

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

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May 23, 2019

Joanna Katherine Delany, Esquire
PO Box 11433
Appellate Defense
Columbia SC 29211

RECEIVED

MAY 23 2019

SC Court of Appeals

Re: The State v. Robert B. Campbell
Appellate Case No. 2016-002457

Dear Counsel:

Enclosed are *pro se* documents Mr. Campbell has sent to this Court. Since it involves the same criminal charges involved in the above appeal that is pending before the South Carolina Court of Appeals, and you represent him in that appeal, I cannot accept these *pro se* documents for filing and no action will be taken on them. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13; 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

Very truly yours,

CLERK

Enclosure

cc: Mark Reynolds Farthing, Esquire (with enclosure)
Mr. Robert Campbell
The Honorable Jenny Abbott Kitchings (with enclosure)

The Supreme Court of South Carolina RECEIVED

MAY 23 2019

MAY 20/2019

S.C. SUPREME COURT

RECEIVED

MAY 20 2019

P.C.I. MAILROOM

DONALD BEATTY:

Chief Justice

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

V

STATE OF SOUTH CAROLINA

MOTION: REQUEST to be -
RESENTENCE by U.S. -
AND S.C. LAW.

- * NON-HOMICIDE JUVENILE OFFENSES;
- * SEE AND REVIEW COURT DOCUMENTS;
- * MUST BE REVIEWED BY CHIEF JUSTICE. -
DECEMBER 19, 2001 P.C.R. TRANSCRIPT. [PAGE 5-7]
- * RESENTENCING HEARING PENDING IN THE
S.C. COURT OF APPEALS.

U.S. SUPREME COURT JUSTICES RULED 6-3 -

That allowing those offenders to be considered for Parole ensures that juveniles whose crimes reflected only transient immaturity... will not be forced to serve a disproportionate sentence in violation of the Eighth Amendment." Justice Anthony Kennedy said. Youth deserve second chance. CONSTITUTION LAW.

* A JUVENILE NON-HOMICIDE OFFENDER UNDER GRAHAM V. FLORIDA - 560 U.S. 48 (2010). IS ENTITLED TO A SPECIALIZED SENTENCING PROCEDURE - A JUVENILE OFFENDER FACING EVEN A DE FACTO LIFE SENTENCE IS ENTITLED TO A SPECIALIZED SENTENCING HEARING - A "PARTICULAR SENTENCING HEARING IS SO IMPORTANT WITH JUVENILE OFFENDERS, ESPECIALLY THOSE WHO ARE FACING LIFE WITHOUT PAROLE OR EVEN A DE FACTO LIFE SENTENCE."

NOTE:

[DEFENSE COUNSEL] ARGUED THAT A JUVENILE NON-HOMICIDE OFFENDER MAY NOT BE SENTENCED TO A DE FACTO LIFE WITHOUT PAROLE SENTENCE WITHOUT THE OPPORTUNITY TO PRESENT MITIGATING EVIDENCE OF HIS YOUTH AND ITS ATTENDANT CHARACTERISTICS, AND THAT APPELLANT WAS ENTITLED TO RESENTENCING.

DEAR Chief Justice Mr. Beatty,

Sir my Education is not that good. PLEASE BEAR WITH ME.

ON [MARCH 23, 1985] I GOT LOCK UP FOR A BURGLARY CHARGE. AND ON [APRIL 20, 1985] I WENT BEFORE JUDGE FISHER. HE DID NOT GIVE ME NO BOND. THEN ON [MAY 21, 1985]: JUDGE-EPPS LET ME OUT ON BOND. FOR THE SAME BURGLARY CHARGE JUDGE FISHER DIDN'T. SEE ORDER FOR BAIL AND SUPPLEMENTAL REPORT.

"BUT" I GOT LOCK BACK UP ON [MAY 26, 1985] FOR SELLING DRUGS. IT WAS MY BIRTHDAY. MAY 26, 1985. AND FROM THAT DAY TILL NOW. I HAVE BEEN LOCK UP. (34) YEARS. NOW BEFORE I WENT TO COURT ON THIS BURGLARY CHARGE. THE COURT SENT ME TO BULL STREET MENTAL HEALTH. AND WHEN I GOT THERE. I WAS PUT ON A LOT OF UNNAME MEDICATION. I STAYED THERE UNTIL THE DAY I WENT TO COURT AND GOT THIS LIFE SENTENCE.

I DID NOT NO WHAT I WAS SIGNING IN THAT GREENVILLE CO. -
COURTHOUSE HOLDING CELL. I DO NO IS. DETECTIVE -
[CALVIN KELLEY] TOLD ME. IF I DON'T SIGN THESE'S PAPERS. HE WAS GOING TO PUT ME AWAY FOR GOOD. AND YES. I DID SIGN SOME PAPER. "BUT" I DID NOT NO FOR WHAT. SIR MY PRISON MEDICAL RECORD WILL SHOW THAT. I HAVE BEEN ON MENTAL HEALTH MEDICATION A LOT OF YEARS WHEN I CAME

2

to Prison. And i didn't no how to file a (PCR) Back then. until
another inmate file one for me in 1999. i did went to a PCR
Hearing in December of 2001. SEE TRANSCRIPT, PAGE (5) it will
show you about me being on medication before and after being
in Prison. And i filed a [motion] in 2015 to be resentence.
under MILLER V. ALABAMA. FOR A NON-HOMICIDE JUVENILE OFFENSES.
because i was [17] when i got lock up. but the Circuit Court -
Judge Mr. R. Keith Kelly denied me. He said. "I HAVE A PAROLE
DATE?". Sir. i HAVE BEEN up FOR PAROLE (23) TIMES. AND i HAVE
BEEN TURN DOWN (23) STRAIGHT YEARS IN A ROW. AND FOR THE
SAME REASONS OVER AND OVER. i JUST WENT UP THIS MAY 15, 2019.
AND i DON'T HAVE NO LAWYER TO HELP ME. AND THE PAROLE BOARD
AGAIN TURN ME DOWN. this is why i must be resentence.
because the Parole board is not going to give me Parole.
this S.C. SUPREME COURT ORDER THAT, A JUVENILE WITH A LIFE
SENTENCE SHOULD HAVE A OPPORTUNITY FOR RELEASE. AND i did
file to HAVE MY D.N.A. TO BE REVIEWED. MY APPLICATION WAS -
FILED IN GREENVILLE COUNTY ON THE 7/3/2018. i AM STILL WAITING
ON JUDGE LETITIA H. VERDIN TO LET ME TAKE THIS TEST SO i CAN
PROVE MY INNOCENCE TO ALOT OF THESE'S CHARGES i AM NOT GUILTY
OF. ALL SO. THE LAWYER THE COURT GAVE ME FOR MY RESENTENCING
APPEAL. MS. JOANNA K. DELANY. SHE TELLS ME. SHE CANNOT HELP
ME WITH MY D.N.A. REQUEST OR PAROLE HEARING.

