

Robert Watkins 243803
Prose Petitioner
vs
The State of South Carolina
Greenville County
Respondent

In the State of South Carolina
Supreme Court

Appellate Case #
2011-195272
Criminal Case number
02-6523-1063

Date: 12-23-13

Motinal Petition to Vacate Conviction and Sentence on 9-24-2008,
on grounds that, the Court lack subject Matter Jurisdiction
to try and Convict Petition under Indictment 2002-6523-1063
Because Jurisdiction of subject matters of a Particular
Case is vested in ~~criminal~~ the Court when the appropriate
charge is filed, and Indictment 2002-6523-1063 was
never filed against Petition to next General Session
Court with subject Matters Jurisdiction to try and Convict him.

Petition is no longer Represented by SCID Division of Appellate defense.
as of Dec 4, 2013 the state appeal a Petition of Writ of Certiorari
challenged ~~the~~ SC Court of Appeal reversal of his Conviction
Under Unpublished Opinion 2011-48-091 has been Reversed by S.C.
Supreme Court in Opinion No 27334. Heard Oct 16, 2013
Filed Dec 4, 2013. So therefore I am indigent and without counsel
and can proceed pro se with this Motion and Petition to Vacate
the Conviction and Sentence under Indictment 2002-6523-1063
on 9-24-2008.

RECEIVED

JAN 02 2014

Because I am indigent, I ask that the SC supreme Court appoint
of the clerk of Court, if necessary, provide the
S.C. SUPREME COURT
pg 1 of 3

Solicitors Office or Greenville County or SC attorney General's Office with a copy of this Motion and Petition and attached Exhibits..

Respectfully,

Also attached to my sworn affidavit and exhibits and support of my Motion/Petition to Vacate Conviction and Sentence or desires Indictment with prejudice.

Please place Motion and Petition on Court's calendar to be heard, pursuant to SC Const. article 18.9. and send me notification of action taken on my Motion/Petition.

Exhibits 1-11 attached

Exhibit #1. 6 pages - Arrest Warrant 6865977, 6865988, Public inquiry 2 pages
Indictment 2002-GS-23-1063 2 pages total (6 pages)

Exhibit #2 Sentencing sheet for 16-11330 Arnel Roberts at 16-23-490
Piss of a up during a violent Crime (2 pages total)

Exhibit #3 Office of the clerk of Court letter Date Dec 4 2008 (2 page total)

Exhibit #4 SC Court administration June 21, 2002 Memorandum (2 page total)

Exhibit #5 Office of the clerk of Court letter dated Oct 7, 2010 (2 page total)

Exhibit #6 Office of the clerk of Court letter dated July 28 2009 (2 page total)

Exhibit #7 Presentment (1 page total)

Exhibit #8 Indictment 02-GS-23-1063 ^{Certified Copy} date 7-21-03 1 page total Ft. & Back

Exhibit #9 Indictment 2002-GS-23-1063 of 10-25-02 Conviction and
9-24-08 Conviction. (2 page total)

Exhibit #10 SECID disclosure of page from trial transcript
of 9-24-2008 conviction arraignment. Dated
Dec 7, 2010 page 47-52. (7 page total)

Exhibit #11. Office of the clerk of Courts letter dated
July 15, 2009 (2 page total)

Robert M. Watkins 243803

PD-197 A

M.C.I

386 Redempton Way

M^c Cormack SC, 29899

Signature Robert M. Watkins



See attached Sworn affidavit and Exhibits in support
thereof, Motion/Petition to vacate Conviction
and Sentence.

Ad Blero

Sworn Affidant and Support Thereof + Exhibit (F-11)
+ Motion to Vacate Conviction and Sentence.

The above Forementioned Prose Petitioner comes before this Honorable Court by way of Motion, with a claim that the conviction and Sentence under Indictment 2002 GS 23-2063 on 9-24-2008 Before the 13th Judicial Circuit Court of Greenville County, General Session Court, Honorable Judge Larry R. Patterson is void, due to the courts Lack of subject Matters Jurisdiction, in which a claim of Lack of ~~subject Matters~~ Jurisdiction of the cause or subject Matters can be raised at anytime including For the First time on Appeal to Supreme Court.

State v Castleman 219 S.C. 136, 64 S.E.2d 250, State v Adams 73 S.C. 435, 53 S.E. 538 further subject Matters Jurisdiction can not be waived and should be taken Notice of by Supreme Court on its own Motion.

Harden v S.C. Ct. D. 266 S.C. 119, 221 S.E.2d 881 (1970)

M^c Cullough v M^c Cullough 242 S.C. 108, 130,

S.E.2d 77 (1963)

Jurisdiction of subject Matters of a particular criminal Case is vested in the court when The Appropriate charge is filed. State v Langford 73 S.E.2d 854

223 SC 20. A matter in which the court lacks jurisdiction of the cause or subject matters is void. State v Funderbunk 259 SC 256, 191 S.E.2d. 520.

~~South~~ Within (90) days after receipt of an arrest warrant from the clerk of Court the solicitor shall take action on the warrant by (1) preparing and indictment for presentment to the grand jury, which indictment shall be filed with the clerk of Court, assigned a criminal case number and presented to the Grand Jury.

(2) Formally dismissing the warrant noting on the face of the warrant the action taken, or (3) making other affirmative disposition in writing and filing such action with the clerk of Court. South Carolina Rule of Criminal Procedure Rule 3(c).

Criminal rule requiring solicitor to act within 90 day after receipt of an arrest warrant from the clerk of Court is administrative and non-judicial and thus failure of solicitor to act on warrant within 90 days does not within itself invalidate warrant or prevent subsequent prosecution. ~~Rule~~ SC Rule of Criminal Procedure Rule 3(c)

State v Edwards (Sc. App 2007). 374 SC 543 689 S.E.2d. 112

rehearing denied, certiorari granted reversed

384 SC 304 682 S.E.2d. 820 Criminal law 577.5

State v Culbreth, (1984), 316 S.E.2d. 681

The essential to the validity of the Indictment is that it is in writing and published by the clerk

State v Creighton, S.C.L 1 nott M^s Cord 256 (1818)

State v Britt. 111 S.E.2d 669.

On 1-15-2002 The 13th Judicial Circuit Court of Greenville County General Session Court in reference to Arrest Warrant G665977 for violation of S.C. 1976 Code of Law § 16-11-330 Armed Robbery and arrest warrant G665988 for violation of S.C. 1976 Code of Law § 16-23-490 Poss of a Weapon during a violent Crime, prepared an two account Indictment for violation of S.C. 1976 Code of Law Count one § 16-11-330 Armed Robbery, and Count # § 16-23-490 Poss of a Wpn during a violent Crime.

Id as Exhibit # (1)

Petitioner is not challenging The administrative procedure of SCR crim P Rule 3(c), but is bring a claim that There is no Question that Due to the nature of the charge in arrest warrants G665977 and G665988 must be prosecuted in the Circuit Court of General Sessions pursuant to S.C. Const. article V § 11. by way of Indictment of a Grand Jury pursuant to S.C. Const. article 1 § 11. Petitioner is challenging

The Procedures and practices the Solicitor's Office of Greenville County, used in 2002 in place of South Carolina Rule of Criminal Procedure, under SC 1976 Code of Law § 1-7-330. In which Jurisdiction of the subject matters of a particular Criminal Case is vested in the Court when the appropriate charge is filed. State v Langford, 73 S.E.2d 884. in which Indictment 2002-GS-23-1063 was never filed with the office of the Clerk of Court of General Session Court of Greenville County against Petitioner to satisfy General Session Court of Greenville County Jurisdiction over Indictment 2002-GS-23-1063 for violation of SC 1976 Code of Law § 16-11-330 and § 16-23-490 to try, convict and sentence him on 9-24-2008 to South Carolina Department of Corrections for a period of 25 years for Armed Robbery and 5 years consecutive for Poss of a Weapon during a violent Crime See Exhibit # (2)

After the Solicitor's office prepared the 2 account Indictment for arrest warrant 6265977 and 6265988 on 1-15-02, The Procedure practiced by the Solicitor's office in place of SC Rule 3(c), were incorrect. The solicitor kept ^{did not pre-file} ~~charge of~~ all indictments, present Indictments. The solicitor kept

charge of all Indictments, presented them to the grand jury, assigned the case numbers and only sent them to the clerk of Court at the time of plea, trial or dismissal. Id as Exhibit # (3)

Back on June 21 1982 The S.C Supreme Court, S.C. Court Administration issued a Memorandum out to all Clerk of Courts. In reference to Procedure Under Rule 3 s.e Rule of Criminal Procedure (S.C. Crim P.) ~~it~~ that it was discovered that during an Audit, ~~two~~ of the actions taken on arrest warrants, that the proper procedures were not being followed in some instances, and to clarify any misunderstanding of procedures, S.C. Court Administration felt it would be helpful to point out the problems which were encountered and the procedure which should be followed. This letter was intended to clarify the procedures to be followed, addressing ... solicitors and public defenders, as well as the circuit Judges as to the procedures.

