

RECEIVED
JUL 17 2026
S.C. SUPREME COURT

Robert M. Watkins
Petitioner
The State of South Carolina
Greenville County

In the Supreme Court of the State
of South Carolina

Habeas Corpus Civil Case 2025-CP-23-2904
Appx Habeas Case 2026-000125

Respondent

Date 7-13-26

Expedited Motion pursuant to SCRPC 240(c)

to recall the remittitur sent down

to the lower 13th Judicial Circuit Court of Common Pleas
Greenville County on 5-22-2026 and reinstate Petitioner's Notice
of Appeal on grounds it was sent down due to error, mistake
or inadvertence of the Clerk of Court of S.C. Supreme Court
Wise v South Carolina Dept of Corr.

Procedural History & Sworn Affidavit

On May 14, 2025 Petitioner filed an state petition for a Writ of
Habeas Corpus in the 13th Judicial Circuit Court of Greenville
County Court of Common Pleas seeking his immediate
release from custody of SCDC under a Sept 24, 2008
Conviction and Sentence under Indictment 2002-ES 23-1063
claiming a constitutional violation. The clerk assigned
Civil Case[#] 2025-CP-23-02904 and filed it on May 14, 2025

The Respondent Assistant Atty. General Kaylee C. Kemp
of the S.C. Attorney General's office failed to file on behalf of
the State "S.C. Attorney General's Office The State's return and
Motion to dismiss the petition for Habeas Corpus as An
Application for Post Conviction Relief, pursuant to SCRPC Rule 12(b)(1)(3)
Rule 12(c), Rule 56 and S.C. Code Ann §17-27-45, -70-90,
As required by SCRPC Rule 12(a).

On 6/26/25 The 13th Judicial Circuit Court Judge
Perry H. Gravelly issued an order granting Petitioner
A Habeas Corpus. Evidentiary Hearing on the constitutional
claim he asserted in his petition for Writ of Habeas Corpus.

Based on the 6/26/25 order issued by Judge Perry H. Gravely
The Clerk of Court: Jay Bershan of the Court of Common-
Please Greenville County schedule a Habeas Corpus hearing
on Nov. 3, 2025, in which was held before The Honorable
Judge Christopher D. Taylor, at the hearing it was brought
to Judge Taylor attention that Petitioner was never served with a
Copy of the Respondent's Return & Motion to Dismiss, and
that Petitioner wished to proceed pro-se, therefore Judge
Taylor without conducting a Forester v. California 412 US 906
hearing making Petitioner aware of the Dangers of self representation
on the record before the court, granted a continuance and
granted counsel Isaac Johnson Jr. Motion to be relieved as
Counsel. Then the court was adjourned.

On Nov. 5th 2025 Petitioner received a copy of Judge
Taylor order granting counsel Isaac Johnson Motion to be
relieved as Counsel and for Petitioner to proceed pro-se
dated Nov. 5th 2025. Petitioner was also served with
a copy of the Respondent's Kaylee C. Kemp assistant atty.
General Return & Motion to dismiss civil case 2025-CV-23-02904

On November 6th 2025 Petitioner was called
back into court before Judge Christopher D. Taylor. In
pursuant to SCRC 24.3(c) ask Petitioner to give him an
Explanation as to why he should not grant the Respondent's
Return and Motion to Dismiss Petitioner's Habeas Corpus
Petition as an Application for PCV pursuant to SCRC Rules
56, Rule 12(b)(1)(3) and SC Code 17-27-45, 20, 90.

as being successive, untimely and Barred res Judicata...

In which Petitioner in violation of his right to counsel gave his explanation as best he could as a pro-se Petitioner, who did not knowingly and intelligently or voluntarily waive his right to counsel, Due to Judge Christopher D. Taylor failure to make petitioner aware of the dangers of self representation on the record as required in Faretta v California, 422 U.S. 806 during

The November 6th 2025 hearing. Based on the evidence in the record of The November 6th 2025 hearing transcript of case 2025-cr-03 02904 before Judge Christopher D. Taylor, "Wherein that record Petitioner gave his explanation and reasons to Judge Taylor as to why he should not grant the Respondent's Assistant Atty. General's office Kaylee C. Kemp Return & Motion to dismiss. On December 30 2025 Judge Christopher

issued an order concerning Petitioner's Habeas Corpus Petition as an application for Post Conviction Relief and denying and dismissing it with prejudice as being untimely, successive, and Barred res Judicata. SCRCP 12 b) (1) (3)