3

She said, she [only] handle my appeal. So i dont HAVE NO LAWYER to -
Help me with Parole or my REQUESTED D.N.A. testing. BECAUSE i CAN
PROVE MY INNOCENCE to alot of these's charges i PLEA to when i WAS
ON medication and didnt NO what i was doing. Sir i AM VERY
POSITIVE that. when i TAKE this D.N.A. test. it will show and -
PROVE that i AM NOT GUILTY OF ALL CHARGES. i do HAVE A [APPEAL] -
PENDING IN THE S.C. COURT OF APPEALS TO BE RESENTENCE right
Now. i HOPE AND PRAY that. the APPEAL COURT will GRANT ME A NEW
RESENTENCING HEARING. FACTS. # ① i AM NOT GUILTY OF ALL CHARGES. -

② i WAS A JUVENILE when i got LOCK UP. # ③ i WAS ON alot OF
medication AND UNeducation AT THE TIME. AND # ④ AS OF THIS DAY
AND TIME. i AM still with out A LAWYER to ^{HELP} ME with my Parole
AND D.N.A. REQUEST to HELP ME PROVE MY INNOCENCE TO THESE'S
CHARGES. # ⑤ I NEVER HAD A JUVENILE WAIVER HEARING.

All so. for Court Records: i Had Just got out of the -
Department of Youth. [John G for boys] in February of 1985.
i WAS Put ON (6) months Probation, but i got LOCK back up
IN MARCH 23 OF 1985. SO i WAS STILL UNDER FAMILY COURT
LAW? Plus; by the Parole board DENYING ME for Parole
(23) times. it show [NO] opportunity for Rehabilitation
for me. they KEEP turning me down for the SAME REASONS.
So the Parole board decision is still the SAME AGAINST
ME. this MAKE [23] straight years.

Robert Campbell

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Certiorari to Greenville County
R. Keith Kelly, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ROBERT BERNARD CAMPBELL,

APPELLANT

APPELLATE CASE NO. 2016-002457

INITIAL BRIEF OF APPELLANT

JOANNA KATHERINE DELANY
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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STATEMENT OF THE CASE.....2

ARGUMENT

The trial judge erred by denying Appellant’s motion for resentencing on juvenile non-homicide offenses where he received a sentence of life imprisonment with the possibility of parole, which is the functional equivalent of life without the possibility of parole because the sentence does not afford a meaningful opportunity for release as he is mentally ill and unrepresented by counsel at parole hearings, and the parole board is not required to consider the special characteristics of a juvenile offender.....3

CONCLUSION.....15



State of South Carolina
The Circuit Court of the Thirteenth Judicial Circuit

Letitia H. Verdin
Judge

Greenville County Courthouse
305 East North Street, Suite 318
Greenville, SC 29601-2120
Phone: (864) 467-8448
Fax: (864) 467-8504
lverdinj@sccourts.org

To: Robert Campbell

From: Letitia H. Verdin

Date: 1.3.19

I have received your letter of postmarked 10.26.18. The applicable response is checked below.

_____ It is improper for a judge to receive such a communication outside of court and off the record regarding a case. Therefore, I have disregarded your letter and am returning it to you. Please do not attempt to communicate with me other than in court, on the record and with notice to all parties concerned.

_____ This court no longer has jurisdiction over your case. More than ten (10) days have passed since your sentence date.

_____ Pursuant to South Carolina law, you are automatically entitled to pre-trial incarceration time served. SCDC has the exclusive authority to compute sentences, including credit for time served. Therefore, you must follow the SCDC grievance procedure if you disagree with their calculations.

X _____ I suggest you contact your attorney directly.

_____ I suggest you contact the Probation Office.

_____ I suggest you contact the Solicitor's Office.

_____ Your Motion must be filed with the Clerk's Office, therefore I am returning the same to you.

OFFICE OF THE CLERK OF COURT
GREENVILLE, SOUTH CAROLINA

CASE NO. _____
CLERK OFFICE

ROBERT CAMPBELL
S.C.D.C. NO. 131941

[ADMINISTRATIVE JUDGE]

V.

STATE OF SOUTH CAROLINA

MOTION; —

TO RECEIVE REQUESTED
D.N.A. TEST WITH AN -
APPOINTED COUNSEL.

DEAR ADMINISTRATIVE JUDGE,

ON THE 7/3/2018, THE GREENVILLE COUNTY -
CLERK OF COURT MR. PAUL B. WICKENSIMER DID

[FILED] MY APPLICATION FOR D.N.A. TESTING AND

FORWARDED A COPY TO YOUR OFFICE. SEE COURT DOCUMENT:

I AM STILL WAITING ON YOUR DECISION TO BE ALLOWED

TO TAKE THIS D.N.A. TEST TO PROVE MY INNOCENCE

TO THESE CHARGES. "ALL SO" THE FEDERAL GOVERNMENT -

IN 1996 GAVE S.C.D.C. FUNDS TO TAKE -

[All] STATE INMATES D.N.A. TO SEE IF A INMATE IS GUILTY-
OF A CRIME OR NOT GUILTY OF A CRIME. AND THIS D.N.A.-
TEST WAS DONE IN PRISON AROUND [1997 AND 1998]-(2) TIMES.
"but" MY QUESTION FOR YOU SIR IS, [if] I AM NOT ALLOWED
TO TAKE THIS D.N.A. TEST. WILL THIS COURT AND YOUR OFFICE

REVIEW MY [ALL READY] TAKING D.N.A. AND REVIEW IT
WITH WHATEVER EVIDENCE THE STATE HAS ON ME.
I DID REQUESTED FOR A [COUNSEL] WITH A WRITTEN MOTION
THAT THE GREENVILLE CO. CLERK OF COURT HAS NOT RESPONDED
BACK TO ME YET. AND AS YOU SEE, IT'S HAS BEEN OVER
(90) DAYS.