Under S.C. Crim P Rule (3)(c) The memorandum ~~is~~ explains that, when the indictment which has been prepared but not yet presented to the grand jury in compliance with Rule 3 is presented to the clerk of Court for the assignment of the criminal case number, the prepared, but unrepresented indictment should be taken

for filing by the clerk of court at that time. The solicitor may retain a copy or request the clerk of court to provide him with a copy of that pre-filed indictment. The original should at all times remain in the possession of the clerk of court. Until the ~~presente~~ prepared, but un-presented indictment is filed with the clerk of court, compliance with Rule 3 has not been met. Once the case number has been assigned to an un-presented, original indictment or a presented original indictment, the original is to remain with the clerk of court at all time except when needed by the grand jury or the Court. as the case may be. Under circuit court rules and S.C. Code Ann § 14-17-570, the clerk is responsible for the possession of the original document and should not allow it to be removed from his possession except in the aforementioned presented indictment has been filed, all papers pertaining to the case should be filed in the same case file. Id as Exhibit # (4)

Exhibit # () office of the Clerk of Court Greenville South Carolina letter dated December 4, 2008, was a response to Petition November 19, 2008 ~~letter~~ SC FOIA request for a copy of the original pre-filed, un-presented indictment in case 2002 6523-1063 in which petition attached a copy of Exhibit # (). SC Court of App administrative June 21 2002 Memorandum in reference to S.C. Crim. P Rule 3(c).

In which the office of the clerk of Court Greenville County informed Petitioner of the procedure practiced in place of SCRCrim P. Rule 3(c).

On October 7, 2010 The office of the clerk of Court Greenville County informed Petitioner, in reference to the procedure used in place of (SCRCrim P. Rule 3(c)) was to allow the solicitors, as court officials, to hold the original documents because they schedule the the General Sessions docket and would know when an indictment was needed for court. When a person went to court, the solicitor would bring the original indictment along with a sentence sheet and then ^{give} return the documents to the clerk in the courtroom for archival filing.

The reason I change returns to give, because, as mentioned in Exhibit # (C) attached, The ~~Solicitor~~ Clerk of Court did not pre-file indictment, because, the Solicitors would prepare indictment, present to grand jury assign criminal case a docket number, ~~keep~~ keep the original in the Solicitors office possession, and only sent it to the office of the clerk of court in the courtroom, at time of plea, trial or dismissal for archival filing.

The SC Law that authorize the solicitors office, or give that office authority, to schedule the General Session ~~docket~~ court docket is Section 1-7-330

which states: The solicitor shall attend the courts of general sessions for their respective circuits. Preparation of the dockets for general sessions court shall be exclusively vested in the circuit solicitors and the solicitor shall determine the order in which cases on the docket are called for trial. Provided, however, that no later than seven days prior to the beginning of each term of general sessions court, the solicitor in each circuit shall prepare and publish a docket setting forth the cases to be called for the trial during the term.

Id as exhibit # (5) § (6).

This section 1-7-330 is unconstitutional inviolation of the SC Const article 1 § 8 Separation of Powers Act, and violates Petitioner Right of Due Process and Equal Protection Clause of S.C. Constitution article 1 § 3, U.S.C.A. 5th 1485 to S.C. Const. P. Rule 3(c) violating also S.C. Const article III § 34.

Because the ~~Secretary~~ clerk of courts and circuit judges and Public defenders allow the Solicitors office to practice in the procedure described in Exhibit # (3) attached in which Indictment 2002 GS 77-1063 was never filed against Petition, in the Court of General Sessions Greenville County office of the clerk of Court, to vest the court with its criminal jurisdiction ~~under~~ of the subject matters, under S.C. Const article V § 11.

On February 19th 2002 the Solicitors Office at 9:00 pm presented indictments 2002-GS-23-848 through 2002-GS-23-1207 to the grand jury of Greenville County which included Indictment 2002-GS-23-1063. all were true bill except for Indictment 2002-GS-23-1589 a no Bill. In place of filing the indictments, the ~~the~~ Solicitor presented to the grand jury Foreman Juan Helms an presentment, stating the Grand jury finds on the indictment present to them; showing the action taken on the indictment. The presentment was presented to the presiding judge John C. Few who accepted the presentment and presented it to the clerk of Court for filing with the Office of the clerk of Court of General Session Court in place of indictment, in which the Solicitors Office was allowed to keep under SC 1976 Code of Law § 1-7-330. The present was filed on Feb 19 2002 at 4:09 pm. Id as Exhibit # (1) attached.

A presentment at a grand jury against a public officer is general without specifying the offense and witnesses name or where information it is found. The court will squash it.

2 Hawk 258 Barnard 140, 4 Black, 311
State v. Mitchell 1 Bay 267
Further this presentment does not satisfy the Due Process

requirements; does not infringe petitioner of the charges he must prepare to meet, or the elements the state must prove beyond a reasonable doubt. Nor does the presentment charge petition by name of any violation of S.C. ~~law~~ statutory law. The law of South Carolina Under S.C. constitution article 1, § 11 is that no person may be held to answer for any crime the jurisdiction over which is not within the Magistrate Court unless on a presentment or Indictment of a grand jury of the County where the crime has been committed / S.C. Const. Article 1, § 11

SC 1976 Code of Law § 17-19-10, state offense shall be prosecuted upon grand jury Indictment

South Carolina Constitution Article 1, § 11, states the Circuit Court shall be general trial Court with original jurisdiction in civil and criminal cases except those cases in which exclusive jurisdiction shall be given to inferior courts and shall have such appellate jurisdiction as provided by law.

South Carolina 1976 Code of Law § 22-3-540 does not provide exclusive jurisdiction to violation of SC 1976 Code of Law 16-11-336 Armed Robbery or § 16-23-490 Poss of a Wpn during a violent Crime. This is why SC Court P Rule Rule 3 was instituted, as the criminal procedures to be followed. In Gentry, the issue revolved around p. 10 of 20

The Solicitors office taking action on the Arrest warrant within 90 days. ~~But~~ meaning ~~of~~ establishing probable cause by a grand jury on the true bill of indictment, in order to ~~void~~ hold a defendant in custody, in preference to his or her protection under the 4th 14th Amendment and 5th 14th U.S.C.A. to life and liberty. ~~Every~~ and whether or not failing to ~~file~~ take action on the arrest warrant in 90 days deprives General Sessions Court of ~~State~~ jurisdiction of the subject matters. Here Petitioner is not challenging whether or not Solicitor took action on the ~~Arrest~~ arrest warrants, because the Indictment shows that ~~it was acted~~ the arrest warrants GEC5977, 88 were acted upon within 90 days by the Grand jury. The Question of ~~Law~~ before this court is.

(1) whether the Solicitors office failure to file the Indictment with the office of the clerk of Court of General Sessions Courts pursuant to ~~section~~ Rule 3(c), the Court jurisdiction of the subject matters of Indictment 2002-GS23-1063 is not satisfied?

(2) would failure of the Solicitors office to file the Indictment against Petitioner, would render the trial, conviction and sentence void, due to the ~~state~~ trial Court lack of jurisdiction of the subject matters?

Generally the requirement of subject matters jurisdiction are satisfied when appropriate charges are filed in a competent court. State v Dudley 354 S.C. 514, 523, 581 S.E.2d. 171, 176 (Ct App 2003) aff'd as modified 364 S.E. 528, 614 S.E.2d. 623

Jurisdiction of the offense charged and of the person of the accused is indispensable to a valid conviction Dudley 354 S.C. at 522, 581 S.E.2d at 175 (quoting State v Langford 223 S.C. 20, 26. 73 S.E.2d. 884 ~~885~~ 887 (1953))

A Statute of limitations is a period of years set by law after which the government cannot prosecute a suspect.

