23338

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Greenville County
Edward W. Miller Circuit Judge
2002-GS-23-1063

The State — Respondent

✓

Robert M. Watkins — Appellant

RECEIVED
MAR 29 2017
SC Court of Appeals

Record on Appeal
Appellant Case 2016-000966

Robert M. Watkins 243813 QRA118
Pro-se Appellant
Perry Correctional Institution
430 Oaklawn Rd
Pelzer SC. 29669

Alan Wilson
Atty General
Megan Harrigan Jameson
Assit. Atty General
PO Box 11549
Columbia SC 29211

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(5)

Robert Max Watkins
defendant

Vs.

The State of South Carolina
Greenville County
Respondent

In the 13th Judicial Circuit Court
of Greenville County
Court of General Sessions

CASE 2002-GS-23-1063

Independent 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.

RECEIVED
SEP 14 2016
ATTORNEY GENERAL'S OFFICE

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
2016 OCT 7 PM 12:
PAUL B. WICKENSIMER

September

The above name defendant comes before this Honorable Court, by an independent 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. See attached Sworn Affidavit and enclosed, attached Exhibit # 1-14, in Support of Independent Motion For a New trial.

The defendant due to his indigency has enclosed an sworn affidavit of indigency to proceed without filing fees, and copying fees of said Independent Motion For a New trial and Exhibits etc, Requests that a copy be provided to the Chief Administrative Judge as well as the Solicitors office of Greenville County 13th Judicial Circuit Court.

With Kind Regards
I am,

Verily Truly Yours
Robert M. Watkins 243863 @ 1A215
Perry Correctional Institution
430 Oaklawn Rd
Pelzer S.C 29669

RECEIVED
AUG 25 2016
SC Court of Appeals

Please File
Please provide copy to Solicitor office and chief administrative Judge

{ See attached Sworn Affidavit in support of Motion Attached at Proof of Service page 1-7 and Exhibits page 18-107 }

Sworn Affidavit in Support of Motion For a New trial, pursuant to SC 1976 Code of law 17-23-110 Brady v Maryland 373 U.S. 83 (1963) and SC Crim P. Rule 29(b) After or Newly discovered Evidence

I The Defendant Robert May Watkins, argue that I am entitled to a new trial on grounds, that in violation of Brady v Maryland, 373 U.S. 83, 83 S.ct 1194. (1963) The Prosecution withheld, suppressed and or failed to disclose, favorable evidence, being "The Greenville Police incident dispatch Detail Report of Case 01-95052". See Id as Exhibit # 1 attached, 7 pages 2 envelopes

On May 19th 2008 The Prosecution disclosed pursuant to South Carolina Rule of Criminal Procedures Rule 5 (SCRCrimP) The discoverable Material pertaining to Arrest Warrant(s) G865977 Armed Robbery and G-865988 Possession of a weapon during the commission of or attempt to commit a violent crime (PWDCVC), Indictment 2002-GS 23-1063 For The defendant Robert Watkins, Provided with a copy was Stephen John Henry See Id as Exhibit # 2 attached, 2 pages

On May 30th 2008 The Honorable Judge Larry R. Patterson issued an order appointing Stephen John Henry as the defendant Robert Watkins counsel See Id as Exhibit # 3, 1 page attached.

on June 10. 2002, Counsel For the defendant Mr. Watkins Filed a Brady Request, requesting the Prosecution to disclose pursuant to Brady v Maryland, 373 U.S. 83 (1963) favorable evidence, specifically requesting in reference to arrest Warrant(s) G865977, 88 Indictment 2002 GS 23-1063 Copies of all radio, and or dispatch transmissions in this case See Id as

1. Exhibit # 4. attached. 3 pages

The Prosecution didn't disclose a copy of the Greenville Police incident dispatch Detail Report of Case 01-95052 on May 19th 2008, to the defendant or Mr. Stephen John Henry in the disclosure of its SCRCrimP. Rule 5. See Id as Exhibit #2. attached. 2 pages

Nor did the Prosecution disclosure the Greenville Police incident dispatch detail Report, after the defendants counsel Mr. Stephen John Henry specifically request disclosure of this favorable Evidence pursuant to Brady v Maryland, 373 U.S. 83 (1963) on June 10, 2008. Inwhich the Brady rule extends to evidence that is not in the actual possession of the prosecution but known by others acting on the government's behalf in the particular case including the Police U.S.C.A. Const. Amend 5, 14th State v Kennerly, 503 S.E.2d. 214 (SC. App. 1998); Kyles v Whitley, 514 U.S. 419, 115 S.Ct 1555, 131 L.Ed.2d. 490 (1995)

The Brady disclosure rule is grounded in the defendant's fundamental right to a fair trial Mandated by the Due Process clause of the fifth and fourteenth Amendment. It requires the prosecution to disclose evidence that is (1) in its possession (2) favorable to the accused, and (3) Material to guilt or punishment. United States v Bagley, 473 U.S. 667, 105 S.Ct 3375, 81 L.Ed.2d. 481 (1985) United States v Agurs, 427 U.S. 97, 96 S.Ct. 2392, 49 L.Ed.2d 342 (1976); Brady v Maryland, 373 US 83, 83 S.Ct 1194, 10 L.Ed.2d. 215 (1963).

The Prosecution has a duty to disclose regardless of whether the defendant makes a specific request. Brady Supra. This rule extends to evidence that is not in the actual possession of the Prosecution, but known by others acting on the government's behalf in the particular case including the Police. Kyles v Whitley, 514 U.S. 419, 115 S.ct 1555, 131 L.Ed.2d 490 (1995)

The defendant states that, The Greenville Police incident dispatch Detail Report Case # 01-9505L was in the possession of the Prosecution, the city of Greenville Police department, in which under Brady rule the Prosecution had a duty to disclosure.

This Greenville Police Incident dispatch detail Report, Id as Exhibit # L, is favorable evidence, because it contains Exculpatory, impeachment evidence, as follows:

- That on 12-19-01 The city of Greenville Police department at 01:06:20 Am 911 dispatcher 373 Carolyn K. Hardin received a 911 call from 253 Congaree Rd chuck-e-cheese, That an Armed Robbery had just Occurred, by An B/M 5'10, Blue Coat slim, Pistol to head to employees, Mask on face. This information was dispatched out by 911 dispatch 386 Valarie D. Blake at 01:07:35 am.

An at 01:07:35 Unit 48 (208) Star 378 Jones received this information and was enroute, arriving on the Scene at 01:07:40 am.

AT 01:21:13 am 911 dispatch 373 Carolyn K. Hardin dispatch out the following comments: Left on Foot Possibly two the opts in back

White Taurus Left in the parking Lot. White Taurus Seen several times earlier in the week in the parking Lot. AT 01:26:34 Am Unit F8 star 303 Thompson dispatch time, En-Route time, and on Scene time is all the same 01:26:34 am. See Id in Exhibit #1 attached.

During the Jury trial, the Prosecution introduce into Evidence through state witness, office John Thompson, on direct examination, testimonial Evidence, That he was the officer of the city of Greenville Police department, that stopped the white Ford Taurus, driven by B/M suspect, defendant Robert Watkins, which also had on the passenger side an B/F Elena Dorona Pelzer. Through officer Thompson, The Prosecution introduce evidence to satisfy the investigatory stop pursuant to the requirements of Terry v Ohio 392 U.S. 1, inwhich As a result of the investigatory stop officer Thompson, conducted an warrantless search of the white Ford Taurus driven by the defendant, and seized 150 single one dollar bills; and 20 single 5 dollar bills totaling $250.00, as well as executing an warrantless arrest of the defendant and seizure of 3 single one dollar bills, 3 single 20 dollar bills, and 2 single five dollar bill, From The defendant Watkins pocket as evidence of a crime. See Id as Exhibit #5, Trial transcript pages 272 line 3 through page 285 line 13."

The U.S. currency seized as a result of the investigatory stop from the white Ford Taurus was introduced into Evidence at trial As States Exhibits 5 Id in Exhibit #5 Tr page 280 line 12; states Exhibit #26, Id in Exhibit #5 Tr page 282 lines 4-5; states Exhibit #23A and 23B, Id in Exhibit #5 Tr. page 282 line 22 - page 283 line 9 inwhich Officer Thompson could not state with certainty that states Exhibit #23A and 23B is the money he recovered that evening. So the Prosecution did use him to introduce states Exhibit #23A and 23B to introduce into evidence. Instead, The Prosecution introduced that evidence

In to evidence through direct examination of state witness Wilbur Bruce.. see Id in Exhibit # 6 Trial transcript testimony of state witness officer Wilbur Bruce. Tr. page: 394 line 1 through 395 line 18

The Prosecution through state witness Elena Dorona Pelzer, introduced into evidence, that the defendant and Elena Pelzer were stopped in the white Ford Taurus at 1:10 AM. See Id in Exhibit # 13 Trial transcript on direct examination page 336 lines 9 - page 367 line 1 attached

As a result of the investigatory stop, and seizure of U.S. currency, Both the defendant and Elena Pelzer were arrested, taken into custody and interrogated. Based on the information and evidence seized in reference of the investigatory stop and interview, and interrogation Investigating officer Daniel Fuller drafted an entire search warrant. In which officer Daniel Fuller included the following statements in the search warrant affidavit obtained in subsequent to the investigatory stop. • He also is a residence at Park Haywood Apts., He had just entered his apt # 708 and immediately left with his roommate Elena D. Pelzer... • During the investigatory stop he and the roomate were both attempting to conceal from officers view, large amount of loose cash in denominations consistent with the robbery.. a search warrant was issued based on evidence that was obtained as a result of the investigatory stop. See Id as Exhibit # 7 The search warrant Affidavit and return. Also Id as Exhibit # 8 Trial transcript of the testimony of state witness Daniel Fuller. Tr page 302 line 2 through page 317 line 5, in which the Prosecution introduced into evidence photographs of evidence seized from the search of The defendants residence, States Exhibits 10, 11, 12, 13, 14 The included As Exhibit # 9 attached 5 pages.

also seized from the defendants residence was a Mask and Gun by Forensic officer J. A Hurensby, see Id as Exhibit #10 attached and U.S currency, see Id as Exhibit #11 attached; as well as 2 South Carolina Identification Cards belonging to the defendant. see Id as Exhibit # 12 attached. also Evidence was introduced into evidence Against the defendant at trial by the Prosecution. as states Exhibits number 15, 16, 17, 18, 19, 21, 22A and 22B. Through state witness investigating officer Detective Wilbur Bruce. see Id in Exhibit # 6. Trial transcript page 385 line 13 through page 396 line 12 attached. Now see Id as Exhibit #13 the photographs of the Evidence seized from the defendants residence, that were introduced into Evidence, that was initiated from the investigatory stop. Id as States Exhibits 15, 16, 17, 18, 19, 8, 9, 22A, 22B, 23A, 23B; States Exhibit 21 was the actual Gun and Mask in a Bag.

The defendant argues that The Greenville Police incident dispatch Detail Report that was not disclosed to him, and was Supressed or withheld, is Material, because it contains impeachment Evidence that, if based on the evidence introduced into evidence by state witness Elena Pelzer that the white Ford Taurus driven by the defendant, was stopped at 1:10 Am Id in Exhibit # (14) Tr. page 366 line 9 - p 367 line 1, that officer John Thompson didn't arrive on the scene until 01:26:34 am after the white taurus had already been stopped. The Greenville Police incident dispatch Detail Report shows this, as well as that the

only officer that was on the scene at 01:07:35 Received the following dispatched information, that a Armed Robbery had just occurred at 253 Congaree Rd. chuck-e-cheese By a B/M 5'10 Blue Coat, Slim Pistol to head to employees mask on face. In which at this time he arrived on the scene at 01:07:40 am. were officer D.E. Jones star # 378.

In which would collaborate the evidence Id in Forensic officer S.C. pratt crime scene investigation Report, in which contains evidence that officer Jones star 378 was the investigating officer who stopped the white Ford Taurus as it exited the park haywood Apartments complex onto 245 Congaree Rd. see Id As Exhibit # (14) attached.

Also it wasn't until after the white Ford Taurus was stopped at 1:10am, that at 1:21:13 That the following Comments were dispatched out, that Left on foot Possibly toward the apartments in back white Taurus left in the parking Lot, white Taurus seen several times earlier in the week in the parking lot..

The timing listed in the undisclosed Greenville Police incident dispatch Detail Report, that shows the time officers arrived on the scene and, what information was provided to those officers is favorable impeachment evidence, because it shows that, officer John Thompson star 303 was not the officer who stopped the white Ford taurus at 1:10 Am. and therefore In order to satisfy the requirement under the 4th U.S.C.A. investigatory stop pursuant to terry v ohio, 392 U.S.

He Knowingly included false statements of facts in this Supplemental Report Id as Exhibit # (15) attached, and would testify to this false statements under oath, in Both Jury trial of criminal Case 02 GS-23-1063 which initiated from case # 01-95052 Arrest warrants 6865977, 88 on October 23-25th 2002, which lead Conviction before Judge Victor C. Pyle Jr. Then again on Sept 22-24th 2008 Before Judge Larry R. Patterson, which lead to a Conviction.

Without disclosure of the Greenville Police incident dispatch Detail report, which contained the timing of facts that established, the Time officers received information and responded to scene the defendant was prejudice of favorable evidence that would allow him to challenge the investigatory stop as being unconstitutional inviolation of the 4th U.S.C.A., which resulted in an warrantless arrest, warrantless Search of his vehicle, and Warrantless seizure of U.S. currency from his vehicle and from his person; inwhich he would have sought to suppress all the evidence, introduced By the prosecution as fruits of a poisonous tree, and under the Material prong of Brady Rule, there is a strong probibility that the outcome of his trial would be different, as well as a retrial if a new trial is granted. Because now with the Greenville Police incident dispatch Detail Report, The defendant Watkins would file a pre-trial Motion to Suppress all the Evidence That was initiated from the evidence of an illegal investigatory stop. Because with The now disclosed evidence

Id in Exhibit # 1, and the evidence, Id in Exhibit # (14), and Exhibit # (16).. at 01:06:20 am The city of Greenville Police department, received a 911 call, from 253 Congaree Rd, chuckie-cheese, that an Armed Robbery had Just Occurred by a B/M, 5'10, Blue Coat, slim, Pistol to head to employee, mask on face, at which time this information was dispatched out at 01:07:35 am, Officer Jones Star 378 received that information, and was enroute, and arrived on the scene, at the entrance of Park haywood Apts at 245 Congaree Rd at 01:07:40 am.. Id in Exhibit # 1 attached.

at 1:10 am The white Ford taurus driven by B/M defendant Robert Watkins was stopped.. Id in Exhibit # (14) Tr. page 366 line through page 367 line 1 attached Investigating officer Jones Star 378 stopped the white Ford Taurus as it exited the park haywood Apt complex onto 245 Congaree Rd, and request Forensic Officer S.C. Pratt to secure digital images of the vehicle he stopped " White Ford Taurus". See Id in Exhibit # (16) attached.

The only factual knowledge or information officer Jones Star 378 had knowledge of concerning the Armed Robbery between the time he received the information at 01:7:35 and stopp at 1:10 Am is " B/M. 5'10 Blue Coat, Pistol to head to employee, Mask on face See Id in Exhibited # (1) attached. The only information office Jones could have based his General suspicion of criminal activity, was on the race of the B/M driving the white Ford Taurus to justify stopping the defendant Robert Watkins in the white Ford taurus at 1:10 Am as it exited the park haywood Apts Complex on to 245 Congree Rd. in which pursuant to U.S. v. Jones, 242 F.3d. 215

218 (4th Cir 2001) (no reasonable suspicion when tip solely describe race and officer pulled over car despite lack of traffic or equipment violation. See Terry v Ohio, 392 U.S. at 21 U.S. v Arvizu, 534 U.S. 266, 273 (2002) ("the fourth Amendment is satisfied if the officers action is supported by reasonable suspicion to believe that criminal activity may be afoot. when officer Jones stopped the white Ford Taurus solely because of the race of the defendant, The investigatory stop, was illegal inviolation of his 4th Amendment Rights pursuant to Terry v Ohio 392 U.S. 1.

So in order to justify the investigatory stop, The defendant alleges that office John Thompson was aware that the stop was illegal, and that the only way to make the investigatory detention/stop valid, was for him to state falsely, specific and articulable facts, which taken together with a rational inference from those facts" So the Court will evaluate the reasonableness of the investigatory Detention/stop "in light of the particular circumstances" surrounding it.) See also U.S. v Arvizu, 534 U.S. 266, 275, 77 (2002) (detention valid when totality of circumstances create reasonable suspicion); U.S. v Cortez, 449 U.S. 411, 417-18 (1981) (based on totality of circumstances, detaining officers must have particularized and objective for suspicion of criminal activity). This is why The Prosecution withheld, concealed, suppressed, or just simple failed to disclose The Greenville Police Incident dispatch Detail Report Id as exhibit # 1 attached. Because it shows that the testimony before the jury of state witness John Thompson

concerning why the information from dispatch he Recieved that lead to his reason for stopping the white Ford Taurus was facts he obtained Knowledge of, after the white Ford taurus had allready been stopped. The Greenville Police Incident dispatch Detail Report, would allow the defendant to impeach the Greenville Police department officer who testified As state witnesses, Before the jury, who introduced into Evidence that officer Thompson stopped the white Ford Taurus; When The Greenville Police incident dispatch Report, shows otherwise. " That he was not even on the scene when the white Ford Taurus was stopped, making the Greenville Police incident dispatch Detail Report, material evidence, that would entitled Watkins to a New trial and the Conviction and Sentence under Indictment 2002 GS-23-1063 to be vacated. Id in Exhibit # (17) attached furthermore, when a Brady violation is shown and proved, the defendant is entitled to a New trial."

The Defendant also states that This undisclosed evidence of Brady violation was obtained pursuant to S.C.F.O.I.A. on April 26, 2015 and March 26th 2015 see Id in Exhibit #1. inwhich Watkins attached The envelopes showing the date The Greenville Police incident dispatch Detail Reports were received at P.C.I mailroom, where he is currently incarcerated at. Inwhich he received to late to argue In his Application for Postconviction Relief civil Case

2014-CP-23-00589 in which an Evidentiary hearing had Been held on April 22 2015 Before the Honorable Judge Edward Miller, in the 13th Judicial circuit Court of Common Pleas. Greenville County, in which the defendant is awaiting an order to be issued and filed.

The defendant further argues that based on this Newly discovered Evidence, being the Greenville Police Incident dispatch Detail report Id as Exhibit # 1 attached, which is Evidence of a Brady violation entitling him to a new trial, He also is entitled a new trial based on Newly discovered evidence or Newly discovered evidence Pursuant to SCRCrimP. Rule 29(b) on grounds that the undisclosed Greenville Police Incident dispatch Detail Report Id as Exhibit # 1 (1) is such that it would probably change the result if a new trial were granted. (2) has not been discovered since the September 22-24 2008 trial (3) could not in the exercise of due diligence have been discovered prior to trial, when the prosecution didn't disclose it even after it was requested specifically in an June 10th 2008 Brady request. (4) is material because could be used to challenge the investigatory stop and detention and warrantless arrest and warrantless search of vehicle and seizure of U.S. currency from vehicle and defendants pocket an illegal without Probable cause, in violation of his 4th Amendment Rights, to Motion the court to Suppress all Evidence seized as a result of this illegal investigatory stop under the Fruits

A poisonous tree doctrine.. see Hutton v State, 654 S.E.2d 846 and Mapp v Ohio 367 U.S. 643 (1961).

(5) The Greenville Police incident dispatch Report is not cumulative or impeaching. Slater v Prince, 316 S.C. 57, 447 S.E.2d 177 (1993)

See Beck v Ohio 329 U.S. 89.: Even the Greenville Police incident dispatch Detail Report, had it been disclosed, Defendant could have also challenge the warrantless arrest, because office John Thompson also claims he made the arrest of the defendant see Id in Exhibit #(4) Tr. page 276 line 11 — p. 278 line 8. which would also be grounds to suppress all Evidence based on an unlawful arrest, in which the Evidence used to convict the defendant was obtained as a result of. The suppression of all the Evidence Id in Exhibits #8, 12, would result in a different outcome if a new trial is granted.