* STATE AND FEDERAL LAW:

THE FEDERAL GOVERNMENT GAVE THE SOUTH CAROLINA-
DEPARTMENT OF CORRECTIONAL S.C.D.C. FUNDS TO TAKE
[All] STATE INMATES D.N.A. FOR UNSOLVED CRIMES OF
IF A INMATE IS NOT GUILTY OF A CRIME. PLUS -
S.C.D.C. SKILL CHARGE [All] INMATES \$ 250.00 DOLLARS
FOR THIS TEST. S.C.D.C. HAS TAKING MY MONEY FOR
THIS TEST IN 1997. WITH THE FEDERAL GOVERNMENT
ALL READY PAID FOR IT?, SO I SHOULD BE ABLE TO
TAKE THIS D.N.A. TEST TO HELP PROVE MY INNOCENCE -
TO THESE'S CHARGES.

DATE 10/25/2018

ROBERT CAMPBELL



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

August 1, 2018

Robert Campbell #131941
Perry Correctional Institution
Appalachian Region
430 Oaklawn Road
Pelzer, SC 29669

Dear Mr. Campbell:

Thank you for your letter dated July 16, 2018. I am writing to answer the questions you asked me in your letter.

You asked what would happen if DNA tests exonerate you. I sent you a copy of the Post-Conviction DNA Testing Act in my last letter. If you look at 17-28-100, it says if the results are exculpatory, they may be used as grounds to file a motion for a new trial.

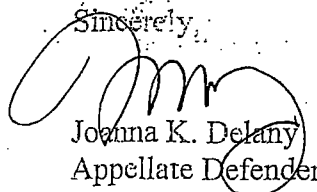
You asked how I would help you with your DNA testing. I am only representing you on the appeal from the court denying you a new sentencing hearing. Because I only handle appeals, I cannot be your attorney for purposes of your DNA application.

You asked what to do to get an attorney on your DNA application since you already filed a request for DNA testing, and did not ask for a lawyer when you filed it. Because you must request an attorney at the time you file the request, I believe you should file another application and write on the application that you request a lawyer be appointed to represent you on the case.

* I have not heard from the Court of Appeals about your resentencing appeal, but will let you know as soon as I do.

Please contact me if you have any questions or concerns.

Sincerely,



Joanna K. Delany
Appellate Defender

JKD/csb



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
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Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

March 8, 2018

Robert Campbell #131941
Lieber Correctional Institution
PO Box 205
Ridgeville, SC 29472

Re: Your Case

Dear Mr. Campbell:

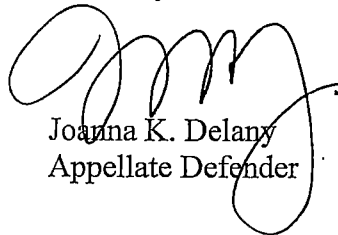
Thank you for sending me your parole decision. I am very sorry to hear that you were again denied parole.

I see that you also sent a document you propose to be included in the record on appeal, titled Motion: Rejection for Parole, along with the parole decision letter. I have read these documents and understand your concerns. Unfortunately, they cannot be included in the record on appeal because they were not available for Judge Kelly to review at your hearing in September 2016.

As you know, I filed a brief in November 2017. This is a long process, and you may not hear from me for several months if I have no update to provide. However, I will update you as soon as I hear from the Court and advise you accordingly.

Please contact me if you have any questions or concerns.

Sincerely,



Joanna K. Delany
Appellate Defender

JKD/

ASOP

This was my [22] time then. BEING REJECTED!

THE SUPREME COURT OF SOUTH CAROLINA

DONALD BEATTY
CHIEF JUSTICE

PLEASE REVIEW THESE'S CRIME'S DATE,

CHARGE'S DATE

3/17/85 - 4/3/85 - 4/13/85 - 4/17/85 -
5/25/85.

MUST SEE AND REVIEW.

#① SUPPLEMENTAL REPORT. FIRST BOND HEARING.

[NO] bond. by Judge Fisher. DATE 4/20/85.

#② ORDER FOR BAIL. 2th BOND HEARING.

i MADE IT. FROM Judge Epps. DATE 5/21/85.

#③ FACTS FOR COURT RECORDS,

WHEN Judge Fisher didn't give me NO BOND ON
THE 4/20/85. AND Judge Epps GAVE ME BOND
ON MAY 21. 1985. ALL THEM OTHER CHARGES HAPPEN
WHILE I WAS ALL READY IN JAIL.

①
this is what i BEEN trying to Tell the Court. i Plea Guilty
to Crimes i didnot committ when i went to [both]
bond HEARING. i WENT FOR THE CHARGE ON THE 3/17/85.
thats it. NOTHING ELES. "but" when i went to [bull STREET]
AND got Put ON S.C.D.C. NO NAME MEDICATION AND CAME
BACK TO COURT. this is when i PLEAD Guilty.
Sir i didnot NO what i WAS doing. but i do NO is.
i AM NOT Guilty OF ALL CHARGES.

