

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APR 18 2017
SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
HONORABLE EDWARD W. MILLER, CIRCUIT COURT JUDGE
APPELLATE CASE NO. 2016-000966

The State

Respondent

v.

Robert M. Watkins

Appellate

Return to State's Motion to Compel Filing of
Complete Record on Appeal

Appellant (Robert M. Watkins) as pro-se counsel would respectfully show unto this court as follows:

On October 7, 2015, Appellate filed a motion for a new trial criminal case 2012-GS23-1063 captioned motion for a new trial pursuant to §17-23-110 Brady v. Maryland, 373 U.S. 83 (1963) and SCRCrim P. Rule 29(b) after or newly discovered evidence. On January 19, 2016, the state made its return to Appellate's motion. Appellate made a reply to the state's return on February 10, 2016. On April 26, 2016, Judge Miller denied and dismissed Appellate's motion pursuant to SCRCrim P Rule 29(b) newly Discovered Evidence. On August 3, 2016, Appellant filed and served his initial of appellant. The state filed and served its initial brief of appellant. The state filed and served

its initial brief of respondent and designation of matter on January 27, 2017. On March 29, 2017, appellant filed a record on appeal with the S.C. Court of Appeals.

Appellant included with his record on appeal letters and proof of service to both the SC Court of Appeals and Assistant Attorney General Megan Harrigan Jameson, explaining that the SCDC does not provide or make copies of hand written legal material or documents such as that consist in the preparing the record on appeal or that exists as the record on appeal of appellate case 2016-000966. Appellate requests that the SC Court of Appeals return a filed copy of his pro-se record on appeal so that he can provide the state with a copy. Appellant further informed the state that it has in its position all the documents that is included in the record on appeal, that listed in the designation of matters to be included in the record on appeal, that all he did was address these documents with a coversheet entitled record on appeal. Appeal also asks the SC Court of Appeals to forward a copy of his record on appeal filed with that court to Assistant Attorney General Megan Harrigan Jameson, because of his indigence and that SCDC won't make a copy of his record on appeal. Appellant further states that the entire trial transcript of criminal case 2002-GS23-1063 of September 22-24 2008 trial is not necessary. That he has included the necessary pages to support his motion for a new trial and needed not include any other irrelevant and unnecessary material; when the state made its return to Appellant's motion for a new trial, the state included parts of the testimony of specific witnesses, instead of the entire transcript, that it felt necessary to seek relief in its return, but attempts to burden Appellant because the state knows that Appellant is proceeding pro-se and, that his indigence will prevent his access to making the necessary copies, proving to the state and the court, in order to comply with SCACR, as well as SCDC doesn't make copies of hand written legal material or documents, such as the instance with this case. Appellant's record on appeal shows that the state "SC Attorney General's Office" has received the 147 pages that make up the record

on appeal and is trying to use it as a technical tactic, to force Appellant to provide unnecessary documents or material that the state knows Appellant will have difficulty providing because the state "SCDC" doesn't make photo copies of hand written documents of legal mail.

For the foregoing reasons, Appellant prays that this court will deny the state's motion to compel filing of complete record on appeal, especially when the state doesn't state what is missing in its motion.

Respectfully,



Robert M. Watkins #243803

Perry CI-Unit-Q2A-118

430 Oaklawn Road

Pelzer, SC 29669

Sworn to and Subscribed before me

this 13 day of April 2017

Notary: Tamara Conwell

Commission Expires: My Commission Expires
September 25, 2023

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P.C.I. MAILROOM

cc: Megan Harrigan Jameson

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IN THE COURT OF APPEALS

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Proof of Service

I, Robert M. Watkins hereby certify that I have served my return to the state's motion to compel filing of complete record on appeal upon the below parties by placing two (2) copies of the same in the U.S. Mail, postage prepaid, by way and through Perry Correctional Institution, addressed to:

1.) Jenny A Kitching
SC Court of Appeals
Post Office Box 11629
Columbia, SC 29211

2.) Megan Harrigan Jameson
Asst. Attorney General
Post Office Box 11549
Columbia, SC 29211-1549

Respectfully,



Robert M. Watkins #243803

Perry CI-Unit-Q2A-118

Sworn to and Subscribed before me

this 13 day of April 2017

Notary: Tamara Conwell

Commission Expires: ~~My Commission Expires~~
September 26, 2023

RECEIVED 430 Oaklawn Road
Pelzer, SC 29669

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PC.I. MAILROOM

Robert M Watkins 243803 Q2A118
Perry Correctional Inst
430 Oaklawn Rd
Pelzer SC 29669

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RC.I. MAILROOM

Jenny A Kitching Clerk of Court
S.C. Court of Appeals
Post Office Box 11629
Columbia SC, 29211

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LEGAL MAIL