

Nov 7 2012

RECEIVED

NOV 15 2012

Dear Mr Daniel Steawase please S.C. SUPREME COURT

send me act in your response that
this amendment and Supporting Sworn Affidavit
and 19 Exhibits has been filed, as part of my
Motion to relieve SCCID Division of Appellate defense
from any further representation of Case Appellate Case #
2011-195272 which should already, been filed. Before
receiving this amendment, and supporting sworn affidavit
and 19 Exhibits; So that I will know that
you have received this amendment / supported
sworn affidavit and 19 Exhibits. Dated Nov 7, 7th 2012

Send me a copy of the amendment pg 1 of 1
and a copy of the sworn supporting Affidavit 1st page
showing it has been received

Thank you
Sincerely Yours
Richard M. Watkins

Robert M Watkins
pro-se Movant

In The SC Supreme Court

The State of South Carolina
Commission on Indigent Defense
Division of Appellate Defense
Respondent

Amendment to Motion to Relieve SCCIO
Division of Appellate Defense and its employees,
from any further presentation in the matter
of Appellate Case # 2011-195272

Pending Before SC Supreme Court - with
Supporting Sworn Affidavit thereof, and

Date Nov. 7th 2012

19 Exhibits.

The above pro-se Movant ~~Case~~ comes before this
honorable Court, seeking to Amend this Amendment
and supporting Sworn Affidavit and 19 Exhibits to
his ~~Motion~~ Pro-se Motion to Relieve SCCIO Division
of Appellate Defense from any further representation
of him in the matter concerning Appellate Case 2011-195272
Based on ground set forth in this attached Sworn
Supporting affidavit and 19 Exhibits, and upon the mercy and
grace of this Court, will appoint a Pro Bono counsel
to file the reply brief after the state of SC attorney General's
office file its brief ~~in~~ preference to this Court granting
of the state petition for writ of Habeas on Oct 17, 2012. That
this Court recognizes the need based on the conflict of interest
and prejudice that exists, that would require the appointment
of counsel that is not affiliated or associated with
SCCIO Division of Appellate Defense.

Donald E Shearouse
Please file

Respectfully Submitted by
Robert M Watkins 243803 84-197A
MCI, 386 Redemption Way
Mt Carmel SC, 29899

Sworn Affidavit in Support
 Amendment to Motion to Relieve SCCID Division of Appellate
 Defense and employees from further representation on Appellate
 Case 2011-195272

The reason and grounds why I Robert M. Watkins inmate
 213803 filed A Motion to Relieve ~~from~~ SCCID Division
 of Appellate Defense and its employees or designees from
 any further presentation of Appellate Case # 2011-195272
 State v Robert Watkins

~~An Assistant Deputy Attorney General Salley W. Elliott was mailed~~
 S.C. Court of Appeals Deputy Clerk of Court V. Claire Allen on
 April 21, 2011 mailed to Assistant Deputy Attorney General
 Salley W. Elliott a copy of the Filed April 21, 2011 order
 denying assistant attorney general petition for rehearing
 see Exhibit #1 attached.

Assistant Deputy Attorney General Attorney General Salley W.
 Elliott did not forward Exhibit #1. The S.C. Court of
 Appeals Filed April 21, 2011 order denying assistant attorney
 General William M. Blich Jr. ~~petition~~ denying petition for a
 rehearing until, after the June 2nd, 2011 remittitur
 was sent, rendering a final S.C. Court of Appeals Judgment
 2011-UP-091 as a final judgment, granting me a new trial
 to the lower courts. see Exhibit #2 attached.

and after in which I had been released from the
 S.C. Department of Corrections on June 14, 2011, into the custody
 of Greenville County for a new trial, in which I was held
 for court on a No Bond.

See Exhibit #3 copy of assistant attorney general

William M. Blitch Jr. Mail log from April 21, 2011 to June 15, 2011 showing that assistant Deputy attorney General Salley W. Elliott didn't forward Exhibit # 1. SC Court of Appeal April 21, 2011 filed order denying his petition for a rehearing to him until June 15, 2011. Too late for him to file a petition for a Writ of Certiorari pursuant to and in compliance with SC Rule 242(c). Assistant Deputy attorney General Salley W. Elliott delay in forwarding Exhibit # 1 for Assistant Attorney General William M. Blitch Jr. resulted in a procedural Default / procedural time Bar from filing a petition for a Writ of Certiorari.

SC10 Division of Appellate defense and its employee handling the case, Appellate defender Elizabeth Franklin Best was aware of all this, because she was provided a copy of all Court Judgment orders, etc, as well as filing of the attorney General office.

On June 15, 2011 when assistant attorney General William M. Blitch Jr. received from assistant Deputy attorney General Salley W. Elliott, Exhibit # 1, too late to file a petition for Writ of Certiorari with SC Court of Appeals and SC Supreme Court. Knowing the appellate Court no longer had subject matter jurisdiction to entertain any matter concerning my case because the remittitur had been sent granting me a new trial, Assistant Attorney General William M. Blitch Jr. filed an Expedited Motion to recall the remittitur. see Exhibit # 4

attached. Based on Exhibit # 3 the copy of assistant attorney General William M. Blich Jr. mail log, he did receive a copy of the S.C. Court of appeal, April 21, 2011 order denying his petition for a rehearing. Therefore showing that he committed acts of fraud, and ~~promoted~~ included false statement in his writing 'Expedited Motion to Recall the remittitur, to deceive the tribunal knowing, and with held ^{facts} ~~facts~~ in which the tribunal could make a sound decision in violation of SCAER 407 Rule 8.4 (a)(b)(c)(d) Rule 34(1)(e), Rule 3.3.(1)(e).

SCC10 Division of Appellate Defense, through its employee or designee handling my case, which was Elizabeth Franklin Best owed me a duty under SCAER 240(e) to file a return to assistant attorney General William M. Blich Jr Expedited Motion to recall the remittitur. Her failure to ~~recall the remittitur~~ file a timely return to the assistant attorney General William M. Blich Jr. Expedited Motion ~~under~~ pursuant to SCAER 240(e) ~~was~~ deemed her consent to the relief sought in his Expedited Motion to recall the remittitur. See Exhibit #18 attached SCAER 240(e). Due to SCC10 Division of Appellate defense negligence to comply with SCAER 240(e), ~~law~~ ~~prohibited~~ S.C. Court of Appeals issued an order on June 30, 2011 granting assistant attorney General William M. Blich Jr. relief sought in his expedited Motion to recall the remittitur on the grounds set forth in his motion.

