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S.C. SUPREME COURT

IN THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM CHESTERFIELD COUNTY
Court of General Sessions

Appellate Case No. 2026-000924

The Honorable Paul. M. Burch, Circuit Court Judge

State of South Carolina……Respondent,

v.

Michael Lamont Watts ……Petitioner.

APPENDIX

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

The State, Respondent,

v.

Michael Lamont Watts, Appellant.

Appellate Case No. 2024-000461

Appeal From Chesterfield County
Paul M. Burch, Circuit Court Judge

Unpublished Opinion No. 2026-UP-032
Submitted January 2, 2026 – Filed February 4, 2026

AFFIRMED

Elizabeth Anne Franklin-Best, of Elizabeth Franklin-Best, P.C., of Columbia, for Appellant.

Attorney General Alan McCrory Wilson, Deputy Attorney General Donald J. Zelenka, and Senior Assistant Deputy Attorney General Melody Jane Brown, all of Columbia; and Solicitor William Benjamin Rogers, Jr., of Chesterfield, all for Respondent.

PER CURIAM: Michael Lamont Watts appeals his convictions for murder, assault and battery with intent to kill, discharging a firearm into a building,

possession of a weapon during the commission of a violent crime, and escape, along with his aggregate sentence of life without parole. On appeal, Watts argues the trial court abused its discretion by denying his motion for a new trial based on after-discovered evidence pursuant to Rule 29(b), SCRCrimP. We affirm pursuant to Rule 220(b), SCACR.

We hold the trial court did not abuse its discretion by denying Watts's motion for a new trial because the officer's testimony was cumulative to other eyewitnesses; forensic evidence corroborated eyewitness accounts; Watts testified he fired the gun multiple times; and the after-discovered letter was not favorable to Watts, not material to his guilt, and would not have changed the result of the trial. *See State v. Harris*, 391 S.C. 539, 544-45, 706 S.E.2d 526, 529 (Ct. App. 2011) ("A motion for a new trial based on after-discovered evidence is addressed to the sound discretion of the trial [court]." (quoting *State v. Irvin*, 270 S.C. 539, 545, 243 S.E.2d 195, 197 (1978))); *id.* at 545, 706 S.E.2d at 529 ("'The granting of a new trial because of after-discovered evidence is not favored,' and [appellate] court[s] will affirm the trial court's denial of such a motion unless the trial court abused its discretion." (quoting *Irvin*, 270 S.C. at 545, 243 S.E.2d at 197-98)); *Brady v. Maryland*, 373 U.S. 83, 87 (1963) ("[T]he suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution."); *State v. Durant*, 430 S.C. 98, 107, 844 S.E.2d 49, 53 (2020) ("A *Brady* violation occurs when the evidence at issue is: 1) favorable to the accused; 2) in the possession of or known to the prosecution; 3) suppressed by the prosecution; and 4) material to the defendant's guilt or punishment."); *id.* ("Such a violation is material when there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different."); *United States v. Bagley*, 473 U.S. 667, 682 (1985) ("A 'reasonable probability' is a probability sufficient to undermine confidence in the outcome."); *State v. Carlson*, 363 S.C. 586, 610, 611 S.E.2d 283, 295 (Ct. App. 2005) (holding a defendant who fails to establish a *Brady* violation is not entitled to a new trial); Rule 29(b), SCRCrimP ("A motion for a new trial based on after-discovered evidence must be made within one (1) year after the date of actual discovery of the evidence by the defendant or after the date when the evidence could have been ascertained by the exercise of reasonable diligence."); *State v. Haulcomb*, 260 S.C. 260, 270, 195 S.E.2d 601, 606 (1973) ("[A]fter-discovered evidence refers to evidence of facts existing at [the] time of trial of which [the] aggrieved party was excusably ignorant."); *State v. Spann*, 334 S.C. 618, 619-20, 513 S.E.2d 98, 99 (1999) (explaining a defendant moving for a new trial on the basis of after-discovered evidence must show the evidence "(1) would probably

change the result if a new trial were granted, (2) has been discovered since the trial, (3) could not in the exercise of due diligence have been discovered prior to the trial, (4) is material, and (5) is not merely cumulative or impeaching").

AFFIRMED.[1]

KONDUROS, GEATHERS, and VINSON, JJ., concur.

[1] We decide this case without oral argument pursuant to Rule 215, SCACR.

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
Court of General Sessions

Appellate Case No. 2024-000461

The Honorable Paul M. Burch, Circuit Court Judge

State of South Carolina……Respondent,

v.