5 year statute of limitation of filing indictment 18 USC
PS. 2113C a 3282

No person shall be prosecuted, tried or punished for any offense not capital, unless the indictment is found or the information is instituted within five years next after such offense shall have been committed.

§ 3288 This section does not permit the filing of a new indictment or information when the reason for the dismissal was the failure to file the indictment or information within the period prescribed by the applicable statute of

limitation or some other reason that would Bar a new prosecution.

18 USC § 3162 If in the case of any individual against whom a complaint is filed charging such individual with an offense, no indictment or information is filed within the time limit required by section 3161 (b) or extended by section 3161 (b) of this Chapter, such charge against that individual contained in such complaint shall be dismissed or otherwise ^{wise} dropped.

On 1-5-2002 The assistant Prosecutor Thomas J Quinn Jr prepared Indictment ~~2002-6523~~ for violation of SC 1976 Code of Law § 16-11-330 armed Robbery and § 16-23-490 Poss of a wpn during a violent Crime for arrest Warrant 686577 armed Robbery and arrest Warrant 686588 Poss of a wpn during a violent Crime. He assigned the criminal Case number 2002-6523-1063 and on February 19 2002 presented it to the Grand Jury of Greenville County. The grand jury on that day presented its actions on all Indictment it reviews that day in the form of an presentment. The grand jury foreman presented the presentment to the presiding Judge, who accepted it and submitted it to the clerk of Court for filing with the General Session Court Office of the clerk of Court. all the Indictment, ~~was~~ the Solicitor was allowed to keep in

his Possession, ~~and~~ because under SC ~~in~~ 1976 Code of Law
Section 1-7-330 as court officials, the Solicitor is
allowed to hold the original true billed Indictment, because
they schedule the General Session docket and would
know when an indictment was needed for court. When
a person went to court, the solicitor would bring the
original indictment along with a sentence sheet and then
^{give} ~~return~~ the indictment to the clerk in the courtroom
for archival filing. --

When ever a copy of the original is need, the clerk
of court will retrieve the original unfiled true bill of
Indictment, make a copy and certify it as the original.

See Id as Exhibit # (8)

which shows on the face of the Indictment, it has never
been filed with the office of the clerk of court
prior to my ~~first trial~~ Petitioner's First trial
and Conviction and Sentence on Oct 25th 2002, nor before
Petitioner's second trial, conviction and Sentence on
September 24th 2008. In which the same indictment
was unfiled Indictment ~~used~~ in 2002-6523-106.3
use in the 1st Conviction trial, Conviction and Sentence
of Oct 25th 2002 was used in the 9-24-2008
Trial, Conviction and Sentence.

Id as Exhibit # (9)

Petitioner was arraigned on the same day The Solicitors office called him to trial Before the Court of General Session Greenville County. see Id in attached Exhibit # (10) page 47 lines 8- page 48 line 23 of Trial transcript dated September 22-24, 2008. The trial Court used the ~~same~~ ^{old} Indictment of 2002. Id in Exhibit # (C) page 49 line 2-3

The Petitioner asked the trial Court had the Indictment been filed with the office of the clerk of Court General Session Court in compliance with SCRCrim Rule 3. Id in Exhibit # (10) page 49 lines 4-11

The Court stated that: I was reported out by the grand jury on February the 14th of 2002 and it was give a case number by the clerk of court, 2002-6523-C1063 at the February term. and it's -- the indictment I have was the same indictment you were tried on the first time you were tried. Id in Exhibit # (10) page 49 lines 13-18

Petitioner presented to The trial Judge a copy of the SC Court Administration, June 26 2002 Memorandum explaining the procedures to be following pursuant to SCRCrim Rule 3.

Id as Exhibit # (4). ~~Id~~ Id Exhibit # (10) page 50 line 9-15

The trial Judge then said that the procedure in Greenville is for the indictments to be prepared and the clerk, they're given an indictment number and they are numbers assigned by the clerk of court. And the procedure require the clerk of court to keep the indictment. The indictments are presented to the judge, usually in open court. He accepts the presentments, puts it into the record, and the indictments are delivered to the clerk of court, and the cases are called for trial by the solicitor. Id in Exhibit # (10) page 50 lines 16-24 He ~~didn't~~ he didn't know what the basis of your motion is but the procedure - The case was given a number by the clerk of court. It was presented to the grand jury and filed, and since that time it's been kept in your case file. And I do not know what your objection is right now. I can't see where it violates any -- where it violates rule 3...

Petitioner then stated, when it's filed with the clerk of court it's clock stamped, time and date. etc.

The judge then said screenshot Rule 3 does not address Indictments and there is a - the indictment was presented on February the 19th of 2002 by the grand jury of Greenville County, turned over to the clerk of court, and therefore, he found there has been no violation of rule 3.

which addresses arrest warrants. page 50 / line 25 - page 51 / line 25
Exhibit # (10)

When Petitioner attempted to object to the indictment because it was never filed, and attempted again to hand the Trial Court Judge a copy of SC Court of Administration June 21 1982 Memorandum in reference to the procedures to be followed pursuant to SC Crim P. Rule 3. The Trial Judge stated, that in a Motion that your attorney would need to make.

Id in Exhibit # (10) page 49 lines 19-24.

The only error Petitioner made during the arraignment on the day of trial was to make his Motion to dismiss the indictment, on grounds the indictment was never filed against him with the office of the clerk Court of General Sessions Court pursuant to SC Crim P Rule 3(c) therefore the court jurisdiction over the subject matters of Indictment 2002-65-23-1063 is not satisfied.

There is no question based on the record on the trial transcript that the circuit Judge Larry R Patterson presiding over the trial and arraignment and trial, as well as the public defender or Court Appointed Counsel Stephen John Henry appointed by Judge Larry R Patterson were aware that SC Crim P Rule 3(c) has not been met. and that absent the filing of the indictment against petitioner, the Court lacked jurisdiction over subject the subject matters "Indictment 2002-65-23-1063".

On 1-15-2002 Assistant Prosecutor Thomas Jr. Quinn Jr. prepared Indictment 2002-GS-23-1063 presented it to the Grand Jury of Greenville County on February 19th 2002 assigned the case number. Kept possession of the unfiled Original true bill of Indictment 2002-GS-23-1063 scheduled it on the trial Roster, without publishing the trial Roster with the Office of the Clerk of Court of General Sessions Court. Id in Exhibit # (11).

On October 23rd 2002 assistant Prosecutor Judith Munson called the un~~present~~ filed original Indictment 2002-GS-23-1063 to trial, bringing the indictment and ~~sentencing sheet~~ sentencing sheet with her to court; presented it to the trial court Judge Victor C. Pyle Jr. without objections ~~to the court~~ ~~personally~~ ~~to the court~~ lacking personal and subject matters Jurisdiction By Public Defender James W. Bannister, assistant Prosecutor Judith Munson tried and convicted Petitioner using the unfiled original true bill of Indictment 2002-GS-23-1063. on Oct 25th 2002 and only then on Oct 25th 2002 in open court did assistant Prosecutor Judith Munson submit to the Clerk of Court of General Sessions Court, the unfiled original true bill of Indictment and Sentencing Sheet for Archival filing.

This court cannot tell Petition based on the Indictment 2002-GS-23-1063 used on ~~his~~ September 22-24 2008 p. 18 of 20

to try and convict him, when it was filed against him, in a competent court in which, under S.C. Const. Article V § 11 would have been invested with jurisdiction of the subject matter of Indictment 2002-6523-1063 had it been filed against Petition? what date and time was indictment 2002-6523-1063 of October 25th 2002 conviction, and September 24th 2008 conviction filed with the 13th Judicial Circuit Court of General Session Court against him?

see Id in Exhibit # (9) attached.

In a court of general sessions, jurisdiction of the subject matter: the offense charged and of the person of the ~~accused~~ accused is indispensable to a valid conviction.

"It has been said that jurisdiction of the subject matter of a particular case is vested in the court when the appropriate charge is filed. State v Langford 223 S.C. 20. 1953, 73 S.E.2d 854. No indictment may be true billed by a grand jury when circuit court lacks jurisdiction, since grand jury's jurisdiction is coextensive with criminal jurisdiction of court in which it is impaneled and for which it is to make its inquiry State v McClure 289 S.E.2d. 158, 277 S.C. 432; State v Funderburk 259 S.C. 256, 191 S.E.2d. 520

Based on the evidence presented in Prose Petitioner Motion to Vacate the Conviction and Sentence of Criminal Case Indictment 2002-6523-1063 on ground that the Court lacked jurisdiction of the subject matter of Indictment 2002-6523-1063 as well as the grand jury was with jurisdiction to return a true bill of Indictment:

Petitioner prays the court will vacate the convictional sentence, and grant him a new trial

or dismiss indictment with prejudice / and vacate convictional sentence due lack of Subject Matter Jurisdiction...