See Exhibit # 5 attached S.C. Court of Appeals June 30, 2011 Order. Once the remittitur was recalled, the 13th Judicial Circuit Court no longer had ~~any~~ subject matter jurisdiction over my case to grant me a new trial or offer me a 10 year time served guilty plea, nor did Greenville county have personal jurisdiction to hold me in custody. The recalling of the remittitur gave S.C. Court of Appeal and S.C. Supreme Court of subject matter jurisdiction over my case, and S.C.D.C. could obtain personal jurisdiction back over me. In which case S.C. Court of Appeal has subject matter jurisdiction over my case, it allowed Assistant Attorney General William M. Blatch Blatch Jr. to file, on July 14, 2011 a Petition for a Writ of Certiorari with Both S.C. Court of Appeals and S.C. Supreme Court. See Exhibit # 6 attached. On October 14, 2011 S.C.C.D. Division of Appellate defense filed its return. See Exhibit # 7 attached. On Oct 17, 2012 The S.C. Supreme Court Granted the state petition for a Writ of Certiorari. See Exhibit # 8 attached.

S.C.C.D. Division of Appellate defense through its employee/designee Elizabeth Franklin Best is incompetent as an appellate defense attorney acting under the supervision of ~~the Court~~ and for the S.C.C.D. misrepresented me. I On June 14, 2011 I was in Greenville County waiting a new trial of Case 2002-GS-23-1063. The only problem was that case/Indictment 2002-GS-23-1063 had never been filed against me. due to non-compliance of with S.C. Crim P. Rule 3(c) Back in the year 2002 By the

Solicitors Office: Back then, the Solicitors Office was allowed to practice a procedure in place of Section 3(1), that was unconstitutional in violation of the Due Process clause of the 5th, 14th U.S.C.A. The solicitor would on 1-15-2002 prepare an ~~Indictment~~ account Indictment for arrest warrant 6665977, 6665988, instead of presenting the unprepared ~~Indictment~~ account Indictment for AW# 6665977, 88 For Armed Robbery and loss of a Gun/Knife denying a violent crime to the clerk of Court of General Session Court for the ~~pre-filing~~ assignment of the criminal case number and pre-filing. The solicitor would keep control of the Indictment and he would assign the criminal case number - 1063 or docket number 1063, and present the indictment 02-6523-1063 to the Grand jury pursuant to SC 1976 Code of Law § 14-7-210 which has been ~~other~~ abolished. The Grand jury would act upon the Mil 859 Indictment presented to it on Feb. 19, 2011 including Indictment 2002-6523-1063 and once the Indictment are true billed or no Bill, a grand jury report or presentment is filed see exhibit #8 attached. The actual Indictment ~~are~~ the chief administrative judge allows ~~the solicitor to~~ and Clerk of Court allows the solicitor to keep in his possession because of the numerous of cases presented before the grand jury in such short period of time between 9:00 am and 4:09 pm 859 cases. See Exhibit # (10) showing what time the grand jury convened: 9:00 am See Exhibit # (9) showing what time they had adjourned: 4:09 pm. There is no way a grand jury can fulfill its duties under the 14th U.S.C.A. Due Process clause, i.e. finding that probable cause exists & believe a crime has occurred and that

The named defendant is 859 Indictment has committed the crime alleged. If the grand jury spend only 1 minute on each case from ~~9:00~~ 9:00 am to 4:09 pm it can only have review approximately ~~429~~ 429 cases, leaving 430 cases not reviewed. See Exhibit # (9) attached Grand jury presentment for Feb 19, 2011 which includes Indictment 2002-65-23-1043 Also attached As Exhibit # (9) attached. This is the only document filed pertaining to Indictment 2002-65-23-1043 with the 13th Judicial Circuit Court of Greenville County Office of the clerk of Court. Indictment is not a charging document, nor does it inform me of what I'm charged with, and does not give the 13th Judicial Circuit Court of Greenville County Court of General Session subject matters of personal jurisdiction ~~over me~~ to violate my due process of Right to life and liberty. The actual charging document was kept in the Solicitors office possession and brought with the Solicitor office to the court of General Session on trial dates set by the Solicitors Office on the General Session Court Trial docket. Unless the indictment is filed with the Office of the clerk of Court of General Session Court Office of the clerk of Court, the 13th Judicial Circuit Court of Greenville County, subject matters jurisdiction has never been satisfied. See State v Dudley, 358 S.C. 574, 523, 581 S.E.2d 171, 176 (Ct App. 2005)

See attached document of Exhibit # (11) (12) (13) showing Indictment in 2002 where not filed with the office

of the clerk of Court of Greenville County, general Sessions Court, in compliance with S.C. Crim. Rule 3.1(c). now SEE Exhibit # (14) in which a memorandum was issue by S.C. Court Administration back in 1982 concerning S.C. Crim. Rule 3.1(c) in which the clerk of Court of Greenville County and the district's office and chief administrative judge and public defenders are not comply with in 2002 even today in 2012.

I brought this to the attention of SCCO division of Appellate defense Elizabeth Franklin Best sending her a copy of all attached document she included as Exhibits with this sworn affidavit. I also did the same concerning the Indictment, to assistant Deputy attorney General Salley W. Elliott, with a letter asking her not to appeal S.C. Court of Appeals judgment of reversal of my conviction. to allow the remittitur to be sent, that I would not challenge the court's jurisdiction of subject matter and personal jurisdiction, and Motion to dismiss the indictment due to violation of USC 28 § 3262 Violation of 5 year statute of limitations for filing the Indictment. That I would be willing to take a 10 year time served guilty plea.

Based on the letter I sent to assistant Deputy attorney General Salley W. Elliott, concerning her not filing an appeal, will explain why she delayed in forwarding the Exhibit # (14) to assistant Deputy attorney General William M. Blich Jr., and how and why the remittitur was properly sent.

It's apparent that SCCID Division of Appellate Defense through its employees or designees, has at will act as friends of the court, a attorney General office, as under the 3rd Party Interest, to, not protect my right to a new trial, as evidence in the sworn affidavit has shown, that SCCID Division of Appellate Defense through its employee Elizabeth Franklin Best, conspired constructively, with the state of South Carolina Attorney General Office in violating my right to a new trial, and subjecting me to continuous restraints of my life and liberty, to ~~sent~~ the confinement of S.C. Department of Corrections, which is a conflict of interest of my rights as a United States ~~Citizen~~ of America citizens to equal protection of the laws of this state, guaranteed to me under the Due Process Clause of the 14th U.S.C.A. See exhibit # (15) attached: showing SCCID Division of Appellate Defense contact with Greenville County County Administrator James M. Dorriety, and The Greenville County Solicitor's Office, and The Greenville County attorneys office. in which she was involved in a determination that I was still a convicted inmate. (see exhibit # 16) where as a result of that arrangement were made for my return to S.C.D.C. on ~~Jan~~ January 26, 2012. in which on January 30, 2012 S.C.D.C. took me into custody. All because of SCCID Division of Appellate Defense, through its employee Elizabeth Franklin Best, negligence in ~~completing~~ her duty to me under SCACR 2406, to file a return.

In Conclusion; I pray that this court will grant my Motion to relieve SCCID Division of Appellate Defense and its employees from any further representation of the above Aforementioned Case Appellate Case # 2011-195276.

see Exhibit # (17) Suley W. Elliott of the attorney General's Office letter showing she has no problem in ~~any~~ responding to my request for a copy of the SC Court of Appeal filed April 21, 2011 order denying petition for rehearing to SCCID Division of Appellate defense. ~~By~~ feels it was inappropriate to deal directly with me, since, I'm represented by SCCID: Division of Appellate Defense.

