The South Carolina Court of Appeals

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September 18, 2026

The Honorable Christy Gaddy
PO Box 529
Chesterfield SC 29709-0529

REMITTITUR

Re: The State v. Michael L. Watts
Lower Court Case No. 2005GS1300477, 2005GS1300476, 2005GS1300473, 2005GS1300471, 2005GS1300499
Appellate Case No. 2024-000461

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

The following exhibits were filed in this appeal:

State's Exhibit #16 (Video)

It will be necessary for the Attorney General's office, or their designee to pick up these exhibits from the Clerk's office within 30 days of the date of the remittitur, for return to the trial court clerk.

Very truly yours,
Jasmine D. Smith, Deputy
CLERK

Enclosure

cc: Alan McCrory Wilson, Esquire
Melody Jane Brown, Esquire
Elizabeth Anne Franklin-Best, Esquire
Donald J. Zelenka, Esquire
William Benjamin Rogers, Jr., Esquire

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

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Unpublished Opinion No. 2026-UP-032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.

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

FILED
Mar 19 2026

cc:
Alan McCrory Wilson, Esquire
Melody Jane Brown, Esquire
Elizabeth Anne Franklin-Best, Esquire
Donald J. Zelenka, Esquire

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

The Supreme Court of South Carolina

RECEIVED
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SC Court of Appeals

The State, Respondent,

v.

Michael Lamont Watts, Petitioner.

Appellate Case No. 2026-000924

ORDER

Based on the vote of the Court, the petition for a writ of certiorari is denied.

FOR THE COURT

BY Patricia A. Howard
CLERK

Columbia, South Carolina
September 18, 2026

cc:
Alan McCrory Wilson
Melody Jane Brown
Donald J. Zelenka
William Benjamin Rogers, Jr.
Elizabeth Anne Franklin-Best
Paul Sanders Linker, Jr.
The Honorable Jenny Abbott Kitchings