Respectfully Submitted by
Prose Petitioner

Robert Watkins 243803 F4-1974

SS 243-16 2123- DUB- 5-22-65

Case 02-6523-1063

M. C. I

386 Redemption Way

M^c Cormick SC 29599

Robert Watkins

Signature

Sworn to before me

on this 23 day Dec month

2007 year SC Notary Public

J. Franklin Exp. Date: 12/16/2007

p. 20.

ARREST WARRANT

G-865977 1-8-02

STATE OF SOUTH CAROLINA

County/ Municipality of GREENVILLE

THE STATE 01-95052

against

ROBERT MAX WATKINS

Address: CONGAREE RD APT 708BLD 700 GREENVILLE SC 29601-0000

Phone: M Race: B Height: 6 SSN: 210

Sex: B Height: 210 Weight: 210

DL State: 5/22/65 DL #: GREENVILLE POLICE DEPARTM

DOB: GREENVILLE POLICE DEPARTM

Prosecuting Agency: W C BRUCE

Prosecuting Officer: ARMED ROBBERY

Offense: 16-11-330 Offense Code: 16-11

Code/Ordinance Sec.: 16-11-330

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to law.

Date: (L.S.)

RETURN

A copy of this arrest warrant was delivered to

defendant ROBERT MAX WATKINS

on 12-19-01 0915hrs

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO MUNICIPAL COURT

426 NORTH MAIN STREET

GREENVILLE SC 29601 - 0000

STATE OF SOUTH CAROLINA

County/ Municipality of GREENVILLE

Personally appeared before me the affiant

being duly sworn deposes and says that defendant

did within this county and state on

State of South Carolina (or ordinance of

in the following particulars: ARMED ROBBERY

DESCRIPTION OF OFFENSE:

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts: ON 12/19/01, CHUCKIE CHEESE LOCATED AT 253 CONGAREE RD WAS ROBBED AT GUNPOINT. THE ACCUSED, ROBERT MAX WATKINS, AND A CO-DEFENDANT WERE DETAINED DURING AN INVESTIGATION STOP WITH A LARGE AMOUNT OF CASH MATCHING THE DENOMINATIONS OF THE MONEY TAKEN DURING THE ROBBERY. THE DEFENDANTS VEHICLE WAS SEEN NEAR A DUMPSTER WHERE CLOTHING MATCHING THE DESCRIPTION OF CLOTHING WORN BY THE ROBBER WAS DISCOVERED. THE DEFENDANT'S VEHICLE WAS ALSO SEEN AT THE INCIDENT LOCATION IMMEDIATELY PRIOR TO THE ROBBERY.

Sworn to and subscribed before me

on 12/19/01

Signature of Issuing Judge (L.S.)

Signature of Affiant

Affiant's Address 4 HOGEE ST GREENVILLE SC 29601 - 0000

Affiant's Telephone 864 271-5333

STATE OF SOUTH CAROLINA

County/ Municipality of GREENVILLE

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 12/19/01 defendant ROBERT MAX WATKINS

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of ARMED ROBBERY

DESCRIPTION OF OFFENSE:

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before

me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the

defendant at the time of its execution, or as soon thereafter as is practically

Signature of Issuing Judge (L.S.)

Signature of Issuing Judge

Judge Code: Issuing Court: Magistrate Municipal Circuit

ORIGINAL

Exhibit #1, 6 pages

ARREST WARRANT

G-865988

STATE OF SOUTH CAROLINA
County/ Municipality of
GREENVILLE

THE STATE 01-95052
against

ROBERT MAX WATKINS
Address: CONGAREE RD API ZOBBLD 700
GREENVILLE SC 0000
Phone: 864 325-5565 SSN:
Sex: M Race: B Height: 6 Weight: 210
DL State: DL #:
DOB: 5/22/65 Agency ORI #:
Prosecuting Agency: GREENVILLE POLICE DEPARTM
Prosecuting Officer: W C BRUCE
Offense: WEAPON - POSSESSION DURI
NG VIOLENT CRIME Offense Code: 16-23-
Code/Ordinance Sec. 16-23-490

This warrant is CERTIFIED FOR SERVICE in the
County/ Municipality of
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge _____ (L.S.)

Date: _____

RETURN
A copy of this arrest warrant was delivered to
defendant ROBERT MAX WATKINS
on _____

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
GREENVILLE MUNICIPAL COURT
426 NORTH MAIN STREET
GREENVILLE SC 29601 - 0000

STATE OF SOUTH CAROLINA
County/ Municipality of
GREENVILLE

Personally appeared before me the affiant W C BRUCE
being duly sworn deposes and says that defendant ROBERT MAX WATKINS
did within this county and state on 12/19/01 violate the criminal laws of the
State of South Carolina (or ordinance of County/ Municipality of)
in the following particulars:

DESCRIPTION OF OFFENSE: WEAPON - POSSESSION DURING VIOLENT CRIME

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:
AFFIANT STATES THAT ON 12/19/01, THE ACCUSED, ROBERT MAX WATKINS,
ROBBED THE BUSINESS LOCATED AT 253 CONGAREE ROAD AT GUNPOINT.
THE ACCUSED OBSERVED A SHORT TIME LATER DISPOSING OF THE
CLOTHING WORN DURING THE ROBBERY. DURING A SEARCH OF THE
ACCUSED'S RESIDENCE, THE HANDGUN USED DURING THE ROBBERY WAS
DISCOVERED. THIS INCIDENT OCCURRED WITHIN THE CITY LIMITS OF
GREENVILLE, SC.

Sworn to and subscribed before me
on 12/20/01
Signature of Issuing Judge (L.S.)

Signature of Affiant
W.C. Bruce en #57

Affiant's Address 4 MCGEE ST.
GREENVILLE SC 29601 - 0000
Affiant's Telephone 864 271-5333

STATE OF SOUTH CAROLINA
County/ Municipality of
GREENVILLE

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that
on 12/19/01 defendant ROBERT MAX WATKINS
did violate the criminal laws of the State of South Carolina (or ordinance of
County/ Municipality of) as set forth below:

DESCRIPTION OF OFFENSE: WEAPON - POSSESSION DURING VIOLENT CRIME

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge (L.S.)
Judge Code: JP
Judge's Telephone
Issuing Court: Magistrate Municipal Circuit

Judge's Address 426 N MAIN ST
GREENVILLE SC 29601

ORIGINAL

AFFIDAVIT

Public Inquiry

Warrant #: G865988 Status APPEAL
 Judge : MATT HAWLEY
 Defendant: WATKINS, ROBERT MAX
 ADDRESS 1 245 CONGAREE RD APT 708 BLD
 GREENVILLE SC 00000 - 0000 Addr Type H
 Sex (M/F): M Race: B Height 0 ' 0 " Weight 0 Hair Eyes
 DL State : SC DL# 9999999999 DOB 5/22/1965
 Off. Date: 12/19/01 Iss. Party GREENVILLE CITY POLICE
 Offense : WEAPONS / POSS. WEAPON DURING VIOLENT CR
 Severity : Person/Non-person Counts: 1 1 of 1

Recv Date: 1/08/02 Arrest Dt 12/21/01 Warrant Create Dt 1/15/02
 Pros Atty: MUNSON, JUDY Waiver Dt
 Served Dt: True Bill Dt 2/19/02 No Bill Dt
 Indictment 2002GS2301063
 Def Atty : BANNISTER, JIM
 Court Rptr HUDGINS, SUSAN
 Disp. Date 10/25/02 Disp. TRIAL - GUILTY
 Disp. Jdg: PYLE, C VICTOR JR

F3=Exit Enter=Disposition Display

WITNESSES

W.C. BRUCE *Dwight A*

GPD

12/19/01

DOCKET NO. 2002-GS-23-

The State of South Carolina **1063**

County of Greenville

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2002

THE STATE

VS.