All SO. REVIEW [Order of Commitment]. DATED. 9/27/85.
it show's the Crimes dates - AND my CASEWORKER
TELL ME TO ASK THE JUDGE. WAS THERE A [order] TO
CLEAR ME TO STAND TRIAL?. LIKE THIS COURT ORDER
REQUESTED. it aint ONE. BECAUSE I BEEN ON
MENTAL HEALTH MEDICATION FOR ABOUT MY FIRST 15 OR 16 YEARS.
the COURT KNOWS ABOUT THIS. SEE THE DECEMBER 19/2001-
TRANSCRIPT. QUESTION; when i went to my first bond -
HEARING ON THE 4/20/85. why THE COURT OR JUDGE didnt
SET BOND ON THEM OTHER CHARGES?. DATES. 4/5/85 - 4/13/85 -
4/17/85. Plus. i WENT TO ANOTHING BOND HEARING.
ON THE 5/21/85. AND STILL NONE OF THESE'S OTHER CHARGES
NEVER CAME UP AT ALL. SO when i do TAKE this
D.N.A. TEST. i CAN AND WILL SHOW THE COURT. i WAS
NOT Guilty OF ALL CHARGES.

②
When i got out from [John G School for boys] February 8, 1985.

i got lock back up on [March 23, 1985] for a charge on the 3/17/1985. and as court records show. when i made bond on May 21, 1985. it been for the same charge i got lock up for on the 3/17/1985. so from March 23, 1985 to May 21/1985.

i was lock up in the Greenville County Jail. and for the charge on the 5/25/1985. i still don't no nothing about that.

"but" i am here to take any D.N.A. test for it and the rest of them charges. when i do take this D.N.A. test and it shows i am not guilty of them charges. will this court let me out of prison? Plus. i am being told by other inmates that. this court has pass a bill on-the Parole board cannot deny a person (2) times for the same reasons. i don't no if its truth or not. but if it is. i have been violated of that Law.

AGENCY ID

0230200

RECORDS COPY

SUPPLEMENTAL REPORT

CASE NUMBER

85020021603

ORIGINAL REPORT

SUPPLEMENTAL REPORT

PAGE 1 OF 1

VICTIM

NAME:

ADDRESS:

Vardry St.

SUBJECT: Burglary, Armed Robbery, and ABHAN

NAME: Campbell, Robert Bernard

ADDRESS: Apt. 10 Alice Ave, apts.

CENSUS TRACT

DATE OF BIRTH: 5-26-67

RACE: B

SEX: M

4-19-85 Det. Perry went before Adm. Judge Fisher and obtained warrants B 350003 and B 350004 charging above subj. with Burglary, Armed Robbery & ABHAN. Subj. was taken before Adm. Judge on 4-20-85 and no bond was set pending bond hearing before Circuit Judge. Case Cleared By Arrest.

FIRST BOND HEARING. SEE DATE

RECOVERED PROPERTY VALUE

CASE STATUS:

ACTIVE

CLEARED BY ARREST

OVER 18
 UNDER 18

EX. CLEARED UNFOUNDED

REPORT DATE

01-22-85

REPORTING OFFICER

Perry J. P.

NUMBER

050

NUMBER

1111

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF GENERAL SESSIONS

The State)
vs.)
Robert B. Campbell)

Warrant No. B350003
Warrant No. B350004

ORDER FOR BAIL

FILED
MAY 21 1985
CLERK OF COURT

This matter comes before me on application of the defendant for bail. The defendant is now confined in the Greenville County Detention Center under a/an arrest warrant charging the defendant with the offense of ABHAN, Burglary and Armed Robbery

It appears to the Court that the offense is one for which bail may be granted.

NOW THEREFORE, on motion of the defendant,

IT IS ORDERED that the defendant be and hereby is granted bail in the sum of \$10,000.00 with one or more sufficient sureties to be approved by the Clerk of Court for Greenville County and a recognizance bond in the amount of \$25,000.00 to be signed by the defendant.

Frank Egan
Judge, Thirteenth Judicial Circuit

Greenville, South Carolina

5/21/85

IT IS SO MOVED:

William B. Long, Jr.
William B. Long, Jr.
Attorney for Defendant

I CONSENT:

Assistant Solicitor
Assistant Solicitor

SECOND BOND HEARING
SEE DATE. NOTHING ELSE

Ticket or Warrant No. B 350003
B 350004

**ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE
COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED**
Original Copy for the Trial Court - Copy For the Defendant

**ENTERED
COMPUTER**

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
STATE,

BAIL PROCEEDING
FORM 2

IN THE General Sessions COURT

ORDER SPECIFYING METHODS
AND CONDITIONS OF RELEASE

v.
Robert B. Campbell
Name of Defendant

Offense Charged AB HAN, Burgs, and Armed Robbery

- At a bail hearing conducted by the undersigned judge, for the defendant named above, it was determined by the court that (check one or both):
- () The release of the defendant on recognizance will not reasonably assure his appearance as required.
 - () The release of the defendant on recognizance will result in an unreasonable danger to the community.

IT IS HEREBY ORDERED

I
That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required, to answer the charge made against him and to do what shall be ordered by the court, and not depart the State without the permission of the court and be of good behavior.

II

That the above named defendant be released from custody provided as follows (check one):

CASH IN LIEU OF BOND

() The defendant acknowledging himself to be indebted to the State of South Carolina, deposits \$ _____ in cash, to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

() The defendant acknowledges himself to be indebted to the State of South Carolina in the sum of \$ _____, his release to be obtained by payment to the Court of _____ percent (_____ %) of this bond in cash, this being \$ _____. The Defendant will be obligated to the State in the full amount of \$ _____, such sum to be levied on his real and personal property for the use of the State, should he fail to perform the conditions of this order.

APPEARANCE RECOGNIZANCE WITH SURETY

(X) The defendant will provide good and sufficient surety approved by the court in the form set forth below.
On the 21st day of MAY, 19 85, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of \$10,000, such sum to be levied on his real and personal property for the use of the State, if the above named defendant shall fail in performing the conditions of this order.
The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

Eddie Nasser
Name of Surety (Print or Type)

Eddie Nasser (L.S.)
Signature of Surety

708 Audium Rd.
Address

233-6293
Telephone

IT IS FURTHER ORDERED

That the defendant shall appear at

General Sessions
Greenville County Court House
Place of Trial

When Notified

Date and Time

Intials of Defendant E.C.

and remain there throughout the term of court or until some disposition is made of his case or at such other place, date and time as the court may direct.