When I asked SCCID Division of Appellate defense to obtain a copy of that document, to show when it was received by the attorney General's office SCCID Division of appellate defense employee David Alexander refuse to request or obtain it... why? If it shows that assistant deputy attorney general Suley W. Elliott received it on April 21-22nd, 2011, then it proves that the attorney general office failed to comply with SCAER 242(c) filing of a petition for writ of certiorari, and that Elizabeth Franklin Best of SCCID, was negligent in not investigating on filing a return pursuant to SCAER 240(c). So this is why SCCID want present me as a advocate in ~~regard~~ filing an Appeal Bond, etc. SCCID Division of Appellate defense interest conflict with mine.

(see Exhibit # 19) letters from David Alexander of SCCID.

I have include/attached the following Exhibits to my sworn Affidavit and Support thereof to my amendment to my Motion & Relieve SCCID Division of Appellate Defense and its Employees to my Motion to Relieve SCCID And its employees from further representation of me on Appellate Case 2011-195272, and Appointment of Pro-Bona Counsel not affiliated ~~with~~ or associated with SCCID Division of Appellate Defense.

1. Exhibit #1. SC Court of Appeals April 21, 2011 order denying Petition for rehearing ^{2 pages}
2. Exhibit # 2 (3 pages) SC Court of Appeals June 2, 2011 Remittitur & Judgment
3. Exhibit # 3 (4 pages) assistant attorney General William M. Blich Jr. Mail log.
4. Exhibit # 4 (3 pages) William M. Blich Jr. expedited Motion to recall the remittitur
5. Exhibit # 5 (3 pages) SC Court of Appeals June 30, 2011 order ^{recalling the remittitur}
6. Exhibit # 6 (1 page) July 14, 2011 show petition for writ of Certiorari was filed
7. Exhibit # 7 document showing that Elizabeth Franklin Best filed a return on 10-14-2011
8. Exhibit # 8 SC Supreme Court granted state Petition for Writ of Certiorari ^{2 pages}
9. Exhibit # 9 (3 page) presentment Indentment 2002-65-23-1063
10. Exhibit # 10 (2 page) Dec 13, 2011 letter from Greenville County Office of Clerk of Court
11. Exhibit # 11 (2 pages) Dec 4, 2011 letter from Office of Clerk of Court Greenville County
12. Exhibit # 12 (2 pages) Oct. 7, 2010 letter from Office of Clerk of Court Greenville County
13. Exhibit # 13 (2 pages) August 31, 2011 letter from Office of Clerk of Court Greenville
14. Exhibit # 14 (2 page) June 21, 1982 Memorandum SCCID in Plebe 3
15. Exhibit # 15 September 21, 2011 letter from James M. Durrichy
16. Exhibit # 16 January 26, 2012 letter from James M. Durrichy
17. Exhibit # 17 March 13, 2012 letter from Suley W. Elliott + Elizabeth F. Best
18. Exhibit # 18 Copy of SCACK 240(e)

19. Exhibit #19 (2 pages) Sept 6 2012, Aug. 13, 2012 letters from David Alexander

Mr. Daniel E. Shearman

cc. Please forward copy of this amendment and ~~Sworn Affidavit~~ ^{Supporting Sworn Affidavit} and supporting to the attorney General Office if necessary as well as SCCID.

~~Copy of Sworn~~ I hereby under oath of Perjury declare that the information and statement in this ~~sworn~~ Supporting Sworn Affidavit to my amendment & Motion to relieve SCCID Division of Appellate defense and its employees from any further representation in Appellate Case 2011-195272 is true to the best of my knowledge.

sworn to before me

Robert M. Watkins

This 07 day NOV month 2012 year

SC Anthony J. Cianciarulo Exp Dat 12-16-2019

I observed Robert M. Watkins, plaintiff's amendment and Supporting Sworn Affidavit and Exhibits to relieve SCCID as counsel in

Appellate Case 2011-195272 on the M^{rs} Cormick Co. Inst mail room on

11/17/2012

Witnessed by Theresa Mays

Respectfully submitted by

Robert M. Watkins 243803

F4-097 A

MCF 386 Redemption Way

M^{rs} Cormick Co. Inst 28877

Exhibit # 1

2 pages

May/26/11

Exhibit # 1



The South Carolina Court of Appeals

TANYA A. GEE
CLERK
V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

April 21, 2011

Assistant Deputy Attorney General Salley W. Elliott
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

2011-05-18
2011-05-17 10:06

Re: The State v. Watkins, Robert

Dear Counsel:

Enclosed is a copy of an Order of the Court denying your Petition for Rehearing in the above case.

The Remittitur in this case will be held in this Court only so long as required by Appellate Court Rule 221 (b).

Please notify this office, in writing, within ten (10) days from the date of this letter, whether or not you want any of the remaining Records on Appeal and briefs we may have in this case. Also enclose a check payable to the S. C. Court of Appeals, in the amount of \$7.50, to cover mailing costs. If we have not heard from you within ten (10) days, the Record on Appeal and briefs will be disposed of.

Sincerely,

V. Claire Allen

V. Claire Allen
Deputy Clerk of Court

VCA/tf

cc: Appellate Defender Elizabeth Franklin-Best
Robert Watkins, #243803
Robert Mills Ariail, Esquire

The South Carolina Court of Appeals

The State,

Respondent,

v.

Robert Watkins,

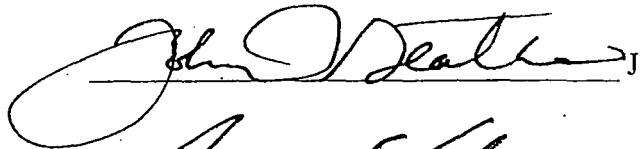
Appellant.

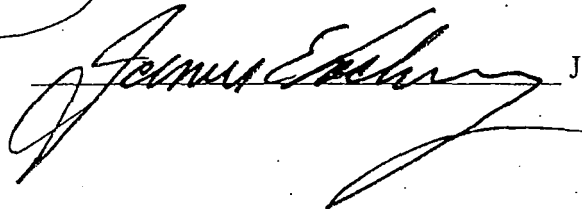
The Honorable Larry R. Patterson
Greenville County
Trial Court Case No. 2002-GS-23-01063

ORDER

After a careful consideration of the Petition for Rehearing, the Court is unable to discover any material fact or principle of law that has been either overlooked or disregarded and hence, there is no basis for granting a rehearing. It is, therefore, ordered that the Petition for Rehearing be denied.

 J.

 J.

 J.