ROBERT MAX WATKINS

ARREST WARRANT NUMBER

G 865977

G 865988

ACTION OF GRAND JURY

TRUE BILL

Don Williams
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

**0139 ARMED ROBBERY
VIOLATION § 16-11-330
0549 POSSESSION OF A WEAPON DURING
THE COMMISSION OF OR THE ATTEMPT TO
COMMIT A VIOLENT CRIME
VIOLATION § 16-23-490**

273

SCANNED

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
COUNT ONE -ARMED ROBBERY
COUNT TWO- POSSESSION OF A WEAPON DURING
THE COMMISSION OF OR THE ATTEMPT TO COMMIT
A VIOLENT CRIME

At a Court of General Sessions, convened on FEBRUARY 19, 2002 the
Grand Jurors of Greenville County present upon their oath:

COUNT ONE - ARMED ROBBERY

That ROBERT MAX WATKINS did in Greenville County, on or about the 19th day of December, 2001, while armed with a deadly weapon, or while alleging, either by action or words or both, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon did, by use of force, threats or intimidation, take and carry away the property of another, to wit: U.S. currency from Chuckie Cheese. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

COUNT TWO - POSSESSION OF A WEAPON DURING THE COMMISSION OF OR THE
ATTEMPT TO COMMIT A VIOLENT CRIME

That ROBERT MAX WATKINS did in Greenville County, on or about the 19th day of December, 2001, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: Armed Robbery. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Thomas J. Quinn
SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS. Robert Watkins

INDICTMENT/CASE#: 2002GS2301063
A/W#: G865977
Date of Offense: 12/19/2001 - 1/19/2004
S.C. Code § : 16-11-0330(A)
CDR Code #: 0139

Exhibit #2
2 page

AKA:
Race: B Sex: M Age: 42
DOB: 05-22-1965 SS#: 1243-162123
Address: CONGAREE RD APT 708 BLD
GREENVILLE, SC 29607 29607
DL#: 007729248 SID#: 090521690

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: ROBBERY, ARMED WITH A DEADLY WEAPON (GS)

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR-Code # 0139
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Jn C Ma Marchant, Lucas

Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 25 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

- CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

set by SCDPPPS

Recipient:

Table with columns for assessment type, amount, and total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 35.13 (Public Def/Prob) \$500, § 73.3, 1B TP (Law Enforce. Funding) \$25, § 33.7, 1B TP (Drug Court Surcharge) \$100, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments), § 90.11 TP (SCCJA Surcharge) \$5.

- Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

Paul B. Wickensin Clerk of Court/ Deputy Clerk
Court Reporter: M. Di Girolamo

PRESIDING JUDGE Gary R. Pull
Judge Code: 20315
Sentence Date: September 24, 2008
SCCA/217 (07/2008)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS. Robert Watkins

INDICTMENT/CASE#: 2002GS2301063
A/W#: G865988
Date of Offense: 12/19/2001 - 1/19/2004
S.C. Code § : 16-23-0490
CDR Code #: 0549

AKA:
Race: B Sex: M Age: 42
DOB: 05-22-1965 SS#: 247-89-8576
Address: CONGAREE RD APT 708 BLD
GREENVILLE, SC 29607
DL#: 007729248 SID#: 090521698

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: POSSESSION OF A WEAPON DURING A VIOLENT CRIME

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:
Marchant, Lucas

Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: September 24, 2008 for armed robbery
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

set by SCDPPPS

Recipient:

*Fine: \$

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 35.13 (Public Def/Prob) \$500 \$

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$

§ 90.11 TP (SCCJA Surcharge) \$5 \$

TOTAL \$

- Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

Paul B. Wickensamer
Clerk of Court/ Deputy Clerk

Court Reporter: M. D. ...

PRESIDING JUDGE

Judge Code: 2

Sentence Date: September 24, 2008

Handwritten signature and date: September 24, 2008



Office of the Clerk of Court

Greenville, South Carolina

Paul B. Wickensimer
Clerk of Court

Exhibit # 3 2 pages

Circuit Court Division
Greenville County Courthouse
305 East Main Street
Greenville, South Carolina 29601
(864) 467-8551 FAX (864) 467-8540

Family Court Division
301 University Ridge
Post Office Box 757
Greenville, South Carolina 29602
(864) 467-5800 FAX (864) 467-5856

Reply to: Circuit Court Division

December 4, 2008

Robert M. Watkins, 243803
F4-122B
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29889

Re: FOIA and P.A. Act Request

Mr. Watkins,

I know you are seeking copies of your records and we have in the past explained that we have provided everything that we have on file.

Our records are open to the public and any time you want to send a representative on your behalf to our office to review the file, please do so.

According to your last letter dated November 19, 2008, it is my understanding that you are specifically requesting the following:

1. Your request is pursuant to the FOIA statutes.
2. You are requesting a copy of the Certificate of Transmittal form SCCA M3 and M2 and all the documents that were transmitted pertaining to G865977, G865975 and G865988.
3. You are requesting a copy of the original pre-filed, un-presented indictment in case number 02-GS-23-1063 and 1068.
4. You are requesting a copy of the case file of the State vs. Pelzer, 02-GS-23-1068.
5. You are requesting a copy of the General Sessions Court Motions calendar for the months of March to September 2008 for Motions to reduce Bonds or relieve and appointment of counsel.
6. You are requesting a copy of all orders issued by Judge Patterson concerning arrest warrant G865977, 88 and G865975 beginning February 6, 2008 to September 24, 2008.

First of all, as S. C. Court Administration has pointed out to you many times, under FOIA an agency has the right to charge for searching and making copies. There are no provisions under the FOIA for indigent status which is why we suggested that you send a representative on your behalf to review the case files. We do not search records or provide copies for individuals as our role is to provide access to the public files. However, given your status we understand that you personally cannot come to our office to review the case file but you can send someone on your behalf as our records are public and anyone can come in and review them.

Based on your specific requests above, let me respond:

1. Although you have sited the Federal FOIA which applies to a request for information from federal agencies, we are treating your request as one under the South Carolina FOIA. Under the South

See Rule 3(c)

Robert M. Watkins
December 4, 2008

Carroll's FOIA status
you are requesting
According to the Clerk of Court Manual and Records Retention Schedule, the Certificate of Transmittals are filed separately and can be destroyed after 2 years. The Certificate of Transmittals that were kept in our office for the years of 2001 and 2002 have been destroyed. You are also requesting copies of the documents that were transmitted. That would have been the warrant, bond forms, Magistrate Checklist, etc. and those documents would be in the case file that you have already received copies.

SCA
M3-M2

3. In 2002, we did not pre-file indictments. The procedure in place at that time was the Solicitor kept charge of all indictments, presented them to the grand jury, assigned the case numbers and only sent them to the Clerk of Court at the time of plea, trial or dismissal.

4. Since this is a request pursuant to FOIA, we have the right to charge a fee to search for and copy the file you are requesting. However, you can send a representative to our office to review and request a copy of the file. The fee for copies is \$.25 per page.
5. We do have the motion calendars from March to September, 2008. Again, we have the right under FOIA to charge a fee for searching for and copying the records you are requesting. Again, you may send a representative to our office to review the records and request copies. The fee for copies is \$.25 per page.
6. Again, under FOIA we have the right to charge a fee for searching for and copying the orders you are requesting. Again, you may send a representative to our office to review the records and request copies. The fee for copies is \$.25 per page.

I need to also let you know that you are requesting documents that we do not typically have as a part of our case file such as; dispositions, plea agreements and bargains, police reports, statements, search warrants and returns, supplemental reports, crime scene investigation reports, and property reports. Those types of records are not typically considered public records and are not routinely filed with the Clerk of Court or made a part of the case file. If they are used as evidence in a trial and are marked as an exhibit, we may have them filed separately with the exhibits as exhibits are filed separately and not kept with the case file. I believe we have provided you with copies of the previous exhibits but if any others were entered as exhibits in this last trial, let us know specifically which ones you are requesting. Also, this would again fall under an FOIA request.

Please understand that we are not opposed to what you are trying to accomplish. However, there are certain procedures and laws that are in place that we follow to the best of our ability to serve all the citizens that request to review or copy their files.

Please let us know if you would like for us to proceed with the FOIA request. At that time, we will determine what the cost would be and let you know the amount of the deposit that would be required before we would begin searching for and copying the records you are requesting that we can provide.