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this order, including any conditions included on the reverse side of this order, a warrant for my arrest will be issued.
I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.
It has been explained to me that if I fail to appear before the court as required, an additional criminal charge will be instituted against me. If the failure to appear is in connection with a felony charge, or while awaiting sentence, or pending appeal or certiorari after conviction, the penalty is a fine of not more than \$5,000 or imprisonment for not more than five years, or both; if I fail to appear in connection with a misdemeanor charge, the penalty is a fine of not more than \$1,000 or imprisonment for not more than one year, or both.
I acknowledge the receipt of a copy of this order and understand the conditions of my release and the penalties applicable to me in the event I violate any condition of the order or fail to appear as required.

William B. Long, Jr.
Attorney Representing Accused
(If Known)

Caroline W. Matton
Signature of Accused

Robert Bernard Campbell (L.S.)
Signature of Defendant

300-Alice Ave. Apt 10
Address

Greenville S.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF GENERAL SESSIONS

The State,)

vs.)

ROBERT BERNARD CAMPBELL)

ORDER OF COMMITMENT

APR 15 4 48 PM '85
CLERK OF COURT
SOS

It appears to the Court that the above-named defendant, charged with ABHAN(2)/AR(3)/HB(1)/Att AR(1)/GL(1)CSC(2) ^{ROBBERY(1)}, may not be fit to stand trial because the defendant lacks the capacity to understand the proceedings against him and to assist in his own defense.

THEREFORE, IT IS ORDERED that the defendant be committed to the South Carolina Department of Mental Health for a psychiatric evaluation, pursuant to Section 44-23-410, Code of Laws of South Carolina.

* IT IS FURTHER ORDERED that at the conclusion of the observation period today ordered, the designated examiners shall make a written report to the Court which shall include: NO WRITTEN REPORT. SEE RECORDS.

(1) A diagnosis of the person's mental condition, and

(2) Clinical findings bearing on the issues of whether or not the person is capable of understanding the proceedings against him and assisting in his own defense and if there is a substantial probability that he will attain that capacity in the foreseeable future.

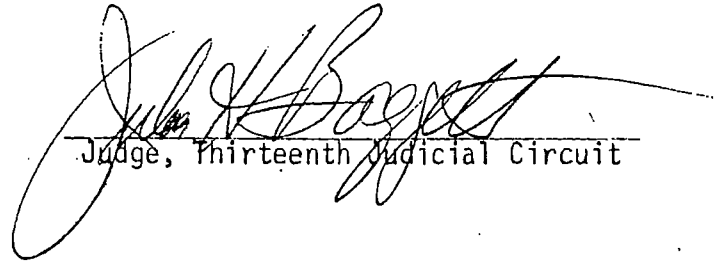
(3) A clinical examination of the person's mental capacity pursuant to the M'Naghten standard as to whether or not the person knew the difference between right and wrong on the date of the alleged offense, ^{3/17/85...4/5/85...4/13/85...} 4/17/85...5/25/85.

IT IS FURTHER ORDERED that subject to the provision of Section 44-23-410 the said defendant may be retained in the custody of the South Carolina Department of Mental Health for such period of time as is necessary to complete the examination.

Charges DATES

IT IS FURTHER ORDERED that if the designated examiners conclude that the defendant is mentally ill, the defendant shall be retained by the South Carolina Department of Mental Health until such time as the hearing, required and provided for by Section 44-23-430, may be conducted by this Court.

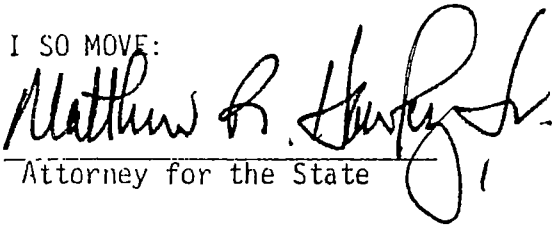
IT IS SO ORDERED.



Judge, Thirteenth Judicial Circuit

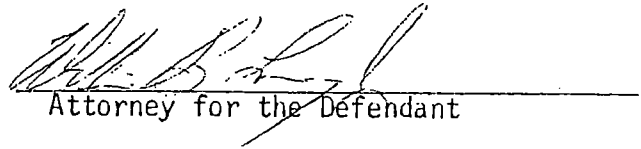
Greenville, South Carolina
September 27, 1985

I SO MOVE:



Attorney for the State

I CONSENT:



Attorney for the Defendant

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF
COMMON PLEAS

ROBERT CAMPBELL,)
)
APPLICANT,)

99-CP-23-982

-vs-

TRANSCRIPT OF RECORD

THE STATE OF SOUTH CAROLINA)
)

DECEMBER 19, 2001
GREENVILLE, SOUTH CAROLINA

B E F O R E:

THE HONORABLE JOHN W. KITTREDGE

A P P E A R A N C E S:

SYMMES CULBERTSON, Esquire
Attorney for the Applicant

WILLIAM BRYAN DUKES, Esquire
Assistant Attorney General

DAWN V. KOFFSKEY
Court Reporter

MUST BE REVIEWED.

NEED BACK

1 THE COURT: ALL RIGHT. THE NEXT MATTER IS ROBERT
2 CAMPBELL, WHO I BELIEVE IS PRESENT REPRESENTED BY MR.
3 CULBERTSON. AND I UNDERSTAND THAT THERE IS A MOTION THAT
4 NEEDS TO BE ADDRESSED, AND IF THE MOTION IS DENIED, THEN WE
5 HAVE SOME ISSUES ON WHETHER OR NOT THE HEARING CAN GO FORWARD
6 TODAY.

7 AND IS THIS YOUR MOTION, MR. DUKES?

8 MR. DUKES: YES, YOUR HONOR.

9 THE COURT: IF YOU WOULD, GIVE ME SOME BACKGROUND,
10 BRING ME UP TO SPEED AND TELL ME WHAT YOUR MOTION IS, PLEASE,
11 SIR,

12 MR. DUKES: BASICALLY, THE FIRST MOTION IS A MOTION TO
13 DISMISS. IT WAS FILED JUNE 9TH OF 1999. BASICALLY IT IS A
14 STATUTE OF LIMITATIONS MOTION.

