

Harold Watts 127180
Kirkland Correctional Institution
4344 Broad River Rd.
Columbia, S.C. 29210

South Carolina Department
of Corrections
Post Office Box 2187
Columbia, S.C. 29221

Re: The State v. Harold Watts
Appellate Case No. 2013-D00983

To: V. Clarie Allen, Deputy Clerk / Jenny Abbott Kitchings, Clerk

Dear Mrs. Allen:

I would like to thank you for the ten (10) day grace time, in which, I had to correct any misgivens. I sincerely apologise, and in the future I will strive to provide more towards this effort. Enclosed is a copy of the documents requested, as it pertains to the appeal of this case. Further, I also submit a Memorandum in support of my notice of appeal. With the date of Court order(s) and/or judgment(s) being on 4-8-2013.

Respectfully submitted.

Columbia, South Carolina
May 23, 2013

/s/ Harold Watts
Harold Watts 127180

JAM
CLAM
5:10

RECEIVED

MAY 28 2013

SC Court of Appeals

State of South Carolina

Re: The State

vs
Harold Watts
Petitioner

South Carolina Court of Appeals

Appellate Case No. 2013-000983

Memorandum In Support of
Notice of Appeal

To: V. Claire Allen, Deputy Clerk

I, Harold Watts, do wish to appeal my conviction in light of new evidence. Petitioner asserts that his plea was involuntary and was obtained in violation of the Due Process Clause; pursuant to S.C. Code Ann. §§ 17-27-20 through 16D; Ineffective Assistance of Counsel; and Petitioner should have been mentally evaluated for criminal responsibility and capacity to conform conduct to the requirements of the law on or about December 03, 2011. Pursuant to S.C. Code Ann. § 17-24-10 (1976), This falls under a Brady violation, Brady v. Maryland (1963); where, "the evidence at issue must be favorable to accused, either because it is exculpatory, or because it is impeaching; that evidence must have been suppressed by the State, either willfully or inadvertently; and prejudice must have ensued." In a criminal trial, due process requires the government to prove beyond a reasonable doubt all elements of the offense. "We require the Government to prove the defendant's sanity beyond a reasonable doubt because the evidence that tended to prove insanity also tended to disprove an essential element of the charged offense." (citing Davis v. United States, 165 U.S. 373, 378, 17 S. Ct. 360, 41 L. Ed. 750 (1897)). Also, the verbal abuse (i.e. taunts, etc.) and misconduct I had to suffer due to mistreatment by counsel of record, Mr. Jim Bannister, Esq. was dreadful. Just the latter along with non-disclosure of material fact (i.e. concealment, etc.) brings forth proper grounds for executing such an appeal. I pray that this Memorandum In Support of a Notice of Appeal, along with the requested documents (enclosed) fulfills such. Nevertheless, I thank you for your patience; for your time is of the utmost importance.

Respectfully submitted:

Columbia, South Carolina
May 23, 2013

RECEIVED

MAY 28 2013

SC Court of Appeals

By Harold Watts
Harold Watts 127180

The South Carolina Court of Appeals

Re: The State)

-vs-)

Harold Watts)

Petitioner)

Proof Of Service

I, the undersigned, do hereby certify that I have served the NOTICE OF APPEAL; In Memorandum In Support of Notice OF APPEAL by personally depositing same in a United States Postal Service mail box, postage prepaid, addressed to the person(s) indicated below this 23rd day of May, 2013:

Jenny Abbott Kitchings, Clerk

V. Claire Allen, Deputy Clerk

Post Office Box 11629

Columbia, South Carolina 29211

By Harold Watts

Harold Watts 127180

JADLI
JLAM
Y MC

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS.

Harold Watts

INDICTMENT/CASE#: 2012GS2305528

A/W#: M990997

Date of Offense: 12/3/2011

S.C. Code § : 16-03-0029

CDR Code #: 3410

AKA:

Race: BLACK Sex: M Age: 52

DOB: 05-23-1960 SS#: 247-08-4324

Address: 1 Dartmouth Dr

City, State, Zip: Piedmont, SC 29673

DL#: 102298066 SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Attempted Murder

SENTENCE SHEET

430

CONVICTED OF or PLEADS

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Fretwell, Allen SC Bar# 17016 Defendant Harold Watts Attorney for Defendant J. Barrow SC Bar# 8895

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms: Obtain GED

Set by SCDPPPS Attend Voc. Rehab. or Job Corp.

Recipient: May serve W/E beginning

*Fine: \$ Substance Abuse Counseling

§ 14-1-206 (Assessments 107.5 %) \$ Random Drug/Alcohol testing

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100 Fine may be pd. in equal, consecutive weekly/monthly

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ pmts. of \$ beginning

§ 56-5-2995 (DUI Assessment) \$12 \$ \$ paid to Public Defender Fund

§ 56-1-286 (DUI Breath Test) \$25 \$ Other:

Proviso 47.9 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$25

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

Proviso 90.5 (SCCJA Surcharge) \$5 \$5

3% to County (if paid in installments) \$

TOTAL \$

Clerk of Court/ Deputy Clerk Paul B. Wickens

Court Reporter: Hanky

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2162

Sentence Date: 4-8-2013

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS. Harold Watts

INDICTMENT/CASE#: 2012GS2305528
A/W#: M991214
Date of Offense: 12/3/2011
S.C. Code § : 16-11-0311
CDR Code #: 0079