I The Defendant under the acts of Perjury, state under oath, that the information, and statements in this Sworn Affidavit is True to the Best of my Knowledge

/s/ Robert Watkins

Robert M Watkins
243803 QIA 215
Perry Corr. Inst
430 Oakleaven Rd
Pelzer SC, 29669

Sworn to before me on this 1st day October month 2015 year

SC Notary Tamara Connell

My Commission Expires September 25, 2023

Exp. Date:

In Conclusion:

For the Aforementioned Reason and ground stated in The defendants Sworn Affidavit and attached Exhibits #1-14 in support of his Motion for a New trial, pursuant to Brady v Maryland, 373 U.S. 83 (1963) and S.C. Crim P. Rule 29(b) after a Newly discovered Evidence, the Defendant I. Robert Max Hutkins pray That this Court will Vacated The Conviction and Sentence of September 24th 2008 under Indictment 2002-GS-23-1063 and grant me a New trial. Because the violation violated his U.S.C.A. 5th, 14th and S.C. Constitution article 1 section 3 Rights to Evidence. That could have resulted in the Suppression of all the evidence introduced into evidence to convict him, that was obtaind as a result of a 4th Amendment violation of the U.S. Constitution, as Fruit of a Poisonous Tree see Hutton v state, 654 S.E.2d 846 The fruit of a Poisonous tree doctrine that evidence must be excluded if it would not have come to light but for the illegal actions of the Police, and the Evidence has been obtained by the exploitation of that illegality. The Challenge evidence is admissible however, if it was obtained from a lawful source independent of the illegal conduct. The defendant has shown that based on the undisclosed favorable Evidence Id as Exhibit #L, That the Greenville Police incident dispatch Detail Report contains exculpatory evidence, that the prosecution established record based on evidence introduce into evidence by State Witness officer John Thompson

during Trial on September 22-24 2005 Id as Exhibit #4 Trial transcript page 272-285 was to make a record showing officer John Thompson was the officer that had reasonable suspicion to stop the white Ford Taurus driven by the B/M Suspect Defendant Robert Watkins, and had probable cause to without an arrest warrant, arrest the defendant Watkins and seized 73 dollars U.S currency from his pocket, and had probable cause to without an search warrant to search the white Ford Taurus and seize $250.00 U.S. currency. In violation of Brady v Maryland, 373 U.S. 83 (1963) suppressed, withheld or fail to disclose, The Greenville Police incident dispatch Detail Report, that was favorable evidence, that contained impeachment evidence, that officer John Thompson didn't arrive on the scene, until 1:26:34 am after officer D.E. Jones star 378 had already stopped the white Ford Taurus at 1:10 am. The Greenville Police incident dispatch detail Report contained "Time frames", that would have proved the defendant impeachment evidence to call for a Motion to Suppress the evidence that was used to convict Watkins introduce in to evidence that was obtained by exploitation of an illegal investigatory stop, which the Prosecution concealed by failing to disclose the Greenville Police incident dispatch Detail Report. If the evidence was not material, towards the investigatory stop, then why did the Prosecution conceal it or fail to disclose it.

I the defendant pray that upon the Mercy of This Court, in the name of the Most High, that pursuant to SC 1976 Code of law § 17-23-110; Brady v Maryland, 373 U.S. 83. 1963 and SC R Crim P. Rule 29(b) Newly or after discovered evidence that this Court will Grant Me a New trial.

In the Name of the Lord
this year 2015 of September

Submit by
I, Robert May Watkins 213803 Q/A215
Perry Correctional Institution
430 Oaklawn Rd
Pelzer SC 29669

Proof of Service

I Robert May Watkins on Oct 1 2015 placed in the P.C.I mailroom May Motion for a new trial pursuant to Brady v Maryland, 373 U.S. 83 1963 and SCRCrim P Rule 29(b) based on After or Newly discovered Evidence dated September 3rd 2015 along with attached sworn affidavit page 1-14, with attached and disclosed Exhibits #

To The office of the clerk of Court of Greenville County General Sessions Court address to the clerk of Court Paul B Wickensimer and his assistant clerk of Court Leanda King at Greenville County Court house. 305. E. North St. Greenville S.C. 29601. Due to my indigency as a result of my lengthy incarceration under the Conviction of case 2002 GS23-1063. I am requesting that a copy of My Motion for a New trial, along with 13 page Sworn affidavit and Exhibits # 1-17 ..... Be provided to the chief administrative Judge of the 13th Judicial Circuit Court of Greenville County, and to the 13th Judicial Circuit Solicitors office of Greenville County and verification that such has been done, a copy provided back to me.

witnessed by:

RECEIVED
OCT 01 2015
P.C.I. MAILROOM

Robert M Watkins 243868 Q1A215
Perry Corr Inst
430 Outlawn Rd
Pelzer S.C. 29601

Affidavit of Indigency, To Proceed without Cost.

I The Defendant Robert Max Watkins 243803, DOB-5-22-65 SS# 243-16-2123 due to my lengthy incarceration here at perry Correctional Institution, under conviction of criminal Case 2002-65-23-1063 Since Oct. 23rd 2002 and September 24th 2002 am Indigent. and unable to pay filing fees, and copying fees to have a copy of My Case 2002-65-23-1063 Independent Motion for a New Trial pursuant to SC 1976 Code of law §17-23-110 and Brady v Maryland 373 U.S. 83 (1963) and SC Crim P. Rule 29(b) after or Newly discovered Evidence. copied and a copy provided to The chief Administrative Judge and the Solicitors office of Greenville County. Which I am Requesting that a copy of my Independent Motion and Exhibits 1-17 Be provided to them with such fees waived.

The current Balance on My E H Cooper Trust fund account is 0 Balance.

(s) Robert Watkins

Sworn to before me on This 1st day October month 2015 year

S.C Notary Tamara Cornwell

Exp Date: My Commission Expires September 25, 2023

Robert Watkins 243803
9 A 21 T
430 Oaklawn Rd
Pelzer SC 29669

Original Copy to Assistant Clerk of Court Leanda King
C/o Paul B Wickensimer Clerk
305 E. North St, Greenville SC 29601
Greenville County Court House

18

Exhibit #1 includes
7 pages 2 envelopes showing Dates.
The Greenville Police Incident dispatch Detail Reports
were received.

city of
greenville

Department of Police

April 21, 2015

Robert Watkins
Perry Correctional Institute
QIA 215
430 Oaklawn Rd.
Pelzer, SC 29669

Dear Mr. Watkins:

We have received your FOIA request for:

> *Supplemental reports related to case 01-095052 from Officers Chenoweth, Miller, Estes, Jones and Browning, 911 tape, a list of what units officers Jones, Sgt. Jones, and Officer Thompson were driving, and dispatch records for 01-095052.*

Attached are the supplemental report from Officer D. E. Jones in relation to case number 01-095052 and the Greenville Police Incident Dispatch Detail Report. We do not have in our possession; supplemental reports for Officers Chenoweth, Miller, Estes, or Browning, 911 tapes, list of what units officers Jones, Sgt. Jones, and Officer Thompson were driving.

Sincerely,

Johnathan Bragg
Public Information Officer

P 18

Date Run 02/26/2004
Time Run 10:03:33

Greenville Police
Incident Dispatch Detail Report

RD #: GP 01-95052

DISPATCH INFORMATION	DISPOSITION INFORMATION
Location Chuck E Cheese 253 Congaree Road **Beat/Subeat** **Source** **Priority** **Shift** HECT/2050 E911 IMMEDIAT 3 **Code / Description** 45JO Armed Robbery / Just Occurred 45 JO Armed Rob B/M 5'10 BLUE COAT SLI M1049 PISTOL TO HEAD TO EMPLOYEES//MASK ON FACE// **Caller:**CHUCK E CHEESE'S//624 ( )297-4250 **Dispatch Assignment Area** **Dispatch Code:** D **Disp:**12/19 01:07:35 **Enrt:**12/19 01:07:35 **Onsc:**12/19 01:07:40 **Comp:**12/19 04:40:36	**Ucr Code** **Description** 45JO Armed Robbery / Just Occur **Service Code** **Description** 5 Incident Rpt Dispo Star: 389 HAMILTON Remarks Continued Area

Call Received Wed 12/19/2001 01:06:20 373 HARDIN, CAROLYN K
Call Dispatched Wed 12/19/2001 01:07:35 386 BLAKE, VALERIE D

Incident Dispatch Block Listing

Unit	Stars	Dispatch Time	En-Route Time	On-Scene Time	Complete Time
H8	378 JONES		12/19/01 01:07:35		
H8	378 JONES	12/19/01 01:07:35		12/19/01 01:07:40	12/19/01 03:18:04
H9	389 HAMILTON		12/19/01 01:07:46		
H9	389 HAMILTON	12/19/01 01:07:46		12/19/01 01:11:35	12/19/01 04:40:36
C8	371 CHENOWETH		12/19/01 01:07:55		
C8	371 CHENOWETH	12/19/01 01:07:55		12/19/01 01:14:30	12/19/01 01:54:44
202	150 Jones		12/19/01 01:09:23		
202	150 Jones	12/19/01 01:09:23		12/19/01 01:11:38	12/19/01 04:40:36
201	186 MILLER		12/19/01 01:09:25		

P.19

Date Run 02/26/2004
Time Run 10:03:34

Greenville Police
Incident Dispatch Detail Report

RD #: GP 01-95052

Incident Dispatch Block Listing

Unit	Stars	Dispatch Time	En-Route Time	On-Scene Time	Complete Time
261	166 MILLER	12/19/01 01:09:25		12/19/01 01:19:33	12/19/01 02:53:12
A9	342 ESTES			12/19/01 01:11:33	
A9	342 ESTES		12/19/01 01:11:33		
A9	342 ESTES	12/19/01 01:11:33			12/19/01 02:05:29
G8	396 ELLIS			12/19/01 01:18:54	
G8	396 ELLIS		12/19/01 01:18:54		
G8	396 ELLIS	12/19/01 01:18:54			12/19/01 02:41:52
F8	303 Thompson			12/19/01 01:26:34	
F8	303 Thompson		12/19/01 01:26:34		
F8	303 Thompson	12/19/01 01:26:34	12/19/01 02:20:24	12/19/01 02:20:24	12/19/01 02:19:12
923	8300 Pratt		12/19/01 01:40:20		
923	8300 Pratt	12/19/01 01:40:20		12/19/01 02:22:26	12/19/01 04:62:29
F8	303 Thompson	12/19/01 02:20:24			12/19/01 04:40:36

P20

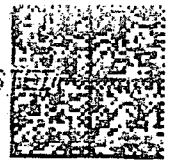
p 21

city of
greenville

Police Department
4 McGee St.
Greenville, SC 29601

RETURN SERVICE REQUESTED

PRESORTED
FIRST CLASS



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PITNEY BOWES
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PCI Mailroom

Robert Watkins
Perry Correctional Institute
QIA 215
430 Oaklawn Rd.
Pelzer, SC 29669

243803
1A21

13 BRDUMP 29669

Greenville County

Department of Public Safety
Records Management Services Division

Jinny Moran, Captain
County Records Manager
(864) 467-5211
www.greenvillecounty.org

May 29, 2015

Robert M. Watkins 243803
Q 1A 215
Perry Correctional Institute
430 Oaklawn Road

RE: 01-95052 Dispatch Incident Detail Report

Dear Mr. Watkins:

We are in receipt of your letter regarding the above record. Please be advised that CAD (Computer Aid Dispatch) records, to include audio recordings for the time frame of 2001 are no longer available. Under the retention schedules as outlined by the S.C. Department of Archives and History, these records have been destroyed and/or the data is no longer accessible.

Sincerely,

Captain Jinny Moran
County Records Manager

P. 27

Date Run 02/26/2004
Time Run 10:03:33

Greenville Police
Incident Dispatch Detail Report

RD #: GP 01-95052

DISPATCH INFORMATION	DISPOSITION INFORMATION
Location Chuck E Cheese 253 Congaree Road *Beat/Subeat Source* *Priority* *Shift* HECT/2050 E911 IMMEDIAT 3 *Code / Description* 45JO Armed Robbery / Just Occurred 45 JO Armed Rob B/M 5'10 BLUE COAT SLI M1049 PISTOL TO HEAD TO EMPLOYEES//MASK ON FACE// *Caller:*CHUCK E CHEESE'S//624 ( )297-4250 *Dispatch Assignment Area* *Dispatch Code:* D *Disp:*12/19 01:07:35 *Enrt:*12/19 01:07:35 *Onsc:*12/19 01:07:40 *Comp:*12/19 04:40:36	*Ucr Code* *Description* 45JO Armed Robbery / Just Occur *Service Code* *Description* 5 Incident Rpt Dispo Star: 389 HAMILTON Remarks Continued Area

Call Received Wed 12/19/2001 01:06:20 373 HARDIN, CAROLYN R
Call Dispatched Wed 12/19/2001 01:07:35 386 BLAKE, VAUGHN D

Incident Dispatch Block Listing

Unit	Stars	Dispatch Time	En-Route Time	On-Scene Time	Complete Time
B8	378 JONES		12/19/01 01:07:35		
B8	378 JONES	12/19/01 01:07:35		12/19/01 01:07:40	12/19/01 03:18:04
B9	389 HAMILTON		12/19/01 01:07:46		
B9	389 HAMILTON	12/19/01 01:07:46		12/19/01 01:11:35	12/19/01 04:40:36
C8	371 CHENOWETH		12/19/01 01:07:55		
C8	371 CHENOWETH	12/19/01 01:07:55		12/19/01 01:14:30	12/19/01 01:54:44
202	150 Jones		12/19/01 01:09:23		
202	150 Jones	12/19/01 01:09:23		12/19/01 01:11:38	12/19/01 04:40:36
201	186 MILLER		12/19/01 01:09:25		

Date Run 02/26/2004
Time Run 10:03:34

Greenville Police
Incident Dispatch Detail Report

RD #: GP 01-95052

Incident Dispatch Block Listing

Unit	Stars	Dispatch Time	En-Route Time	On-Scene Time	Complete Time
261	186 MILLER	12/19/01 01:09:25		12/19/01 01:19:33	12/19/01 02:53:12
A9	342 ESTES			12/19/01 01:11:33	
A9	342 ESTES		12/13/01 01:11:33		
A9	342 ESTES	12/19/01 01:11:33			12/19/01 02:05:29
G8	396 ELLIS			12/19/01 01:18:54	
G8	396 ELLIS		12/19/01 01:18:54		
G8	396 ELLIS	12/19/01 01:18:54			12/19/01 02:41:52
F8	303 Thompson			12/19/01 01:26:34	
F8	303 Thompson		12/19/01 01:26:34		
F8	303 Thompson	12/19/01 01:26:34	12/19/01 02:20:24	12/19/01 02:20:24	12/19/01 02:19:12
923	8300 Pratt		12/19/01 01:40:20		
923	8300 Pratt	12/19/01 01:40:20		12/19/01 02:22:26	12/19/01 04:02:29
F8	303 Thompson	12/19/01 02:20:24			12/19/01 04:40:36

Date Run 02/26/2004
Time Run 10:03:34

Greenville Police
Incident Dispatch Detail Report

RD #: GP 01-95052

Additional Remarks

Type	Date	Time	Beat	Remarks / Comments
Comments	: CM 12/19/01	01:13:21	0386	NOTIFIED HIGHWAY AT 113 626
Comments	: CM 12/19/01	01:21:13	0373	LEFT ON FOOT POSSIBLE TWO THE APTS IN BACK//WHITE TAURUS LEFT IN THE PARKING LOT//WHITE TAURUS SEEN SEVERAL TIMES E ARLIER IN THE WEEK IN THE PARKING LOT/ /624
Comments	: CM 12/19/01	01:45:16	0262	NOTIFIED UNIT 42
Comments	: CM 12/19/01	01:51:55	0262	NOTIFIED DETECTIVE BRUCE PER UNIT 42 IF ANOTHER DETECTIVE NEEDED NOTIFY DAN FULLER
Comments	: CM 12/19/01	10:38:42	8728	UNIT 928 10-5 TO 45 CONGAREE RD,#708 AT 10:32

city of
reenville
ce Department
cGee St.
nville, SC 29601

RETURN SERVICE REQUESTED

PRE-SORTED
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UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.46[illegible]
0008003907 MAY 21 2015
MAILED FROM ZIP CODE 29687

RECEIVED
MAY 26 2015
PCI Mailroom

Robert Watkins
Perry Correctional Institute 243823
QIA 215
430 Oaklawn Rd.
Pelzer, SC 29669

243823
QIA 215

13 DRDUNMP 29669

Exhibit #2 2 pages

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8647
Telefax: 864-467-8610

Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
Robert M. Ariail

May 19, 2008

Robert Watkins (1293 B-9)
Greenville Detention Crt.
20 McGee Street
Greenville, SC 29601

Stephen J. Henry, Esquire
406 Pettigru Street
Greenville, SC 29601

RE: STATE OF SOUTH CAROLINA vs. ROBERT MAX WATKINS
Armed Robbery
Possession of a Weapon During the Commission of a Violent Crime
Warrant/Ticket # (s) G865988, G865977

Dear Sirs:

Enclosed please find the following discoverable material, pursuant to Rule 5, South Carolina Rules of Criminal Procedure:

1. Copy of the Plea Offer Letter, 1 page.
2. Copy of the above referenced warrant/ticket(s).
3. Copy of Indictment # 2002-GS-23-01063, 1 page.
4. Copy of the Greenville Police Dept. Incident Report for case #01-95052 by Officer J. F. Hamilton dated 12/19/2001, 2 pages.
5. Copy of the GPD Supplemental Report by Officer J. H. Thompson dated 12/19/2001, 3 pages.
6. Copy of the GPD Supplemental Report by Officer Skardon dated 12/19/2001, 2 pages.
7. Copy of the GPD Supplemental Report by Officer B. S. Ellis dated 12/19/2001, 1 page.
8. Copy of the GPD Supplemental Report by Officer D. E. Jones dated 12/19/2001, 2 pages.
9. Copy of the GPD Supplemental Report by Officer A. C. Johnson dated 12/19/2001, 1 page.
10. Copy of the GPD Supplemental Report by Officer A. C. Buie dated 12/21/2001, 1 page.
11. Copy of the GPD Supplemental Report by Officer T. Evanina dated 12/19/2001, 2 pages.
12. Copy of the GPD Supplemental Report by Officer W. C. Bruce dated 12/19/2001, 3 pages.
13. Copy of the GPD Supplemental Report by Office D. C. Euller dated 12/19/2001, 2 pages.
14. Copy of the Search Warrant dated 12/19/2001, 4 pages.
15. Copy of a statement from Elena Pelzer dated 10/21/2002, 2 pages. – 2 days Before trial in 2002
16. Copy of the Waiver of Miranda Rights signed by Robert Base dated 12/19/2007, 1 page.

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17. Copy of a statement from Robert Base dated 12/19/2001, 1 page.
18. Copy of a statement from Jeanne Pireda dated 12/19/2001, 2 pages.
19. Copy of a statement from Matthew McCoy dated 12/19/2001, 1 page.
20. Copy of a statement from Marcus Scarabino dated 12/19/2001, 2 pages.
21. Copy of a statement from Jimmy Skelton dated 12/19/2001, 1 page.
22. Copy the Occupancy Verification for Golds' Gym from Park Haywood Apts., 1 page.
23. Copy of the GPD Motor Vehicle Tow Report, 1 page.
24. Copy of the Greenville County Crime Scene Investigation Report by Officer J. A. Hornsby dated 10/25/2002, 1 page.
25. Copy of the Greenville County Crime Scene Investigation Report by Officer J. A. Hornsby dated 12/19/2001, 1 page.
26. Copy of the Greenville County Crime Scene Investigation Report by Officer S. C. Pratt dated 12/19/2001, 1 page.
27. Copy of the Greenville County Dept. of Public Safety –Property Report, 10 pages.
28. Copy of the driver's license of Robert Watkins and Robert Base, 1 page.
29. Copy of crime scene photos, 5 pages.
30. NCIC Criminal History.

Please contact our office regarding a mutually convenient time for you to view evidence, which may be contained in the Property and Evidence Room at the Law Enforcement Center here in Greenville County. Pursuant to discovery rules, we will allow you to inspect the evidence that may be utilized at trial.

Please make every effort to protect the disclosure of any personal identifying information released to you through the discovery process. Such personal identifying information would include, but not limited to, names, addresses, date of birth, social security numbers, driver's license numbers, bank account numbers, credit card numbers and telephone numbers for any witness, victim or defendant.