15 ON AUGUST THE 10TH OF 1999, JUDGE JOSEPH WATSON SIGNED A
16 CONDITIONAL ORDER OF DISMISSAL. THERE IS NOT A FINAL ORDER
17 ENTERED FROM THE CONDITIONAL ORDER OF DISMISSAL, SO, I
18 BELIEVE, THAT'S WHERE WE STAND RIGHT NOW. WE HAVE A
19 CONDITIONAL ORDER OF DISMISSAL, AND I ASSUME WE'RE GOING TO
20 HAVE REPLY TO THAT CONDITIONAL ORDER.

21 THE COURT: LET ME -- DID THE CONDITIONAL ORDER REQUIRE
22 THE APPLICANT TO RESPOND WITHIN A CERTAIN TIME PERIOD?

23 MR. DUKES: YES, SIR. USUALLY IT'S TWENTY DAYS. AND
24 IN THIS ONE IT WAS TWENTY DAYS FROM THE DAY OF SERVICE WHY
25 THIS ORDER SHOULD NOT BECOME FINAL. I BELIEVE I INCLUDED A

1 COPY OF THE CONDITIONAL ORDER.

2 THE COURT: WELL, COULD I HAVE THE PACKET? OR IS THIS
3 IT?

4 MR. DUKES: YES, SIR.

5 THE COURT: (REVIEWS FILE) I HAVE THE ORDER. IT WAS
6 SIGNED BY JUDGE WATSON ON AUGUST 10TH OF '99. SO APPARENTLY
7 HE WAS GRANTED TWENTY DAYS TO SHOW WHY THE ORDER SHOULD NOT
8 BECOME FINAL. APPARENTLY HE HAS FILED SOMETHING, AND THAT'S
9 WHY WE'RE HERE.

10 WHAT WAS THE RESPONSE OF MR. CAMPBELL TO THE CONDITIONAL
11 ORDER OF DISMISSAL THAT KEPT THIS CASE ALIVE?

12 MR. CULBERTSON: YOUR HONOR, I WAS SERVED A COPY OF THE
13 CONDITIONAL ORDER OF DISMISSAL, AND I WAS DOUBLE CHECKING TO
14 SEE EXACTLY WHEN IT WAS I WAS APPOINTED TO REPRESENT MR.
15 CAMPBELL ON HIS PCR. AND I APOLOGIZE TO THE COURT, I DON'T
16 KNOW THE EXACT DATE. MY FEELING IS, THOUGH, YOUR HONOR,
17 THERE HAS NOT BEEN A RESPONSE FILED THROUGH MY OFFICE IN
18 REGARDS TO THE CONDITIONAL ORDER OF DISMISSAL BECAUSE THERE'S
19 NOTHING -- THERE WAS NOTHING FORTHCOMING FROM MY OFFICE ABOUT
20 THAT. AND I CAN ONLY ASSUME IT HAD TO DO WITH THE TIME I WAS
21 APPOINTED AND THE TIME HE ACTUALLY HAD HIS FIRST HEARING.

22 YOUR HONOR, HE TAKES THE POSITION THAT HE JUST DIDN'T
23 KNOW THAT THERE WAS A TIME LIMIT. INITIALLY, HE DIDN'T KNOW
24 THERE WAS A TIME LIMIT WITH REGARD TO THE FILING OF HIS
25 APPLICATION FOR HIS PCR. I CANNOT ADEQUATELY SPEAK TO WHY HE

1 DID NOT FILE A RESPONSE TO THE CONDITIONAL ORDER.

2 THE COURT: OKAY. I GIVE YOU THE BENEFIT OF THAT. SO
3 APPARENTLY WE'RE JUST BACK TO A SITUATION WHERE THE STATE
4 CONTENDS THAT THE APPLICATION IN THE FIRST INSTANCE WAS NOT
5 FILED WITHIN THE STATUTORY PERIOD?

6 MR. CULBERTSON: YES, SIR.

7 MR. DUKES: YES, YOUR HONOR.

8 THE COURT: ASSUMING I OVERLOOK THE PRIOR ORDER AND
9 IGNORE THE TWENTY-DAY TIME PERIOD, I'D LIKE TO HEAR FROM YOU
10 IN RESPONSE TO THE SUBSTANCE OF THAT MOTION.

11 MR. CULBERTSON: WELL, YOUR HONOR, WHAT I CAN SPEAK TO
12 ABOUT THAT IS IT SOMEWHAT BLENDS INTO THE ISSUES THAT HE HAS
13 RAISED ON HIS PCR APPLICATION, AND THAT IS INEFFECTIVE
14 ASSISTANCE OF COUNSEL.

15 HE INFORMS ME, NUMBER ONE, THAT HE WAS NEVER NOTIFIED OF
16 ANY RIGHT HE HAD TO FILE AN APPEAL AFTER HIS CONVICTION BY
17 WAY OF GUILTY PLEA.

Start → 18 HE AT THE TIME OF HIS GUILTY PLEA, YOUR HONOR, WAS
19 UNDERGOING PSYCHIATRIC CARE. IN FACT, IT WAS ORDERED BY THE
20 COURT HE BE TESTED TO SEE IF HE WAS COMPETENT TO STAND TRIAL.
21 HE WAS GIVEN MEDICATION AT THAT TIME, WAS ON THAT MEDICATION
22 NOT ONLY AT THE TIME OF HIS PLEA BUT ALSO FOR SOME PERIOD OF
23 TIME AFTER HIS INCARCERATION. I WOULD ALLEGE THAT NOT ONLY
24 WAS HE NOT INFORMED AND DID NOT HAVE ANY KNOWLEDGE OF HIS
25 ABILITY TO FILE A PCR APPLICATION BUT ALSO THAT MEDICATION

MOTION

1 INFRINGED ON HIS ABILITY TO FIND OUT AND CHECK ON HIMSELF AND
2 SEE WHAT RIGHTS HE ACTUALLY HAD.

3 YOUR HONOR, THE PCR APPLICATION SPEAKS TO -- AND I KNOW
4 IT'S REALLY A SECONDARY ISSUE THAT WE'RE NOT TO YET, BUT IT
5 SPEAKS TO INEFFECTIVE ASSISTANCE OF COUNSEL OF HIS APPOINTED
6 LAWYER, MR. LONG. NOT ONLY WAS HE NOT INFORMED OF HIS RIGHT
7 TO FILE AN APPEAL, BUT THERE WERE ALSO CERTAIN OTHER
8 DISCOVERY MATTERS THAT HE SAYS MR. LONG NEVER ENGAGED IN.