Columbia, South Carolina

FILED

April 21, 2011

Exhibit #2

3 pages



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
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1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 2, 2011

REMITTITUR

The Honorable Paul B. Wickensimer
305 E. North Street
Greenville, SC 29601-2120

Re: The State v. Watkins, Robert
2002-GS-23-01063

Dear Mr. Wickensimer:

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

Sincerely,

V. Claire Allen

V. Claire Allen
Deputy Clerk of Court

VCA/tf

cc: Appellate Defender Elizabeth Franklin-Best
Robert Watkins, #243803
Assistant Deputy Attorney General Salley W. Elliott
Robert Mills Ariail, Esquire



15/1/11

The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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March 8, 2011

Appellate Defender Elizabeth Franklin-Best
South Carolina Commission on Indigent Defense
P O Box 11589
Columbia, SC 29211

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

Assistant Deputy Attorney General Salley W. Elliott
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

Robert Mills Ariail, Esquire
13th Circuit Solicitor's Office
305 E. North St., Ste. 325
Greenville, SC 29601-2185

Re: The State v. Watkins, Robert

Dear Counsel:

Enclosed is the opinion of the Court of Appeals in this case. Pursuant to Rule 221(b) of the South Carolina Appellate Court Rules, the remittitur in this case will be sent to the Clerk of Court for Greenville County after fifteen (15) days, exclusive of the date of filing of this opinion.

No extension for a Petition for Rehearing will be granted except in the most extraordinary circumstances and, except in the rarest cases, with seven days' notice.

Sincerely,

V. Claire Allen

V. Claire Allen
Deputy Clerk of Court

26

Copy
Both sides

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.

Robert Watkins,

Appellant.

Appeal From Greenville County
Larry R. Patterson, Circuit Court Judge

Unpublished Opinion No. 2011-UP-091
Submitted February 1, 2011 – Filed March 8, 2011

REVERSED

Appellate Defender Elizabeth Franklin-Best, of Columbia, for Appellant.

Attorney General Alan M. Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General William M. Blich, Jr., all of Columbia; and Solicitor Robert M. Arial, of Greenville, for Respondent.

Copy
Both sides

PER CURIAM: Robert Watkins appeals his convictions for armed robbery and possession of a weapon during the commission of a violent crime. His trial resulted from a grant of post-conviction relief (PCR) by the South Carolina Supreme Court. The judge of that new trial was the same judge who presided over Watkins's PCR hearing. On appeal from the new trial, Watkins argues the trial judge erred in (1) denying Watkins's recusal motion and (2) granting Watkins's motion to proceed pro se. We reverse.¹

Generally, "[a] judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned" Canon 3(E)(1), CJC, Rule 50i, SCACR. In Floyd v. State, 303 S.C. 298, 400 S.E.2d 145 (1991), the South Carolina Supreme Court granted a defendant a new PCR hearing because the judge who presided over his PCR hearing also presided over the trial from which PCR was sought. Id. at 299, 400 S.E.2d at 146. The court held that "in all [PCR] hearings . . . , a judge shall, upon motion, recuse himself if he was the judge who presided at the guilty plea, criminal trial, or probation revocation proceeding for which relief is being sought." Id. The Floyd court emphasized that "a per se rule of recusal . . . will eliminate even the suggestion of partiality." Id.

Here, we find Floyd's reasoning is equally applicable to the situation presented by Watkins's new trial. As held in Floyd, a judge must grant a recusal motion made during a new trial arising from a PCR hearing in which the judge also sat. Accordingly, the trial judge erred in denying Watkins's motion for recusal.

Because we reverse the trial court on the above issue, we do not address Watkins's remaining argument. See State v. Taylor, 388 S.C. 101, 124 n.23, 694 S.E.2d 60, 72 n.23 (Ct. App. 2010) (holding that an appellate court need not address remaining issues when a decision on a prior issue is dispositive).

REVERSED.

WILLIAMS, GEATHERS, and LOCKEMY, JJ., concur.

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

Exhibit # 3
4 pages

WILLIAM BLITCH'S MAIL LOG APRIL 21, 2011 - JUNE 15, 2011

April 21, 2011
Court of Appeals Opinion Tyquan Jared Amir Jones

April 22, 2011
SCCID-Hudgins FBOA James Walter Thompson
Court of Appeals Letter Brian Keith Kelly
Court of Appeals Order denying rehearing Ervin Gamble
Court of Appeals Order denying rehearing Juan Orozco
SCCID-Hudgins Petition to file ext James Walter Thompson

April 25, 2011
Samuel Whitner Request

April 26, 2011
SCCID- Dudek letter re: amended final briefs
Court of Appeals letter re: status of case Gerald Pitts
Supreme Court Time allotment for argument James Miller
Court of Appeals Motion for ext granted Gerald Carlisle

April 27, 2011
Court of Appeals letter re: oral argument Charles Coleman
Court of Appeals letter re: oral argument Leon Hill
Court of Appeals Pet. For ext granted Jack Harrison
Court of Appeals letter re: oral argument MacArthur Lee, Jr.

April 28, 2011
Court of Appeals pet for ext granted Benjamin P. Green
Supreme Court Letter Samuel Whitner
SCCID-Franklin-Best Petition for Rehearing James C. Miller

April 29, 2011
Court of Appeals Opinion Antoine Miller
Richard Harpootlian consent motion for ext. Kendra Samuel

May 2, 2011
SCCID-Hudgins FBOR Bryant J. Kinloch

May 3, 2011
John Martin Foster Motion for ext Mark Allen Hoyle

May 4, 2011
G. Dewy Oxner, Jr- Motion to file Amicus Brief John M. Sterling
Haynesworth, Sinkler, Boyd Amicus Brief

May 24, 2011
Court of Appeals Opinion Najjar De'Breece Byers
Court of Appeals argument acknowledgment Charles Coleman
The Finney Law Firm Petition for Writ of Cert Adam Whitsett

May 25, 2011
Supreme Court extension order Juan Orozco
Court of Appeals extension order Steven Burton
SCCID-Dudekext letter Juan Orozco
Supreme Court Letter and order Ervin Gamble
Court of Appeals case submitted on briefs Charles Coleman
Court of Appeals Opinion Eugene Payton

May 26, 2011
Supreme Court Request denied John M. Sterling, Jr.

May 27, 2011
Tara Dawn Shurling Petition for rehearing Kevin Chase
SCCID-Pachak IBOR Danny Long

June 1, 2011
Court of Appeals Order denying rehearing Thomas Simmons
SCCID-Dudekext letter Samuel Whitner
Brigid Jones Amended Final Reply brief John M. Sterling, Jr.
Brigid Jones Amended Initial Reply brief John M. Sterling, Jr.

