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RE: Robert Watkins

Case # 2011-~~195272~~ 195272

AUG 28 2013

SC Supreme Ct.

S.C. SUPREME COURT

P.O. Box 11330 Columbia SC 29211

pg 1 of 4

8-21-2013

Dear Daniel E. Shearouse

Inclosed as a the cover sheet of  
 S.C. Court of Appeals April 21 2011 order of the Court designy  
 Petition for rehearing. Please take notice of what the  
 S.C. Court of Appeals is telling the attorney General's Office  
 about making a ~~written~~ in writing within 10 days from the  
 date of that letter. whether or not the attorney General's Office  
 want any of the remaining Records on Appeal and brief  
 in my case. which would be under Appellate Case  
 number 2008104666. If the attorney General's Office don't  
 respond respond within 10 days the Record on Appeal  
 and briefs will be disposed of. As you know already  
 the attorney General's Office didn't respond within 30 days  
 pursuant to SCACR 24c(4) so the remittitur was sent pursuant to  
 SCACR 221(b) on Jun 2, 2011. I was release from custody of SCOC  
 on Jun 14, 2011. So most likely SC Court of Appeals destroyed  
 the Record on Appeal and briefs.

on Jun 15, 2011 The attorney General's Office filed a  
 Expedited Motion to recall the remittitur. SC Court of Appeal granted it on  
 Jun 30, 2011 on July 14, 2011 The attorney General's Office filed a  
 Petition for writ of Certiorari with SC Supreme Court.

I've enclosed a copy of The Designation of matter

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S.C. SUPREME COURT

to be included in the Record on Appeal by Respondent. After my appellate defense and Appendix basically consisted of the same.

But according to they were disposed of...

When S.C. Supreme Court granted under Appellate Case number 2011-195272. It was sent of from the SC Court of appeal, the Record Appellate brief of my first criminal appeal of criminal conviction 2002-6523-1063 on Oct 25<sup>th</sup> 2002, and had granted the attorney general's petition for a writ of Certiorari using the wrong case ~~number~~ opinion number, it granted the petition for writ of Certiorari Based on Opinion No 2004-CP-406 filed on June 22 2004. This means the attorney to the SC Supreme Court had to review the Record on appeal and Brief pertaining to that case. Then on Oct 19, 2012 the S.C. Supreme Court Amended the prior order to confirm that the court has granted a petition for a writ of certiorari to review the Court of Appeals decision in State v Watkins Op No. 2011-UP-091 SC Ct. App filed March 8, 2011. see include order.

I am requesting a copy of the order or document in which the S.C. Supreme Court requested an order the SC Court of Appeals to send or transfer up to the SC Supreme Court, the Record on Appeals and Brief pertaining to ~~case~~ case 2002-6523-1063 under Appellate court case tracking number 2008104666 for S.C. Court of Appeal Unpublished opinion 2011-UP-091 State v Robert Watkins. I want to make sure that the SC Court of Appeal sends up the right Record on Appeal

and Briefs for which an appeal was taken for the September 24 2008 Conviction under Indictment 2002-GS-23-1063 and not from the Oct 25 2002 conviction under Indictment 2002-GS-23-1063. This is why S.C. Court of Appeals assigned a tracking case number 2008104666 to be able to separate the appeal records that occurred on different times. And Based on the April 21, 2011 Cover sheet enclosed, Case 2002-GS-23-1063 under tracking case number 2008104666 ~~for~~ pertaining to SC Court of Appeals Unpublished opinion 2011-UP-091 that now pending before SC Supreme Court, in which SC Supreme Court granted the attorney Petition for writ of Certiorari for on Nov 6 2012, just might have been in the Record of appeals and brief for the October 25<sup>th</sup> 2002 conviction and the records and briefs filed under Op. No. 2004-UP-406. I've been informed by my appellate Counsel that the S.C. Supreme Court has ~~requested~~ an ~~affidavit~~ order on oral argument. I'm thinking that this may be the reason that an oral argument is order because the S.C. Court of Appeals has disposed of the S.C. Court of appeal Records on Appeal and Briefs for the appeal of the September 24 2008 Conviction under Indictment 2002-GS-23-1063 that would have been on file under Tracking case number 2008104666. My counsel can't put together an affidavit for SC Supreme Court based on the SC Court of Appeals Record on Appeal and Brief submitted to it by SC's counsel Elizabeth Franklin Best, if they have been disposed of by SC Court of Appeals.

Please send me a copy of the appendices in SC10 counsel David Alexander filed with SC Supreme Court, or Proof that an appendix was filed, or that the appendices under tracking case number 2008104666 of the SC Court of Appeals and briefs filed by my counsel Elizabeth Franklin Best were request and or order up from the SC Court of Appeals so that the S.C. Supreme Court can review them. SC Court of Appeals correct and appropriate Court Record as the only authentic document the court S.C. Supreme Court will review as to in review the argumental Brief set forth by both the attorney General's office and the Respondent being me through the SC10 Counsel David Alexander. I want to make sure the SC Supreme Ct has the right Records on Appeal.