9 THIS WAS A SERIES OF CASES INVOLVING SOME
10 HOUSEBREAKINGS, SOME BURGLARIES, TWO CRIMINAL SEXUAL CONDUCT
11 CHARGES. ^v HE TELLS ME THAT HE WAS INFORMED THROUGH MR. LONG
12 THAT HE WAS ONLY PLEADING -- AND HE HAD ONLY AGREED TO
13 PLEADING -- TO THE HOUSEBREAKING CHARGES, GRAND LARCENY
14 CHARGES AND, I THINK, A POSSESSION OF A FIREARM CHARGE. ^v WHEN
15 HE ACTUALLY ENTERED THE PLEA, IT WAS FOR THIS WHOLE SLEW OF
16 INDICTMENTS -- TWO BURGLARIES, TWO CRIMINAL SEXUAL CONDUCTS
17 AND SOME OTHER CHARGES. HIS POSITION IS HE WAS NEVER TOLD
18 PRIOR TO THE PLEA THAT THAT'S WHAT HE WAS ENTERING A PLEA TO.

19 AND I NOTE THAT -- AND AGAIN, AS I POINTED OUT EARLIER,
20 YOUR HONOR, THERE IS NOT A TRANSCRIPT FROM THAT PLEA. I CAN
21 ONLY ASSUME THAT HE WAS INFORMED BY THE TRIAL -- OR PLEA
22 JUDGE OF THE CHARGES THAT HE WAS PLEADING TO, BUT I DON'T
23 KNOW THAT FOR A FACT BECAUSE I DON'T HAVE A TRANSCRIPT. HE
24 OBVIOUSLY WAS NOT IN A STATE OF MIND OR IN A POSITION AT THAT
25 TIME -- AND HE CAN'T DO IT AGAIN TODAY -- TO TELL ME WHAT IT

1 WAS HE ACTUALLY PLED TO OTHER THAN WHAT THE ATTORNEY
2 GENERAL'S OFFICE TELLS ME.

3 THE COURT: OKAY. WHEN DID HE PLEAD?

4 MR. CULBERTSON: FEBRUARY OF '97, YOUR HONOR. I'M
5 SORRY, FEBRUARY OF '87.

6 MR. CAMPBELL: '86.

7 MR. CULBERTSON: '86.

8 THE COURT: ALL RIGHT.

9 MR. CULBERTSON: FEBRUARY OF '86.

10 THE COURT: ASSUMING YOU HAVE, FOR THE SAKE ARGUMENT,
11 VALID PCR ISSUES---

12 MR. CULBERTSON: YES, SIR.

13 THE COURT: ---HOW DO YOU OVERCOME THE ONE-YEAR
14 STATUTE? I DON'T KNOW HOW TO OVERCOME THAT OBSTACLE.

15 MR. CULBERTSON: I'M GRASPING AT STRAWS, YOUR HONOR.

16 MR. DUKES: YOUR HONOR, IF I COULD SPEAK TO THAT REAL
17 QUICKLY. IN TALKING WITH MR. LONG, THIS IS, I BELIEVE, THE
18 VERY SITUATION THE LEGISLATURE WAS TRYING TO AVOID. THIS IS
19 A FIFTEEN-YEAR-OLD CASE. AFTER SPEAKING WITH MR. LONG, HE
20 HAS NO RECOLLECTION OF THE CASE. HE HAS NO FILE FIFTEEN
21 YEARS LATER. IT'S SOMEWHAT AN ENCUMBRANCE ON A PRIVATE
22 ATTORNEY TO EXPECT HIM TO SAVE A FILE FOR FIFTEEN YEARS. AND
23 CERTAINLY I DON'T SEE ANY REASON -- I DON'T SEE ANY REASON
24 AROUND THE STATUTE OF LIMITATIONS IN THIS CASE. BUT I HAVE
25 SPOKEN WITH MR. LONG, AND I CAN MAKE HIM AVAILABLE.

1 **MR. CULBERTSON:** UNLESS, OF COURSE, YOU LOOK AT THE
2 OVERRIDING CONCERN MY CLIENT HAS, AND THAT IS THAT HE WAS
3 NEVER INFORMED, NUMBER ONE, OF HIS RIGHT TO FILE AN APPEAL
4 AND, NUMBER TWO, THAT THE INVESTIGATIVE STAGE PRIOR TO THE
5 PLEA WAS COMPLIED WITH BY MR. LONG. IF HE WAS NEVER INFORMED
6 HE HAD A RIGHT TO FILE AN APPEAL, THEN THAT FORMS THE BASIS
7 FOR HIS RIGHT FOR THIS PCR. WE CAN ONLY ASSUME THAT HE ALSO
8 HAD NO KNOWLEDGE OF THE REQUIREMENT TO TIMELY FILE HIS PCR
9 APPLICATION.

10 I KNOW THERE IS A GREAT -- I SEE THE ATTORNEY GENERAL
11 RISING. I'M SURE HE'S GOING TO SPEAK TO THE FACT THAT HE
12 SHOULD HAVE KNOWN THAT OR PEOPLE WOULD HAVE TOLD HIM THAT IN
13 PRISON AND THIS THAT AND THE OTHER. BUT WE CAN'T ASSUME
14 THAT, AND I DON'T KNOW HOW WE CAN SADDLE THIS MAN WITH THE
15 BURDEN OF KNOWING WHAT HIS RIGHTS WERE, HIS LEGAL RIGHTS
16 WERE, WHAT THE TIME LINE WAS THAT HE HAD TO COMPLY WITH IN
17 ORDER TO RESERVE THESE RIGHTS HE IS NOW CLAIMING TODAY.