Sincerely,
Leanda King
Leanda King
Assistant Clerk of Court
Circuit Court

return to me
with response

June 21, 1982



051982

MEMORANDUM

TO: All Clerks of Court
RE: Procedures Under Rule 3 S.C. Rules of Criminal Procedure (SCRCrimP)

Ladies and Gentlemen:

During the past five months, representatives of this office have been auditing compliance with Rule 3 SCRCrimP governing the transmittal of arrest warrants and the taking of action on those arrest warrants by the Office of the Solicitor. In most courts, the audit was in the form of a random sampling of warrants and in others a full audit of the criminal records was made. In the vast majority of situations, the court was in compliance with Rule 3. Steps are now being taken to insure that those counties not in compliance are brought into compliance.

The audits did, however, reveal that the proper procedures were not being followed in some instances. To clarify any misunderstanding of procedures, we felt it would be helpful to point out the problems which were encountered and the procedures which should be followed.

All magistrates and municipal judges have been instructed to prepare a certificate of transmittal, form SCCA-M3, to accompany all uniform numbered arrest warrants forwarded to the Office of the Clerk of Court. No uniform numbered arrest warrants issued by a magisterial or municipal court should be accepted by the clerk of court unless accompanied by the proper certificate of transmittal. When a uniform numbered arrest warrant issued by the magisterial or municipal court is presented to the clerk without the necessary certificate of transmittal, it should be immediately returned to the issuing court and not accepted for filing. In order that we may correct the problem we would appreciate being notified by the clerk when this situation arises. This procedure does not apply to other agencies which are authorized to issue warrants such as the Wildlife Department, Coroners and Probation Officers.

SCRCrim P Rule 3(c)

When the indictment which has been prepared but not yet presented to the grand jury in compliance with Rule 3 is presented to the clerk of court for the assignment of the criminal case number, the prepared, but unrepresented indictment should be taken for filing by the clerk of court at that time. The solicitor may retain a copy or request the clerk of court to provide him with a copy of that prefiled indictment. The original should at all times remain in the possession of the clerk of court. Until the prepared, but unrepresented indictment is filed with the clerk of court, compliance with Rule 3 has not been met. Once the case number has been assigned to an unrepresented original indictment or a presented original indictment, the original is to remain with the clerk of court at all times except when needed by the grand jury or the court, as the case may be. Under circuit court rules and S.C. Code Ann. § 14-17-570, the clerk is responsible for the possession of the original document and should not allow it to be removed from his possession except in the aforementioned. If a presented indictment has been filed, all papers pertaining to the case should be filed in the same case file.

Placement of a case represented by the warrant in pretrial intervention or other diversion program does not have the effect of tolling Rule 3 unless the requirement of Rule C(3) is met. A written statement must be filed with the clerk of court that the case has been placed in pretrial intervention or other diversion status. This is also true should the solicitor determine that a nol-pros or other dispositive action on the warrant is appropriate and taken by the solicitor. That action must be in writing and filed with the clerk of court.

Rule 2 SCRCrimP requires that preliminary hearings must be requested within ten (10) days of the bond hearing or first appearance (for non-bailable offenses), and held within ten (10) days of the request. Magistrates and municipal judges are required to notify the clerk of court and solicitor when a preliminary hearing is requested by use of the "Notice to Clerk of Court and Solicitor of Judicial Circuit," form SCCA-M2. The form must show the specific place, time and date that the preliminary hearing is scheduled. Should the preliminary hearing be continued, the clerk and the solicitor should be notified. A notice form comes in to the clerk and solicitor with the statement that the preliminary hearing is to be scheduled as a future date or is left blank should be returned to the magistrate or municipal judge and this office notified.

When a warrant is received by the clerk of court from the magistrate or municipal court for filing and the Return showing that the warrant has, in fact, been served on the defendant is incomplete, the warrant should be returned to the issuing court and the original warrant not accepted until such Return evidencing that the warrant was properly served is complete.

Non-compliance with one or more of the foregoing procedures was encountered in only isolated areas. This letter is intended to clarify the procedures for those areas and restate them for all parties concerned. By copy of this letter, we are notifying all magistrates, municipal judges, solicitors and public defenders, as well as the circuit judges, as to the procedures. Should you have any questions, please contact this office.

Sincerely,

L. Edmund Atwater, III



Office of the Clerk of Court

Greenville, South Carolina

Paul B. Wickensimer
Clerk of Court

[Handwritten signature]
Exhibit # 5
2 pages

Circuit Court Division
Greenville County Courthouse
305 East North Street
Greenville, South Carolina 29601
(864) 467-8551 FAX (864) 467-8540

Family Court Division
301 University Ridge
Post Office Box 757
Greenville, South Carolina 29602
(864) 467-5800 FAX (864) 467-5856

Reply to: Circuit Court Division

October 7, 2010

Robert M. Watkins, #243803
F1-258-A
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

Dear Mr. Watkins:

I sincerely apologize for taking so long to get these copies to you. I wanted to get something to you quickly, so I just printed off what is in our imaging system. This may not be the complete documents because we began imaging documents after your case was first filed in 2002. So, if you run across something that you needed that is not here, just let me know. I may have to go to the file to locate a specific document. Since these are on the computer, I took the easy route so I could get something to you. Most of these documents are from the time period when your case was reversed and remanded for a new trial.

As you know, there were 2 separate warrant numbers. Our case management system tracks cases by the warrant number. However, both warrant numbers are included in the one case number 2002GS2301063. I have included copies of documents for each warrant. When we get documents in with one indictment number, but with 2 warrant numbers, we try to index the image to both warrant numbers, but don't always so there may be images in one warrant number that is not in the other. All the paper documents are filed in a file folder with the number 2002GS2301063 and both of the paper warrants and related documents are in that same file folder, but in the computer system, they are separated.

As far as needing "clocked in" copies of the indictments and sentence sheets, please be aware that not all documents that are received by us are "clocked" in. For example, indictments are not clocked in because in the case management system, we have a place to enter a date. That is deemed the filing date. It is always the date of the Grand Jury Term because we receive them from the Grand Jury on the date they meet. However, back in 2002, after we received and filed them, the procedure in place at the time was to allow the Solicitors, as court officials, to hold the original documents because they schedule the General Sessions docket and would know when an indictment was needed for court. When a person went to court, the Solicitor would bring the original indictment along with a sentence sheet and then return the documents to the clerk in the courtroom for archival filing. I am giving you this information in hope that you can better understand how the process worked at the time.

See
SCR Conf with B
Memorandum

§ 17-330
§ 14-17-570

[Handwritten notes and stamps, including "NOT RECORDED" and "FILED"]

The original indictment from 2002 was used in the 2008 trial. In 2002, the verdict was written on the back of the indictment. In 2008, a verdict sheet was given to the jurors (see separate sheet attached to sentence sheet).

Again, if there is something specific that is not included here, please let me know the name of the document and the approximate date of filing.

Sincerely,


Leanda King



Office of the Clerk of Court

Greenville, South Carolina

Paul B. Wickensimer

Clerk of Court

Exhibit # 6

Circuit Court Division
Greenville County Courthouse
305 East North Street
Greenville, South Carolina 29601
(864) 467-8551 FAX (864) 467-8540

Family Court Division
301 University Ridge
Post Office Box 757
Greenville, South Carolina 29602
(864) 467-5800 FAX (864) 467-58

Reply to: Circuit Court Division

July 28, 2009

Robert M. Watkins, 243863
F1-121-B
McCormick Correctional Institution
386 Redemption Way
McCormick SC 29899

Dear Mr. Watkins:

Now I understand what you are talking about as far as dockets and trials rosters. We do have dockets for the Court of Common Pleas (Civil Court) but the dockets for the Court of General Sessions (Criminal Court) are the responsibility of the Solicitor's office.

Circuit Court is comprised of two separate and distinct courts, Common Pleas and General Sessions. The S.C. Rules of Civil Procedure apply only to cases that are filed within the Common Pleas court (with the exception of Post Conviction Relief cases). There are always exceptions!

We do coordinate court dockets and now I know what you mean by General Docket, because yes we do keep that for Common Pleas cases (although it is computerized.) There is a specific S. C. Code that puts the jurisdiction of the General Sessions docket with the Solicitor's office in South Carolina:

SECTION 1-7-330. Attendance at circuit courts; preparation and publication of docket.