June 2, 2011
Supreme Court ext order Samuel Whitner
Court of Appeals Letter Christopher Spriggs
Court of Appeals Motion Granted Marco Andrea Clark

June 3, 2011
Court of Appeals Remittitur Robert Watkins

June 6, 2011
John Martin Foster FBOR Mark Allen Hoyle

June 7, 2011
SCCID- Franklin-Best FBOA Taylor Key
SCCID-DuRant BOA Reginald R. Latimore

June 8, 2011
Court of Appeals Opinion Phillip Wesley Sawyer
Court of Appeals ext Order David Johnson

May 5, 2011

Supreme Court Order
Court of Appeals Order
SCCIDtranscript request
SCCID-Hudgins FBOA Marco

John M. Sterling, Jr.
Christopher Spriggs
Jermaine T. Fuller
Andrea Clark

May 6, 2011

Court of Appeals Petition Granted

Mark Alan Hoyle

May 9, 2011

Supreme Court Order granting Cert
SCCID-Dudek Letter Gerald Carl Pitts
Supreme Court Order granting Cert
Court of Appeals Remittitur

Zeb Eron Binnarr

Reginald R. Latimore
Tyquan Jared Amir Jones

May 10, 2011

Supreme Court letter
John H. Blume letter re: order
Joseph M. MCCulloch, Jr. Response to Petition for Rehearing
G. Dewey Oxner Motion to Admit Counsel Pro Hac Vice

Samuel Whitner
Christopher Sprigg
Ryan Hercheck
John M. Sterling

May 11, 2011

Court of Appeals submitted case
Supreme Court Order
Court of Appeals Opinion

Kevin M. Ware
John M. Sterling, Jr.
Kevin Allen Chase

May 17, 2011

SCCID-Franklin-Best ROA
Court of Appeals Remittitur
Court of Appeals Remittitur

Taylor K.
Antoine Miller
Marcus McKenzie

May 18, 2011

Court of Appeals ext Order
Court of Appeals no oral argument
Court of Appeals no oral argument
Court of Appeals no oral argument

Dominic Leggette
Leon Hill
Bobby Lee Burdine
MacArthur Lee, Jr.

May 20, 2011

Jack B. Swerling Letter

Jack Harrison, Jr.

May 23, 2011

Court of Appeals Motion for ext granted
Court of Appeals Petition for extgranted

June 9, 2011

Court of Appeals

Opinion

Kevin M. Ware

Supreme Court

Motion Denied

John M. Sterling

Supreme Court

Remittitur

Najjar De'Breece Byers

Court of Appeals

Opinion

Vincent N. Way

June 10, 2011

Court of Appeals

Remittitur

Eugene Payton

June 13, 2011

Robert Watkins

Letter

June 14, 2011

Court of Appeals

Opinion

Bobby Lee Burdine

Court of Appeals

Motion Granted

Mark Alan Hoyle

June 15, 2011

Robert M. Dudek

Record on Appeal

Samuel L. Whitner

Court of Appeals

Ext Order

Hazard Cameron

Court of Appeals

Motion for ext granted

Mark Alan Hoyle

Court of Appeals

ext order

Dominic Leggett

Court of Appeals

order denying rehearing

Robert Watkins

Exhibit # 4
3 pages

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Greenville County
Hon. Larry R. Patterson, Circuit Court Judge

RECEIVED

JUN 15 2011

SC Court of Appeals

The State,

Respondent,

v.

Robert Watkins,

Appellant.

EXPEDITED MOTION TO RECALL REMITTITUR

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

On March 8, 2011, this Court filed an opinion reversing and remanding this case to the circuit court for a new trial. Pursuant to Rule 221, SCACR, Respondent served and filed its Petition for Rehearing on March 21, 2011.

II.

Respondent was never served with a copy of the Order of the Court of Appeals denying Respondent's Petition for Rehearing. The undersigned checked his incoming mail log, any unfiled mail, and the file associated with this appeal, and has been unable to find any indication of being served with a copy of the Order denying the Petition for Rehearing.

III.

Respondent contacted the docketing office of the Court of Appeals and was informed the Order was sent on or around April 21, but was sent to Salley Elliott with this office instead of the undersigned. As a result, the legal assistant for Salley Elliott checked the mail log and mail for Salley Elliott since the beginning of April. She could not locate any Order received by Salley Elliott related to this appeal.¹ Additionally, the undersigned rechecked his mail log and mail and was unable to find any Order denying the Petition for Rehearing.

IV.

As a result of never receiving the Order denying the Petition for Rehearing, Respondent never received notice that the time for serving and filing the intended Petition for Writ of Certiorari had begun to run. In the event the Petition for Rehearing was denied, it has always been the intention of the undersigned to seek certiorari in the South Carolina Supreme Court.

V.

Further, it has come to the undersigned's attention that items from the Court, including recent Orders, have been received by the Office of Appellate Defense even though they were intended for receipt by this office. As an example, the undersigned recently received an Order in the State v. Mark Hoyle appeal that originally went to the Office of Appellate Defense, as evidenced by a received stamp, and was forwarded to the undersigned approximately 5 days later. Other individuals in the office have indicated similar circumstances.

The undersigned asks the Court to recall the remittitur because it was sent without the undersigned receiving a copy of the Order denying the Petition for Rehearing, and as a result, the

¹Both the undersigned and Salley Elliott are willing to provide Affidavits indicating neither has ever been served a copy of the Court of Appeals' Order denying Respondent's Petition for Rehearing if this Court finds Affidavits would be beneficial.

undersigned cannot Petition for Writ of Certiorari as intended. See Wise v. S. Carolina Dept. of Corr., 372 S.C. 173, 174, 642 S.E.2d 551, 551 (2007) (citing State v. Keels, 39 S.C. 553, 17 S.E. 802 (1893)).

WHEREFORE, Respondent asks the Court to recall the remittitur because Respondent was never served a copy of the Order denying the Petition for Rehearing, and for such other relief as the Court deems appropriate.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

WILLIAM M. BLITCH, JR.
Assistant Attorney General

W. WALTER WILKINS, III
Solicitor, 13th Judicial Circuit

305 E. North Street, Suite 325
Greenville, South Carolina 29601-2185
(864) 467-8647

BY: 
William M. Blitch, Jr.

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

June 15, 2011

Exhibit # 5

3 pages



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE (803) 734-1890
FAX (803) 734-1839
www.sccourts.org

June 30, 2011

Assistant Deputy Attorney General William M. Blicht, Jr.
S.C. Attorney General's Office
P.O. Box 11549
Columbia, SC 29211

Re: The State v. Watkins, Robert

Dear Counsel:

Enclosed is a copy of an Order of the Court granting your Motion to Recall the Remittitur in the above case.

Sincerely,

V. Claire Allen

V. Claire Allen
Deputy Clerk of Court

VCA/tf

cc: Appellate Defender Elizabeth Franklin-Best
Robert Watkins, #243803
Robert Mills Ariail, Esquire
The Honorable Paul B. Wickensimer

G 803977
G 803988

The South Carolina Court of Appeals

The State,

Respondent,

v.

Robert Watkins,

Appellant.

The Honorable Larry R. Patterson
Greenville County
Trial Court Case No. 2002-GS-23-01063

2011 JUN -7 11:11 AM
RECORDED
INDEXED

ORDER

Respondent has asked this court to recall the remittitur in the above-captioned appeal to seek certiorari in the Supreme Court. On March 10, 2011, this Court reversed Appellant's conviction. Respondent timely filed a petition for rehearing, which this Court denied on April 21, 2011. Remittitur was issued on June 2, 2011.