Also, please find enclosed the State's Request for Reciprocal Discovery and the State's Request for Notice of Alibi and/or Insanity Defense, pursuant to Rule 5, South Carolina Rules of Criminal Procedure.

If you have any questions regarding this defendant's case(s), please do not hesitate to call me. I look forward to working with you.

Sincerely,

Lucas Marchant
Assistant Solicitor

Exhibit #3 [redacted]

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

The State of South Carolina
vs.
Robert M. Watkins,
Defendant.

In the Court of General Sessions
Thirteenth Judicial Circuit

Indictment No.: 2002-GS-23-1063

Order for Appointment of Counsel

The Defendant, being indigent, has requested that the Court appoint counsel to represent him on the charges in the above-referenced indictment. Therefore, the Court appoints Stephen John Henry, Esq., to represent the Defendant on these charges.

IT IS SO ORDERED.

Larry R. Patterson, Presiding Judge
13th Judicial Circuit

May 30, 2008
Greenville, SC

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Exhibit #4 3 pages

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

THE STATE,)
v.)
ROBERT MAX WATKINS,)
Defendant.)

COURT OF GENERAL SESSIONS
Indictment #s: 02-GS-23-1063

G865977
G865988

BRADY REQUEST

2003 JUN 10 PM 1:36
FILED CLERK OF COURT

To: Assistant Solicitor LUCAS MARCHANT, 13th Circuit Solicitor's Office

PURSUANT TO Brady v. Maryland, 373 U.S. 83 (1963); Banks v. Dretke, 124 S.Ct. 1256 (2004); State v. Goodson, 277 S.E.2d 602 (S.C. 1981), State v. Fullwood, 262 S.E.2d 10 (S.C. 1979) and State v. Osborne, 345 S.E.2d 256 (S.C. App. 1986) the defendant requests that all evidence in possession of the prosecution which may be favorable to him, including impeachment and mitigation evidence be provided to defense counsel. More specifically, the defendant requests that any of the following evidence possessed by the prosecution be provided:

1. Any evidence that evidence was seized in this case based upon an unlawful search, including, but not limited to: an invalid search warrant, a search warrant obtained after the search was conducted and/or a search warrant that included knowingly false statements.

2. A description of the identification procedures used in this case and the results of those procedures.

3. Any evidence that any victim or witness did <u>not</u> identify the defendant, including the name, address and phone number of each person identified.

4. Evidence that the defendant was somewhere other than at the Chucky Cheese restaurant at the time the crime was committed.

5. Evidence that there were suspects in this case other than the defendant, including the name, address, birth date, physical description, photograph, prior conviction record and social security number of each such suspect.

6. Evidence that the jacket found in the dumpster in this case did not belong to the defendant and/or that the jacket was identified as having been worn by the robber by one or more witnesses. With respect to any information responsive to this request, provide the name, address and phone number

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of each officer involved with the recovery or the jacket as well as any witness who stated that the robber wore the jacket.

7. The present location of the "jacket found in the dumpster".

8. Copies of all victim statements, including notes, signed statements or tape-recorded statements.

9. Evidence that the gun found in the search of the defendant's home did not match the gun described by any of the victims. Also, if a victim described the gun used in the robbery as different from the gun found at the defendant's home, provide the name, address and phone number of the victim (s).

10. A copy of each statement made by Elena Pelzer, including notes by the officer conducting the interview, a copy of any written statement and a copy of any taped interview.

11. Evidence of an inconsistent description of the robber by the victims or witnesses.

12. Evidence that any witness gave a description of the robber that was inconsistent with the defendant's physical description.

13. Copy of the videotape from Chucky Cheese recorded on the incident date or at any time where the vehicle claimed to have been driven by the defendant appeared.

14. Evidence that the money found in the actual or constructive possession of the defendant (car or home) did not match the money stolen by the robber.

15. The present location of the money taken from the defendant's possession.

16. The present location of the mask taken from the defendant's possession.

17. A list of the items seized from the defendant's possession and the location of each item at the time it was seized.

18. Evidence of any tests performed on the defendant to show that he had possession of a handgun and the results of those tests.

19. Evidence of any tests performed on any other suspect in this case, including showing whether those suspects possessed a handgun.

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25

20. Evidence of any search conducted on other suspects in this case, including of their person, their home or other property. As to each suspect, identify the suspect by name, address and phone number as well as describe any searches made and items recovered from any search.

21. The prior conviction record of any suspects in this case other than the defendant and Elena Pelzer.

22. Identify the gun found as a result of the search of apartment 708, Park Haywood Apartments that was used in the armed robbery.

23. Describe in detail any procedure used to have the victims or witnesses to the robbery identify the weapon (s) found at apartment 708, Park Haywood Apartments as the weapon used in the robbery.

24. Of the weapons found in the search of apartment 708, Park Haywood Apartments, which handguns were "one shot" weapons?

25. Evidence that the "rolls of coins" found in apartment 708, Park Haywood Apartments have no direct connection to the robbery.

26. Any notes, recordings or written statements from interviews conducted with the "carpet cleaners" who left the back door of the Chucky Cheese restaurant open after they finished work on the incident date, including their names, addresses, phone numbers, photographs, physical descriptions and prior conviction records.

27. Fingerprint or other evidence found at the crime scene that did not match the employees of the restaurant and may have been the robber's prints.

28. Copies of all radio and/or dispatch transmissions in this case.

Submitted by,

Stephen J. Henry #3054
406 Pettigru St.
Greenville, SC 29601
232-9700/232-9555 (fax)
June 10, 2008

Proof of Service: A copy of this Brady request was faxed to the Solicitor's Office to the following fax number: 467-8643

Exhibit "S" page 272 — 285

1 Bible and raise your right hand.

2 JOHN THOMPSON

3 Having been first duly sworn, testified as follows:

4 THE CLERK: Thank you. Please be seated. Please

5 state your full name for the record.

6 THE WITNESS: John Albert Thompson.

7 DIRECT EXAMINATION

8 BY MR. MARCHANT:

9 Q Lieutenant Thompson, where are you employed?

10 A I'm employed with the Greenville City Police

11 Department.

12 Q And today what are your duties?

13 A My job is I am the Lieutenant over uniformed patrol

14 division, west side operations. I oversee three

15 sergeants and about 20 officers that respond to the

16 routine calls that citizens place, 911 calls, burglaries,

17 robberies, wrecks, accidents, anything of that nature.

18 Q And how long in total have you been employed with

19 the city?

20 A With the city, 11 and a half years.

21 Q Were you employed with them in 2001?

22 A Yes, I do.

23 Q In December of 2001, what were your duties?

24 A In 2001 I was a corporal with the police department

25 and a field training officer. I routinely responded to

1 calls, always had someone riding with me in training.
2 After officers completed the academy they come to a field
3 training officer and train for approximately 18 weeks
4 before they're out on their own to learn how we handle
5 calls, and our policies and laws, and that was my
6 position then.
7 Q Were you working the night of December the 19th of
8 2001?
9 A I was.
10 Q Do you recall responding to this incident?
11 A I do.
12 Q Where were you prior to responding to this call?
13 A My beat which was called fox beat, it's the downtown
14 area with the central business district. It was kind of
15 the hub of the city, and I responded to other areas to
16 back up other officers from that position. So I was more
17 than likely downtown, exactly where I do not know.
18 Q In responding to this call where did you go?
19 A In responding to the call I came out of the downtown
20 area straight down 385 to Haywood Road to the area of --
21 where the call was from which was 253 Congaree Road,
22 Chuck E Cheese, which is inside the Greenville city limit
23 that we patrol.
24 Q Okay. Did you stop at the Chuck E Cheese initially?
25 A No, as we're arriving what we do is we're on the

1 radio with each other communicating, setting up a
2 perimeter, letting other officers know where you're going
3 to be, they're letting you know where they're going to
4 be. We try to get -- surround the area with as many
5 officers as we can. I responded actually -- an initial
6 officer responded to Chuck E Cheese. We do that so they
7 can get out information, timely information that maybe we
8 haven't received from dispatch. I responded to the area
9 of the Park Haywood Apartment complex entrance and exit.
10 Q And what did you do upon your arrival at the
11 entrance?
12 A When I pulled up there was another officer already
13 there. I pulled up on the side of the road, angled my
14 car so that my lights could be shining across the road
15 through any vehicles that approached. And I exited my
16 vehicle and stood by my vehicle.
17 Q Okay. Handing you a sticker with your name on it.
18 Would you please step down and show the jury where you
19 parked your vehicle that evening?
20 A I parked approximately just about right where this
21 other vehicle was, on the side of the road.
22 Q Please take the stand. Once you parked your
23 vehicle, did you stay in it or did you get out?
24 A I exited my vehicle.
25 Q And what was the purpose of that?

1 A So that I could be out and stop cars, see in
2 vehicles as they went by. We had been given a
3 description by dispatch that we were looking for a black
4 male suspect driving a white Ford Taurus that had been
5 seen in the area as a possible suspect vehicle. So
6 that's what I was looking for.
7 Q Do you recall any vehicles coming out of the
8 apartment complex?
9 A I recall a white Ford Taurus coming out of the
10 apartment complex.
11 Q Okay. Do you recall if any others came in or out?
12 A I don't recall.
13 Q Did you stop the white Taurus?
14 A I did.
15 Q Why did you stop it?
16 A I stopped the vehicle because it fit the description
17 that we were given of a possible suspect vehicle that was
18 a suspicious vehicle seen in the area of Chuck E Cheese,
19 and it also had a black male driver.
20 Q Ask you to step down one more time and ask you to
21 place a sticker, tell jury what the sticker says and
22 please place it where you stopped the vehicle?
23 A The sticker says vehicle stopped. I stopped the
24 vehicle just right beside my vehicle, right here, on
25 Congaree Road Extension.

1 Q Did you stop the vehicle inside the apartment
2 complex? Bless you. Or on the entrance road into the
3 complex?
4 A No, sir, I was actually on the roadway. The
5 apartment complex only has one entrance and exit, which
6 is right here. Once they come out of the exit on the
7 Congaree Road Extension, and I stopped it on that
8 roadway.
9 Q All right. Please take the stand. What did you do
10 when you approached the vehicle?
11 A When I approached the vehicle I asked the driver for
12 his driver's license, at which time he told me he did not
13 have one. So I began asking questions to get information
14 to find out who was driving the vehicle. And he gave me
15 the name of Robert Base and gave me a birth date 5/22/65.
16 I then asked him how old he was. He said he was 37. I
17 did some quick math and figured out that him saying was
18 37 in '65 since 2001, that was a little off. That made
19 my suspicions grow a little bit. So I asked him to --
20 before we went back to my car to run his name and
21 information to see if he had a valid driver's license, or
22 dispatch and see if he had a valid driver's license, I
23 asked him to step from the vehicle to pat him down for
24 weapons, because I was looking for somebody with a gun
25 because an armed robbery had just occurred, and there's a

1 chance that this could have been the suspect that had the
2 gun, and I wanted to protect myself and all the other
3 officers around me, and so I patted him down for weapons.
4 Q Did you notice whether or not there was anyone else
5 in the vehicle?
6 A There was one other person in the vehicle. In the
7 passenger seat there was a black female.
8 Q Do you recall her name?
9 A I do. I have it in my report. It was Elena Pelzer.
10 Q Tell me again what is the purpose of getting the
11 defendant out of the vehicle that evening?
12 A I got him out of the vehicle to pat him down for
13 weapons. Again, we were -- the call was an armed
14 robbery, and the 911 operator received that information
15 that the suspect that had robbed the Chuck E Cheese had a
16 handgun, so before I went back to my vehicle to check his
17 information, I was going to pat him down to make sure he
18 did not have a gun on him.
19 Q Okay. Did you find a gun on the defendant?
20 A I did not.
21 Q What if anything did you notice when the defendant
22 was stepping out of the vehicle?
23 A As the defendant stepped from vehicle he made a
24 reaching motion into his pocket and threw something into
25 the car. As I looked in the car I could tell it was

1 hands full of cash. I held him against the car, telling
2 him not to reach back in his pocket, while I was watching
3 the female telling her to keep her hands up. She was
4 taking the cash from the inside of the car and putting it
5 down in the pouch on the door, on the passenger side
6 front door to conceal it.
7 Q Did you get the defendant in handcuffs?
8 A I did. I handcuffed him. I -- there were other
9 officers in the area on foot. I hollered for some help,
10 and they came over and responded. And one of them then
11 took the passenger, Ms. Pelzer, into custody. And I
12 secured the defendant in my patrol vehicle.
13 Q Okay. And did you run the name Robert Base through
14 your records?
15 A I can't recall.
16 Q I'm going to hand you State's Exhibit Number 4 and
17 Number 5. If you would please look at number 4 and tell
18 me if you recognize that photograph?
19 A Yes, sir, this is the white Ford Taurus that I
20 stopped there on the Congaree Road Extension in front of
21 the apartment complex.
22 Q Now, did you take a picture of Taurus?
23 A No, sir, I didn't. We requested forensics to come
24 out and they photograph all of our scenes.
25 Q Okay. But is that a fair and accurate depiction of

1 the position as well as the condition of the vehicle that
2 evening?
3 A Yes, sir.
4 MR. MARCHANT: Okay. Move State's Number 4 into
5 evidence.
6 MR. WATKINS: Let me see which one is number 4.
7 MR. MARCHANT: Is that without objection?
8 THE COURT: Without objection it's in evidence.
9 (State's Exhibit Number 4 was filed.)
10 THE COURT: Anything that's introduced in evidence,
11 ladies and gentlemen, you can -- I'll send it back to the
12 jury room and y'all will have it back there to look at if
13 it's introduced and if it's -- so y'all can review all
14 the evidence back in the jury room.
15 BY MR. MARCHANT:
16 Q Okay. Do you recognize State's Exhibit Number 5?
17 A Yes, sir, I do.
18 Q Okay. How is it that you recognize that exhibit?
19 A This is a picture of the interior of the car, the
20 front seat, taken from the front passenger door, looking
21 into the vehicle. On the passenger side front seat there
22 is a large sum of cash.
23 Q Okay. And is the cash in the photograph, is that
24 how you found it?
25 A No, actually found the cash in the front pocket of

1 the front driver's side -- I'm sorry, passenger side
2 door. I removed it from there and put it in the front
3 passenger side seat, which is seen in this picture. I
4 was still looking for a gun, because remember I'm
5 thinking there's an armed robbery, that somebody has a
6 gun. I removed the cash from the pocket looking in the
7 pocket to see if there was a gun, or any weapons in
8 there.
9 Q Does this picture fairly and accurately depict the
10 way you placed the money in the seat that evening?
11 A Yes, it does.
12 MR. MARCHANT: Move State's Number 5 into evidence.
13 MR. WATKINS: Without objection.
14 MR. MARCHANT: It's without objection, Your Honor.
15 THE COURT: Okay, without objection.
16 (State's Exhibit Number 5 was filed.)
17 BY MR. MARCHANT:
18 Q Now, did you do a physical count of the money that
19 you found in the vehicle that evening?
20 A I did.
21 Q Do you have a record of -- well, do you remember
22 what exactly you found?
23 A On my report I have the total of the money as $328,
24 but I did do a property and evidence sheet which is what
25 we log in when we're going to put something into property

1 and evidence for safe keeping. I did do a sheet showing
2 the break down of the bills and the total of the money.
3 Q Do you recall off the top of your head the break
4 down of the money?
5 A No, I do not.
6 MR. MARCHANT: Mark this 26.
7 (State's Exhibit Number 26 was marked for
8 identification.)
9 BY MR. MARCHANT:
10 Q Show you what's been marked as 26. If you would
11 review this and tell me if you recognize the document?
12 A I do recognize it.
13 Q How is it that you recognize it?
14 A I recognize this as our case number of the case that
15 we were working. And also it is filled out by me in my
16 handwriting, and I have signed it with the money that has
17 been recovered.
18 Q Okay. When you say the money that's been recovered
19 and you've signed it, what does -- what does that mean?
20 A Whenever we recover money it's very imperative that
21 we -- it's documented and it is put into evidence to be
22 held until court, or until the detectives look at it and
23 decide which way the case is going to go. I have marked
24 this sheet that it's evidence from an armed robbery at
25 Chuck E Cheese on 253 Congaree Road, and then I've broken

1 down the denominations of money that I recovered. And I
2 have signed it and dated it, and put the time it was
3 placed in evidence.
4 MR. MARCHANT: And what are the denominations of the
5 money -- first we would move State's 26 into evidence.
6 THE COURT: Okay. Without objection, it's in
7 evidence.
8 (State's Exhibit Number 26 was filed.)
9 THE WITNESS: The denominations of money is item A,
10 is a quantity of 153 one dollars bills. Item B is 23
11 five dollar bills. And item C is three 20 dollars bills.
12 BY MR. MARCHANT:
13 Q Do you know where that money was held once you
14 turned it in?
15 A What we do to keep the money in evidence straight,
16 especially cash money, we take it, we put it in a bag and
17 heat seal it so that you could tell if it's been tampered
18 with, anybody has removed anything from the pouch. We --
19 inside the bag we put the case number, our initials, and
20 the date, and then it's heat sealed all at the same time
21 before the money goes into evidence.
22 Q I'm going to show you what's been marked as State's
23 Exhibit 23A and 23B, and I would ask if you recognize
24 those?
25 A Yes, I recognize them.

1 Q And how is it you recognize them?
2 A I recognize them as this is the way that we put
3 money into property and evidence. This is inside the
4 clear heat sealed bag. You can tell that there's blue
5 writing inside the bag where initials, and then the date,
6 and case number have been put.
7 Q Okay. Can you state with certainty that that's the
8 money you recovered that evening?
9 A No, I cannot.
10 Q Okay. But is that the condition that you would seal
11 evidence of this nature?
12 A Yes, this exact way.
13 Q Okay. Do you recall whether or not the vehicle you
14 pulled over had a license tag?
15 A It had a paper tag on it.
16 Q Do you recall where the tag was from?
17 A Yes, sir, I documented that in my report. It had a
18 white -- I'm sorry. It had a plastic paper tag on it
19 (sic).
20 Q The person driving the vehicle that night, would you
21 please describe him for us?
22 A Yes, sir, he was a black male. He was approximately
23 5'11", 190 pounds.
24 Q Any identifying characteristics on him, tattoos?
25 A None that I recall.

1 Q Moles or anything? Well, do you recognize the
2 person that you stopped that evening as being in the
3 courtroom?
4 A Yeah, he's the defendant.
5 Q Would you please point him out for the Court?
6 A The defendant dressed in brown sitting at the desk
7 beside you.
8 MR. MARCHANT: Please let the record reflect he's
9 identified the defendant.
10 THE COURT: Okay.
11 BY MR. MARCHANT:
12 Q Following the stop of this vehicle, did you have any
13 follow-up duties with investigating this alleged armed
14 robbery?
15 A No.
16 Q Okay. And why not?
17 A What I did is I transported -- at the point where I
18 had stopped a vehicle that matched the description of a
19 suspicious vehicle in the area, the person driving the
20 vehicle fit the description of the person that -- the
21 suspect of the armed robbery itself, the amounts of cash
22 in the vehicle, the area that the armed robbery happened,
23 and where the vehicle was, in just such a short time, the
24 totality of all those circumstances together I decided to
25 place him under arrest for armed robbery and take him

1 into the detectives where they could follow up and
2 interview him. And at that point I then turn over what I
3 have to them and they follow up and do the interviews,
4 get the warrants, and things of nature.
5 Q Did you transport the defendant to the law
6 enforcement center that evening?
7 A I did.
8 Q Okay. And once you released him into the law
9 enforcement center, did you have any other involvement in
10 this case?
11 A No, none.
12 MR. MARCHANT: Okay. I have no further questions.
13 Please answer any questions Mr. Watkins may have.
14 CROSS-EXAMINATION
15 BY MR. WATKINS:
16 Q How you doing, sir? You stated you was the officer
17 that stopped the white Ford Taurus that night?
18 A Yes, sir, I stopped him.
19 Q And what was your reason for stopping the white Ford
20 Taurus again?
21 A Because the white Ford Taurus was the suspect
22 vehicle seen around the area. The -- the information
23 relayed through dispatch to us was that it had been seen
24 in the area and was suspicious in the area, and that's
25 why I stopped it, and it had a black male driver.

EXHIBIT "G" page 385-396

THE COURT: We ready to continue?

MR. MARCHANT: The State is ready, Your Honor.

THE COURT: Mr. Watkins?

MR. WATKINS: Defense is ready.

THE COURT: Okay.