The solicitors shall attend the courts of general sessions for their respective circuits. Preparation of the dockets for general sessions courts shall be exclusively vested in the circuit solicitor and the solicitor shall determine the order in which cases on the docket are called for trial. Provided, however, that no later than seven days prior to the beginning of each term of general sessions court, the solicitor in each circuit shall prepare and publish a docket setting forth the cases to be called for trial during the term.

The Rule 40 that you referred to is for Common Pleas court and that is how cases in civil court are called for trial. The Rules of Civil Procedure apply to civil cases and the Rules for Criminal Court apply to criminal cases. You can't apply one to the other.

Exhibit #7

5

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
GRAND JURY SESSIONS)
)
FEBRUARY 19, 2002)

IN THE COURT OF GENERAL SESSIONS

PRESENTMENT

TO: THE HONORABLE JOHN FEW
PRESIDING JUDGE, THIRTEENTH JUDICIAL CIRCUIT

FILED-CITY OF COURSE
PAUL R. ...
2002 FEB 19 PM 4:09

*Indictment 2002-GS-23-063
Should have this on
if showing why
it was filed*

The Grand Jury makes the following presentment. We do hereby certify that at least two jurors have reviewed Indictment numbers:

2002-GS-23- 848 THROUGH 2002-GS-23- 1707 and have rendered a true bill on each with the following exceptions:

INDICTMENT NUMBERS

ACTION TAKEN

2002-GS-23-1589

NO BILL

Respectfully submitted,

Jan Salinas
GRAND JURY FOREMAN

I do hereby accept the Grand Jury Presentment.

[Signature]
PRESIDING JUDGE
THIRTEENTH JUDICIAL CIRCUIT

Greenville, South Carolina
2/19, 2002

*This is what they are filling instead of
the criminal complaint or charges.
I feel as what am I charged with
by this document?*

||

DOCKET NO. 2002-GS-23-

TJQ

C1003

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2002

THE STATE

vs.

ROBERT MAX WATKINS

Indictment for

0139 ARMED ROBBERY

VIOLATION § 16-11-330

0549 POSSESSION OF A WEAPON DURING

THE COMMISSION OF OR THE ATTEMPT TO

COMMIT A VIOLENT CRIME

VIOLATION § 16-23-490

WITNESSES

S. BRUCE DOWNTON

SPD

12/19/01

ARREST WARRANT NUMBER

G 865977

G 865988

ACTION OF GRAND JURY

TRUE BILL

John Johnson

FOREMAN GRAND JURY

person of Grand Jury

VERDICT

ONE: Guilty

TWO: Guilty

John Johnson 10/25/02
Date: *10/25/02*
person of Petit Jury

Exhibit # 8

Certified Copy
Robert B. McQueeney, SC
Clerk of Court, CP & O's
Greenville County, SC
Dated: 12/19/01

ENTERED
ACCT.

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
COUNT ONE - ARMED ROBBERY
COUNT TWO- POSSESSION OF A WEAPON DURING
THE COMMISSION OF OR THE ATTEMPT TO COMMIT
A VIOLENT CRIME

At a Court of General Sessions, convened on FEBRUARY 19, 2002 the

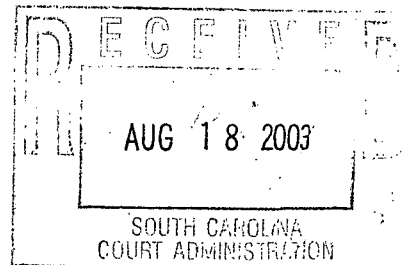
Grand Jurors of Greenville County present upon their oath:

COUNT ONE - ARMED ROBBERY

That ROBERT MAX WATKINS did in Greenville County, on or about the 19th day of December, 2001, while armed with a deadly weapon, or while alleging, either by action or words or both, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon did, by use of force, threats or intimidation, take and carry away the property of another, to wit: U.S. currency from Chuckie Cheese. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

COUNT TWO - POSSESSION OF A WEAPON DURING THE COMMISSION OF OR THE
ATTEMPT TO COMMIT A VIOLENT CRIME

That ROBERT MAX WATKINS did in Greenville County, on or about the 19th day of December, 2001, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: Armed Robbery. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.



Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Thomas J. Davis
SOLICITOR

Exhibit

WITNESSES

W.C. BRUCE *Duval*

GPD

12/19/01

DOCKET NO. 2002-GS-23-

The State of South Carolina **1063**

County of Greenville

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2002

Exhibit 9 2 pages

ARREST WARRANT NUMBER

G 865977

G 865988

ACTION OF GRAND JURY
TRUE BILL

John Robinson

FOREMAN GRAND JURY
Representor of Grand Jury

VERDICT
COUNT ONE: *Guilty*
COUNT TWO: *Guilty*

Robert Max Watkins
Representor of Petit Jury

10/13/02
Date:

THE STATE *Guilty*
VS.
ROBERT MAX WATKINS
GUILTY
9-24-08

Indictment for
0139 ARMED ROBBERY
VIOLATION § 16-11-330
0549 POSSESSION OF A WEAPON DURING
THE COMMISSION OF OR THE ATTEMPT TO
COMMIT A VIOLENT CRIME
VIOLATION § 16-23-490

*convicted twice
using this indictment
Back in 2002
and in 2008*

ENTERED
ACCT. *[Signature]*

SCANNED

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
COUNT ONE - ARMED ROBBERY
COUNT TWO- POSSESSION OF A WEAPON DURING
THE COMMISSION OF OR THE ATTEMPT TO COMMIT
A VIOLENT CRIME

At a Court of General Sessions, convened on FEBRUARY 19, 2002 the
Grand Jurors of Greenville County present upon their oath:

COUNT ONE - ARMED ROBBERY

That ROBERT MAX WATKINS did in Greenville County, on or about the 19th day of December, 2001, while armed with a deadly weapon, or while alleging, either by action or words or both, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon did, by use of force, threats or intimidation, take and carry away the property of another, to wit: U.S. currency from Chuckie Cheese. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

COUNT TWO - POSSESSION OF A WEAPON DURING THE COMMISSION OF OR THE
ATTEMPT TO COMMIT A VIOLENT CRIME

That ROBERT MAX WATKINS did in Greenville County, on or about the 19th day of December, 2001, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: Armed Robbery. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Thomas J. Quinn
SOLICITOR

Exhibit # (10) 7 pages



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Defender
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Acting Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender
Joseph L. Savitz, III, Senior Appellate

December 7, 2010

Mr. Robert Watkins, #243803
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

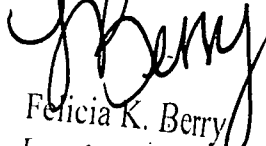
Re: Your case

Dear Mr. Watkins:

Enclosed please find a copy of pages 47 – 52 of your trial transcript dated September 22-24, 2008.

Feel free to contact this office if you have any questions.

Sincerely,


Felicia K. Berry
Legal Assistant

/fkb
Enclosure



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Exhibit # (10) pages

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Defender
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Acting Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender
Joseph L. Savitz, III, Senior Appellate

December 7, 2010

Mr. Robert Watkins, #243803
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

Re: Your case

Dear Mr. Watkins:

Enclosed please find a copy of pages 47 – 52 of your trial transcript dated September 22-24, 2008.

Feel free to contact this office if you have any questions.

Sincerely,

Felicia K. Berry
Legal Assistant

/fkb
Enclosure

1 THE COURT: I'm sorry?

2 THE CLERK: You should have one from both sides.

3 THE COURT: Okay.

4 THE CLERK: And voir dire from the defense.

5 THE COURT: I got it. Yeah.

6 THE CLERK: This is the old list here. This is the
7 new list.

8 MR. HENRY: Judge, I'm not sure if you want to do
9 this now or later, I don't want to interrupt you, but Mr.
10 Watkins says he would like to be arraigned at some point.
11 He says he's not been arraigned. I don't know if that's
12 a fact or not, but he's says he's not been arraigned on
13 this indictment.

14 THE COURT: Okay. All right. Mr. Watkins, would
15 you stand up, and I placed you under oath earlier today.
16 You are under oath, okay?

17 MR. WATKINS: Yes, sir.

18 THE COURT: You are Robert Max Watkins?

19 MR. WATKINS: Yes, sir.

20 THE COURT: And Mr. Watkins, in this indictment you
21 are charged within Greenville County, on the 19th day of
22 December of 2001, while armed with a deadly weapon,
23 either by action, words, or both, you -- or using a
24 representation of a deadly weapon, or an object which a
25 person presented during the commission of a robbery

1 reasonably believed to be a deadly weapon, that you used
2 force, threats, or intimidation to take away the
3 property, US currency, from Chuck E Cheese in violation
4 of section 16-11-330 of the South Carolina code of laws.
5 You're charged with army robbery. Do you understand that
6 charge?

