

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Greenville County  
Honorable Edward W. Miller  
Court of Common Pleas  
case no. 2014-CP-23-000589

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PC.I. MAILROOM

Appellate Case No 2015-002191

Robert Watkins

Petitioner

The State

Respondent

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SC Court of Appeals

Petition for a Rehearing

On January 31, 2014, Petitioner filed an application for post conviction relief and filed an amendment to his application on July 11, 2014. The State filed its return on July 11, 2014. An evidentiary hearing was held on April 22, 2015, in the Greenville County Court of Common Pleas with Judge Edward W. Miller presiding. Following the evidentiary hearing Judge Miller denied and dismissed the application on October 2, 2015. Petitioner filed an Notice of Appeal with S.C. Supreme Court, challenging Judge Miller's denial of his post conviction relief application. On April 20, 2016, second division of Appellate Defense counsel filed on Petitioner's behalf

a petition for a writ of certiorari and accompanying appendices pursuant to Johnson v State, 294 S.C. 310, 364 S.E.2d.201 (1984) petitioner filed a pro-se response to counsel's petition on June 24, 2016 with supporting Memorandum of Issue he believes the court should review. The S.C. Supreme Court Justice Beatty transferred Petitioner's case back down to the S.C. Court of Appeals pursuant to SCACR 243(L) by way of order on March 2, 2016. On October 5, 2017 The Clerk of Court of South Carolina Court of Appeals Jenny Abbott Kitchens issued an order denying Petitioner's petition for a writ of certiorari and granting appellate counsel request to withdraw. Petitioner filed a request for an extension of time to file a petition for a rehearing. Clerk of Court of Appeals issued an order extending time to file a petition for rehearing until November 6, 2017. On November 2 and 3 and 4<sup>th</sup> 2017 Perry Correctional institution entire inmate population were on lock down due to shortage of officers, which hindered Petitioner access to law library, mail room and courts. in being able to meet this Dead line and therefore upon this court's grace allows the filing of this Petition for a rehearing if this court finds that it

was not filed on time.

Petitioner petitions this court for a rehearing to vacate the order denying Petitioner's petition for a rehearing on grounds that pursuant to South Carolina Constitution article 1 section 8. The order issued by the S.C. Court of Appeals Clerk of Court Jenny Abbott Kitchings of October 5, 2017 Id as exhibit # 1 attached 2 pages violates the Separation of Power Act.

Jenny Abbott Kitchings is the Clerk of the S.C. Court of Appeals, in which her legal capacity of the S.C. Court of Appeals is Administrative, not judicial, and she therefore lacks authority and jurisdiction to issue an judicial order denying Petitioner's petition for a writ of certiorari pursuant to Johnson v State 294 S.C. 310, 364 S.E.2d 201 (1988). Therefore Petitioner contends that this order Id as exhibit # 1, should be vacated, and Petitioner's petition for a writ of certiorari, placed on the S.C. Court of Appeals docket to be reviewed by the S.C. Court of Appeals Judges, according to facts and law, and a proper judgment issued, addressing each issue raised and ruled showing

The grounds according to law that supports its judgment  
failure to do so would be a violation of Petitioner's  
Constitutional rights to a judicial review pursuant  
to S.S. Const article 18, 22, and hinder Petitioner  
from exhausting all the issues and grounds for  
relief argued in his pro-se petition for a  
Writ of certiorari of the issues that he believes  
this court should review.

Respectfully Submitted by  
Robert M Watkins 202303 Q2A118  
Perry Correctional Inst.  
430 Oaklawn Rd  
Pelzer, SC 29669

# The South Carolina Court of Appeals

Robert Watkins, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2015-002191

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## ORDER

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This matter is before the Court on a petition for a writ of certiorari following the denial of Petitioner's application for post-conviction relief.

Petitioner's counsel asserts that the petition is without merit and requests permission to withdraw from further representation. Petitioner has filed a pro se petition.

Based on the vote of the panel after careful consideration of the entire appendix as required by *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988), the petition for a writ of certiorari is denied and counsel's request to withdraw is granted.

FOR THE COURT

BY   
CLERK

Columbia, South Carolina

cc:

Laura Ruth Baer, Esquire  
DeShawn Herman Mitchell, Esquire  
The Honorable Edward W. Miller

**FILED**

October 5, 2017

Robert Watkins  
Justin James Hunter, Esquire

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Proof of Service

on 11-6-2017 I placed in the P.C.F mail room window for U.S postal, a copy of my Petition for a rehearing Appellate Case # 2015-002191 addressed to The SC Attorney Generals' office, Alan Wilson to forward to his designee that he assigned to my case, to put The Attorney Generals' office on notice of the filing of my petition for a rehearing

Robert Watkins

Robert M Watkins 24380392A115

Perry Carr Dist

430 Outlook Rd

Pelzer SC 29669

sworn to before me on

This 6th day November 2017

SC Notary Kenneth Conwell exp Dat

Commission Expires  
September 25, 2023

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P.C.I. MAILROOM

Robert Watkins 24380302A118  
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