(The jury entered the courtroom at 9:14 a.m.)

THE COURT: All right. Mr. Marchant.

MR. MARCHANT: May it please the Court? The State calls Detective Will Bruce.

THE CLERK: Sir, please place your left hand on the Bible and raise your right hand.

WILBUR BRUCE

Having first duly sworn, testified as follows:

THE CLERK: All right. Thank you. Please be seated. Please state your full name for the record.

THE WITNESS: Wilbur, W-i-l-b-u-r, C. Bruce, B-r-u-c-e.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MARCHANT:

Q Detective Bruce, where are you employed?

A Greenville City Police Department.

Q How long have you been employed with them?

A For the last -- total, this is my 24th year in law enforcement. I've been with Greenville going on, should

1 be 14 years.
2 Q And in 2001, what were your duties with the city
3 police?
4 A I worked in the detective division, crimes against
5 person, particularly robbery division.
6 Q Were you working the night of -- the morning of
7 December the 19th?
8 A Yes, sir.
9 Q Okay. Where were you when you received the call on
10 this case?
11 A I was at home when I first received -- I was
12 contacted by Sergeant Lee Jones.
13 Q Where did you go once you received this call?
14 A After I was contacted by Sergeant Jones, I left and
15 I went straight to the detective division, law
16 enforcement center.
17 Q And what did you do once you got to the law
18 enforcement center?
19 A After arriving at the law enforcement center, myself
20 and Detective Fuller got with a couple of officers that
21 came in. They briefed us on the situation, what they
22 had. After that we did talk to and interview the
23 witnesses as well as the defendants.
24 Q Okay. Following the interview with the witnesses
25 and the defendants, with that information you had, what

1 did you do?
2 A After we received the information, we did go to the
3 magistrate's office where we secured a search warrant as
4 well as an arrest warrant.
5 Q Okay. What do you have to do in order to obtain a
6 search warrant?
7 A In order to order to obtain a search warrant you've
8 got to present information in to a judge to show probable
9 cause to obtain the warrant. The warrant has to entail
10 the particular place and location that you want to
11 search, as well as the items that you're looking for.
12 Q Okay. And once this information is presented to the
13 judge, who actually signs off on the search warrant
14 giving you the authority to search?
15 A The judge that actually signs off on it.
16 Q What would happen if you didn't give the judge what
17 you believe probable cause?
18 A If she didn't believe you gave probably cause, then
19 they would not execute or give you a warrant.
20 Q Were you placed under oath when you were providing
21 her with information?
22 A Yes, sir.
23 Q Do you recall what time that morning the warrant was
24 issued to you?
25 A We got there that morning and the warrant was issued

1 shortly after 9:00.
2 Q After you obtained the warrant, where did you go?
3 A After obtaining the warrant we did go to the
4 incident location where we were going to serve the
5 warrant.
6 Q Okay, where was that?
7 A That should have been 245 Congaree Road. Well, it
8 would be the apartments, Park Haywood Apartments,
9 apartment number 708.
10 Q Where to your knowledge did this incident occur?
11 A At the Chuck E Cheese restaurant?
12 Q And where is the Chuck E Cheese?
13 A Right off Congaree Road.
14 Q And what county is Chuck E Cheese in?
15 A It's Greenville County, but city limits of
16 Greenville.
17 Q Now, who else went to apartment 708 with you?
18 A The people who went to apartment 708 was myself,
19 also Detective Dan Fuller, Detective Tonya Ebeneer, and
20 also an officer named A. Johnson went with us.
21 Q What's the purpose of taking that many people with
22 you? Why didn't you just go yourself?
23 A In addition there was a forensic technician officer
24 that also went. The reason for taking that many people
25 so you can make sure you do a proper search, you have

1 somebody to take time to scribe down items that you
2 locate. And each person particularly takes a room and
3 begins the search.
4 Q Okay. Well, when you got to the apartment, how was
5 entry made?
6 A Entry was made with a key.
7 Q Okay. Do you know where that key came from?
8 A Yes, sir. Detective Fuller had obtained the key
9 from the defendant, Mr. Watkins.
10 Q All right. When -- where was the first place you
11 went when you made entry into the apartment?
12 A When you first go into the apartment, you have a
13 common area. And after we were actually inside the
14 common area, I went to the first bedroom, which would be
15 on the left.
16 Q And did you as well as other officers search that
17 apartment?
18 A Yes, sir.
19 Q Show you what's been marked as State's 15, 16 and
20 17. I would ask you if you recognize those photographs?
21 A Yes, sir.
22 Q As well as number 18?
23 A Yes, sir.
24 Q And 19?
25 A Yes, sir, I do.

1 Q Okay. How is it that you recognize what's portrayed
2 in those photographs?
3 A These are items that were actually located inside
4 the room.
5 Q And who took custody of those items?
6 A I did.
7 Q Okay. Are those a fair and accurate depiction of
8 the way you took custody of the items that day?
9 A Yes, sir.
10 MR. MARCHANT: Okay. We'd move State's 15, 16, 17,
11 18 and 19 into evidence.
12 THE COURT: Okay. Any objection, Mr. Watkins?
13 MR. WATKINS: Yes, sir, objection to my previous
14 motion.
15 THE COURT: Okay. I would overrule the objection
16 and admit the photographs.
17 (State's Exhibit Numbers 15 through 19 were filed.)
18 BY MR. MARCHANT:
19 Q Would you please explain to the jury what is
20 portrayed in photograph labeled State's 15?
21 A In photographs 15, inside the room when you first go
22 in, you see there is going to be a stocking cap. And
23 inside that stocking cap there was a small hand gun,
24 appeared to be a derringer. On the top of that
25 particular stocking cap, when you first went in, there

1 was two yellow jackets on top. As we were moving the
2 jackets that's when I was observed the black stocking cap
3 mask. When I started to pick it up that's when I felt it
4 was kind of heavy. I looked inside. That's when I saw
5 the front of the gun. Also in the room, still on Exhibit
6 15, if you look there is clothes that were strewn about
7 inside the room. You have a chair. And you have a
8 ironing board and several items there. Exhibit number 16
9 is the actual photograph that was taken of the gun. And
10 you can actually see the front part of the gun, as well
11 as you can the stocking cap mask. State's Exhibit 17, 17
12 is the gun slid out of the mark to where it can actually
13 be viewed. At that time you can observe the gun. You
14 can tell that it is a derringer style handgun. And at
15 that time you also can see laying on top of a stocking
16 cap, a pull over mask, but you can see the eyes where
17 they had been cut out for. And State's Exhibit Number
18 18, you have two IDs that are present on the floor, as
19 well as assorted moneys, and dimes, and ones, and
20 rolled -- a roll a dimes on the floor. Also you will see
21 a single what appears to be like a .22 bullet as well as
22 some assorted change. And State's Exhibit 19 also, it's
23 a different shot but be the same photograph.
24 Q Now, did you also do a search of the kitchen?
25 A Yes, sir, I did.

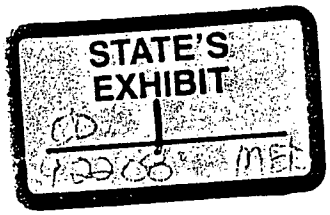
1 Q Showing you what's been marked as State's 8 and 9,
2 and ask you if you're familiar with those pictures and
3 how you're familiar?
4 A Yes, sir, I am. If you look at State's Exhibit 8, 8
5 displays right as you go inside the kitchen. If you're
6 facing where the stove is, there should be a top drawer,
7 be on your right. As you pull open that top drawer you
8 will see an assorted amount of coins that be inside the
9 drawer. Also same in State's Exhibit 9, the coins, you
10 see some of the coin wrappers, brown outside like orange
11 writing on it, or some of the white machine wrote. And
12 then you have some that are nickels that are hand rolled
13 and you also have some dimes there also.
14 MR. MARCHANT: Move State's 8 and 9 into evidence.
15 THE COURT: Okay. I would note Mr. Watkins'
16 objection and admit them into evidence.
17 MR. WATKINS: Yes, objection, Franks versus
18 Delaware.
19 THE COURT: I would overrule the objection and admit
20 them into evidence.
21 (State's Exhibit Numbers 8 and 9 were filed.)
22 BY MR. MARCHANT:
23 Q Now, when you collected and took custody of the
24 dollars and the change that came out of the drawer and
25 the bedroom, what did you do with them?

1 A After we collected those items they were tagged.
2 They also was sealed up. They also was placed in proper
3 custody.
4 Q Show you what's been marked as 22A and B. I would
5 ask that you take a look at those and tell the Court if
6 you're familiar with those?
7 A Yes, sir, I am.
8 Q How is it that you're familiar with that?
9 A As I spoke of, these items, after they had been all
10 accounted for, placed inside a silver bag, what we
11 normally do in that process we take the bag, the bag is
12 still open, we'll initial our name, actually put the date
13 in there, and then it will be properly sealed. And this
14 would be the same picture of all the State's exhibit 22A
15 as well as 22B (sic).
16 Q Is that a fair and accurate depiction of the money
17 you recovered from the apartment that day?
18 A Yes, sir.
19 MR. MARCHANT: Move State's 22A and B into evidence.
20 MR. WATKINS: I object, Franks versus Delaware, my
21 previous motion.
22 THE COURT: Okay. I note his objection and overrule
23 the objection, and admit them into evidence.
24 (State's Exhibit Numbers 22A and 22B were filed.)
25 BY MR. MARCHANT:

1 Q I going to show you what's been marked as 23A and B.
2 Lieutenant Thompson previously spoke about money he had
3 collected out of the car. Do you recognize that?
4 A Yes, sir, I do.
5 Q And how is it you recognize that?
6 A As this is the money that was retrieved out of the
7 white Ford Taurus being spoken of, previously testified
8 to.
9 MR. WATKINS: I object to -- before the question he
10 told him where the money come from, instead of him
11 showing the picture and ask him do he know where the
12 money come from. He told him this is the money coming
13 from ---
14 THE COURT: I would sustain the objection.
15 MR. MARCHANT: Your Honor, Lieutenant Thompson has
16 already testified to the money he collected out of the
17 vehicle.
18 MR. WATKINS: But he wouldn't know -- you asked
19 him ---
20 THE COURT: I would sustain it.
21 MR. MARCHANT: Very good, I'll rephrase.
22 BY MR. MARCHANT:
23 Q Do you know where this money came from?
24 A Yes, sir.
25 Q Where did it come from?

1 A It came from Lieutenant Thompson.
2 Q And do you know where that money is today?
3 A Yes, sir, this -- this money was also secured and
4 also properly secured and everything, and located in
5 property and evidence also.
6 Q Okay. Why is it that we have a photograph of the
7 money and not the money itself?
8 A The money was photographs so that it could be
9 returned back to the proper authorities that it came
10 from.
11 MR. MARCHANT: Move State's 23A and -- A and B into
12 evidence.
13 MR. WATKINS: Objection, Franks versus Delaware,
14 previous motion.
15 THE COURT: I would overrule the objection and admit
16 them into evidence.
17 (State's Exhibit Numbers 23A and 23B were filed.)
18 BY MR. MARCHANT:
19 Q Show you what's been marked as State's Number 21,
20 and would ask if you recognize what's in 21 and how is it
21 that you recognize it?
22 A Again, the stocking cap that was located, also area
23 cut out for the eyes, and also the handgun, small
24 stature, described as a small derringer.
25 Q Okay.

1 A These items also located in the first bedroom to the
2 left.
3 Q How do you know those are the same items that were
4 located in the bedroom?
5 A I'm the person that retrieved these items, and I
6 remember these items from the same day.
7 MR. MARCHANT: Move State's 21 into evidence.
8 MR. WATKINS: Objection, previous motion, Franks
9 versus Delaware.
10 THE COURT: All right. I would overrule the
11 objection and admit them into evidence.
12 (State's Exhibit Number 21 was filed.)
13 MR. MARCHANT: I have no further questions. Please
14 answer any questions Mr. Watkins may have.
15 CROSS-EXAMINATION
16 BY MR. WATKINS:
17 Q Ladies and gentlemen. Detective Bruce, did you ever
18 go to the scene of the crime where the crime had actually
19 took place when the officers was there at Chuck E Cheese,
20 that place?
21 A Yes, but not that same night I didn't go there.
22 Q Okay. Did you ever -- okay. Did you find a coat in
23 the dumpster?
24 A No, sir, I did not.
25 Q When you went to the scene when it was -- did you go



STATE OF SOUTH CAROLINA

Exhibit # 7

County of Greenville

Trial Transcript page 84 lines 13-22

SEARCH WARRANT

Date 12-19-01

Officer Det. W. Bruce

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STATE OF SOUTH CAROLINA

COUNTY OF Greenville

AFFIDAVIT

Personally appeared before me, one Det. W. Bruce who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Any and all loose cash and rolled coins of quarters , dimes and nickels . Any black or dark color cloth mask or similar item feasible for use as a mask . Also , any handguns or similar items that could be interpreted as a silver or gray small size pistol. Coins described as approx 11 rolls quarters, 11 of dimes & 6 of nickels . Some are bank machine rolled .(Quarter rolls are brown w/ orange stripe)

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

The address commonly known as 245 Congaree Rd , Park Haywood Apartments , apt 708 . This would be the listed address for Elena D. Pelzer B/F d.o.b. 11-26-78 S.C.D.L. permit 011617641 .

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

On 12-19-01 the business known as Chucky Cheese Pizza at 253 Congaree Rd in thre city limits of Greenville was robbed at gunpoint by a black male wearing a large greenish blue coat with a hood and with a mask over his face . Moments before the robbery , a victim witnessed a b/m in a white Taurus at the back of the business surveilling them but left just before the robbery occurred The robber fled on foot out the back towrd Park Haywood Apts. Within minutes after the robbery , Robert Max Baee was stopped while driving that same white Taurus that was seen at the back of the business. He also is a resident at Park Haywood Apts. He had just entered his apt #708 and immediately left with his roomate Elena D.Pelzer B/F d.o.b. 11-26-78 . During the investigatory stop he and the roomate were both attempting to conceal from officers view , large amounts of loose cash in denominations consistent with the robbery . Also a coat matching the robbers was found on the apt. property .

Sworn to and Subscribed before me
this 19 day of December, 20 01
Jennifer Russell (L.S.)
Signature of Judge

W. Bruce 57
Affiant

Address # 4 McGee St
Greenville SC 29601
Phone 864-467-5342

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STATE OF SOUTH CAROLINA

COUNTY OF Greenville

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-13-160
March 15, 1918

0 ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY

OF Greenville

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

The address commonly known as 245 Congaree Rd . apt 708 . This would be the litsed adress for Elena D.Pelzer b/f d.o.b. 11-26-78 S.C.D.L.permit # 011617641

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

Any and all loose cash and rolled coins of quarters , dimes and nickels . Any black or dark color cloth or mask or similar item feasible for use as a mask . Also any handguns or similar items that could be interpreted as a silver or gray small size pistol . Coiuns are descibed as approx. 11 rolls quarters , 11 of dimes and 6 of nickels . Some are bank macine rolled in brown wrappers with orange stripes.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Greenville, S. C.

December 19, 20 01

Jennifer Pisnell (L. S.)
Signature of Judge

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Original

RETURN

I received the attached Search Warrant 12-19, 20 01, and have executed it as follows:

On 12-19, 20 01 at 10:10 o'clock A. M, I searched

(the person) described in the warrant and (the premises)

I left a copy of the warrant within the unoccupied apartment
Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

(1) a Bobbie Arms brand .22 cal derringer, model Double Duce S/N 12938
(2) a black color stocking cap - full head covering style w/ cut out for the eyes
(3) eight full rolls of nickels (4) seven rolls of dimes (5) eleven rolls of quarter
(6) three bundles of dollar bills = $150 (7) forty loose five dollar bills = $200
(8) ten loose quarters = $2.50 (9) forty four dimes = $4.40
(10) three loose nickels = .15¢
(11) one black wallet w/2 S.C.I.D.s (Robert M. Base & Robert M. Watkins)
(12) two beanies
(13) Powerline Airstrike Air Gun Pistol S/N 8246024
(14) crack pipe
(15) small baggie of green leafy plant like material
(16) one loose .22 cal cartridge unfired
(17) Paymaster brand Checkwriter S/N 7K262215

This inventory was made in the presence of Det. D.C. Fuller, Det. T. Evaning
AND Det. W. Bruce

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this 20 day of December, 2001

Jennifer Presnell
Signature of Judge

William Bruce
Signature of Officer Executing Warrant

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Exhibit #8 pages 302-317

1 DIRECT EXAMINATION

2 BY MR. MARCHANT:

3 Q I believe it's Sergeant Fuller now, is it not?

4 A Yes, sir.

5 Q And what are your duties as a Sergeant?

6 A I'm the first line supervisor for a platoon of

7 officers. We work the west side. We're in the

8 operations division, the uniformed officers in marked

9 cars that you see when you have a need to make a police

10 report.

11 Q What were your duties with the -- are you with the

12 City Police Department?

13 A Yes, I am. Yes, sir.

14 Q What were your duties back in December of 2001?

15 A At that time I was a violent crime investigator,

16 detective.

17 Q What does a violent crime investigator do?

18 A We follow up on reports that are made of robberies,

19 rapes, shootings, stabbings, beatings, homicides, and we

20 also are subject to call out on incidents that just

21 occurred that need immediate follow up.

22 Q On December the 19th of 2001, were you on duty that

23 night, or were you on call?

24 A I was on call. I was home in bed, got a phone call.

25 Q Do you recall what time you got a phone call?

1 A 1:30 a.m.
2 Q And in reference to that phone call, what did you
3 do?
4 A I responded to the law enforcement center to meet
5 with officers who had two suspects in custody from an
6 armed robbery of Chuck E Cheese.
7 Q What other officer -- or strike that. Were you the
8 only officer assigned to investigate this case?
9 A No, two of us.
10 Q Who was the other officer?
11 A My partner, Detective Wilbur Bruce.
12 Q And once you got back to the law enforcement center,
13 what did y'all do?
14 A Pardon?
15 Q Once you got to the law enforcement center, spoke
16 with Detective Bruce, what did y'all do?
17 A At the law enforcement center I met with two of the
18 uniformed officers from the scene. And from those two
19 officers Detective Bruce and I met and were updated as to
20 what they had in hand at that point.
21 Q With the information that you were given, did you
22 and Detective Bruce go and apply for a search warrant?
23 A A little later that morning, yes.
24 Q Okay. What did you do in between talking with your
25 officers and talking with Detective Bruce, what did you

1 do?
2 A We also reviewed the written statements given by the
3 Chuck E Cheese employees. We spoke to each of them to
4 review what they had written, asked a few questions that
5 may not have been asked by the officers on the scene,
6 helped get as much information about the robbery as
7 possible. We also interviewed the two person who were
8 taken into custody. That was all prior to obtaining the
9 warrant you were referring to.
10 Q Do you recall if any of the witnesses at the Chuck E
11 Cheese restaurant gave you any information that was
12 different than what they gave in the written statement?
13 A Yes.
14 Q Which witness gave you some different information?
15 A Two of the witnesses that were taken to the scene of
16 the traffic stop with Corporal Thompson at the time, they
17 had stated that they couldn't tell that this male was the
18 robber, but they said that was the car that had been
19 outside Chuck E Cheese a couple of occasions prior to the
20 robbery.
21 Q And from speaking with them as well as speaking
22 with, you said two suspects, who were the two suspects
23 you had spoke with?
24 A They were Robert Watkins, the defendant, and a
25 female who was in the car with him, her name was Elena

1 Pelzer.
2 Q And do you see Mr. Watkins here today?
3 A I do.
4 Q Would you point him out for the Court?
5 A He is the defendant representing himself.
6 Q Okay. Do you recognize the second person y'all had
7 in custody that evening?
8 A She is in the courtroom, yes, sir.
9 Q Okay. Would you please point her out?
10 A She's in the white jacket, back of the courtroom.
11 Q Okay. After speaking with the suspects and the
12 witnesses, did you then go and apply for a search
13 warrant?
14 A Yes, we did.
15 Q And what is the procedure for applying for a search
16 warrant?
17 A We type out an affidavit that is a sworn document
18 that -- of information that we have in hand that we feel
19 will justify a judge issuing us a warrant to go into
20 someone's building, residence, their home, where we would
21 seek to find evidence of a crime.
22 Q And did you take it before a judge and ask for the
23 judge to sign it?
24 A Yes, we did.
25 Q And did the judge sign the search warrant?