Rule 12(c) Rule 56 and 8 E 1976 Code Ann 17-27-45, 70, - 90

on January 21 2026 Petitioner filed a Notice of Appeal. On January 22 2026 The S.C. Supreme Court Clerk of Court Patricia A. Howard sent Petitioner a letter. see IED as exhibit "(1)" attached and enclosed requiring him to comply with SCACR 243 (c). This is a mistake or error or inadvertence of The S.C. Supreme Court clerk Patricia A. Howard. In which her duty is strictly an ministerial duty.

to docket filings^s 17-27-40 unless specifically authorized by statute or a court rule, a clerk of court may not exercise any judicial power reserved for a judge.

This includes the prohibition of performing any action contingent on deciding a question of law. (see Barnes v State, 433 S.C. 399 889 S.E.2d 260; Miller v State, 377 S.C. 296 59 S.E.2d 492)

The SC Supreme Court clerk Patricia A. Howard is making a Judicial and executive decision that SCACK 243(c) applies to petitioner's case 2025-CP-23-02904 without obtaining a copy of the lower court record of civil case 2025-CP-23-02904 from the lower court clerk of court Jay Gershem. see SCRPC Rule 75: Appeal to the circuit court shall be made upon the original record in the lower court or administrative agency or tribunal upon filing of Notice of Appeal. In an action the original record shall be certified by the clerk of the inferior court or administrative agency or tribunal and transmitted in thirty (30) days to the clerk of court to which the appeal was taken.

If the lower court, agency or tribunal has no clerk then the original record shall be certified and transmitted by the judge or chief official of the lower court, agency or tribunal. Upon motions for good cause shown the court may extend the time for the lower court, agency or tribunal to prepare and certify the record. Upon receipt of the certified record the clerk of Court of the circuit court shall give notice in writing to the parties

that the record has been filed. This Rule SCPCP Rule 75 was not complied with by Jay Gersham the inferior Court or administrative agency in reference to Petitioners Notice of Appeal civil case 2025-CP-23-02904. The clerk of Court of S.C. Supreme Court to which Petitioners Notice of Appeal was taken by Poprica A Howard and assigned Appellate case number 2026-000125, never received a certified copy of the Record of civil case #2025-CP-23-02904 in which based on Petitioner knowledge consists of the following

- (1) Case 2025-CP-23-02904 State Petition for a Writ of Habeas Corpus and Exhibits (A)(1)(2)(3)(B)(C)(D)(E)(F)(G)
- (2) Judge Perry H. Bravely 6/26/25 order granting Petitioner a hearing on the Constitutional claim in State Petition for Habeas Corpus case 2025-CP-23-02904
- (3) July 1, 2025 letter from Kaylee C. Kemp to Jay Gersham clerk of Court of Common Pleas Greenville County informing Jay Gersham that Petitioner has filed a Habeas Corpus Petition and to appoint Counsel.
- (4) Notice of appointment Counsel Isaac Johnson, Jr.
- (5) Exhibit D dated 7-8-25 Amendment to Petition to State Writ of Habeas Corpus case 2025-CP-23-02904
- (6) letter to Jay Gersham from Petitioner filed on dated 7-22-25 filed 7-28-25
- (7) Dated August 4, 2025 letter to Petitioner from

- Judge Perry H. Gravely
- (8) Lettr from Judge Perry H. Gravely date September 30 2025
 - (9) letter to Jay Garsten Clerk of Court of Common Pleas dated 9-26-25 filed on Oct 7 2025
 - (10) Letter dated Oct 25 2025 from Court appointed Counsel Isaac Johnson Jr.
 - (11) November 3 2025 hearing held before Judge Christopher Dr. Taylor transcript.
 - (12) Respondents Return & Motion to Dismiss Date Oct. 31, 2025 filed Nov 5 2025
 - (14) Sgt. T wall of SENC tyger River Corr. Inst Affidavit and Personal Service correspondence of Kaylee C. Kemp Esp dated October 31 2025, 2025-CP 23-02904 Return and Motion to Dismiss & Affidavit of Service on Robert Watkins 243873 dated Nov. 5 2025
* NO Attachments were attached or included
 - (15) Kaylee C. Kemp assist. Atty General Oct 31 2025 Respondent return & Motion to Dismiss provided to Petitioner and cc: provide to Isaac Johnson Jr with affidavit of service dated Oct 31, 2025 Filed on November 5, 2025
 - (16) Copy of Judge Perry H. Gravely Written order Granting Isaac Johnson Jr. Motion to be relieved that stemmed from the Nov. 3rd 2025 hearing. Before Judge Taylor dated and filed on Nov. 5-2025

