

THE STATE OF SOUTH CAROLINA  
in the Supreme Court

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APR 13 2026

Appeal from Greenville County  
Court of Common Pleas

LIVESAY

Christopher D Taylor Circuit Court Judge

civil case 2025-CP-23 02904

Appellate case 2026-000125

Robert M. Watkins

Petitioner

v

State of South Carolina

Respondent

Petition for a Rehearing

Robert M. Watkins 243903  
(5-39-A)

Livesay Corr. Inst

P.O. Box 580

Una SC, 29378

RECEIVED

APR 15 2026

S.C. SUPREME COURT

Petitioner on May 14, 2025 filed with the 13<sup>th</sup> Judicial Circuit Court of Common Pleas office of the Clerk of Court Greenville County Jay Gersham his state Petition for a Writ of Habeas Corpus in which was assigned civil case number 2025-CP-23-02904 seeking his immediate release from custody of S.C.D.C. on grounds that (1) the 5 year consecutive sentence for possession of a weapon during a violent crime was imposed in violation of S.C. constitution article 1 section 3 and U.S.C.A. 5<sup>th</sup>, 14<sup>th</sup> Due process and equal protection of rights of S.C. Const. article 1 section 12 and U.S.C.A. Const. Amend 5<sup>th</sup> 14<sup>th</sup> Double jeopardy clauses against multiple punishments for the same offense and (2) that the 25 year armed robbery sentence imposed on 9-24-2008 for violation of S.C. 1976 Code of law §16-11-330(A) has expired pursuant to S.C. 1976 Code of law § 24-13-150(A) and § 24-13-40 on 3-18-23

(3) Both 25 year sentence and 5 year consecutive sentence under indictment 2002-GS-23-1063 for violation of S.C. 1976 Code of law § 16-11-330(B) and § 16-23-190 Fed in exhibit # (1) violated the Due Process and equal protection clauses, S.C. Const. article 1 section 3 and U.S.C.A. 5<sup>th</sup>, 14<sup>th</sup> when the trial judge did not pursuant to S.C. 1976 Code of law § 24-13-40

give Petitioner his 9 months 5 days, and 6 years credit for the time he had already served against those sentences and offenses, resulting in the 25 year sentence for armed robbery and the 5 year consecutive sentence for PWDCV, exceeding the maximum punishment authorized by law.

See to as Exhibit (A) and attached exhibits 1, 2, 3. case 2025-CP-23-02904.

On 6/26/25 the chief Administrative Judge of the 13<sup>th</sup> Judicial Circuit Court Greenville County Judge Perry H. Gravelly in reference to Petitioner's State Petition for a Writ of Habeas Corpus Id as exhibit (A) attached and enclosed issue an order finding upon his review of the Petition the court finds that this matter should be allowed and a hearing scheduled at the appropriate time after Notice to Respondent / Defendant.

Dated July 1, 2025 the Respondent sent a letter to the clerk of Court General Sessions Court Greenville County in reference to Petitioner Robert Watkins, 243803 v State of South Carolina, stating. The above reference individual has filed a state Habeas Petition in the Court and needs an attorney appointed

to represent him. Please appoint an attorney and serve our office, the applicant and attorney with the results of the appointment cc: provided to Petitioner Robert Watkins 243803. see [unclear] and enclosed.

Dated October 25, 2025 Petitioner received a letter from Isaac Johnson Jr. Attorney at Law who was appointed to represent Petitioner. Mr. Johnson Jr. in this letter informed Petitioner that a hearing has been scheduled for November 3<sup>rd</sup> 2025 and at that time the attorney General's office is going to move for dismissal of his Habeas Corpus Motion because it is of the opinion you have a pending Post Conviction.

In reference to Judge Perry H. Gravelly 6/26/25 order in which he upon review of Petitioner's State Petition for a Writ of Habeas Corpus case 2025-CP-23-02904 filed on May 24 2025 with the 13<sup>th</sup> Judicial Circuit Court of Common Pleas Greenville County, found that the matter should be allowed to proceed forward and a hearing scheduled at the appropriate time after notice to Respondent / Defendant.