1 A Yes, the judge did.
2 Q Do you recall what time in the morning you obtained
3 the search warrant?
4 A We were in the judge's office about nine o'clock
5 that morning, about eight and a half hours after I got
6 called in. And we were in the judge's office obtaining
7 arrest warrants for armed robbery against these two
8 persons, and the search warrant, three documents that we
9 were seeking to obtain.
10 Q Did the judge issue all three of those?
11 A Yes, sir, the judge did.
12 Q With the search warrant in hand, what did you then
13 do?
14 A The arrest warrants were served on the two persons.
15 They were placed into detention, and the officer who
16 served those for us his name was Allen Johnson. He
17 accompanied Detective Bruce and myself and one other
18 detective to Park Haywood Apartments, apartment 708,
19 where we intended to serve that search warrant.
20 Q Who was the other officer that went with you?
21 A Detective Ebeneer.
22 Q And do you know where Detective Ebeneer is today?
23 A She is employed by the FBI.
24 Q Do you know where Allen Johnson is today?
25 A He is in a K-9 school, still with the Greenville

1 Police Department.
2 Q How is it that you decided on apartment 708?
3 A During the interviews at the law enforcement center
4 with Elena Pelzer and Robert Watkins, they both professed
5 to reside in apartment 708, Park Haywood Apartments.
6 Q Do you recall what time you arrived at the
7 apartment?
8 A Ten -- 10:10. It just after 10 o'clock in the
9 morning, still on the 19th.
10 Q How did you make entry into the apartment that day?
11 A I used the key that I took from Robert Watkins at
12 the law enforcement center.
13 Q And did the key operate the front door?
14 A It did.
15 Q Once you made entry into the apartment, where did
16 you first go?
17 A There were four of us. And we would all take a zone
18 of the apartment and attempt to look for items that we
19 sought. Those items were specifically named in the
20 search warrant that we were after. And if you found an
21 item you would notify Detective Bruce or myself. We
22 would log on paper what was found and where. And before
23 we would touch it, manipulate it, we would have forensics
24 document where it was found with a photograph before we
25 would manipulate the items.

1 Q Okay. And what if -- well, where did you go? Which
2 room, or bedroom, or den, or where did you first proceed
3 once inside the apartment?
4 A This is a two bedroom apartment. When you enter
5 it's the common living, dining, kitchen room. There was
6 a bedroom on the left and a bedroom on the right. I went
7 to the bedroom on the left as you enter.
8 Q Okay. And what if anything did you find in the
9 bedroom?
10 A The first thing was a wallet laying on the floor in
11 plain view. I wanted to determine whose wallet it was.
12 That would help document who all lived in this apartment.
13 Q Did you open the wallet?
14 A Yes, I did.
15 Q And what if anything did you find inside the wallet?
16 A I found two South Carolina issued ID cards.
17 Q I'm going to show ---
18 MR. WATKINS: I object. I object to them.
19 THE COURT: Let me see them. Okay. Let me take
20 this up with the parties and the lawyers, and I'll bring
21 y'all back in in just a minute.
22 (The jury exited the courtroom at 3:20 p.m.)
23 THE COURT: Okay. What is the basis of your
24 objection, Mr. Watkins?
25 MR. WATKINS: I object to it coming in on the basis

1 to the search warrant pursuant to the motion I filed upon
2 Franks versus Delaware.
3 THE COURT: Okay. I have had heard all that and
4 ruled, and you made the objection. I'll note it for the
5 record. And I would overrule the motion based on the
6 Franks versus Delaware and the search warrant. He's
7 testified these are the two things and the -- I think you
8 put in a photograph of the driver's license, but still
9 that doesn't -- doesn't mean that the other document
10 would come in. But his testimony is right now this is
11 what he found at the scene. And the only objection is
12 based on the search warrant, which I've already ruled on.
13 But he has to make a contemporaneous objection I'm sure.
14 So I'll note that objection for the record.
15 MR. WATKINS: Okay. I also want -- I want to add
16 another objection to that, that property right there, the
17 wallet, it's not listed on the search warrant as the
18 property we seized or obtained. It's not even listed in
19 the search warrant.
20 THE COURT: What is that? What property?
21 MR. WATKINS: The two IDs or the wallet. None of
22 that is listed.
23 THE COURT: Okay.
24 MR. WATKINS: As the evidence to be sought.
25 THE COURT: I don't know what's on the search

1 warrant. Okay. What's the basis of your objection now,
2 Mr. Watkins?
3 MR. WATKINS: Yes, sir. My objection is that --
4 that items is not listed on the search warrant to be
5 seized. Nor is the search warrant listed in my name to
6 search my room or anything pertaining my property. It's
7 not -- and I have an expectation of privacy in the
8 apartment. I have my own separate room. But it's not
9 authorized to search my property. It's authorized to
10 search the property of Elena Pelzer in her -- and her
11 things. And the officers knew of this and the prior
12 evidence that was given to me about separation of room,
13 that I had my own expectation of privacy, yet they issued
14 a search warrant in her name but searched my premises and
15 violated my privacy.
16 THE COURT: Mr. Marchant?
17 MR. MARCHANT: Your Honor, the search warrant states
18 the address commonly known as 249 Congaree Road, Park
19 Haywood Apartments, apartment 708. It says would be the
20 listed address for Elena Pelzer. It doesn't limit the
21 search to any one particular bedroom, or just the
22 property of Ms. Pelzer. The officers went in. They had
23 no idea whose room what was because no one was in the
24 apartment. So therefore ---
25 MR. WATKINS: Your Honor? Your Honor, if you see

1 Officer Dan Fuller's report, he has information on the
2 first page explaining to them that we have separate
3 bedrooms. I have my bedroom and the co-defendant has her
4 bedroom. The bottom of his report he states this. Also
5 Officer Bruce states in his report that I have my
6 separate bedroom. They knew this. An another officer
7 even classified that it was a male -- a male bedroom, a
8 female bedroom was in her in report. So they had
9 evidence in the investigation report that it was separate
10 rooms, but they put -- I don't know why they put -- if
11 they're saying I committed a crime why they put the
12 search warrant in Elena Pelzer's name.
13 THE COURT: Anything else, Mr. Marchant?
14 MR. MARCHANT: Your Honor, I believe the testimony
15 hasn't come yet, is that there was no distinction between
16 the rooms until they entered the apartment. So the fact
17 the report would state that there were clothes thrown all
18 about the room that was being searched initially, the
19 other room -- there were no beds throughout the entire
20 residence. And in fact in the other room there was just
21 an area laid out on the floor for two people to sleep.
22 And again, the description of the premises is apartment
23 708.
24 THE COURT: All right. I'll overrule Mr. Watkins'
25 objection. The search warrant says it's the listed

1 address for Elena D. Pelzer. There is no reason for the
2 Court to believe it's not the listed address, but it
3 clearly designates apartment 708 at 245 Congaree Road.
4 And there was information that they may have been living
5 together. But it's a search warrant for apartment 708.
6 And based on Mr. Watkins' objection, I'll overrule the
7 objection and admit the photographs of the item that you
8 offered, Mr. Marchant. All right. Thank you.
9 MR. WATKINS: Thank you.
10 THE COURT: We'll take five minutes or 10 minutes
11 and start back since it's almost 3:30. And I hate to
12 just run them in and out. Have you got one or two more
13 witnesses, or do you know?
14 MR. MARCHANT: I have three more, Your Honor.
15 THE COURT: Okay. We'll start back in about 10
16 minutes. You can come down and stretch if you want to.
17 (A short recess was taken, after which, the trial
18 continued as follows:)
19 (The jury entered the courtroom at 3:45 p.m.)
20 THE COURT: All right, Mr. Marchant.
21 MR. MARCHANT: Please the Court?
22 BY MR. MARCHANT:
23 Q Sergeant Fuller, I believe we were looking at
24 State's Number 10. Do you recognize that photograph?
25 A Yes, sir.

1 Q Okay. How is it that you recognize that photograph?
2 A It was taken in the bedroom on the left as you
3 entered apartment 708.
4 Q Is that the bedroom that you first went to?
5 A It is, yes, sir.
6 Q Is that a fair and accurate depiction of what you
7 saw when you entered the bedroom that morning?
8 A Yes, sir.
9 MR. MARCHANT: Okay. Move State's number 10 into
10 evidence.
11 THE COURT: All right. I'll note Mr. Watkins'
12 objection. I'm going to admit it in evidence.
13 (State's Exhibit Number 10 was filed.)
14 BY MR. MARCHANT:
15 Q With respect to State's Number 12, do you recognize
16 that photograph?
17 A Yes, sir.
18 Q Okay. What does that photograph depict?
19 A A picture of two the South Carolina issued IDs that
20 were in the wallet in that room.
21 Q And is that a fair and accurate depiction of the way
22 you found them that evening -- that morning?
23 A No, I found them in the wallet.
24 Q Okay.
25 A And I removed them from the wallet, placed them on

1 the carpet to be photographed.
2 Q Okay. And is that where you placed them on the
3 carpet?
4 A Yes, sir.
5 Q And is that a fair and accurate representation of
6 how you placed them on the carpet?
7 A Yes.
8 MR. MARCHANT: Move State's Number 12 into evidence.
9 MR. WATKINS: Objection.
10 THE COURT: Okay. I'll note his objection but I
11 would admit it into evidence. Overrule the objection.
12 (State's Exhibit Number 12 was filed.)
13 BY MR. MARCHANT:
14 Q Now, I'm going to show you what's been marked as
15 State's 6 and State's 7. Do you recognize those
16 photographs?
17 A Yes, sir.
18 Q How is it that you recognize them?
19 A They are of the apartment complex where we executed
20 this search warrant.
21 Q And do they accurately depict the way you found the
22 apartment that morning?
23 A Yes, sir, they do.
24 MR. MARCHANT: Okay. The State would move 6 and 7
25 into evidence.

1 MR. WATKINS: No objection.
2 THE COURT: Without objection.
3 (State's Exhibit Numbers 6 and 7 were filed.)
4 BY MR. MARCHANT:
5 Q Now, I'm going to show you what's been marked as
6 State's Exhibit number 11. Do you recognize that
7 photograph?
8 A Yes, sir.
9 Q And how is it you recognize it?
10 A That is another photograph of the bedroom on the
11 left, inside the apartment.
12 Q Okay. Is that photograph -- was it taken before or
13 after you took the identification out of the wallet?
14 A After I took the identification out and placed it on
15 the carpet.
16 MR. MARCHANT: Move State's Number 11 into evidence.
17 MR. WATKINS: Objection.
18 THE COURT: All right. I would note his objection.
19 Overrule the objection and permit it to come in.
20 (State's Exhibit Number 11 was filed.)
21 BY MR. MARCHANT:
22 Q Show you what has been marked as 13 and 14.
23 A I am familiar with these photographs.
24 Q And how are you familiar with them?
25 A These are photographs taken inside the closet of the

1 bedroom on the left of apartment 708.
2 Q Does that fairly and accurately depict what was
3 found in the closet?
4 A It does.
5 MR. MARCHANT: Okay. Move State's 13 and 14 into
6 evidence.
7 MR. WATKINS: Objection, my previous motion.
8 THE COURT: All right. I would overrule the
9 objection and admit them into evidence.
10 COURT REPORTER: What number were those?
11 MR. MARCHANT: That was 13 and 14.
12 (State's Exhibit Number 13 and 14 were filed.
13 BY MR. MARCHANT:
14 Q Also show you what's been marked as State's Exhibit
15 Number 20. I'm sorry. Let me let Mr. Watkins see that
16 first. Do you recognize this piece of evidence?
17 A Yes, sir, I do.
18 Q How is it you recognize it?
19 A It contains the two identification cards I had
20 referred to moments earlier.
21 Q Okay. Are those the same two cards that you pulled
22 out that were in State's Number 12?
23 A Yes, they are.
24 MR. MARCHANT: Move State's 20 into evidence.
25 MR. WATKINS: Objection.

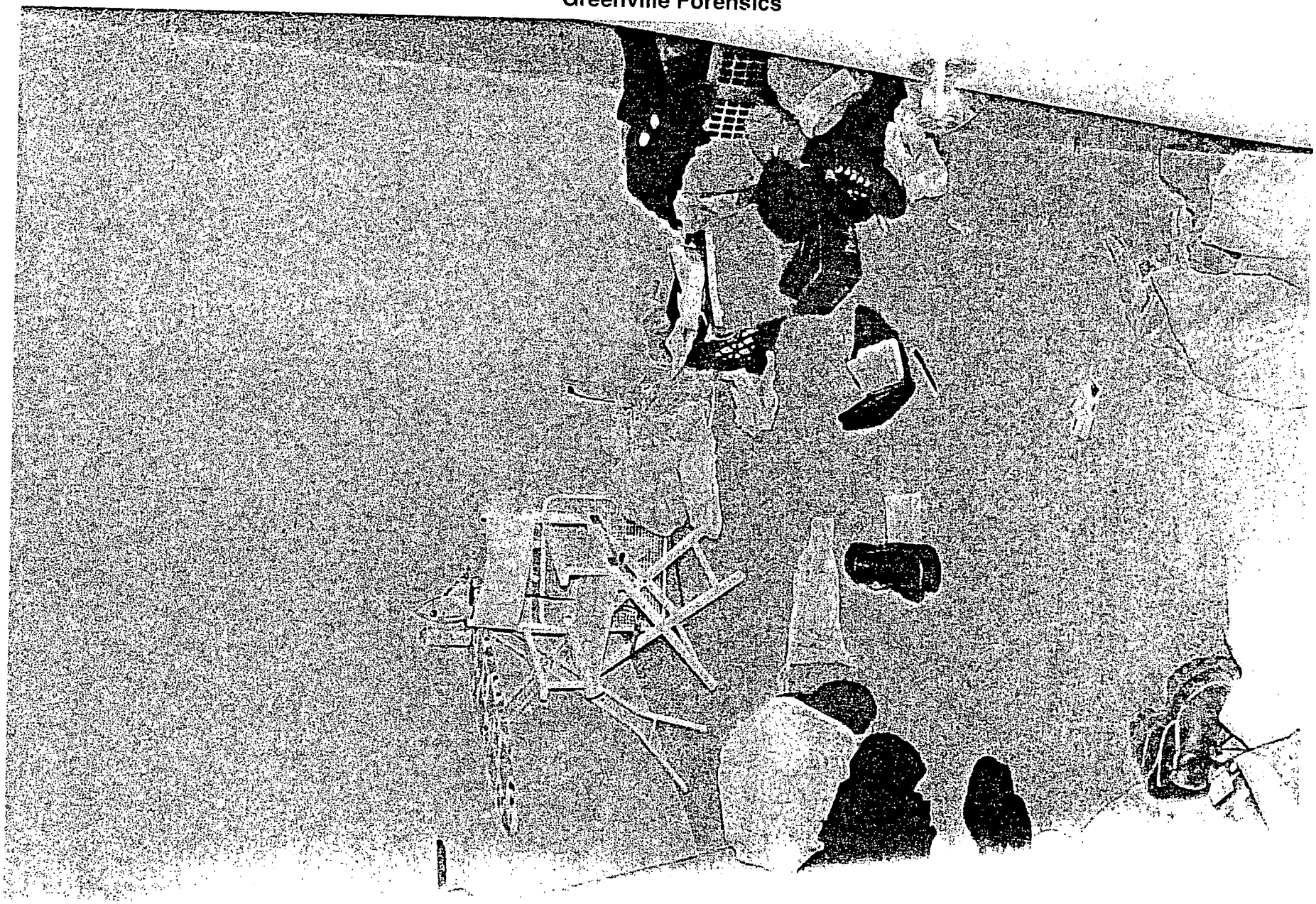
1 THE COURT: Okay.
2 MR. WATKINS: Previous motion.
3 THE COURT: I'd overrule the objection and admit it
4 into evidence.
5 (State's Exhibit Number 20 was filed.)
6 BY MR. MARCHANT:
7 Q Detective Fuller, once you located these pieces of
8 evidence and they were photographed, what did you then do
9 next?
10 A The various items were collected, depending upon the
11 item as who collected it. Some items were collected by
12 our forensics technician. Some items were collected by
13 myself. Some were collected by Detective Bruce.
14 Q Okay. Do you recall who collected the wallet?
15 A I did.
16 Q Now, is there somebody that is keeping track of what
17 evidence is collected to return that to the judge?
18 A Yes.
19 Q And what is the purpose of that?
20 A It's to make an accurate log of everything that is
21 to be removed from that apartment. It is written on the
22 search warrant. It is actually written twice. The
23 original search warrant stayed in my possession, and I
24 write on that search warrant everything that we took out
25 of that apartment. I also had with me a copy of that

