

ROBERT M. WATKINS 243843

~~Prose~~ Appellant

- vs -

The State of South Carolina
SCCID Division of Appellate

Defense
Respondent

In The State of South Carolina
Supreme Court

Motion to Relieve Counsel

CASE 2002-GS-23-1063

Tracking number 2011-195272

RECEIVED

Oct 16 2012

OCT 22 2012

S.C. SUPREME COURT

The above ~~prose~~ Appellant comes before this Honorable S.C. SUPREME COURT by way of Prose Motion to relieve SCCID Division of Appellate Defense David Alexander as Appellate Counsel on grounds Counsel failure to act as advocate on behalf of Appellant in filing for an appeal Bond, in fact requesting from the S.C. attorney General's office a copy of the Received SC Court of Appeal filed April 21 2011 order denying the assistant attorney General's William M. Birch Jr. ~~order~~ petition for a rehearing that was mailed by S.C. Court of Appeals Deputy Clerk of Court, V. Claire Allen to assistant Deputy attorney General Sallee W. Elliott, and due to circumstances in which the representation of SCCID in the above matter pending the S.C. attorney General's office appeal of the S.C. Court of Appeals Judgment of reversal of case #2002-GS-23-1063. In unpublished opinion 2011-UP-091 is a conflict of interest, in which because appellate is represented by SCCID the representation of SCCID pursuant to case laws Miller v State 697 S.E.2d. 527 (2010); Jones v State, 558 S.E.2d. 577 (2002); State v Strickley 508 S.E.2d 564 (1996); Foster v State 397 S.E.2d 907 denies him access to the Court to file a motion for appeal Bond. denies him access to the Court to present Petitioned Motion to get the ~~order~~ petition for a writ of Certiorari thrown out on ground for misconduct, ad acts of fraud. Appellant ~~represented~~

Sworn Affidavit

On March 8, 2011 SC Court of Appeals reversed the conviction under Case 2002-GS-23-1063 In its judgment, Unpublished Opinion 2011-UP-091 State v Watkins, Robert. The state of S.C. attorney General's office filed a petition for a rehearing with SC Court of Appeals on March 21, 2011 pursuant to SCACR 221(C). On April 21st 2011 The S.C. Court of Appeals issued an order denying the SC attorney General's office petition for a rehearing. On April 21, 2011 Deputy Clerk of Court, V. Claire Allen, of S.C. Court of Appeals mailed to Assistant Deputy Attorney General Sally W Elliott a filed copy and notice of the SC Court of Appeals April 21-2011 order denying the petition for a rehearing. Pursuant to SCACR 242(C) The S.C. attorney General's office, has 30 days to file a petition for writ of Certiorari. Assistant Deputy Attorney General Sally W Elliott failed to forward the SC Court of Appeals April 21, 2011 filed order to Assistant Attorney General William M Bitch Jr in time to file a petition for a writ of Certiorari in time to comply with SCACR 242(C). Taken with the SC Court of Appeals office of the clerk of court. Therefore resulting in a true Barin or procedural default. Pursuant to SCACR 221(B), The Deputy Clerk of S.C. Court of Appeals, V. Claire Allen sent the remittitur and a copy of the S.C. Court of Appeals final judgment back down to the lower trial court for a new trial on June 2, 2011. On June 14th 2011 Appellant Robert Watkins was released from the custody of SCDC under Case #2002-GS-23-1063 ~~Back~~ into the custody of Greenville County, for a new trial. On June 13, 2011 assistant attorney General William M Bitch June 15th 2011 mail log, shows, he received notice of when

The S.C. Court of Appeals Denied the attorney General's petition for a rehearing by way of Law at April 21 2011 filed under denying petition for rehearing. Realising that Assistant Deputy attorney General's delay in forwarding to him the S.C. Court of Appeals April 21, 2011 order denying petition for a rehearing too late to file a petition for a rehearing, and that the S.C. attorney General's office is procedurally barred from filing a petition for a writ of Certiorari, he immediately drew up an expedited motion to recall the remittitur, including false statements in the motion. In order for Mr. William M. Blitch Jr to receive relief request in his motion, the SCCID division of Appellate Reference Counsel Ms Elizabeth Franklin Best had to ^{conspire} constructively ^{NOT TO} comply with SCAR 240(e) filing a return to Mr Blitch Jr motion to recall the remittitur, in which ~~was~~ failing to comply with SCAR 240(e). It is deemed a consent to the relief sought in the motion, in which in June 30th 2011 S.C. Court of Appeals issued an order to recall the remittitur, based on the grounds Mr. William M Blitch Jr included in his motion to recall the remittitur, which were based on false statements, and was a document of fraud upon the tribunal to deceive the tribunal. Ms failure to comply with SCAR 240(e) by Ms Elizabeth Franklin Best result in the recalling of the remittitur from the lower trial court, to bring my case back up to the jurisdiction of S.C. Court of Appeals, so that the attorney General's office through Mr. William M Blitch Jr can file a petition for writ of Certiorari prejudicing one of my right to a new trial, because now ^{appellant} my case is pending before the S.C. Supreme Court, after being held in the Greenville County Detention Center since June 14, 2011. Appellate ~~has~~ was under the impression he was going to be retried, or once he had 6 years

