

Daniel E. Shearouse,
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Columbia, South Carolina
29211

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APR 18 2019

S.C. SUPREME COURT

Re: Appellate case No.
2019-000350

Dear Mr. Shearouse,

Enclosed with this Letter is an Explanation pursuant to South Carolina Appellate Court Rules (SCACR) 243c.

Also, I must inform the Court that Access to Kershaw Correctional Institution, Institution's Library and Law Library Services has been extremely difficult. The Institution Administration is under going reconstruction that subject Inmates to Lock-down behind the cell door. These Event has hinder Filing.

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John B Campbell

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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM MARLBORO COUNTY
Court of Common Pleas

Thomas A Russo, Circuit Court Judge

Appellate Case No. 2019-000350

JOHN CAMPBELL,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**EXPLANATION PURSUANT TO
RULE 243(c) OF THE SCACR**

I.

The Petitioner was not appraised of the dangers of Self-Representation when he proceeded to trial before the Honorable Edward B. Cottingham and a Jury on August 10, 2009, for Attempted Kidnapping (2009-GS-34-00526).

On March 24, 2014, Petitioner filed a Motion to Decline Appointment of Counsel rejecting Counsel, Tristan Michael Shaffer, Esquire. On July 24, 2014, the Honorable Thomas A. Russo heard the motion and granted the Petitioner's Motion to Relieve Counsel. However, Judge Russo

ordered that the Petitioner proceed *Pro Se*, however, Judge Russo failed to appraise the Petitioner of the dangers of self-representation. Therefore, the failure to appraise the Petitioner of the danger of self-representation, Judge Russo committed reversible error.

According to the United States Supreme Court, in order to waive the right to counsel, the accused must be (1) advised of his right to counsel, and (2) adequately warned of the dangers of self-representation.

The South Carolina Supreme Court has also adopted this standard in *Prince v. State*, 301 S.C. 422, 392 S.E.2d 462 (1990), citing *Faretta v. California*, 422 U.S. 806. The trial judge must determine whether there is a knowing and intelligent waiver by the defendant. *State v. Dixon*, 209 S.C. 107, 236 S.E.2d 419 (1977), citing *Johnson v. Zerbt*, 304 U.S. 458. If the trial judge fails to address the disadvantages of appealing *Pro Se*, as required by the second prong of *Faretta* to determine whether the Petitioner has sufficient background or was appraised of his rights by some other source.

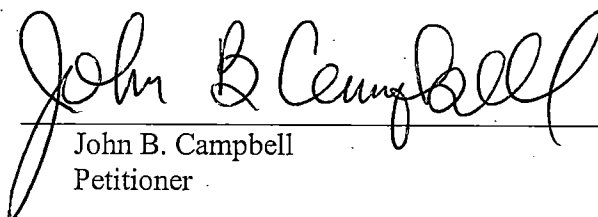
Therefore, the failure to appraise the Petitioner of the dangers of self-representation rendered his waiver involuntary and unintelligently entered and Judge Russo committed reversible error.

II.

The Petitioner alleges that the Circuit Court committed reversible error when it decided that the Application for Post-Conviction Relief was successive when neither of the Petitioner's First or Second Application for Post-Conviction Relief provided the Petitioner with a "full bite of apple".

Therefore, Petitioner's Application for Post-Conviction Relief cannot be considered as filed successive based on the fact that the Petitioner was never afforded his fair bite at a collateral attack in his first Application for Post-Conviction Relief and the Petitioner should be given the opportunity to exhaust his right to his fair opportunity at one collateral attack.

Respectfully Submitted,

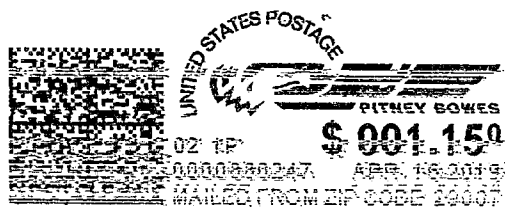


John B. Campbell
Petitioner

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4848 Goldmine Highway
Kershaw, South Carolina 29067

PETITIONER, *Pro Se*

April 15, 2019.
Kershaw, South Carolina.



Supreme Court of South Carolina
J. E. Shearouse
Box 11330
Columbia, South Carolina