Exhibit 79, states Exhibit 10, 11, 12, 13

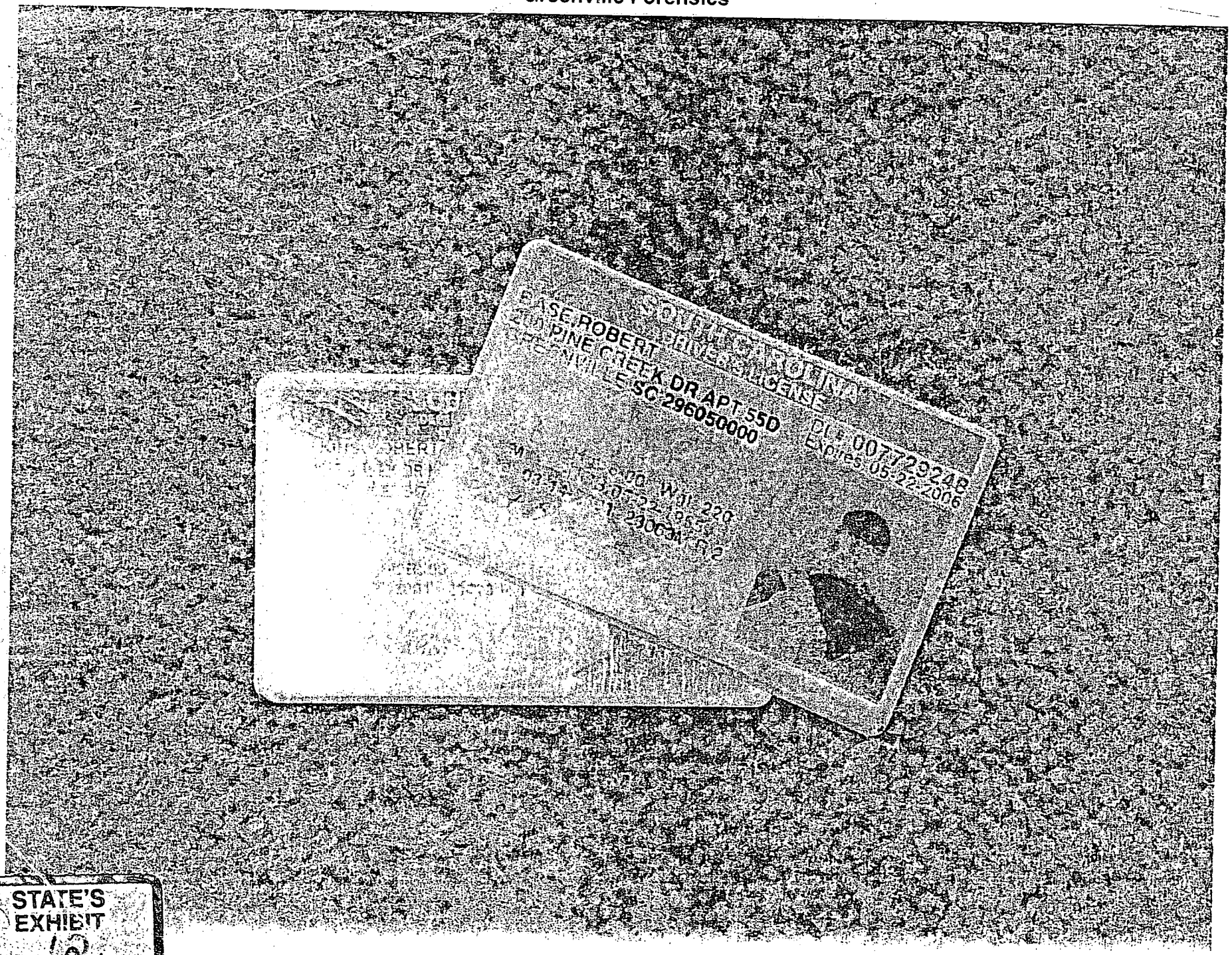
Greenville Forensics

STATE'S EXHIBIT
10
9-22-08 MED

page 79



STATE'S EXHIBIT
11
9-22-08 MED

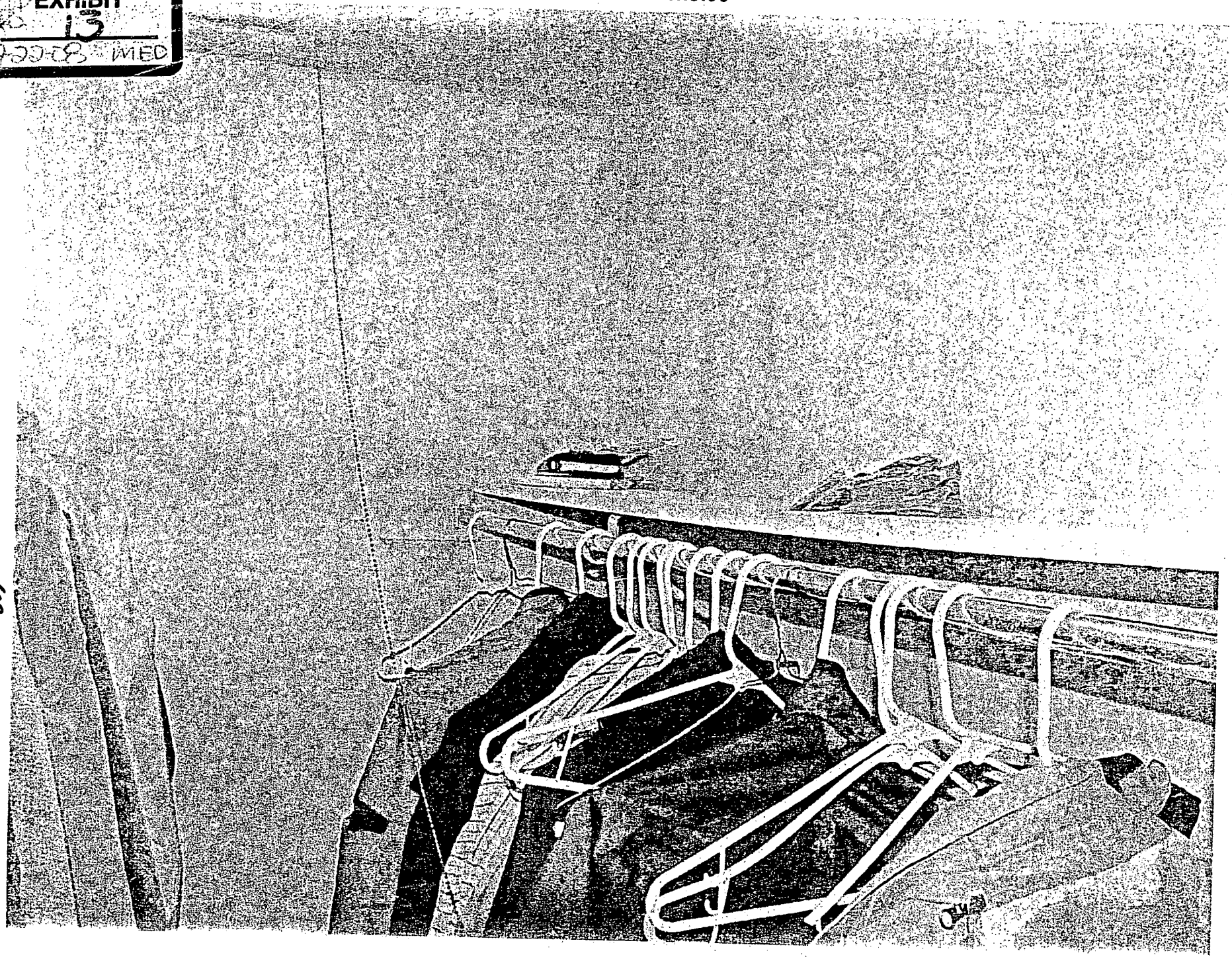


STATE'S EXHIBIT 12

18 of 18

STATE'S
EXHIBIT
13
4-22-08 MED

Greenville Forensics



Page 282

Exhibit #10 includes Crime Scene investigation Report 2 pages

FIREARM

Greenville County Department of Community Services
Criminal Justice Support – Property Report

☐ 1 - Greenville ID
☒ 2 - Greenville ID
☐ DCS – Detention
☐ Other _____

1. Status – Check one only: ☒ GS Evidence ☐ MM Evidence ☐ Found ☐ Recovered ☐ Safekeeping ☐ Other _____

2. Case No. 2-01-095052

3. Date and Time Impounded 12/19/01 1053

It is mandatory to submit a laboratory analysis request form for all articles requiring laboratory or forensic processing.

P & E use only FC

4. Case Type ARMED ROBBERY

5. Found or Recovered From ☒ Location ☐ Suspect ☐ Complainant ☐ Victim ☐ Person reporting ☐ AKA ☐ Other _____

Name GUEST BEDROOM FLOOR.

6. Where property was impounded (Give exact location – address) 245 CONGAREE DRIVE, APT. 708 GREENVILLE.S.C.

7. Owner's Name

8. Owner's Address

9. Owner's Phone #

10. Item #	11. Quantity	12. Description (include make, model and serial numbers)	13. NCIC Hit Yes	13. NCIC Hit No
JH1	1	BUDDIE ARMS - DOUBLE DEUCE 22 CAL. DERRINGER PISTOL-SER.#12988.		
JH2	1	BLACK STOCKING FACE MASK.		
		********** NOTHING TO FOLLOW **********		

Drug weight/grams _____ Officer's initials _____

P & E Use only
Gross weight _____ Evidence clerk's initials _____

14. I hereby acknowledge that the above lists represent all property taken from my possession and that I have received a copy of this report.

Signature _____

15. Impounding Officer (print full name) HORNSBY, J.A.

16. Star No. 928

17. Unit No. 8728

18. Signature

19. Investigating Officer JOHNSON - 113

20. Received by: (print name)	21. Signature	22. Reason	23. Date and Time Received
Gloria Robertson	Gloria Robertson	Storage (Sealed)	12-30-01 0501
EDDIE HUCKS	Eddie Hucks	Storage (SEALED)	12-31-01 1009
W.C. BRUCE	W.C. Bruce	Court	10-23-02 08:13
C Morris	Caroline Morris	Release	10/25/02

DEFENDANT'S EXHIBIT 10 4-30-03 MED

AUTHORIZATION FOR DISPOSITION

TYPE OF DISPOSITION:
☐ Cleared for destruction/auction Items _____
☐ Release item #s _____ to:

Name _____

Address _____

ID# _____

AUTHORIZED BY:

Name (print) _____

Signature _____

Date _____

It is the authorizing officer's responsibility to notify owners to claim property.

ORIGINAL

Greenville County Forensic Division
CRIME SCENE INVESTIGATION REPORT

AGENCY: Greenville Police Department **CASE NUMBER:** 2-01-095052
AREA: Hector

INCIDENT TYPE:	Armed Robbery Follow – Up	**INCIDENT LOCATION:**	245 Congaree Drive, Apt. 708 Greenville, SC
VICTIM:	Chuck E. Cheese	**ADDRESS:**	253 Congaree Drive Greenville, SC
COMPLAINANT:		**ADDRESS**	
INV. OFFICER	Johnson	**UNIT NUMBER**	113

INCIDENT SUMMARY/ACTION(S) TAKEN:

On 12/19/01, this forensic officer responded to the above location in reference to an armed robbery investigation. Upon arrival, this officer met with the investigating officer who states officers from Greenville Police Department executed a search warrant at the above location. The investigating officer states during the execution of the warrant, officers observed loose cash money in the guest bedroom closet, loose and rolled change money in both bedrooms and in a drawer in the kitchen and the suspect weapon, a Buddie Arms – Double Deuce 22 Cal. derringer pistol, serial # 12988 (JH1) on the floor of the guest bedroom. The investigating officer requested photographic documentation of the aforesaid and the collection of the weapon.

This officer observed the residence to be an upstairs apartment at Park Haywood Apartments. This officer observed the residence to have two bedrooms and two bathrooms. This officer observed rolled and loose change money in a kitchen drawer. This officer observed in the master bedroom, loose and rolled change money in the closet. This officer observed in the guest or secondary bedroom, loose and rolled change money on the floor and the aforementioned pistol concealed inside a black stocking/face mask (JH2). This officer observed cash money lying on the top closet shelf in the guest/secondary bedroom. This officer observed a second pistol, determined to be a pellet pistol, lying on a chair in the living room.

This officer documented the aforesaid using the digital camera system. This officer collected the two aforementioned items as evidence. Greenville Police Department officers collected the aforementioned money and the pellet pistol.

No further action taken.

Upon return to the L.E.C. all photos were scanned into the digital photo database (ID# 3905). The aforementioned collected items will be packaged for placement into the D.P.S. Property and Evidence Section.

No further action taken.

Received: 1021
En Route: 1025
Arrived: 1033
Cleared: 1105
L.E.C: 1114

REPORTING OFFICER	Hornsby, J.A.	**STAR #**	8728	**UNIT #**	928	**DATE**	12/19/01
REPORTING OFFICER		**STAR #**		**UNIT #**		**DATE**	
APPROVING SUPERVISOR	Sgt. DL Shaw	**STAR #**	8561	**UNIT #**	921	**DATE**	12/20/01

p 84.

558.07 52697
3160
55807

Exhibit #11

[redacted]

Greenville County Department of Community Services
Criminal Justice Support – Property Report

☐ 1 - Greenville SO
☐ 2 - Greenville PD
☐ DCS – Detention
☐ Other _____

1. Status – Check one only: ☒ GS Evidence ☐ MM Evidence ☐ Found ☐ Recovered ☐ Safekeeping ☐ Other 2 -

2. Case No. 01-95052

3. Date and Time Impounded 12-19-01 11:00am

It is mandatory to submit a laboratory analysis request form for all articles requiring laboratory or forensic processing.

P & E use only VPM

4. Case Type Armed Robbery

5. Found or Recovered From ☒ Location ☒ Suspect ☐ Complainant ☐ Victim ☐ Person reporting ☐ AKA ☐ Other _____

Name Robert Max Watkins

6. Where property was impounded (Give exact location – address) 245 Congeree rd, Apt-708 Greenville s.c. 29607

7. Owner's Name Chucky Cheese Inc.

8. Owner's Address 253 congeree rd, Greenville s.c. 29607

9. Owner's Phone # 297-4250

10. Item #	11. Quantity	12. Description (include make, model and serial numbers)	13. NCIC Hit Yes	No
WB-1 ✓	8	Eight rolls of Nichols Valued at $16.00		
WB-2 ✓	7	Seven rolls of Dimes Valued at $35.00		
WB-3 ✓	11	Eleven rolls of Quarters Valued at $150.00		
WB-4 ✓	3	Three Packs of One Dollar bills in Packs 50 Valued at $150.00		
WB-5 ✓	40	Assorted stack of five dollar bills loose Valued at $200.00		
WB-6 ✓	10	Assorted unrolled coins Quarters Valued at $2.50¢		
WB-7 ✓	44	Assorted Unrolled Dimes Valued at $ 4.40¢		
WB-8 ✓	3	Assorted unrolled Nichols Valued at .15¢		
WB-9 ✓	2	Assorted unrolled Pennies Valued at .02¢		
		total 518.07		

Drug weight/grams _____ Officer's initials _____

P & E Use only
Gross weight _____ Evidence clerk's initials _____

14. I hereby acknowledge that the above lists represent all property taken from my possession and that I have received a copy of this report.

Signature _____

15. Impounding Officer (print full name) W.C. BRUCE

16. Star No. 37

17. Unit No. 57

18. Signature W.C. Bruce

19. Investigating Officer W.C. Bruce

20. Received by: (print name)	21. Signature	22. Reason	23. Date and Time Received
~~Wilbur Bruce~~	~~Wilbur Bruce~~		~~12-19-01 11:00 am~~
Jessica Jordan	Jessica Jordan	PAL Auroy Blaud	12/15/02 1325
W.C. BRUCE	W.C. Bruce	COURT	10-23-02 0813
W.C BRUCE	W.C. Bruce	RETURN OVER TO MARIA SANCHEZ	10-25-02

AUTHORIZATION FOR DISPOSITION

TYPE OF DISPOSITION:

☐ Cleared for destruction/auction Items WB-9

☒ Release item #s WB 2 to:

Name Maria Sanchez

Address 253 Congaree Rd G'ville

ID# _____

AUTHORIZED BY:

Name (print) Maria Sanchez

Signature [illegible]

Date 10-25-2002

It is the authorizing officer's responsibility to notify owners to claim property.

P.85

With Mistake he has more than Evans owed he found $31.60

P85 ORIGINAL

Short 8.40

Exhibit #12

Greenville County Department of Community Services
Criminal Justice Support – Property Report

☐ 1 - Greenville SO
☒ 2 - Greenville PD
☐ DCS – Detention
☐ Other _____

1. Status – Check one only: ☒ GS Evidence ☐ MM Evidence ☐ Found ☐ Recovered ☐ Safekeeping ☐ Other _____ 2

2. Case No. 01-95052

3. Date and Time Impounded 12-19-01 1100

It is mandatory to submit a laboratory analysis request form for all articles requiring laboratory or forensic processing.

P & E use only EPE

4. Case Type Armed Robbery

5. Found or Recovered From ☒ Location ☐ Suspect ☐ Complainant ☐ Victim ☐ Person reporting ☐ AKA ☐ Other _____

Name _____

6. Where property was impounded (Give exact location – address) 245 Congaree Rd apt 708 Park Haywood Apts

7. Owner's Name Robert M. Watkins

8. Owner's Address

9. Owner's Phone #

10. Item #	11. Quantity	12. Description (include make, model and serial numbers)	13. NCIC Hit Yes	No
DF 6	1	black mens wallet containing 2 S.C.I.D. cards with the names of		
		Robert M Watkins and Robert M Base		

Drug weight/grams _____ Officer's initials _____

P & E Use only
Gross weight _____ Evidence clerk's initials _____

14. I hereby acknowledge that the above lists represent all property taken from my possession and that I have received a copy of this report.

Signature _____

15. Impounding Officer (print full name) DC Fuller

16. Star No. 93

17. Unit No. 53

18. Signature DC Fuller

19. Investigating Officer

20. Received by: (print name)	21. Signature	22. Reason	23. Date and Time Received
Jessica Jordan	Jessica Jordan	Pte Strong	12/19/01 1312
A Lt. C. Blake	Lt. C. Blake	Court	10-23-02 0813
C. Morris	Caroline W. Morris	Verdict	10/25/02

AUTHORIZATION FOR DISPOSITION

TYPE OF DISPOSITION:
☐ Cleared for destruction/auction Items _____
☐ Release item #s _____ to:

Name _____

Address _____

ID# _____

AUTHORIZED BY:

Name (print) _____

Signature _____

Date _____

It is the authorizing officer's responsibility to notify owners to claim property.

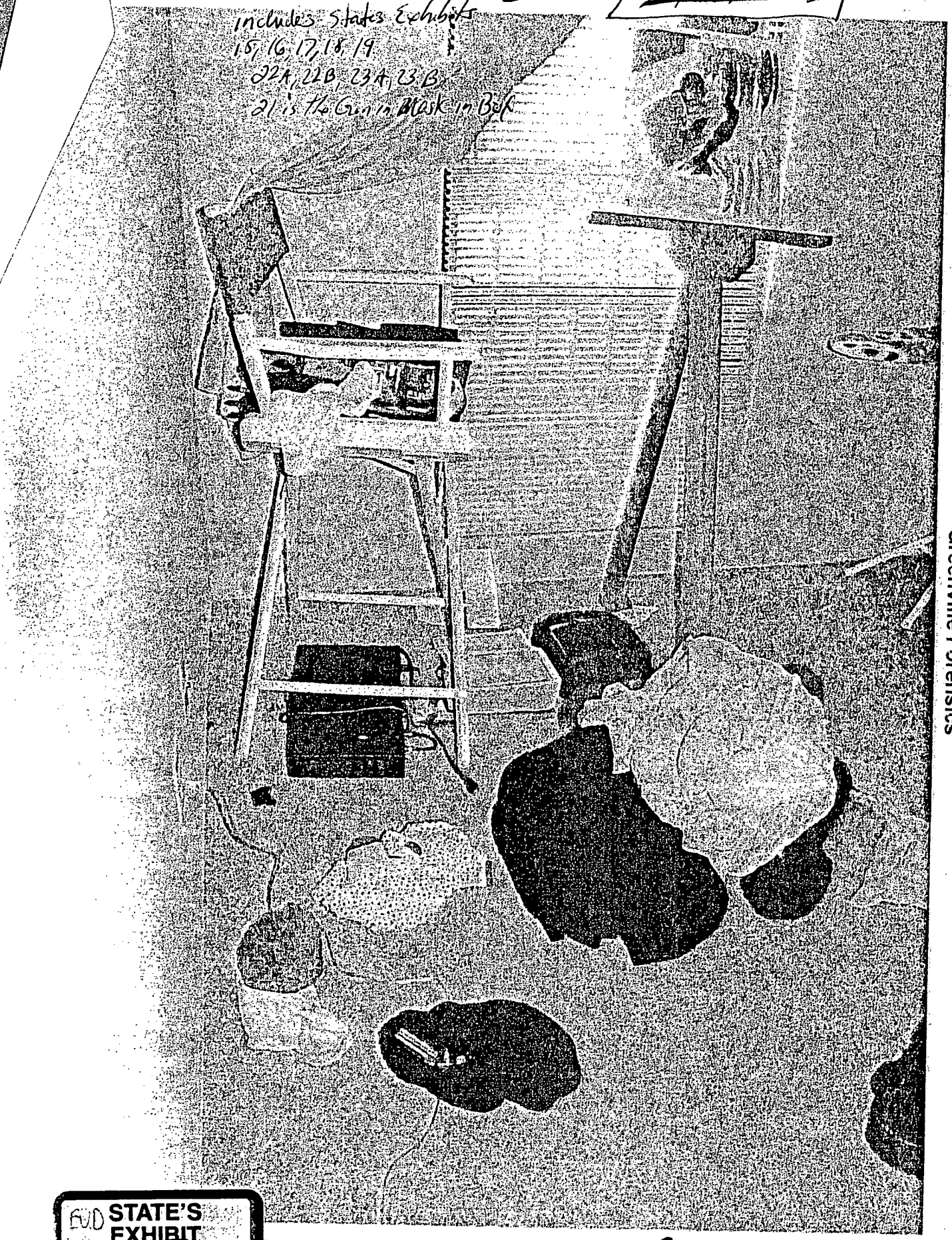
ORIGINAL

P. 86

Exhibit #13

[redacted]

includes States Exhibits
15, 16, 17, 18, 19
22A, 22B, 23A, 23B
21 is the Gun in Black in Belt

