Commission on Lawyer Conduct. You can write to them at:

Commission on Lawyer Conduct
PO Box 12159
Columbia, SC 29211

If you decide to file a complaint, in your letter make sure to include the name of your attorney and, describe as best you can, why you believe your attorney has acted inappropriately.

Sincerely,

Client Assistance Program
South Carolina Bar
PO Box 608
Columbia, SC 29202-0608

case # 2012027408 - 11945713
2012027409 - 11945713
2012027467 - 11728045
2012027494 - 11727964

Dear Mr. [Name]

Sept. 25th 2013

I am writing this brief notation in concern of my cases, these case # are 2012027408-2012027409, 2012027467-2012020994. Burglary 2nd degree. I have written you on previous occasions. I have been detained now for 470 days on these charges that have no evidence or facts that I committed any crime black and white state those facts.

My lawyer now is Rodney D. Davis a pro bana. I received a letter from him on August 2nd, 2013 in this notation is enclosed the letter from Mr. Davis.

I was supposed to come in front of you for a bond modification that never took place. I previously had this lady representing me she got removed from my case on 6-3-2013 for various reasons. She no longer has reason to be on my case.

I believe Mr. Davis and Mrs. [Name] be coinciding about my case. My case is getting postpone for over 20 days reason. I have sent you documents on my case major parts of my rule 5 + 6.

My family and I have called Mr. Davis's office on several occasions only to be ignored and lied to. I have also myself written to Mr. Davis. On September 5th or the 6th 2013, Mr. Davis paralegal or receptionist had the nerve to call up here to the jail and told them to tell me to stop having my family call the office that is very unprofessional and unappreciative.

I am writing to you for help my next step is the Supreme Court and Bar Association. Maybe you can get my case in court. I would like to come in front of you or a judge that is fair and has no prejudice. Like Judge Houston he does not like burglary charges he doesn't care if you innocent or not, and that's not justice. I am innocent, I'm no criminal check my record.

All I did was bought a TV traded the for it. Also enclosed are parts of my rule 5 + 6 that prove me innocent. Please get bond reduction. I feel Mr. Rodney D. Davis he is interest in my case. I need help. Thank you for your time and concern in kind regards...

Sincerely,
John Champagne
John Champagne

RECEIVED
SEP 27 2013
BY: EC