(17) Petitioner Motion for a Summary Judgment dated 11-13-25

(18) letter dated 11-13-25 to Jay Gersham Clerk of Court of Common Pleas filed November 24th 2025

(18) letter to Jay Gersham Clerk of Court of Common Pleas Dated 11-13-25 filed Nov 24th 2025 Exhibit (A, B) and Petitioner's opposition to Respondent's return & Motion to dismiss & sworn affidavit

(19) Dated Nov 22 2025 filed Nov 26 2025 letter to The Honorable Judge Christopher D. Taylor.

(20) letter dated November 24th 2025 from Judge Perry H. Gravely

(21) Cover Letter dated January 14, 2026 from Assistant Atty. General Sydney N. Willingham providing Petitioner a copy of The Honorable Judge Christopher D. Taylor December 30th 2025 order concerning Petitioner's Petition for writ of Habeas Corpus Case 2025-CP-23-02904 as an Application for PER and denying and dismissing it with prejudice. Filed on January 5, 2026

(22) Dated 1-13-26 Petitioner Notice of Appeal filed with Jay Gersham Clerk of Court of Common Pleas on January 21st 2026

(23) Dated 1-19-26 Petitioner letter to Jay Gersham Clerk of Court filed Jan 28 2026

Patricia A. Howard Clerk of Court of S.C. Supreme

Court should have never on January 22, 2026 sent Petitioner a letter compelling him to comply with SCACR 243(c) before SCRCP Rule 75 was complied with. It was an error, mistake or inadvertence on behalf of the clerk of S.C. Supreme Court to send Petitioner a letter compelling him to comply with SCACR 243(c) Id's exhibit (1) attached and enclosed before SCRCP Rule 75 was complied with. Based on the lower or inferior Court record of Civil Case 2025-CP-23-02904 on Appeal, under Civil Case 2026-000125, had the records of Civil Case 2025-CP-23-02904 been transmitted to the office of Clerk of Supreme Court for that Court review, Patricia A. Howard wouldn't have never sent her letter to Petitioner compelling him to comply with SCACR 243(c), because the lower Court records contained sufficient facts, argument and citation of legal authority in Petitioner's Petition for a Writ of Habeas Corpus filed on May 14, 2025 that showed Petitioner meet the requirement in that Petition to allow him to proceed forward in which Judge Perry H. Corvelly order issued on 6/26/25 order the clerk of Court Jay Gershon to schedule a hearing - interference to the Constitutional violation Petitioner claimed was violated. In which is a part of the record of Civil Case 2025-CP-23-02904. Id. That wasn't transmitted to S.C. Supreme Court Clerk of Court Patricia A. Howard pursuant to SCRCP Rule 75.

Judge Perry H. Gravely order date 6/26/25 granting Petitioner a hearing on my Habeas Corpus Petition. It was inappropriate for Judge Christopher and Kaylee C. Kemp to use the Habeas Corpus hearing Judge Perry H. Gravely order, ordered on Jay Gerstman to schedule a hearing to allow Kaylee C. Kemp the Respondent to argument her Return & motion to dismiss. Habeas Petition is an application for Post Conviction Relief after Judge Perry H. Gravely in his 6/26/25 order had already granted Petitioner a Habeas Corpus hearing based on the Petitioner's argument and citation, support of legal authorities, entitling Petitioner to a hearing. Petitioner argue this before Judge Christopher D. Taylor in violation of his right to counsel on Nov 6, 2025 in which is also in the records of civil case 2025-CP-23-02908 that wasn't transmitted to the office of the Clerk of Court of SC Supreme Court to Patricia A. Howard.