Respondent requests the recall of remittitur because it never received notice of the petition for rehearing's denial. Because Respondent did not receive such notice, we grant Respondent's motion to recall remittitur. See State v. Keels, 39 S.C. 553, 553, 17 S.E. 802, 802 (1893) (providing that remittitur may be recalled upon "a very strong showing . . . that remittitur was sent down through some mistake or inadvertence on the part of this Court or its officer . . .").

AND IT IS SO ORDERED.

1.12

INDEXED

H. Bruce Wilkins J.

John O. Steate J.

James E. Schuyler J.

Columbia, South Carolina

FILED

June 30, 2011

Exhibit #6
pg 1.

~~Handwritten scribble~~

Handwritten notes:
6/14/11
7/14/11

July 14, 2011

Handwritten notes:
Index
Criminal Division
7/14/11

Elizabeth A. Franklin-Best, Esquire
SC Commission on Indigent Defense
Division of Appellate Defense
P. O. Box 11589
Columbia, South Carolina 29211.

Re: State v. Robert Watkins

Dear Ms. Franklin-Best:

I am enclosing two (2) copies of the Petition for Writ of Certiorari to the Court of Appeals and the Appendix in the above-referenced case.

If you have any questions concerning this matter, please contact me.

Sincerely,

William M. Blich, Jr.
Assistant Attorney General

WMB:erd

cc: Honorable Daniel E. Shearouse (original and six enclosed)
Honorable Tanya A. Gee
Victim Services (enclosure)

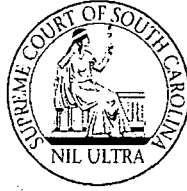


Exhibit # 8
pg 2

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

October 18, 2012

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

Re: State v. Robert Watkins
Appellate Case No. 2011-195272

Dear Mr. Watkins:

This responds to your letter dated October 11, 2012, which was received today.

Please be advised that this Court has granted the State's petition for a writ of certiorari, and has established a briefing schedule. If you need further updates on the status of this matter, you should contact your attorney.

Please be advised the advance sheets you are requesting are available on the South Carolina Judicial Department Website at www.sccourts.org/opinions/indexAdv.cfm. If you do not have access to the Internet, you may wish to contact a family member or friend to make a copy for you.

This office can provide a copy of Advance Sheets for October 17, 2012, for \$10.20. This represents the cost of copying 36 pages at our standard rate of 25 cents a page plus mailing fee of \$1.20. If you would like a copy, please send a check or money order in the above amount payable to the South Carolina Judicial Department. I can not provide a copy of the Advance Sheet for October 25, 2012,

since it does not exist.

The only information that I see in the documents filed with this Court that may indicate when the Attorney General received the opinion of the Court of Appeals is the information contained in the motion to recall the remittitur. I have enclosed a copy of this motion.

Very truly yours,

David E. Shearouse
DS

CLERK

Enclosure

cc: William M. Blich, Jr., Esquire
David Alexander, Esquire

Exhibit #9

2011

3 pages

3/14/9-210

referred to the

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 IN THE OFFICE OF CLERK
PAUL D. ...
2002 FEB 19 PM 4:00

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:

<u>INDICTMENT NUMBERS</u>	<u>ACTION TAKEN</u>
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

WITNESSES

W.C. BRUCE

Owens A

GPD

12/19/01

ARREST WARRANT NUMBER

G 865977

G 865988

ACTION OF GRAND JURY

TRUE BILL

John Holman

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

COUNT ONE: *Guilty*

COUNT TWO: *Guilty*

John Holman
Foreperson of Petit Jury

10/25/02
Date:

✓ DOCKET NO. 2002-GS-23-

TJQ

C1063

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2002

THE STATE

Guilty

vs.

9-24-08
GUILTY

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

273

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

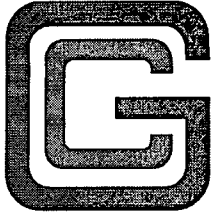
That ROBERT MAX WATKINS did in Greenville County, on or about the 19th day of December, 2001, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: Armed Robbery. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

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 /
B. pages

Grand Jury MEETS AT 9:00 AM



**Greenville
County**

Office of the Clerk of Court

Greenville, South Carolina

**Paul B. Wickensimer
Clerk of Court**

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

December 13, 2011

Robert M. Watkins, 134960
Greenville County Detention Center
20 McGee Street
Greenville, SC 29601

Dear Mr. Watkins:

I have received your letters dated 11/9/11, 11/8/11 and 11/29/11. I actually received the one dated 11/9 before I did the one dated 11/8. I am returning all the legal documents that were attached in the 11/8/2011 letter.

I don't know what the status of your case is and it took me awhile, but enclosed you will also find a copy of the Petition for Writ of Certiorari. It took me awhile to get it too. When I talked with someone there back at Thanksgiving, she was going to look for the file and send the copy to me. Since I didn't hear from her, I called back and finally got a copy for you. It's my understanding the building had a flood and their file cabinets were located in many different areas. They were helpful but I'm sure they feel overwhelmed with their cases all over the building. We had a flood a few years back so I understand how things can be in chaos for awhile.

Ms. Franklin-Best will need to be the one to advise you of the status of your pending case and provide you copies of documents.

In your letter dated 11/29/2011 you have requested a copy of the docket published by the Solicitor for cases to be called for trial on Oct. 23, 2002 and Sept. 22, 2008. I'm sorry but that is not a document that we have since the Solicitor is responsible for the docket.

It is very hard to explain a process to you about how the Solicitor's office operates and the interaction with the Clerk of Court's office. The Clerk of Court does not assign GS case numbers, the Solicitor's office does that. Back in 2002, when indictments were returned true billed by the Grand Jury, the indictments were filed with the Clerk so that the

31-7-330

date could be entered in the computer system. The dates have always been entered, just not the "actions" in a case. That came with the new computer system. We have always entered a date of true billed indictment with the indictment number because we have to report that information to Court Administration. After the indictment dates were entered, the original indictments were given to the Solicitor's office for holding, as officers of the court, because they scheduled court and knew when a person was going to court. They would return the original to us in the courtroom.

Now, and since the Solicitor's office is pre-filing indictments, they let us know which cases they need the indictments for and we pull the originals, give them to the Solicitor's office sometime before the Grand Jury meets, the Grand Jury true bills or no bills the indictments presented to them, and then the indictments are returned to us. All pending - indictments are stored in a "cart" that we now have to take to court with us since we don't know who is coming to the courtroom so we have to have available all pending indictments. After a person goes to court, all the documents are filed in a case file folder with the matching indictment number.

As for notifying the Grand Jury, the first day of the year that they meet, we provide them with a copy of the order from the Judge setting the dates for the Grand Jury. That is how they are notified. The time is always 9:00 and the place is always at the courthouse.

I cannot make a determination as to whether or not the Solicitor's office is or is not in compliance with any Rule, S. C. Code, or procedure. You will have to address that question to them.

I know this doesn't answer all your questions. We have people working here for years before they understand the whole process!