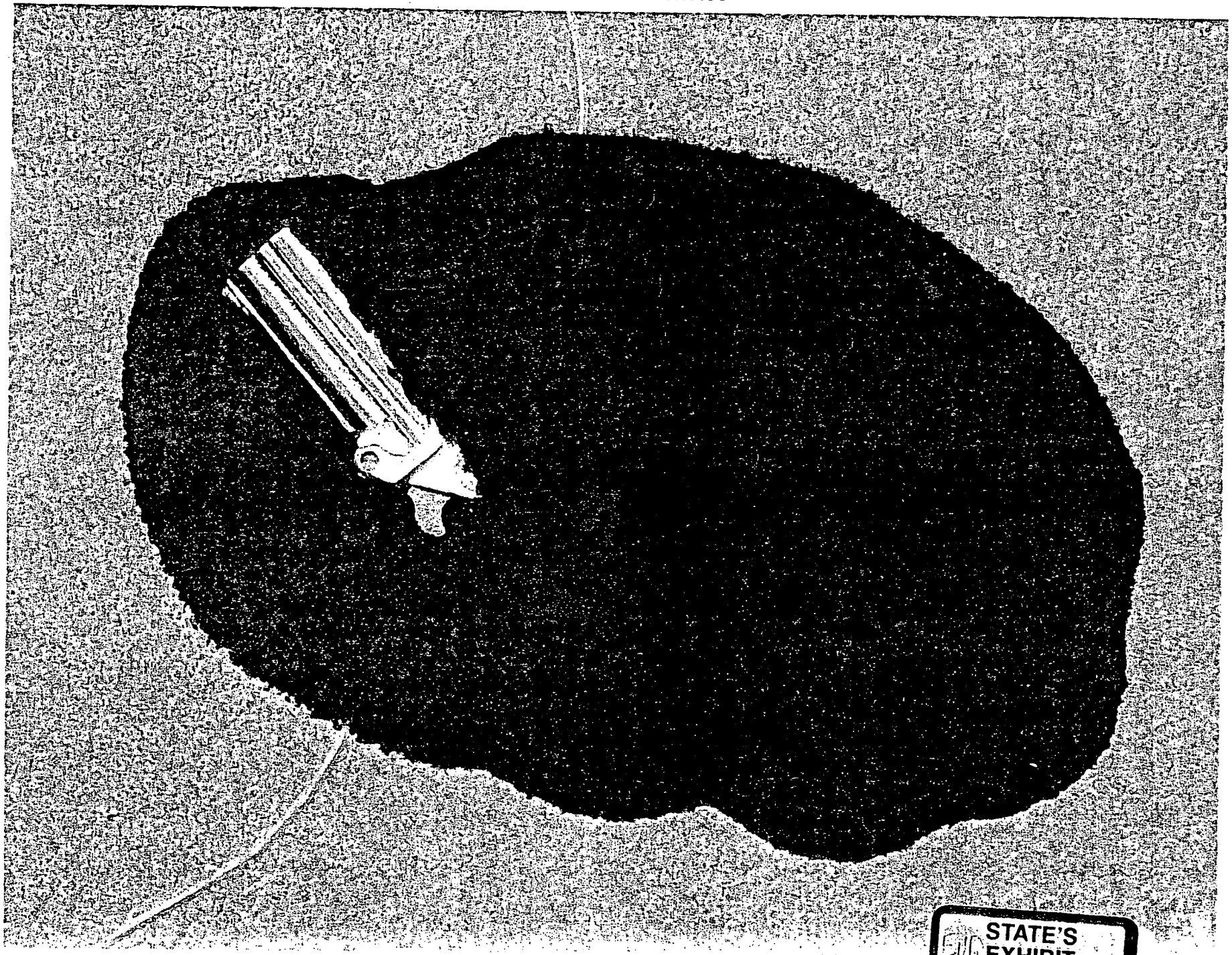


Greenville Forensics

STATE'S EXHIBIT
15
MED 4-3-06

p.87

Greenville Forensics



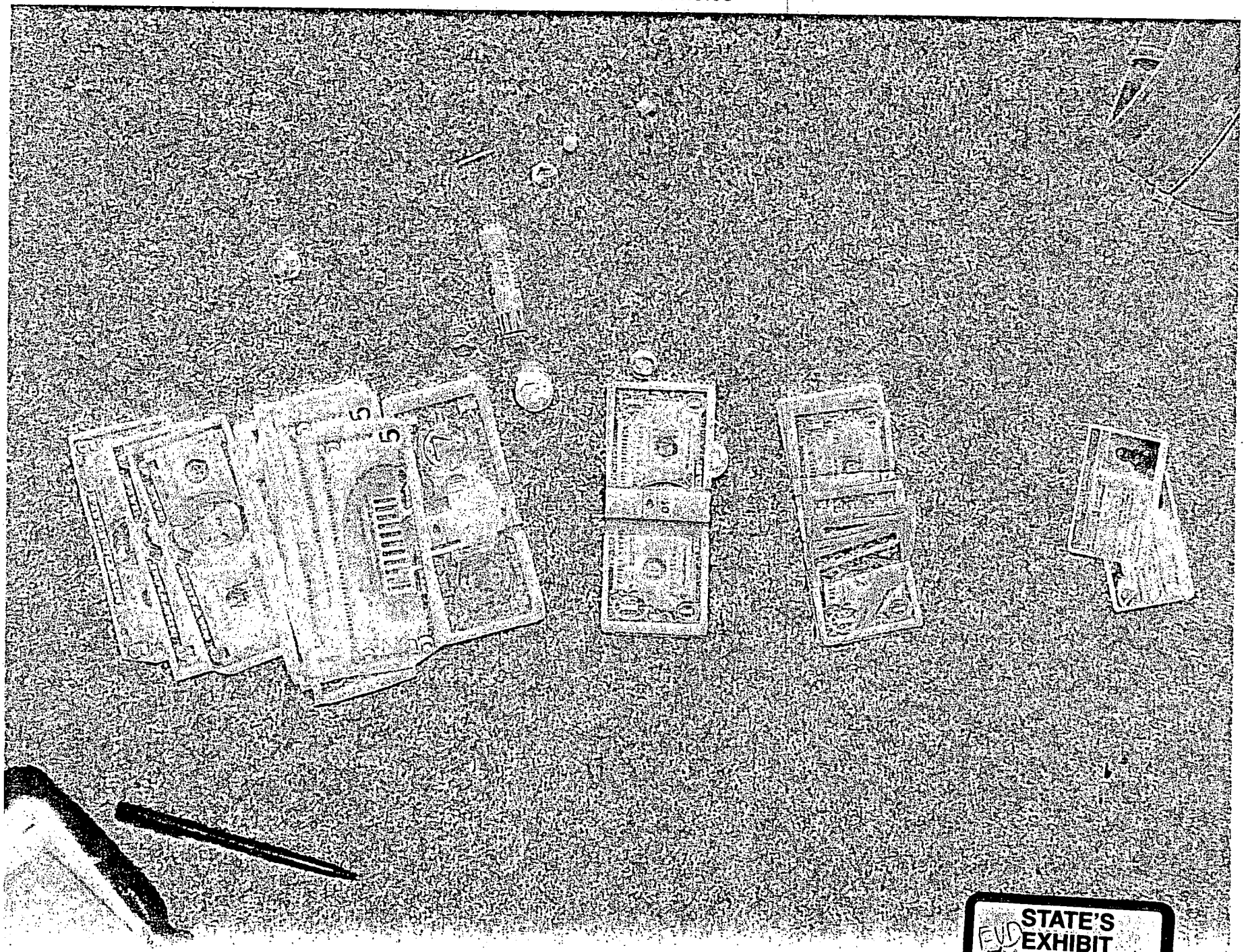
STATE'S EXHIBIT
116
9-22-05 MEL

83-d 88

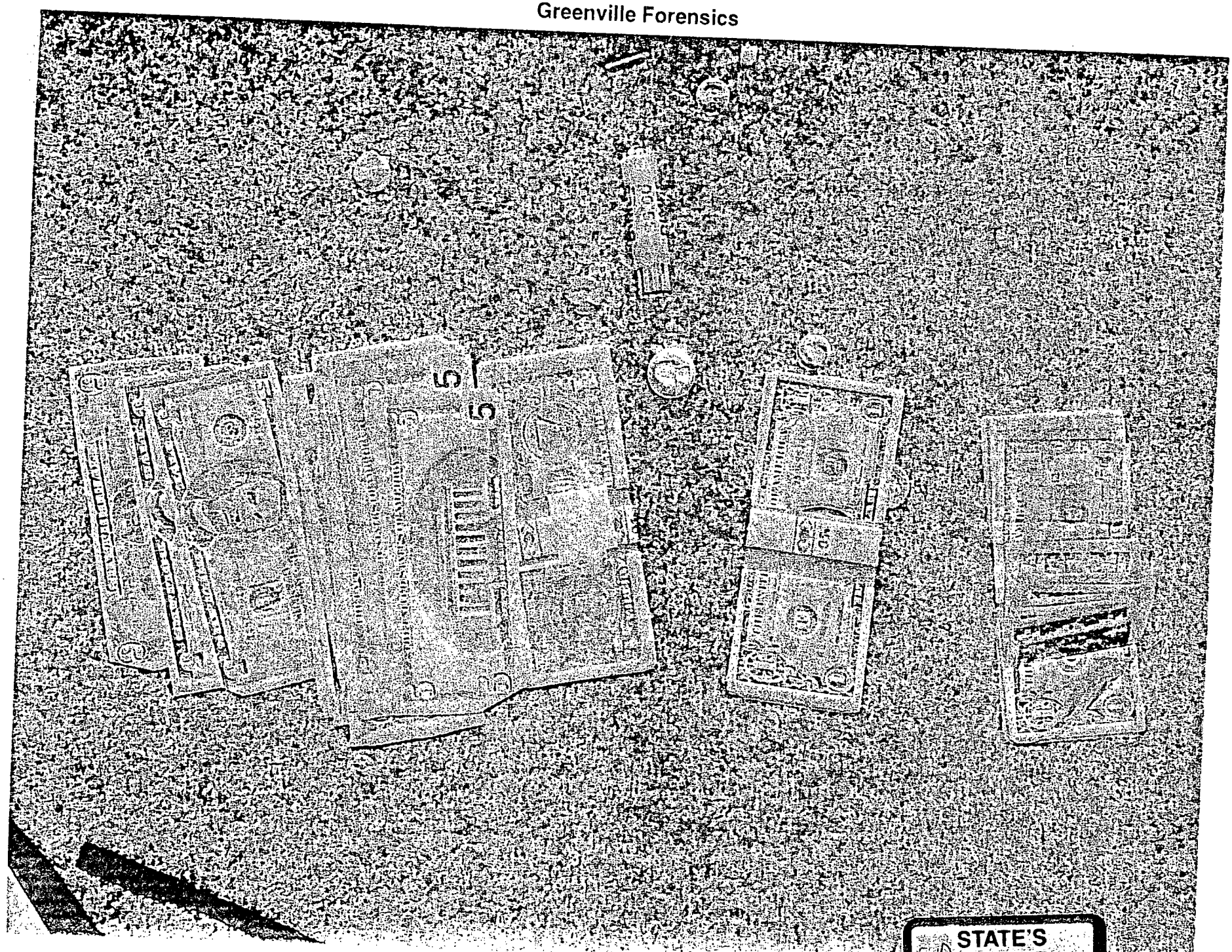
STATE'S EXHIBIT 17 MED

page 1 of 4

Greenville Forensics

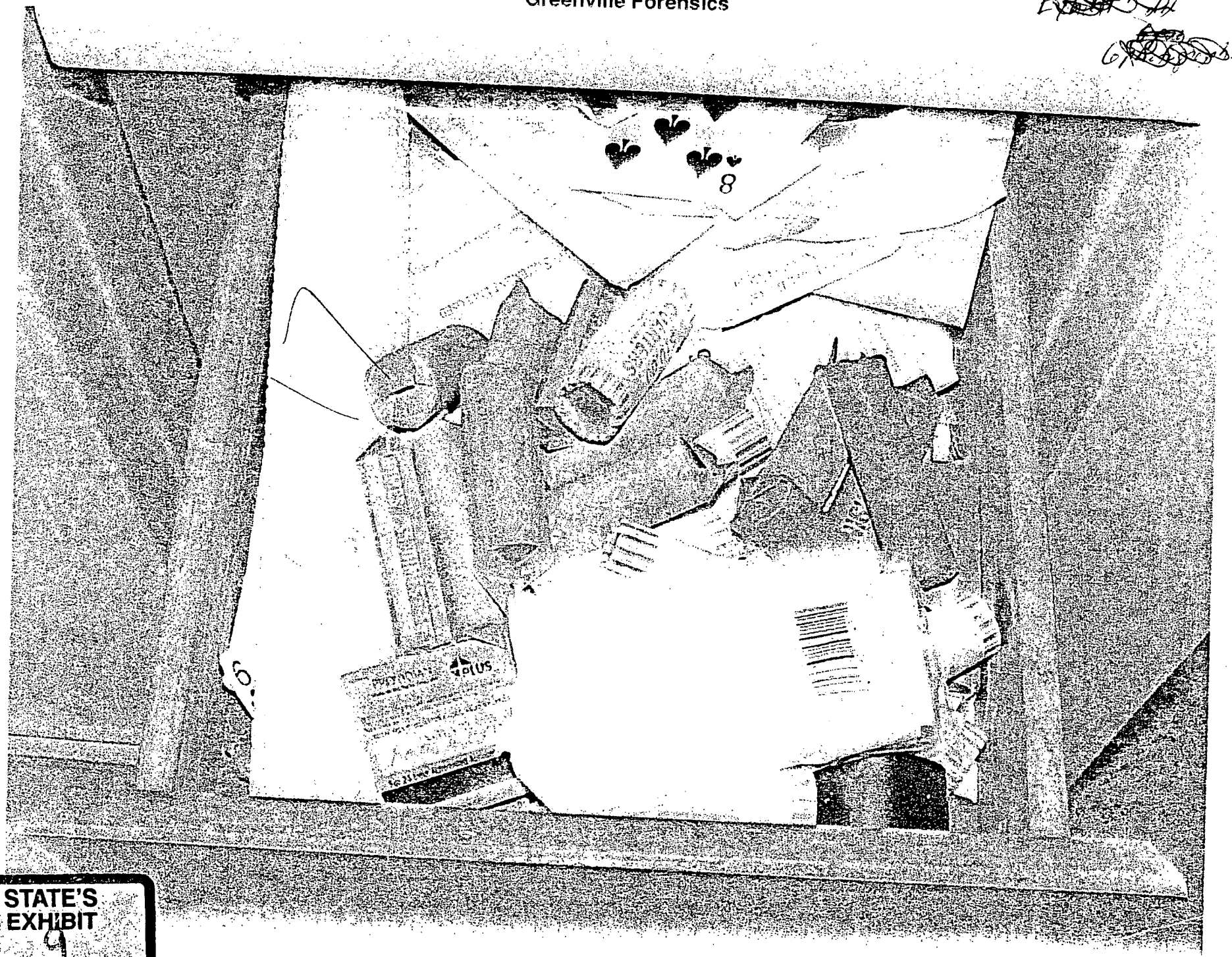


STATE'S EXHIBIT
18
4-22-08 MED



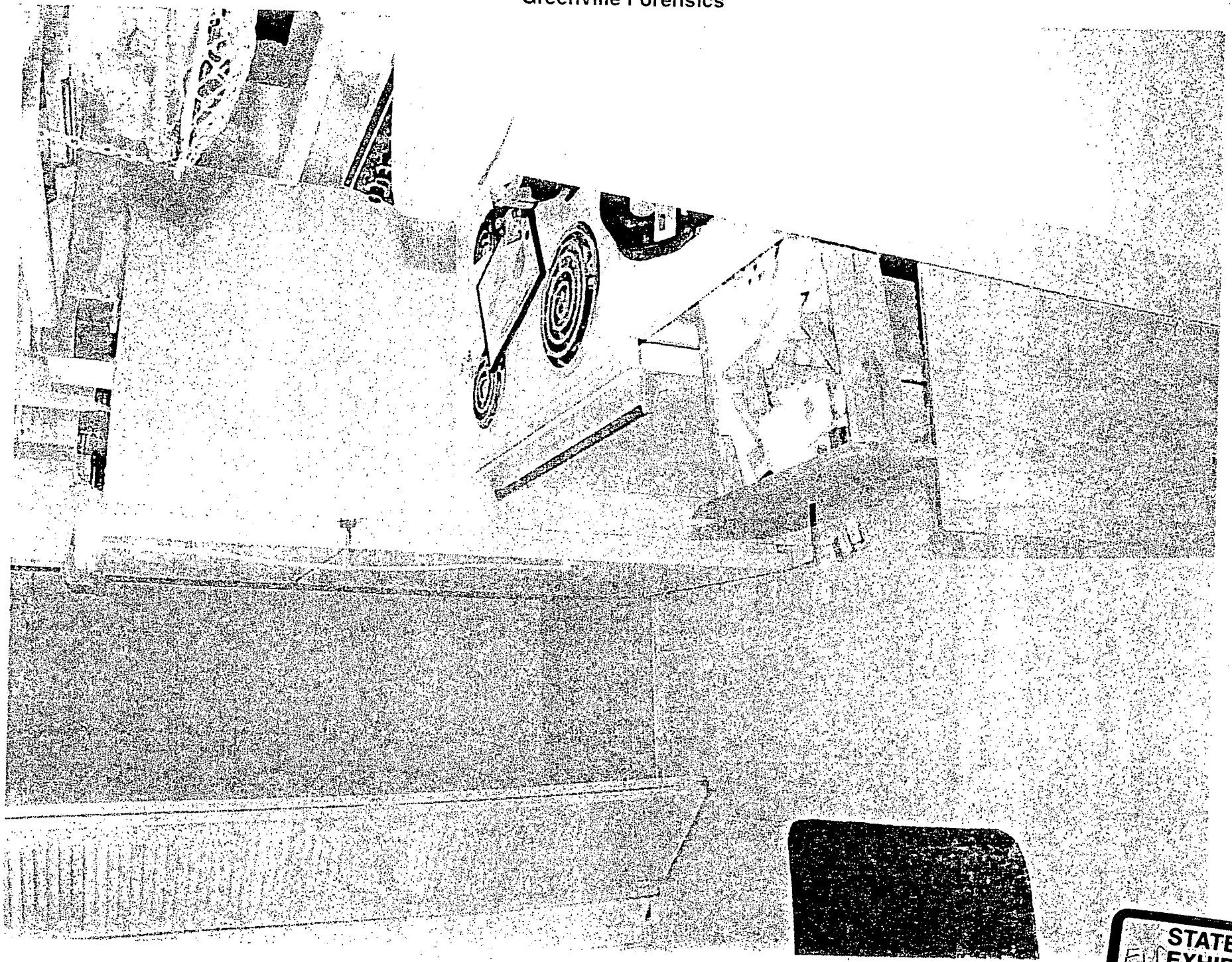
STATE'S EXHIBIT
19
9-22-08 MFD

16 of 91



STATE'S EXHIBIT
9

page 8 of 92

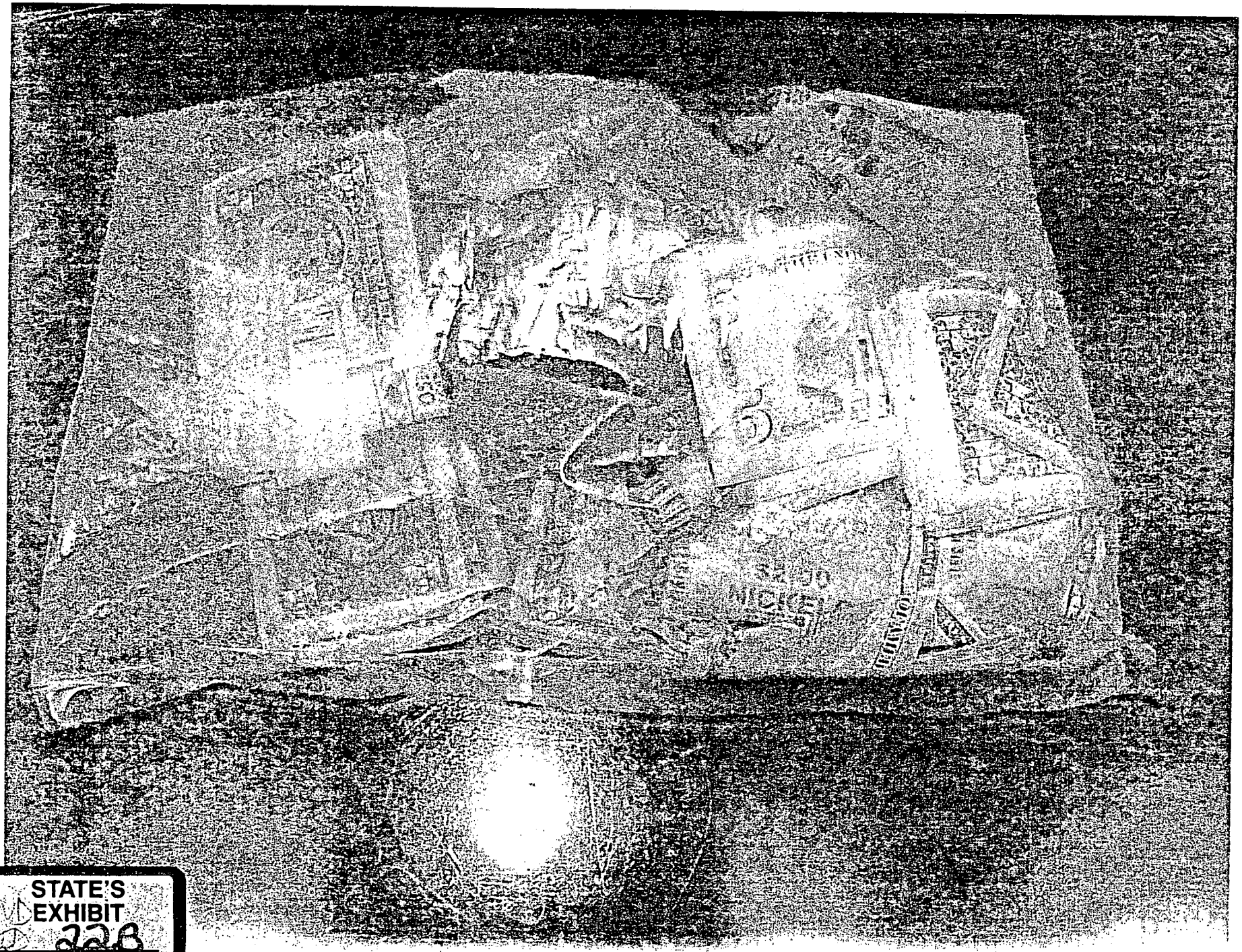


STATE'S EXHIBIT
8
9-22-08 MED

Greenville Forensics

STATE'S EXHIBIT
No. 22A
9-22-08 MEB

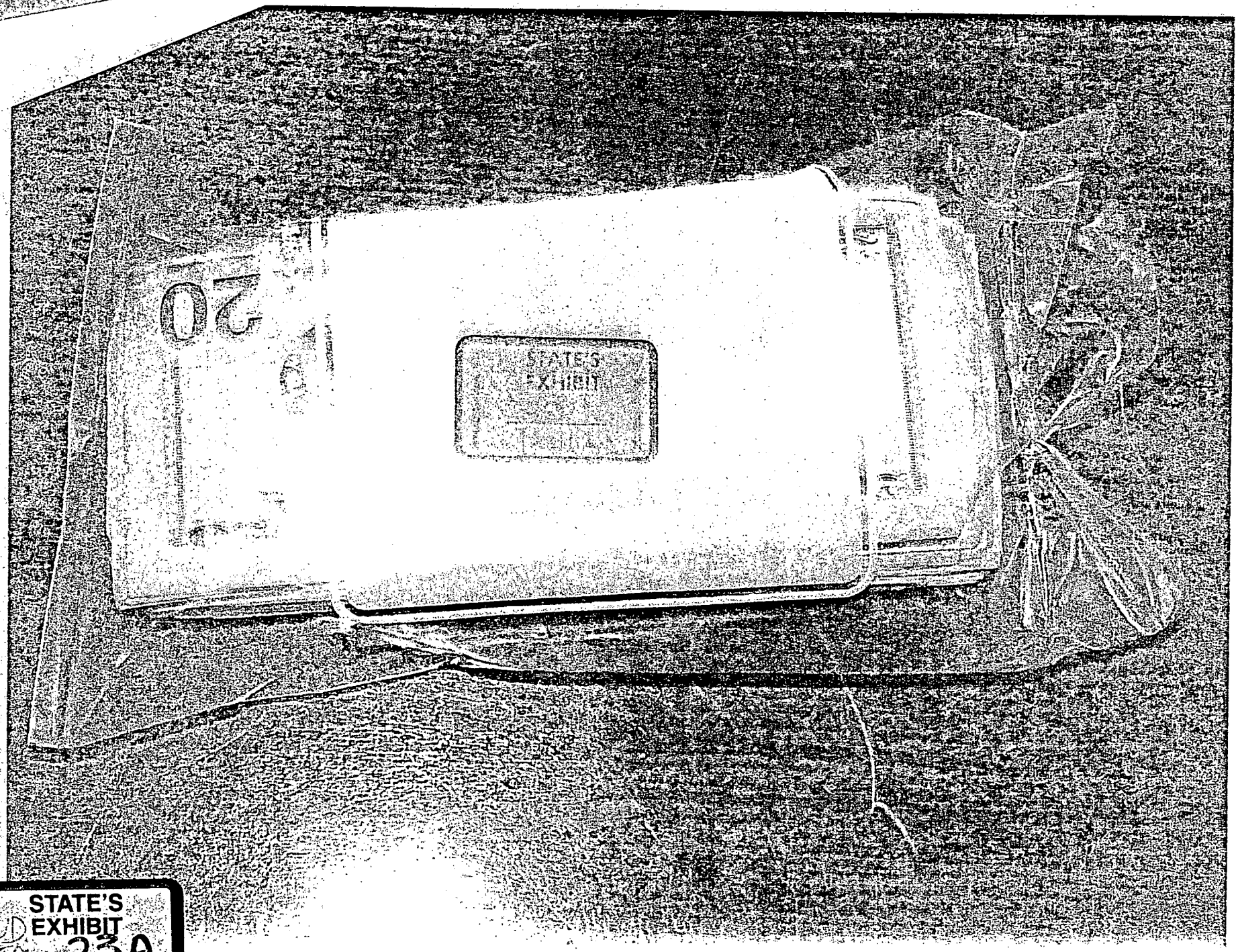
Page 94



STATE'S EXHIBIT
CVD 228
4-22-08 MED

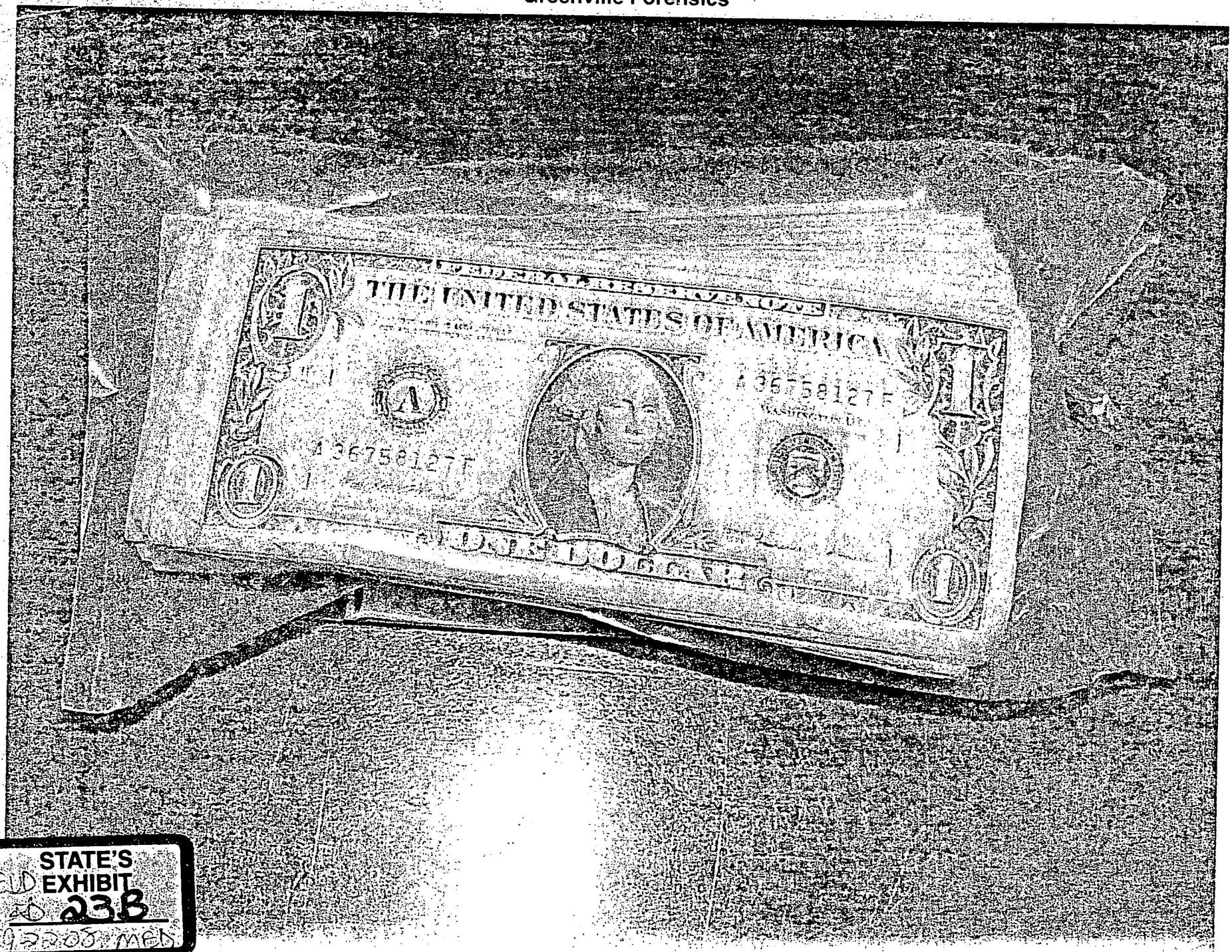
Exhibit p. 95

Ex 42



STATE'S EXHIBIT
23A

page 96



STATE'S EXHIBIT
23B
9-22-05 MEB

Page 97

1 something to eat, came back four hours later.
2 Q Okay. Do you recall what time he left?
3 A Around nine something.
4 Q And do you recall approximately when he returned?
5 A It was 12, 1:00, around in there. It was in the
6 end. I'm not too sure. I just know when I got stopped.
7 Q Okay. Let's talk about when say the end. What do
8 you mean the end?
9 A Well, I tried to average out the time from us
10 leaving the house and getting stopped, within say 1:10 on
11 the clock. So I tried to average out the time. So maybe
12 12:50, 12:00 around in there.
13 Q I'm not sure that I'm clear. Maybe I'm not asking
14 the question good. From the time that he got back to the
15 apartment to the time you got stopped, how long do you
16 believe that to have been?
17 A No more than 20 minutes.
18 Q Okay. Are you certain that it was 20 minutes, could
19 it have been 25?
20 A It could have been. I'm -- I just know ---
21 Q Could it have been 10 or 15?
22 A Could have been.
23 Q And you do recall what time you were stopped?
24 A Yes.
25 Q And what time was that?

1 A 1:10.
2 Q Now, when he left that evening where to your
3 knowledge was he going?
4 A I sent him to Jack in the Box.
5 Q And what time was that?
6 A Like nine something, maybe like 9:30.
7 Q And when he returned did he have food for you?
8 A No, he didn't.
9 Q What conversation ensued between you and him when he
10 returned?
11 A I argued with him about not having my food and told
12 him give me the keys I'll go myself.
13 Q Did you have a driver's license?
14 A No, I didn't.
15 Q How were you dressed?
16 A I had on a hat -- well, at the time I had on just my
17 pajama shirt. But I went in the room to put my hat and
18 boots on. Took ---
19 Q You say you went in the room, which room are you
20 referring to?
21 A The right side, my room.
22 Q Was there a bed in that room?
23 A No, there wasn't.
24 Q Why was there not a bed in that room?
25 A Rainbow took it. It was rented.

Exhibit #13 3 pages

[redacted]

AGENCY I.D. SC0230200

GREENVILLE POLICE DEPARTMENT
SUPPLEMENTAL REPORT

CASE NUMBER: 0 1 0 0 0 0 9 5 0 5 2

NCIC INQ. | ENT.

☐ ORIGINAL REPORT ☐ STATUS CHANGE ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY
☒ SUPPLEMENTAL REPORT ☐ ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY

INCIDENT TYPE: ARMED ROBBERY

PATROL DISTRICT: H PAGE 1 OF 3 PAGES

I.D. OVERFLOW: ☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☒ ARREST ☐ MISSING ☐ JAIL ☐

NAME (LAST, FIRST, MIDDLE): WATKINS, ROBERT MAK

VICTIM RELATIONSHIP TO SUBJECT: #1 #2 #3

RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
GOU	B	M	36	052265	N

ADDRESS | CITY | STATE: SC | ZIP CODE: 29607 | PATROL DISTRICT: H | DAY PHONE | EVENING PHONE

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL, PECULIARITIES, ETC.
511	190	BLK	BRN	AKA - BASE, Robert SCIDA 090521690

☐ VICTIM NO. ____ VISIBLE INJURY: ☐ YES ☐ NO EXPLAIN:

COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES

VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK. DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK.

☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPL. ASMT. ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

☒ SUBJECT NO. 1 : USING ALCOHOL: ☐ NO ☐ YES ☒ UNK.
: USING DRUGS: ☐ NO ☐ YES TYPE: ☒ UNK.

☒ ARRESTED ON CURRENT OFFENSE ☐ CLEARED BY ARREST ON PRIOR OFFENSE

ARRESTEE ARMED ☐ YES ☒ NO WEAPON TYPE: ☐ SEMI-AUTO ☐ FULL-AUTO

JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED ☐ REFERRED TO OTHER AUTHORITY

☒ ON VIEW ARREST ☐ SUMMONED ☐ CUSTODY

I RESPONDED to THE AREA of 253 Congaree Rd. Chucky Cheese after A report OF AN ARMED Robbery. A BLACK MALE suspect had fled the scene towards PARK HAYWOOD Apartments. We were Also Advised to be on the lookout for A White Ford TAURUS which had been seen Driving Around the Restaurant. I observed A White Ford TAURUS pull out of PARK HAYWOOD Apartments being Driven by listed Subject. I motioned for the vehicle to stop and Asked for the drivers (listed Subject) license. He stated he did not Have it with him. I Asked ~~for~~ AS his Name was he Stated Robert BASE I asked him for his Date of Birth He stated 05-22-65 and I asked him how old he was he stated 37. I then Asked subject to Step from the car so I could PAT him down AS he stepped from the car he reached with his Right hand into his pocket and Removed A handful of Cash throwing it between the Seats after he Exited the car I handcuffed him. I observed the passenger Subject #2 picking up the Money and putting it in the passenger door compartment Officer Browning Came to assist me and Placed her in handcuffs. I ADVISED Sgt Sowes THAT I had Stopped A white TAURUS with A Black Male Driver and had

PROPERTY							
TYPE	20						TOTAL VALUE
STOLEN							