It is not determined by petitioner whether the clerk of Court Jay Gersham of the Court of Common Pleas Greenville County provided the S.C. Attorney General's office a copy of Petitioner's State Petition for a Writ of Habeas Corpus case 2025-CP-23-02904. But somehow the attorney General's office assistant Attorney General Kaylee C. Kemp based on a letter dated July 11 2025 addressed to Jay Gersham clerk of Court of Common Pleas Greenville County in reference to Robert Watkins "243803 v State of South Carolina C/A 2025-CP-23-2904 stated the above referenced individual has filed a state Habeas Corpus Petition in the Circuit Court and needs to have an attorney appointed to represent him, Please appoint an attorney and serve our office, the applicant and the attorney with the results of the appointment.

Jay Gersham appointed Isaac Johnson Jr. as Petitioner's Counsel; and based on Judge Perry H. Grovelly 6/26/25 order scheduled a hearing for November 3, 2025 before Judge Christopher D. Taylor. Dated October 25 2025 Petitioner received a letter from Isaac Johnson Jr. which advised Petitioner that a hearing has been scheduled for November 3 2025.

and the Attorney General's office is going to move for dismissal of his Habeas Corpus petition because it is of the opinion Petitioner have a pending Post Conviction Relief (PCR) Application filed.

On November 3 2025 while in the holding cell of Greenville County Detention Center where attorney visits their clients, Isaac Johnson Jr. visited Petitioner and they both agreed that he would Motion the court to be relieved and for Petitioner to proceed pro-se. Before Judge Christopher D Taylor, the Respondent, Assistant Attorney General Kaylee C Kemp Motion the court to dismiss Petitioner's Petition for Habeas Corpus on grounds the petition is procedurally barred and should be summarily dismissed pursuant to Rule 12(b) & (6) Rule 12(c) Rule 56, SCRPC and S.C. Code Ann § 17-27-45, 70-90 as stated in its return and Motion to dismiss case 2025-CP-23-2904.

Petitioner counsel Isaac Johnson informed the Judge Christopher D Taylor that, the Respondent hasnt served him with a copy of its Return & Motion to dismiss in which Judge Christopher D Taylor in open court on NW 3 2025 granted a Continue and granted Isaac Johnson Jr. Motion to be relieved and Petitioner request to Proceed pro-se with out. . . .

... warning Petitioner of the dangers of self representation pursuant to Faretta v California, 422 U.S. 806.

On November 5, 2025 Petitioner was served by Sgt T. Ward of SCDC Tyger River Corr Inst, on behalf of Respondent Kaylee C Kemp of the SC Attorney General's office dated October 31, 2025 case 2025-CP-23-2904 Return & Motion to Dismiss & Affidavit of Service at Tyger River Corr Inst. In which did not contain the Attachment as mentioned that was attached with the Return & Motion to Dismiss in Dated Oct 31 2025 letter to Jay Gersham; that apparently was never filed on Oct 31, 2025.

Petitioner received a copy of case 2025-CP-23-02904 order of Judge Christopher D Taylor Dated November 5, 2025 granted Petitioner Counsel Isaac Johnson Motion to be relieved.

On November 6 2025 Petitioner was brought back before Judge Christopher D Taylor for a hearing in reference to case; 2025-CP-23-02904 invitation of his right to counsel.

In which based on the Respondent's Return & Motion to Dismiss dated October 31, 2025 Judge Christopher D Taylor ask Petitioner to give him reason according to law as to why the court shouldn't grant the Respondent's Motion and Return and Motion to dismiss.

Petitioner stated that because the Respondent failed to file the Return & Motion to Dismiss at its proper time, after he filed his state Petition for a Writ of Habeas Corpus, and Today's hearing was suppose to be on the merits of his claim on his Habeas Petition. The Judge then said ok go ahead explain why you're entitled to relief. Petitioner said he could not explain or show right off the top of his head by an Law, but ask Judge Taylor to review his Petition for Writ of Habeas Corpus, and if would show that he is entitled to relief by way of a Writ of Habeas Corpus.