Without the record of case 2025-CP-2904 being transmitted up to the S.C. office of the Clerk of Court of SC Supreme Court Clerk Patricia A. Howard pursuant to SCRPC-Rule 7.5 by Clerk of Court Jay Gerstman, Petitioner was prejudice of his right to a full judicial review and opportunitie to have the S.C. Supreme Court review the merits of his Habeas Corpus Petition by way of Appeal pursuant to SCRPC 201 (a) (6), Rule 242 (e) Instead under Appellate Case 2026-000125

On April 1, 2026 S.C. Supreme Court Justices issued an order denying Petitioner Notice of Appeal because it found that petition failed to show there is an arguable basis for asserting the determination by the lower court was improper pursuant to SCRCR 243 (c). Petitioner filed a petition for a Rehearing, the S.C. Supreme Court issue an order denying the Rehearing on May 21, 2026, and the remittitur was sent on May 26, 2026 Lower court case 2025-CP-23-02904 Appellate Case 2026-000125

To compel Petitioner to comply with SCRCR 243(c) was error or mistake or inadvertence on behalf of the Clerk of Court of S.C. Supreme Court due to violation of SCRCR Rule 75, where the lower court records of Civil Case - 2025-CP-23-02904 contains and consist of evidence that had SCRCR Rule 75 been complied with or not violated, This Court would have reviewed and found that to compel Petitioner to comply with SCRCR 243(c) was inappropriate and improper as well as the order issued by Judge Christopher D. Taylor on Dec 30, 2025; and that case 2025-CP-23-02904 should be Remanded back down to the lower court and a hearing held on the merits of the Constitutional Violation claims in Petitioner's, Petition for a Writ of habeas Corpus Because without the lower court Record of Case 2025-CP-23-02904. The Judgment of S.C. Supreme Court

Issued on April 7, 2026

is inappropriate and a violation of Petitioners Due Process and equal Protection of Right of SC Const Article I Section 3 and USCA 14A to full expedited review and adjudication of Petitioner's right to Habeas Corpus review in State Court based on the full record pursuant to SCACP Rule 75

In Conclusion : based on the aforementioned sworn argument and Claim Petitioner pray that this court upon its Grace and Mercy recall the remittitur and issuance order compelling the clerk of Court Jay Gersten of Greenville County to comply with SCACP Rule 75 in reference to case 2025-CP-23-02904 for its review and if this court finds that based on those records Petitioner is entitled to a hearing on the merits and unconstitutional claims in his petition for Habeas Corpus, Issuance order Remanding the case back to The lower Court of Common Pleas Greenville County, for a hearing to be held within 10 days of the order.

Robert M. Watkins 243803

Sworn to before me on this
14th day July month
2026 year

SC Notary Heather Kaelin Garner
Exp Date 5-21-34

Robert M. Watkins 243803

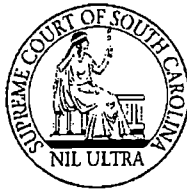
5-39-A

Livesay Corr Inst

P.O. Box 580

Uma SC 29378

Exhibit #1



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MAR 03 2026

S.C. SUPREME COURT

The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

BLAIRE CANN
CHIEF DEPUTY CLERK

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January 22, 2026

Robert M. Watkins, 243803
Tyger River Correctional Institution
Lower Yard
100 Prison Road
Enoree, SC 29335-9308

Re: Robert M. Watkins v. State
Appellate Case No. 2026-000125

Dear Mr. Watkins,

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

For this matter to proceed, you will need to provide this Court with the following within twenty (20) days of the date of this letter:

(1) Since the order of the circuit court determined that this action is barred as being successive and/or as being untimely under the statute of limitations, Rule 243(c), SCACR, requires you to provide a written explanation as to why this determination was improper. This explanation must contain sufficient facts, argument and citation to legal authority to show that there is an arguable basis for asserting that the determination by the lower court was improper. The failure to make a sufficient showing may result in the dismissal of this matter.

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(2) Since you have filed multiple post-conviction relief applications challenging the underlying criminal conviction, the Court, if it determines that you have failed to provide an adequate explanation under Rule 243(c), SCACR, may decide to prohibit you from filing a post-conviction relief application, habeas corpus action or any other action, motion or petition in the circuit court challenging this conviction and sentence (including a motion under Rule 29 of the South Carolina Rules of Criminal Procedure) without first obtaining the permission of this Court to do so. If you believe that there is some reason(s) why such a prohibition should not be imposed on future filings by you in the circuit court, those reasons should be provided within twenty (20) days of the date of this letter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02.

Please note that the responsibility for ensuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,

Patricia A. Howard

CLERK

cc: Kaylee Christene Kemp