Michael Lamont Watts ……..……Appellant.

PETITION FOR REHEARING

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INTRODUCTION

Pursuant to Rule 221, SCACR, Appellant Michael Lamont Watts respectfully petitions this Honorable Court for rehearing of its decision filed February 4, 2026, affirming the trial court's denial of his motion for a new trial based on after-discovered evidence. This Court held that "the after-discovered letter was not favorable to Watts, not material to his guilt, and would not have changed the result of the trial." *State v. Watts*, Unpublished Opinion No. 2026-UP-032, at 2-3 (S.C. Ct. App. Feb. 4, 2026).

With great respect, the Court's analysis overlooked critical facts presented in the record and misapplied the materiality standard established under *Brady v. Maryland*, 373 U.S. 83 (1963), and South Carolina's after-discovered evidence jurisprudence. The after-discovered letter from Police Chief John W. Sowell, Jr., dated December 4, 2004, directly contradicts the testimony of the State's key witness—lead investigator Detective Larry Brown—and demonstrates he was working security at the Matrix Club in express violation of departmental policy and his superior's orders.

This evidence was neither cumulative nor immaterial. Detective Brown was not merely another eyewitness; he was the sole investigating officer who controlled every aspect of the investigation, from evidence collection to witness interviews, while simultaneously being a percipient witness working in violation of policy. The undisclosed letter impeaches his credibility on the very issue the defense challenged at trial: the adequacy and reliability of his investigation.

ARGUMENT

I. The Court Overlooked Critical Facts and Legal Arguments Demonstrating the After-Discovered Evidence Was Material and Favorable to the Defense

A. The Court Failed to Consider the Full Scope of Detective Brown's Role and the Letter's Impact on His Credibility

The Court's analysis asserts that "the officer's testimony was cumulative to other eyewitnesses" and thus suggests that Detective Brown was simply one witness among many. *Watts*, Unpublished Opinion No. 2026-UP-032, at 2–3. That description materially understates Detective Brown's singular and determinative role in the State's case.

Detective Brown was not merely a percipient witness; he was the architect of the investigation. He served as the lead investigator and personally collected all physical evidence. He chose not to request SLED forensic assistance despite conceding that he had "very little" forensic training. He failed to photograph the locations of physical evidence or conduct any trajectory analysis, even while acknowledging that such steps were "normal procedure." He generated no contemporaneous notes and instead drafted his report from memory months after the shooting. He unilaterally dispensed with formal witness-identification procedures on the ground that he had "personally witnessed" events outside the club. And he stood alone as the only officer who asserted unequivocally that there was no second shooting, summarily dismissing contrary accounts as merely "confusing a car backfiring with gunfire."

Most troubling, Detective Brown was simultaneously employed as private security at the Matrix Club when the shooting occurred and then immediately assumed control of the ensuing investigation—a circumstance the letter confirms was in direct violation of

departmental policy and contrary to his Chief's explicit instructions. The defense theory at trial focused on exposing the inadequacy of the investigation and establishing the presence of multiple shooters. Trial counsel characterized the investigation as "making only half a case" against Watts. The letter would have fundamentally reshaped that strategy by supplying objective, documentary proof that the lead investigator labored under a built-in conflict of interest from the outset and prosecuted the case in direct contravention of departmental policy. The Court should grant rehearing.

B. The Court Misapplied the Materiality Standard by Focusing on Cumulative Evidence Rather Than the Reasonable Probability of a Different Result

Additionally, the Court's conclusion that the letter was "not material to his guilt" misapplies the materiality standard established by the United States Supreme Court and adopted by South Carolina courts. Under *Brady* and its progeny, evidence is material "when there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different." A "reasonable probability" is one "sufficient to undermine confidence in the outcome." The question is not whether the undisclosed evidence, by itself, would have resulted in acquittal, but whether it undermines confidence in the verdict when considered in the context of the entire case. In *Kyles v. Whitley*, 514 U.S. 419, 434 (1995), the Supreme Court emphasized that materiality analysis requires consideration of the suppressed evidence collectively, not item by item. The Court stated: "The question is not whether the defendant would more likely than not have received a different verdict with the evidence, but whether in its absence he received a fair trial, understood as a trial resulting in a verdict worthy of confidence." The Court's opinion does not engage in this holistic analysis. Instead, it appears to have focused narrowly on

whether the letter alone, divorced from context, would have changed the verdict. This approach contradicts established precedent.