Hope this finds you well,

Leanda King
Assistant Clerk of Court

*Mr. Watkins,
I wish you a Merry Christmas! May
God continue to richly bless you.*



Office of the Clerk of Court

Greenville, South Carolina

Paul B. Wickensimer
Clerk of Court

Exhibit # 11
2 pages

Handwritten initials and marks, including what appears to be 'Hester' and a signature.

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

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 cited 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

#EP

Robert M. Watkins
December 4, 2008

Carolina FOIA statues, we have the right to charge you to search for and make copies of the records 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.

SCCA
MB-M2

EST in Corp/ano
with Screening Rule
3(c)

- 2.
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.

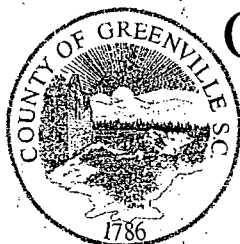
I need to let you know that you are requesting documents that we do not typically have as a part of our case file such as, dispositions, plea agreements and bargains, police reports, statements, search warrants and returns, supplemental reports, crime scene investigation reports, and property reports. 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,

Leahda King
Leahda King
Assistant Clerk of Court
Circuit Court



Office of the Clerk of Court

Greenville, South Carolina

Paul B. Wickensimer
Clerk of Court

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.

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,

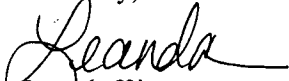

Leanda King

Exhibit # 13
2 page



Office of the Clerk of Court

Paul B. Wickensimer
Clerk of Court for Greenville County
Greenville, South Carolina

www.greenvillecounty.org

August 31, 2011

Robert M. Watkins, #0194
Greenville County Detention Center
20 McGee Street
Greenville SC 29601

Re: Letter dated 8/16/2011

Dear Mr. Watkins:

I am enclosing the calendar from Court Administration that is available on line at www.sccourts.org for your convenience. This is accessible to anyone who has internet access.

I cannot provide a Court Calendar for Motions for Bond Hearings as those are scheduled by the Solicitor's office so we do not have that calendar. You can try and request it from them.

As far as your other questions: We do not assign the General Sessions Indictments numbers. That is done by the Solicitor's office. The paper indictment is filed in our office and kept in pre-numbered indictment folders, filed by indictment number as a public record.

I hope this finds you well.

NOT comply with SCACR Rule 3(c)

Sincerely,

Leanda King
Leanda King
Assistant Clerk of Court

I realized after I did this letter and went to print the terms of court that Jan 2012 - June 2012 have not been set by the Supreme Court. (The last page included) God Bless!

return to me with response
Exhibit # 14
~~Exhibit # 3~~
 16
 2 pages

051982

June 21, 1982

MEMORANDUM

South Carolina Rule Crime Procedure Rule 3

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.

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 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.

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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

Exhibit # 151

[Handwritten initials]

[Handwritten initials]



Department of Public Safety

James M. Dorriety
Assistant County Administrator
jdorriety@greenvillecounty.org
(864) 467-2321
www.greenvillecounty.org

September 21, 2011

Inmate Robert Watkins, Pack # 134960
Greenville County Detention Center; Yellow-40
20 McGee Street
Greenville, SC 29601

RE: Your Form 502, dated 9/16/11

Dear Mr. Watkins:

After our lengthy discussion on 9/20/11, I reviewed the various documents you provided to me and I consulted with senior management at the Detention Center. We reviewed the judicial process addressed throughout your documents and we consulted with the 13th Circuit Solicitor's Office, the County Attorney's Office and finally, with the SC Division of Appellate Defense.

From our conversations we have learned that while the SC Court of Appeals has overturned your 2008 convictions, the Remittitur was submitted in error and has since been recalled. Because the SC Office of the Attorney General has filed a Petition for Writ of Certiorari with the SC Supreme Court, the decision of the Court of Appeals is under appeal. Accordingly, the appeals process has not concluded; therefore, you will remain classified as a sentenced inmate and our system will be modified to reflect your charges of conviction.

Appellate Defender Elizabeth A. Franklin-Best is considered your attorney throughout this appeals process and I spoke with her about the conflicting dates in her letter addressed to you on September 12, 2011. Ms. Franklin-Best intends to write you another letter correcting the administrative error. I understand, depending on action of the SC Supreme Court, another Remittitur could follow the action of the SC Supreme Court. Until then, you must remain in custody and will be classified as a sentenced inmate pending judicial appeals.

Sincerely,

[Handwritten signature of James M. Dorriety]
James M. Dorriety

Page 10 of 10



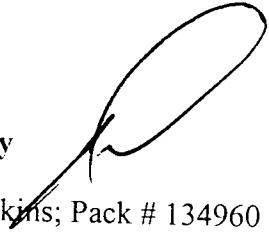
Department of Public Safety

James M. Dorriety
Assistant County Administrator
jdorriety@greenvillecounty.org
(864) 467-2321
www.greenvillecounty.org

Exhibit # 16

1/27/12
[Handwritten initials]

MEMORANDUM

DATE: January 26, 2012
FROM: James M. Dorriety 
TO: Inmate Robert Watkins; Pack # 134960
RE: Your Letter dated January 18, 2012

I am in receipt of your letter advising me of your opinion that I do not have jurisdiction over your custody. You also asked about the Special Visit we discussed.

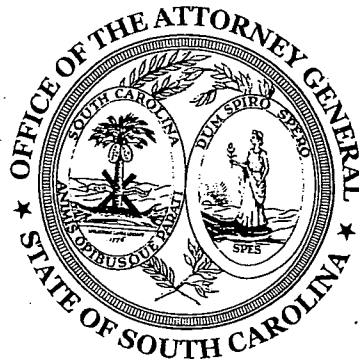
The Solicitor's Office rendered an opinion to me that you are still considered a sentenced prisoner. With that and considering your recent refusal to work, only days after I asked you to remain compliant with the rules, the Special Visit is no longer available.

Because you are considered "sentenced" I agree with your opinion that I should not have jurisdiction over your custody. Because of your letter and refusal to work, we have contacted the SC Department of Corrections and are having discussions about your return to their custody.

Cc:

Inmate File

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ALAN WILSON
ATTORNEY GENERAL

March 13, 2012

Elizabeth A. Franklin-Best, Esquire
South Carolina Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211

RE: State v. Robert M. Watkins

Dear Ms. Franklin-Best:

Please find enclosed I received from your client, Robert M. Watkins. Because you represent Mr. Watkins, I do not feel it appropriate for me to communicate directly with him. If you have any questions or matters you would like to discuss, please contact me and I will be more than happy to discuss this matter with you.

Sincerely,

Salley W. Elliott
Senior Assistant Deputy Attorney General

SWE/ab
Enclosure

RECEIVED

MAR 13 2012

SC OFFICE OF
APPELLATE DEFENSE

**RULE 240
MOTIONS AND PETITIONS GENERALLY**

(a) Applicability. This Rule governs all motions or petitions filed in the appellate court, including but not limited to: motions for extension of time, motions to reinstate, petitions for rehearing, motions to be relieved as counsel or for substitution of counsel, petitions for supersedeas, motions to remand or dismiss and petitions for hearing *en banc*. Where Rules 241 through 246 provide different or additional requirements or procedures, those requirements or procedures shall apply.