AKA:
Race: BLACK Sex: M Age: 52
DOB: 05-23-1960 SS#: 247-08-4324
Address: 1 Dartmouth Dr
City, State, Zip: Piedmont, SC 29673
DL#: 102298066 SID#:

SENTENCE SHEET

1501
15 - Life

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Burglary in the First Degree

CONVICTED OF or PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Fretwell Allen SC Bar# 17016 Defendant Attorney for Defendant SC Bar# 8895

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 35 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$.

days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge
Judge Code:
Sentence Date: 4-8-2013

Clerk of Court/ Deputy Clerk
Court Reporter:
SCCA/217 (03/2011)

WITNESSES

W.T. Campbell



Greenville County Sheriffs Office

12/3/2011

ARREST WARRANT NUMBER

M990997 and M-991214

ACTION OF GRAND JURY

TRUE BILL



FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012-GS-23-005528

AOF

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

September TERM 2012

THE STATE

vs.

HAROLD WATTS

Indictment for

3410 and 0079

**ATTEMPTED MURDER and
BURGLARY IN THE FIRST DEGREE**

VIOLATION §16-03-0029 and §16-11-0311

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED MURDER and BURGLARY IN THE FIRST DEGREE

At a Court of General Sessions, convened on **SEP 18 2012** the Grand Jurors of Greenville
County present upon their oath:

COUNT I — ATTEMPTED MURDER

That HAROLD WATTS did in Greenville County, on or about the 3rd day of December 2011, unlawfully, with malice aforethought, and with the intent to kill, attempt to kill Mary Darnell. This is in violation of §16-03-0029 of the South Carolina Code of Laws (1976) as amended.

COUNT II — BURGLARY IN THE FIRST DEGREE

That HAROLD WATTS did in Greenville County, on or about the 3rd day of December 2011, willfully and unlawfully enter or attempted to enter the dwelling of Mary Darnell, located at 3359 West Georgia Road, Piedmont, without consent and with the intent to commit a crime therein, accompanied by circumstances of aggravation, to wit: the entering and/or remaining did occur during the night time hours. This is in violation of §16-11-311 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT(S): 2012 GS-23-5528

State of South Carolina,)
)
-vs-)
)
Harold Watts,)
)
Defendant.)
_____)

Warrant(s): M990997 & M991214

**NOTICE OF INTENT TO SEEK SENTENCE
OF IMPRISONMENT FOR LIFE
WITHOUT POSSIBILITY OF PAROLE**

FILED OCT 22 2012
PAUL T. BANNISTER
CLERK OF COURT
2012 OCT 22 AM 10:14

To: **Harold Watts, Defendant, and Jim Bannister, Esq., Attorney for Defendant**

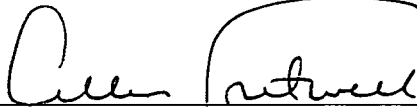
PLEASE TAKE NOTICE that the State, through the Office of the Thirteenth Judicial Circuit Solicitor, will seek a sentence of imprisonment for life without the possibility of parole should the Defendant suffer conviction on the charge of:

- 1) Attempted Murder
(and/or)
- 2) Burglary in the First Degree

The State will seek this sentence pursuant to South Carolina Code of Laws Section 17-25-45 (1999) based on the Defendant's prior convictions as follows:

- 1) Criminal Sexual Conduct in the Second Degree
1985 GS-13-0016
S.C. Code § 16-3-652
Date of Conviction: April 29, 1985

(or)
- 2) Burglary
1985 GS-13-0003
S.C. Code § 16-11-310
Date of Conviction: April 29, 1985


Allen Fretwell, Assistant Solicitor
Attorney for the State

October 22, 2012
Greenville, South Carolina

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER**

TO: NAME: <i>Kidwaray</i>	TITLE: <i>Law Librarian</i>	DATE: 5-17-13
INMATE'S NAME: <i>Harold Watts</i>		SCDC #: 127140
INSTITUTION: <i>KR 2E</i>	LIVING QUARTERS: <i>71A 126</i>	

I have a court order that I have ten days to file, I have the paper work that I got from the Court of appeals today.

5-17-13

Thank you
Harold Watts

DISPOSITION BY STAFF MEMBER: *In order to have access to the law library while in R & E status you must have a court order date (30 days or less forward) with proof of paper work, otherwise you must wait until you are assigned to a permanent yard*

DATE: 5/20/13	SIGNATURE: <i>[Signature]</i>
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Richard Freeman 292 836

Mailroom 71/101

Kirkland Correctional Institution

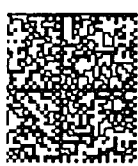
4344 Broad River Road

Columbia, S.C. 29210

RECEIVED

MAY 28 2013

83 COURT OF APPEALS



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MAY 24 2013

INTENDED FOR USE IN ZIP CODE 29210

South Carolina Court of Appeals

Jenny Abbott Kitchings, Clerk

Post Office Box 11629

Columbia, South Carolina 29211

LEGAL

MAIL

ONLY

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THEREFORE THE DEPARTMENT DOES
NOT ASSUME RESPONSIBILITY FOR
ITS CONTENTS.