

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
P.O. Box 11330
Columbia S.C. 29211

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S.C. SUPREME COURT

Re: Case No. 2017 CP-34-00280
Re: Notice of Intent to Appeal

February 26, 2019.

Dear Mr. Shearouse,

Hello my name is John B. Campbell and I am the applicant in case No° 2017-CP-34-00280 and the case has been dismissed by the Honorable Paul Burch on January 7th 2019. However, I recieved notice on February 19, 2019 at Kershaw Correction Institution by S.C.D.C. deponent Carolyn Sanders. I now seek to Appeal Judge Paul Burch decision. Therefore, please provide any Rules of Procedure I need to utilize in properly filing a Notice of Intent to Appeal. Also I have enclose a copy of the Final decision and I sent a copy of this letter to Johnny James Jr. addressed at South Carolina Attorney General office P.O. Box 11549 Columbia S.C. 29221

John B Campbell

understands the dangers and disadvantages of self-representation.” Hilton v. State, 422 S.C. 204, 208, 810 S.E.2d 852, 854 (2018).

In the prior PCR action, Applicant moved to relieve PCR counsel promptly upon learning of his appointment, as evidenced by his filing of March 28, 2014, titled “Decline the Appointment of Counsel.” Review of the “Order Relieving Counsel” by the Honorable Thomas A. Russo, filed September 30, 2014, indicates Applicant was questioned pursuant to Faretta v. California, 422 U.S. 806 (1975), advised of the dangers and pitfalls of waiving the right to counsel, and understood the benefits counsel could provide. Judge Russo found Applicant made his decision with “eyes wide open.” Applicant offers no reason why Judge Russo’s treatment of his prior request to proceed *pro se* was inadequate. Furthermore, this issue could have been raised in an appeal from the prior application for relief, which was never taken. Accordingly, the Court finds Applicant’s second objection is inadequate to set aside the procedural bars and set this matter for an evidentiary hearing.

As to Applicant’s third point: while Applicant did not allege ineffective assistance of counsel, he *could* have done so. Thus, the prohibition against successive applications for relief applies. Whatever merit there might be to Applicant’s contention that his attorneys breached the attorney-client privilege without waiver by way of an allegation of ineffective assistance of counsel is not relevant to the applicability of the procedural bars to this application for relief. Accordingly, the Court finds Applicant’s third objection is inadequate to set aside the procedural bars and set this matter for an evidentiary hearing.

As to Applicant’s fourth point: “[S]ubject matter jurisdiction of the circuit court and the sufficiency of the indictment are two distinct concepts and the blending of these concepts serves only to confuse the issue.” State v. Gentry, 363 S.C. 93, 101, 610 S.E.2d 494, 499 (2005).

FILED
2018 JUN 17 PM 1:19
ANITA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Post Office Box 21787 - Columbia, South Carolina 29221

Pursuant to Rule 4(d)(2) of the South Carolina Rules of Civil Procedure, the Director of the South Carolina Department of Corrections has designated Carolyn Sanders (Server) as his duly authorized agent for the purpose of making service of the process on the below named individual.

STATE OF SOUTH CAROLINA)
COUNTY OF Lancaster)

AFFIDAVIT OF PERSONAL SERVICE

On this 19 day of February 201⁹, I served the Final Order of Dismissal, on Inmate John B. Campbell, #228072 by delivering personally and leaving a copy of the same at Kershaw Correctional Institution, _____ Deponent is not a party to this action.

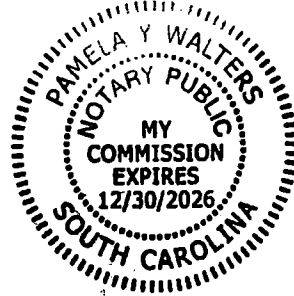
si Carolyn Sanders

SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 19th day of February, 201⁹.
Pam Walters (L.S.)
Notary Public for South Carolina

My Commission Expires: 12/30/26



ADMISSION OF SERVICE

Service of a copy of the within Final Order of Dismissal is admitted at the South Carolina Department of Corrections Kershaw Correctional Institution), Kershaw, Lancaster County, SC this 19 day of February, 201⁹.

si John Campbell
Inmate
SCDC Inmate #: 228072

John B. Campbell 228072
Kershaw Corr. Inst Oak #62
4848 Goldmine Hwy
Kershaw S.C. 29067

ans

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Columbia S.C. 29211

Campbell 228072
LEGAL

THE DEPARTMENT OF CORRECTIONS
GENERAL INVESTIGATIVE DIVISION
THE DEPARTMENT OF CORRECTIONS
FOR ISOMONTIC.

WARDEN
KERSHAW CORRECTIONAL INSTITUTION
P.O. DEPARTMENT OF CORRECTIONS

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