7 MR. WATKINS: Yes, sir.

8 THE COURT: Mr. Watkins, how do you plead to that
9 charge?

10 MR. WATKINS: Not guilty. *innocent*

11 THE COURT: And how do you want to be tried?

12 MR. WATKINS: A jury. *in court with*

13 THE COURT: All right. Thank you very much. *of the indictment*

14 MR. WATKINS: Your Honor, could I get a copy ---

15 THE COURT: Now, you're also charged with the
16 possession of a weapon during the commission of a crime.
17 They allege that during that -- on December the 19th,
18 2002 (sic), you were in possession of a handgun during
19 the commission of the crime. Do you understand that
20 charge?

21 MR. WATKINS: Yes, sir.

22 THE COURT: And how do you plead to that charge?

23 MR. WATKINS: Not guilty.

24 THE COURT: And how do you wish to be tried on that
25 charge?

1 MR. WATKINS: A jury.

2 THE COURT: Okay. Now, I've got the old indictment.
3 You've got a copy of that. That's the one I have.

4 MR. WATKINS: Is it clock stamped by the clerk of
5 court? Has it been filed with the clerk of court? It
6 has to be filed or processed with clerk of court as a
7 court of competent jurisdiction, under criminal procedure
8 rule 3. It has to be filed and processed with the Court
9 in order to get -- I guess it's personal jurisdiction.
10 For the Court to have personal jurisdiction on me it has
11 to be processed.

12 (A discussion was held off the record.)

13 THE COURT: It was reported out by the grand jury on
14 February the 19th of 2002, and it was given a case number
15 by the clerk of court, 2002-GS-23-C1063 at the February
16 term. And it's -- the indictment I have was the same
17 indictment you were tried on the first time you were
18 tried.

19 MR. WATKINS: Yes, I mean, but object to the
20 indictment because it was never filed. , Can I hand this
21 to the officer to hand to you about rule 3 where it says
22 procedures supposed to be followed on indictment ---

23 THE COURT: It -- well, that's in a motion that your
24 attorney would need to make.

25 MR. HENRY: Judge, I think the motion has been

1 previously made and ruled upon, if I'm not mistaken, when
2 he was representing himself. What he's saying I think is
3 that rule 3, criminal procedure rule 3 was not followed,
4 it was not properly clocked in in the clerk's office and
5 therefore he didn't -- you don't have jurisdiction over
6 him individually, as a person. I did not file that
7 motion, but I think it's already been heard and decided.

8 THE COURT: Okay. I'm not familiar with the clerk
9 clocking in the indictments. They do give them a case
10 number, an indictment number, and they open a file and
11 it's reported to court administration and all the cases
12 are -- come out on a list.

13 MR. WATKINS: Yes, sir, I have a copy of the
14 procedures right there. It's at the bottom with the
15 indictment.

16 THE COURT: Well, the procedure in Greenville is for
17 the indictments to be prepared and the clerk -- they're
18 given an indictment number and they are numbers assigned
19 by the clerk of court. And the procedures require the
20 clerk of court to keep the indictment. The indictments
21 are presented to the judge, usually in open court. He
22 accepts the presentments, puts it into the record, and
23 the indictment are then delivered to the clerk of court,
24 and the cases are called for trial by the solicitor.

25 Now, I don't know what the basis of your motion is,

1 but the procedure -- the case was given a number by the
2 clerk of court. It was presented to the grand jury and
3 filed, and since that time it's been kept in your case
4 file. And I do not know what your objection is right
5 now. I can't see where it violates any -- where it
6 violates rule 3.

7 MR. WATKINS: When it's filed with the clerk of
8 court it's clock stamped, time and date. I can show you
9 where the -- how the clerk clock stamped the indictment I
10 have. On the indictment I have ---

11 THE COURT: Well ---

12 MR. WATKINS: The clerk receives the indictment they
13 then clock stamp it. He receives it to show that it's
14 been filed.

15 MR. MARCHANT: Your Honor, I would just like to make
16 clear, at this time I believe that you appointed Mr.
17 Henry, I believe he's the one that's ---

18 THE COURT: I did. Mr. Henry should be making the
19 motion, but he did this during the arraignment. And
20 the -- rule 3 is the disposition of arrest warrants. It
21 does not address indictments. And there is a -- the
22 indictment was presented on February the 19th of 2002, by
23 the grand jury of Greenville County, turned over to the
24 clerk of court. And therefore I find that there has been
25 no violation of rule 3, which addresses arrest warrants.

1 Okay.

2 Now, Mr. Watkins has been arraigned, and we're going
3 to go forward with the jury selection. Okay. Bring the
4 rest of them in.

5 (The jury panel entered the courtroom at 2:23 p.m.)

6 THE COURT: All right. Ladies and gentlemen, we're
7 going to select a jury now in this case of the State of
8 South Carolina and Robert Max Watkins. Mr. Watkins,
9 would you stand up, please, and face the jury panel? Do
10 any of you, ladies and gentlemen, know Mr. Robert Max
11 Watkins, who is standing before you?

12 (No response from the jury panel.)

13 THE COURT: Okay. Thank you, Mr. Watkins. Ladies
14 and gentlemen, first of all, I'm going to ask you if you
15 know anything, if you've heard anything, or have you read
16 anything, I don't know if anything has been written about
17 it, but have you ever known anything, or heard anything
18 about this case. The allegations are, and Mr. Watkins
19 has pled not guilty to those charges, that's the reason
20 you and I are here, and the charges are, and the
21 allegations are armed robbery on December the 19th of
22 2002, at Chuck E Cheese, I believe that was a restaurant
23 located where?

24 MR. HENRY: 2001, Your Honor.

25 THE COURT: Where?



Office of the Clerk of Court

Greenville, South Carolina

Paul B. Wickensimer
Clerk of Court

Exhibit # 11
2 pages

Circuit Court Division
Greenville County Courthouse
305 East North Street
Greenville, South Carolina 29601
(864) 467-8551 FAX (864) 467-8540

Family Court Division
301 University Ridge
Post Office Box 757
Greenville, South Carolina 29602
(864) 467-5800 FAX (864) 467-5856

Reply to: Circuit Court Division

July 15, 2009

Robert M. Watkins, 243803
McCormick Correctional Institution
386 Redemption Way
McCormick SC 29899

Re: Letter Dated 7/6/2009

Dear Mr. Watkins:

I sincerely hope you are doing well, Mr. Watkins. How is the appeal going? Where are you on your case? I have enclosed the only document that we have from your request. From your letter, here is a list of what you have requested and my response:

1. A copy of the Court of General Sessions General Docket for the term of court from January 4, 2002 to June 30, 2002.

Response: I am not sure exactly what you mean by "General Docket". Are you wanting a list of all General Sessions cases that were pending from January to June, 2002?

2. A copy of the trial roster for June 2008 to December 2008.

Response: The Solicitor's office is responsible for setting cases on the trial docket and are not required to "file" the trial roster with the Clerk. Therefore, this is not something that is available from our office.

3. A copy of the Notice to the Clerk of Court of General Sessions of the appointment of Counsel on Feb. 6, 2008.

Response: I am not familiar with this document that you are requesting. I am not aware of this particular "notice" that you are referring to. Can you be more specific? There is not a document filed that is titled like this. In most cases, there is not a notice of appointment filed with the Clerk that like. There may be a specific order from a judge that could be filed.

[-7-330

4. A copy of the disposition of the arraignment held on Feb. 6, 2008.

Response: If a document is produced from arraignment hearings (I am not personally aware that this is done), this is not a document that is filed in our office as part of the General Sessions documents.


5. A copy of the four page of the Motion for a New Trial filed around October 2008.

Response: That document we have on file and is enclosed.

Mr. Watkins, most of the time you are requesting documents that we do not have on file in our office. When you request things we don't have, we cannot provide them. It appears to me that you think a lot of these documents should be in the file. However, all we can provide is what is there. Again, we are not trying to be difficult but can only provide what we have, and which we have on many occasions.

I do care about what you are trying to accomplish so I really would like to know how things are going. I can't give advice, I'm not an attorney, but I can be a friend.

Best regards,


Leanda King
Assistant Clerk of Court