(b) Stay of Time Limits. Unless otherwise provided by these Rules, or ordered by the appellate court, the time limits imposed by these Rules shall not be stayed by the filing of a motion or petition. A motion to dismiss an appeal or a motion to relieve counsel shall, however, automatically stay the time limits for perfecting the appeal until the motion is decided.

(c) Form and Content of Motions and Petitions. All motions or petitions filed in an appellate court shall be in writing, shall state the grounds thereof, and shall comply with the requirements of Rule 267. The pages of the motion or petition and all supporting documents shall be consecutively numbered. Each motion or petition shall include the following:

(1) A certificate or affidavit of service reflecting the date of service upon all parties. The original certificate or affidavit of service must be filed with the original motion or petition.

(2) A memorandum with citation of authorities in support of the motion.

(3) Where the Record on Appeal or Appendix has not been filed, or where the facts relied upon in support of the motion are not contained in the Record on Appeal or Appendix, the parties shall file affidavits and other documents in support of their positions.

(d) Filing of Motions and Petitions. An original and six (6) copies of the motion shall be filed with the clerk of the appellate court, and a copy shall be served upon each party. The copies filed with the appellate court shall be accompanied by the filing fee set by order of the Supreme Court. [1] This filing fee shall not be required for motions or petitions in criminal appeals, petitions for writs of certiorari under Rules 242 and 243, certified questions under Rule 244, petitions to invoke the original jurisdiction of the Supreme Court under Rule 245, or motions or petitions filed by the State of South Carolina or its departments or agencies. In extraordinary cases, the appellate court may relieve a party from paying the filing fee.

(e) Return to Motion. Any party opposing a motion or petition shall have ten (10) days from the date of service thereof to file an original and six (6) copies of his return with the clerk and serve on all parties a copy of the return; provided, however, a return to a petition or motion for rehearing under Rule 221 need not be filed unless requested by the court. The court may in its discretion enlarge or limit the time for filing the return. The provisions of Rule 240(c) shall apply to a return. Failure of a party to timely file a return may be deemed a consent by that party to the relief sought in the motion or petition.

(f) Reply. The moving party shall have five (5) days from the date of service of a return to file an original and six (6) copies of a reply with the clerk and serve on all parties a copy of the

Exhibit # 19 /
2 pages



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

September 6, 2012

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

Re: Your Case

Dear Mr. Watkins:

I am in receipt of your letter of August 28, 2012. I previously reviewed and approved the letters David Alexander sent to you on August 22, 2012, and August 13, 2012. I am confident this office has sent you copies of everything in our file that relates to the remittitur issue. I also agree with Mr. Alexander's refusal to prosecute your grievance against the Attorney General's office for you. That is the job of the Office of Disciplinary Counsel and is beyond the scope of our representation.

From the remarks in your letter, it is clear you believe this office is engaged in a conspiracy with the Attorney General's office to keep you in prison. I am sorry you think that way and I imagine there is little I can do to convince you otherwise. However, I will remind you that this office has already obtained two reversals of your conviction in the appellate courts of this state. We remain hopeful that the Supreme Court will shortly deny certiorari and you will receive a new trial.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

c. David Alexander

I already had a new trial, how do I lose it? I've never seen
anything like this before. I've never been treated!



SCCID

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Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

August 13, 2012

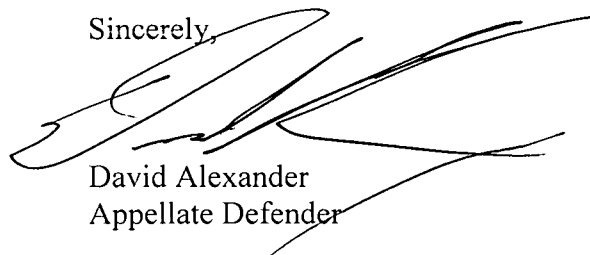
Mr. Robert Watkins; #243803
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

Re: Your Case

Dear Mr. Watkins:

Robert Dudek asked me to respond to your letter to him of August 6, 2012. I trust our telephone conversation of August 9, 2012, answered many of the questions raised in your letter. As for the appeal bond, as I have told you, it is extremely unlikely that an appeal bond would be granted in your case and we expect certiorari to be denied. It is probable that that the Supreme Court will decide the certiorari issue well before an appeal bond application could be prepared, let alone considered by the Court. Furthermore, even if granted, would you have the financial ability to post such a bond? As we represent only indigent defendants, almost none of our clients can afford a bond even in the unlikely event one was granted by the Court.

Sincerely,



David Alexander
Appellate Defender

:DAA

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ
In the Name of God, the Most Gracious, the Most Merciful.

Please acknowledge that, I attempted to file Motion, sent letters to both the SC Court of Appeals and SC Supreme Court to ~~show~~ show everything as shown in this Motion & relieve SCCIO as counsel. But neither the SC Court of Appeals Clerk of Court, or SC Supreme Court Clerk of Court would accept any of my motions or letters, or taken any action on them, because I am represented by SCCIO Division of Appellate defense and under SC case law, there is no hybrid representation. Maha v state, 497 S.E.2d 522 (2000); Jones v State, 538 S.E.2d 517 (2002); State v Stuckey, 508 S.E.2d (1998); Foster v state, 379 S.E.2d 907 (1989). anything I want to file with the courts must be submitted by SCCIO Division of Appellate defense, ~~who~~ which actually consented to the recalling of the remittitur, to deny me of my right to a New trial I already was granted, which was negated by 240(e) of

SCACR

allowed the filing of a Petition for writ of Certiorari...
The SC. attorney General's Office should have been procedurally barred from filing a petition for writ of Certiorari; had the SCCIO Division of appellate Defense filed a return to the attorney General's Office expedition Motion to recall the remittitur.

Can this court blame me for not creating SCCIO to be relieved from representing me, and creating an outside independent counsel appointed Pro Bono. of this Court to investigate and take the necessary action to protect the public confidence in the ~~judiciary system~~ and integrity in the judicial system.

from being demoralized by Government employees, manipulation and conspiring constructively to violate the Due process clause of the 14th USCA by committing misconduct... violation of SCACR 407 Rule 8.4(a)(6)(c)(f). Rule 3.3(e)(1). Rule 3.4(a)(1), Rule 1.1.

The God I trust, For Equality and Justice for all. Am I not entitled to Equal Protection of the laws of this state and the United States, as an American citizen, - then why wasn't I afforded the Equal Protect of SCACR 240(e) against the prosecutorial Misconduct of the attorney General Office through assistant Deputy attorney General William M Blitch Jr. who can I depend upon, in the SC Government to protect Government employees from violating my Constitutional Rights: in order to deprive me of life, and liberty: and to a New trial granted to me by the Government. Instead of stopping William M Blitch Jr from committing Misconduct, ~~SSGCCIO~~ omission of Appellate defense Elizabeth Franklin Best, consented to it.

I ask The chief justices for help to correct a Wrong Sustained.