in on the charge under 2002-GS-23-1063 NW 6665977 6665286, The County of Greenville Solicitors Office would probably offer him a Guilty plea of 10 years time served. But when Ms Elizabeth Franklin Best, failed to comply with SCACR 2404 out of negligence. Appellant right to a new trial no longer existed, because the remittitur and Judgment of SC Court of Appeals Unpublished Opinion 2011-UP-051 Reversal of the conviction under case 2002-GS-23-1063 was now on appeal before the SC Supreme Court upon the SC attorney Generals Office filing of a Petition for Writ of Habeas Corpus... ~~Appellant~~ Based on the appeal now pending since July 14, 2011. while still being held in Greenville County on a No Bond Appellant challenged the Greenville County Detention Center personal Jurisdiction over him now that his case was no longer in the 13th Judicial Circuit Court of Greenville County. James M Dorris by The assistant County of Greenville Administrator contacted, The Solicitor for Greenville County, W. Walter Wilkins III, The County Attorney Jeffrey Wiles, SCCID Division of Appellate Defense Counsel Ms Elizabeth Franklin Best and SCDC, who all conspired together to come to the conclusion that charges 6665977 and 6665988 Indictment 2002-GS-23-1063 are depending final Disposition of Appeal process. and that appellant is currently considered as being sentenced as the appeal is still pending, and on January 30th 2011 SCDC came and pick appellant up from SCDC, took him into custody and reprocessed him back into the SCDC, and placed him back in Mc Cormick Law Institute facility on May 7, 2012 to await the states appeal of his case in the SC Supreme Court by way of Petition for Writ of Habeas Corpus. Due to a fault of Appellant own Action but due to acts of the state of South Carolina government Employee ~~Constructive~~ Constructive conspiracy in which SCCID Division of Appellate defense is a part of, appellant is forced under duress to endure an unusual punishment in the illegal process in which he has been placed back into SCDC on January 30, 2012. And whenever he tries to challenge this illegal process by presenting what has happened to him to the courts, He is denied access to the Courts by the clerk of Court of SC Court of Appeals and SC Supreme Court Clerk of Court on grounds, he is represented by SCCID Division of Appellate defense, and no action will be taken on any of his prior filings (4)

When Appellant asks SCCID Division of Appellate Defense Council Elizabeth Franklin Best, and David Alexander to file his motions for an appeal Bond, or to obtain a copy of ~~the~~ The SC Court of Appeal ^{Received} April 21, 2011 order denying the attorney General's Office petition for a rehearing, SCCID ~~want~~ counsel ~~do not~~ want to do it, because its evidence against SCCID Division of Appellate Defense for a mal practice law suit for misrepresentation under ~~apologies~~ negligence to comply with SCACR 240 et al. There exists legitimate grounds with documentation of proof, in which SCCID Division of Appellate Defense Council was provided and made aware of By Appellate into to get the Attorney General's petition for a writ of Certiorari thrown out under a ~~act~~ of Fraud, direct upon the tribunal, dishonestly By assistant Attorney General William M. Blitch Jr., that apart of Appellant Case 2002-6523-1063 pending under tracking number "2011-195272" before the SC Supreme Court.

These documents consist of

- (1) The June 13, 2011 Expedited Motion to Recall the remittitur in case 2002-6523-1063
- (2) Assistant Attorney General William M. Blitch Jr. Mail log from April 21, 2011 to June 15, 2011
- (3) The Received SC Court of Appeal Filed April 21, 2011 order denying petition for a rehearing sent to Assistant Deputy Attorney General Sally W. Elliott By mail on April 21, 2011 By Deputy Deputy Clerk of Court of SC Court of Appeal, V. Claire Allen. Show when it was received by the attorney General Office.
- (4) SCCID Division of Appellate Defense Council Elizabeth Franklin Best should have filed a return pursuant to SCACR 240 et al.

The filed complaint against both William M. Blitch Jr. and Elizabeth Franklin Best with SC office of disciplinary Council pertaining to their constructive conspiracy, all violation of SCACR 200 Rules of professional conduct in which that office assistant disciplinary Council ~~comple~~ William C. Campbell has withheld the processing of these complaints, and go want give me in writing acknowledgment of the filing and receipt of the complaint; attempting to conceal them until after the SC Supreme Court rules on the state petition for writ of Certiorari, in which has been delayed and not properly processed so that it can be review by the SC Supreme Court, which ~~is~~ ^{Appellant} held under duress in SCDC

- OVER ->

(5)

If the SC Supreme Court clerk of Court Daniel & Sheenhouse shuffles Appellant case around on his advance sheet, but never placing ~~them~~ into his case to be held before the SC Supreme Court Appellant is being held from receiving adjudication of his case in the SC Supreme Court. Appellant should be able to file an Appeal Bond since SCCID want do it, while the State is appealing ~~his~~ the SC Court of appeal reversal of his conviction. Appellant has already suffered and has been retaliated against for filing an appeal and being successful in proving he is entitle to a new trial, which the SC Court of Appeal granted. Now it's a conflict of interest for the State of S.C. Government SCCID to show misconduct of State of S.C. Government employees, in which Appellant Right to a new trial has been violated by this misconduct.

Appellant asks this court to grant his relief in the dismissal from any further representation by SCCID

Division of Appellate Defense; and that access so he can have access to the courts, to challenge the petition for writ of habeas corpus that the state should have been procedurally barred from filing.

Sworn to before me
This 17 day OCT month 2012 year

By Notary J. A. [Signature] Exp. Oct. 12, 16, 2019

Robert Watkins

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AMS

Law

DEPARTMENT OF CORRECTIONS
PROFESSIONAL INSTITUTE

STAFF DEVELOPMENT
PROGRAMS
FOR ALL EMPLOYEES

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OCT 17 2012

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MAIL ROOM