On December 20, 2025 Judge Christopher D Taylor issue an order construing Petitioner's State Habeas Corpus as Post Conviction Relief Application and dismissing with Prejudice.

On 1-13-26 Petitioner prepare a Notice of Appeal

and placed it in the Tiger River Corr. Jrot mail room on January 15, 2026. It was filed in the Court of Common Pleas by Jay Gerstam clerk on Jan 21 2026.

Dated January 22 2026 Petitioner received from Patricia A. Howard clerk of SC Supreme Court. informing Petitioner that his appeal has been received and assigned Appellate Case 2026-000125. And to comply with SCOR 243(c) which requires him to provide a written explanation as to why the determination was improper by Judge Christopher D. Taylor. That this explanation must contain sufficient facts, argument and citations to legal authority to show that there is an arguable basis for asserting that the determination by the lower court was improper. That the failure to make a sufficient showing may result in the dismissal of this matter.

On February 25 2026 Petitioner filed this written explanation to why Judge Christopher D. Taylor Determination in case 2025-CP 23-02904 was improper. Appellate Case 2026-000125.

On April 1, 2026 SC Supreme Court issue an order in Appellate Case 2026-000125 ruling that Petitioner has failed to show there is an arguable basis for asserting the determination by the lower court

was improper.

Petitioner's Petition for a Rehearing is as follows. Pursuant to SCACR 221(a) in which Appellant states with particularity the following point he claims the court suppose to have overlooked or misapprehended.

(1) Appellant Case 2025-CP-23-2904 State Petition for a Writ of Habeas Corpus filed on May 24 2025 with the 13<sup>th</sup> Judicial Circuit Court of Common Pleas Greenville County. The Chief Administrative Judge of the 13<sup>th</sup> Judicial Circuit Perry H. Gravelly upon review of Appellant State Petition for a Writ of Habeas Corpus, determined that the petition should be allowed to proceed forward and a hearing scheduled at the appropriate time after notice to the Respondent Defendant date 6/26/25.

Granting Appellant a hearing on the merits alleged in his Petition for Writ of Habeas Corpus. based on Appellant Petition for Writ of Habeas Corpus, sufficient facts, argument and citation to legal authority to show that the determination by Judge Christopher D Taylor in his December 30, 2025 order of case 2025-CP-23-02904 is improper. The court overlooked or misapprehended this point because Appellant's State Petition for a Writ of Habeas Corpus case 2025-CP-23-02904

all exhibits filed on May 14 2025 and Judge Perry H. Gravelly, 6/26/25 order was not made a part of the record by Jay Gerstman the clerk of Court of Common Pleas Greenville County. Judge Perry H. Gravelly order of 6/26/25 case 2025-CP-23-02904 allow is sufficient to show that Judge Christopher D. Taylor Determined to construe Appellants Petitioned for a Writ of Habeas Corpus as a Post Conviction Relief application and dismiss it is improper based on the record of case 2025-CP-23-02904, but wasn't made available as a part of the record for This Court to make a sufficient finding. in which to issue an order stating that Appellant did not meet the requirements of SCACR 243(c). Judge Christopher D. Judge Christopher D. Taylor, order, in case 2025-CP-23-02904 on Dec 30, 2025 was improper also because (1) he had no authority to issue an order after Judge Perry H. Gravelly had already issued an order on 6/26/25 allow Appellant State Petition for a Writ of habeas Corpus to proceed forward.

In conclusion, Appellant ask this court to grant a Rehearing or remand back down to the lower court for a hearing on the merit alleged in his Petition for Habeas Corpus, or allow him to proceed by way of Writ of Certiorari

1. In this court on the merits of the Constitutional violations alleged in his Petition for Writ of Habeas Corpus.