Therefore I am asking for verification that the Record on Appeal and briefs of SC Court of Appeals tracking case number 2008104666 SC Court of Appeals for unpublished opinion 2011-UP-091 has been transferred or forward or sent from SC Court of Appeals up to the SC Supreme Court. . . Because its apparent I cant be present during the oral argument that will be held in Oct. 2013.

Robert M. Watkins 243809

FY 197 A

MC# 386 Redemption Way

M<sup>h</sup> Columbia SC. 29829

Robert Watkins

cc United States Justice Department  
cc Daniel E Shearson

Proof of Service

Sworn to before me on this 22 day Aug month

2013 given SC Notary Public of Franklin

Exp Date 12-16-2019

# The Supreme Court of South Carolina

The State, Petitioner,

v.

Robert Watkins, Respondent.

Appellate Case No. 2011-195272

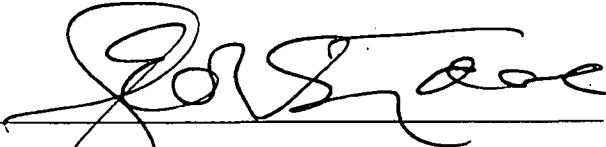
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## ORDER

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*Opinion No  
2011-UP-091*

By Order dated October 17, 2012, Chief Justice Toal and Justice Kittredge signed an order granting a petition for a writ of certiorari in the instant matter. However, the order inadvertently cited the incorrect opinion number. We amend the prior order to confirm that the Court has granted a petition for a writ of certiorari to review the Court of Appeals' decision in *State v. Watkins*, Op. No. 2011-UP-091 (S.C. Ct. App. filed March 8, 2011). The parties shall proceed to serve and file the appendix and briefs as provided by Rule 242(i), SCACR.

  
C.J.  
FOR THE COURT

Columbia, South Carolina

October 19, 2012

cc:

Jenny Abbot Kitchings

William M. Blich, Jr.

David Alexander

Robert M. Watkins, 243803

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AUG 28 2013

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Greenville County  
Hon. Larry R. Patterson, Circuit Court Judge

The State,

Respondent,

v.

Robert Watkins,

Appellant.

**DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL**

Respondent proposes the following to be included in the Record on Appeal:

- 1) Order Relieving Mauldin dated April 14, 2008;
- 2) True-billed Indictment(s);
- 3) March 14, 2008 hearing transcript;
- 4) March 27, 2008 hearing transcript;
- 5) April 18, 2008 hearing transcript;
- 6) May 30, 2008 hearing transcript;
- 7) September 11, 2008 hearing transcript;
- 8) September 22-24 trial transcript pages 6-24; 138-143; 146-148; 164-193; 215-257; 262-264; 275-282; 306-345; 387-396; 429-432; 464-498; 522-527; 529.

To facilitate the preparation of the Final Brief, Respondent requests that counsel for Appellant retain the page numbers of the trial transcript in the Record on Appeal, in addition to the new page numbers. Additionally, Respondent notes personal data identifiers and other sensitive information should be redacted from the transcript or other documents pursuant to the South Carolina Supreme Court Order dated August 13, 2007.

The undersigned hereby certifies this Designation contains no matter which is irrelevant to this appeal.

HENRY DARGAN McMASTER  
Attorney General



Exhibit # 3  
3 pages  
May 26/11  
**RECEIVED**

OCT 24 2011

The South Carolina Court of Appeals S.C. SUPREME COURT

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29201  
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April 21, 2011

Assistant Deputy Attorney General Salley W. Elliott  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211

Re: The State v. Watkins, Robert

Dear Counsel:

Enclosed is a copy of an Order of the Court denying your Petition for Rehearing in the above case.

The Remittitur in this case will be held in this Court only so long as required by Appellate Court Rule 221 (b).

Please notify this office, in writing, within ten (10) days from the date of this letter, whether or not you want any of the remaining Records on Appeal and briefs we may have in this case. Also enclose a check payable to the S. C. Court of Appeals, in the amount of \$7.50, to cover mailing costs. If we have not heard from you within ten (10) days, the Record on Appeal and briefs will be disposed of.

Sincerely,

*V. Claire Allen*

V. Claire Allen  
Deputy Clerk of Court

VCA/tf

cc: Appellate Defender Elizabeth Franklin-Best  
Robert Watkins, #243803  
Robert Mills Ariail, Esquire

Robert M. Watkins 293803 84-1974

M.C.F.

386 Redemption Way

McDonnell SC 29855

Daniel & Shearman Clark & Lewis

~~Att:~~

~~S.C.~~

S.C. Supreme Court

P.O. Box 11330

Columbia SC 29211

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