C. The Court Failed to Address the Cumulative Effect of the Undisclosed Evidence in Context of the Defense Theory

The record reveals numerous investigative deficiencies that the defense highlighted at trial, including the following: No photographic lineup was conducted for witnesses identifying Watts for events inside the club that Detective Brown did not personally witness; no photographs were taken of bullet casing locations before collection; no trajectory analysis was completed; Detective Brown failed to search patrons or investigate reports of a second shooter; the crime scene was not secured for at least ten minutes after the shooting; multiple witnesses reported hearing additional shots while Watts was in custody; a witness (Charles Miller) reported seeing another person with a shotgun, which was not investigated; and Detective Brown's conclusion that the shooting "was all over" was contradicted by Officer Mackey's testimony that he heard "four small pops" after Watts was in custody.

The defense theory was that the investigation was incomplete and biased toward a single suspect. The letter provides the missing piece explaining *why* the investigation was so deficient: the lead investigator was working in violation of policy, had been specifically ordered not to work at the Matrix, and had a personal and professional conflict of interest that compromised his objectivity from the moment the shooting occurred.

Had trial counsel possessed the letter, cross-examination of Detective Brown would have been dramatically different. Trial counsel could have asked for example, "Detective Brown, you were specifically ordered by Chief Sowell not to work security at the Matrix,

weren't you?"; "You violated departmental policy by being there that night, correct?"; "You had a financial interest in the Matrix Club as a paid security guard, didn't you?"; "When you took control of this investigation, you were investigating an incident at a location where you'd been ordered not to work, weren't you?"; "Your decision not to call SLED, not to secure the scene, not to investigate a second shooter—were these decisions influenced by your policy violation?" These sorts of impeaching questions could have changed the result of Watts's trial.

The State emphasized Detective Brown's credibility throughout the trial, arguing the jury should "conduct a credibility assessment" and focus on "corroboration and expert testimony." The prosecution told the jury to "use common sense and think logically" while searching for "the truth." Detective Brown's testimony was central to establishing that truth. The letter would have fundamentally undermined that testimony.

Moreover, the prosecutors in this case—Assistant Solicitors Franklin Joyner and Kevin Hales—were the same prosecutors found to have committed prosecutorial misconduct by the South Carolina Supreme Court in *Fortune v. State*, 428 S.C. 545, 837 S.E.2d 37 (2019), another Chesterfield County case. This history heightens the significance of the undisclosed letter and raises questions about whether the suppression was inadvertent or deliberate.

II. The Court's Analysis Conflicts with Established *Brady* and After-Discovered Evidence Precedent

South Carolina courts have consistently recognized that impeachment evidence affecting a key witness's credibility is material under *Brady*. In *Gibson v. State*, 334 S.C. 515, 524, 514 S.E.2d 320, 325 (1999), the South Carolina Supreme Court held that impeachment

evidence may be material when it could affect the credibility of a crucial prosecution witness. Furthermore, South Carolina law recognizes that evidence impeaching the "sole suspect" testimony is particularly material. Here, Detective Brown was the only officer who claimed with certainty that there was no second shooter, testimony that was critical to defeating the defense theory. His credibility was paramount.

The Court's conclusion that the evidence is "merely cumulative or impeaching" overlooks *Spann*'s teaching that after-discovered evidence must be evaluated based on whether it "would probably change the result if a new trial were granted." Given Detective Brown's outsized role, his policy violation, and the defense theory, there is a reasonable probability the jury would have viewed his testimony—and the entire investigation—differently had they known he violated departmental policy and his Chief's direct order.

In *State v. Von Dohlen*, 322 S.C. 234, 241, 471 S.E.2d 689, 693 (1996), the South Carolina Supreme Court recognized that *Brady* violations occur when the State suppresses evidence that is "material to guilt or punishment." The Court emphasized that materiality is established when there is a reasonable probability of a different result. The letter here meets that standard because it provides objective, documentary evidence undermining the credibility of the sole investigating officer in a case that turned on the adequacy and reliability of that investigation.

CONCLUSION

For the foregoing reasons, Appellant Michael Lamont Watts respectfully requests this Court grant rehearing, reconsider its decision affirming the trial court's denial of his motion for a new trial, and remand for a new trial.

Respectfully submitted,

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February 13, 2026.

The South Carolina Court of Appeals

The State, Respondent,

v.

Michael Lamont Watts, Appellant.

Appellate Case No. 2024-000461

ORDER

After careful consideration of the petition for rehearing, the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

_____ J.

_____ J.

_____ J.

Columbia, South Carolina

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FILED
Mar 19 2026

William Benjamin Rogers, Jr., Esquire
The Honorable Paul M. Burch