18 **MR. DUKES:** YOUR HONOR, I WAS JUST GOING TO SPEAK TO
19 THE CASE THAT YOU QUOTED NUMEROUS TIMES, WEATHERS v. STATE.
20 ABSENT EXTRAORDINARY CIRCUMSTANCES, IN A GUILTY PLEA COUNSEL
21 DOES NOT NEED TO ADVISE A CLIENT OF HIS APPELLANT RIGHTS.

22 **THE COURT:** OKAY. ANYTHING ELSE ON THE MOTION TO
23 DISMISS BASED ON THE STATUTE OF LIMITATIONS? IS THERE
24 ANYTHING FURTHER FROM THE STATE?

25 **MR. DUKES:** NO, YOUR HONOR. I JUST -- THE STATE'S

1 POSITION IS THIS CASE IS JUST TOO STALE. THERE IS NO WAY HE
2 CAN CARRY HIS BURDEN OF PROOF. THE INTENT OF THE
3 LEGISLATURE, I BELIEVE, IS CLEAR.

4 THE COURT: ANYTHING FURTHER ON THE STATUTE OF
5 LIMITATIONS ISSUE?

6 MR. CULBERTSON: NO, SIR, NOT AS TO THE STATUTE OF
7 LIMITATIONS ISSUE.

8 THE COURT: ALL RIGHT. IF THE CASE GOES FORWARD, YOU
9 DON'T -- WHEN YOU RAISED THE ISSUE EARLIER, I THOUGHT MAYBE
10 THERE WAS A TRANSCRIPT AVAILABLE, IT JUST HADN'T SURFACED
11 YET.

12 MR. CULBERTSON: I DON'T KNOW.

13 THE COURT: THERE'S NOT GOING TO BE ONE.

14 MR. CULBERTSON: I'VE REQUESTED IT BOTH FROM THE
15 ATTORNEY GENERAL'S OFFICE AND TRIED TO GET MR. LONG'S FILE.
16 I UNDERSTAND IT'S A FIFTEEN-YEAR-OLD CASE AND HE PROBABLY
17 DOES NOT HAVE THAT FILE. AND I ALSO UNDERSTAND THAT GIVEN
18 THE NATURE OF THE TIME THAT THERE IS PROBABLY NOT A
19 TRANSCRIPT EITHER.

20 THE COURT: YEAH. ARE THE OTHER FOLKS IN THE COURTROOM
21 HERE ON BEHALF OF MR. CAMPBELL?

22 MR. CULBERTSON: THEY ARE HERE, BOTH HIS FAMILY MEMBERS
23 AND, ASSUMING WE GET TO THE ISSUE OF HIS APPLICATION, SOME OF
24 THEM ARE WITNESSES THAT WE WOULD PROPOSE TO PRESENT THAT
25 SPEAK TO THE ISSUE OF INEFFECTIVE ASSISTANCE OF COUNSEL AT

1 THE GUILTY PLEA.

2 THE COURT: (PAUSE) I'VE GOT TO DO SOME RESEARCH ON
3 THE MOTION TO DISMISS. IT MAY BE A VALID MOTION. IN THE
4 EVENT THE MOTION IS DENIED, THE HEARING CAN TAKE PLACE AT THE
5 NEXT PCR TERM. I DON'T WANT TO HAVE THE HEARING IF THE
6 STATE'S POSITION IS CORRECT. SO I'M GOING TO HOLD THE OTHER
7 ISSUE IN ABEYANCE WITHOUT PREJUDICE. THAT WILL GIVE ME AN
8 OPPORTUNITY TO DO SOME RESEARCH ON THE MOTION TO DISMISS.

9 I WILL ISSUE AN ORDER. AND IF IT'S GRANTED AND THE
10 MOTION TO DISMISS PREVAILS AND THE PCR APPLICATION IS OVER,
11 THEN MR. CAMPBELL HAS RIGHTS OF APPEAL FROM MY DECISION. IF
12 I DENY THE MOTION TO DISMISS, THEN I'M GOING TO ORDER IT TO
13 BE PLACED ON THE NEXT PCR DOCKET FOR HEARING. I JUST DON'T
14 WANT TO BE REQUIRED TO MAKE THIS IMPORTANT DECISION WITHOUT
15 THE BENEFIT OF REVIEWING THE FILE VERY CAREFULLY.

16 I APPRECIATE ALL OF YOU FOLKS BEING HERE. I THANK YOU
17 FOR THAT. AND THANK YOU, MR. CAMPBELL.

18 MR. DUKES: YOUR HONOR, JUST TO INFORM HIS FAMILY AND
19 THE APPLICANT, THE NEXT TERM OF COURT WILL BE IN LATE
20 FEBRUARY.

21 THE COURT: OKAY. THANK YOU.

22 -----END OF REQUESTED TRANSCRIPT OF RECORD-----

23

24

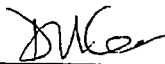
25

CERTIFICATE

I, THE UNDERSIGNED, DAWN V. KOFFSKEY, OFFICIAL COURT REPORTER FOR THE 13TH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE CIRCUIT COURT FOR GREENVILLE COUNTY, SOUTH CAROLINA, ON THE 19TH DAY OF DECEMBER, 2001.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST TO ANY PARTY HERETO.

OCTOBER 14, 2002



DAWN V. KOFFSKEY
COURT REPORTER

Robert Campbell #131941
Perry Corr. Inst. 3B-122
430 OAKLAWN Rd.
PELZER S.C. 29669

RECEIVED

MAY 20 2019

P.C.I. MAILROOM

The SUPREME COURT OF South Carolina

Mr. DONALD BEATTY, Chief Justice

P.O. box 11330

Columbia S.C. 29211