DAMAGED							
BURNED							
RECOVERED	328						
SEIZED							328

ADMIN.

SUBJECT IDENTIFIED: ☒ YES ☐ NO | SUBJECT LOCATED: ☒ YES ☐ NO | ☐ ACTIVE ☐ ADMIN. CLOSED ☐ UNFOUNDED | ☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ VICTIM/DECLINES COOPERATION 4. ☐ EXTRADITION DENIED 5. ☐ JUVENILE-NO ARREST

REPORTING OFFICER(S)	DATE	UNIT NO.	APPROVING OFFICER	DATE	UNIT NO.
Thompson, JH	121901	212		121901	212

FOLLOW-UP INVESTIGATION ☐ YES ☐ NO (OFFICER)

RECORDS

GREENVILLE POLICE DEPARTMENT
SUPPLEMENTAL REPORT

AGENCY I.D. SC0230200

CASE NUMBER: 01 0 0 0 0 9 5 0 5 2

NCIC INQ. | ENT.

☑ ORIGINAL REPORT ☐ STATUS CHANGE ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY
☑ SUPPLEMENTAL REPORT ☐ ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY

INCIDENT TYPE: Armed Robbery
PATROL DISTRICT:
PAGE 2 OF 3 PAGES

I.D. OVERFLOW: ☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☑ ARREST ☐ MISSING ☐ JAIL ☐

NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
PELZER, ELENA DORONA				~~CITY~~ OU	B	F	23	112678	W

CITY	STATE	ZIP CODE	PATROL DISTRICT	DAY PHONE	EVENING PHONE
enville	SC	29607	A	H B	H B

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
505	120	BLK	BRN	SC ID 011617641

☐ VICTIM NO. ____ VISIBLE INJURY: ☐ YES ☐ NO EXPLAIN:
COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES
VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK. DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK.
☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPL. ASMT. ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

☑ SUBJECT NO. 2 : USING ALCOHOL: ☐ NO ☐ YES ☑ UNK.
: USING DRUGS: ☐ NO ☐ YES TYPE: ☑ UNK.
☑ ARRESTED ON CURRENT OFFENSE ☐ CLEARED BY ARREST ON PRIOR OFFENSE

ARRESTEE ARMED ☐ YES ☑ NO WEAPON TYPE: ☐ SEMI-AUTO ☐ FULL-AUTO
☑ ON VIEW ARREST ☐ SUMMONED ☐ CUSTODY
JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED ☐ REFERRED TO OTHER AUTHORITY

A Large Amount of Cash. In the vehicle. I Asked the Driver Mr Watkins What he Threw down he said it was Some Marijuana. I also Observed A pair of Brown Cotton Gloves and hammer in the seat pouch on the passenger's seat And a Black tight fitting ski cap, 2 Motorola FRG0 Talk About Walkie Talkies Which were New as they still had the Plastic Over the Display they had Radio Shack Batteries in them and were set to channel 2. there was a screwdriver and dumbell also in the trunk. I Was called to Process the car which was A White Ford Taurus with Budget Paper Tag. VIN # 1FAFP55U31A154878 which came Back to A 2001 Ford 4dr to Value Rentals Inc DBA Budget Rac 2000 GSP Drive Greer SC 29651 and should have the Tag 656-AZP. The Money Watkins had thrown in the car was all 1's and 5's It was Tape Counted and was $150 in 1's and $100 in 5's Watkins Also had $60 in 20's, $10 in 5's And $3 in 1's in his pocket. In the vehicle By the drivers door I Located an The Floor A Notice of Insufficient Funds Dated 12-05-01 Account A 5415 Wachovia For Check # 901 Amt $34.92 And stated Available Balance was $ -882.41 in the Name of Robert M Watkins 245 Cougar Rd #708

PROPERTY

TYPE							TOTAL VALUE
STOLEN							
DAMAGED							
BURNED							
RECOVERED							
SEIZED							

ADMIN.

SUBJECT IDENTIFIED	SUBJECT LOCATED		
☑ YES ☐ NO	☑ YES ☐ NO	☐ ACTIVE ☐ ADMIN. CLOSED ☐ UNFOUNDED	☐ ARRESTED UNDER 18 ☑ ARRESTED 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ VICTIM/DECLINES COOPERATION 4. ☐ EXTRADITION DENIED

REPORTING OFFICER(S)	DATE	UNIT NO.	APPROVING OFFICER
Thompson, JH #0303	12/19/01	212	

FOLLOW-UP INVESTIGATION ☐ YES ☐ NO (OFFICER)

RECORDS

AGENCY I.D. SC0230200

GREENVILLE POLICE DEPARTMENT
SUPPLEMENTAL REPORT

CASE NUMBER: 01 0 0 0 09 5 0 52

NCIC: INQ. | ENT.

☐ ORIGINAL REPORT ☐ STATUS CHANGE ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY

☒ SUPPLEMENTAL REPORT ☐ ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY

INCIDENT TYPE: Armed Robbery

PATROL DISTRICT: H PAGE 3 OF 3 PAGES

I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ MISSING ☐ JAIL ☐

NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT: #1	#2	#3	RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
				*JSOU					

ADDRESS	CITY	STATE	ZIP CODE	PATROL DISTRICT	DAY PHONE	EVENING PHONE
					H B	H B

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL, PECULIARITIES, ETC.

☐ VICTIM NO. ____ VISIBLE INJURY: ☐ YES ☐ NO EXPLAIN:

COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES

VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK. DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK.

☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPL. ASMT. ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

☐ SUBJECT NO. ____ : USING ALCOHOL: ☐ NO ☐ YES ☐ UNK. : USING DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK.

☐ ARRESTED ON CURRENT OFFENSE ☐ CLEARED BY ARREST ON PRIOR OFFENSE

ARRESTEE ARMED ☐ YES ☐ NO WEAPON TYPE: ☐ SEMI-AUTO ☐ FULL-AUTO

JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED ☐ REFERRED TO OTHER AUTHORITY ☐ ON VIEW ARREST ☐ SUMMONED ☐ CUSTODY

Officer D Jones #208 Also Advised she he found a $5.00 Bill under his Back Seat after Bringing Subject 2 Prisoner to the LEC. All Money was Placed in A.E. We transported Mr Washing to the Detective Division where he was interviewed by Detectives Bruce and Fuller.

PROPERTY

TYPE							TOTAL VALUE
STOLEN							
DAMAGED							
BURNED							
RECOVERED							
SEIZED							

ADMIN.

SUBJECT IDENTIFIED	SUBJECT LOCATED			
☒ YES ☐ NO	☒ YES ☐ NO	☐ ACTIVE ☐ ADMIN. CLOSED ☐ UNFOUNDED	☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER	☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ VICTIM/DECLINES COOPERATION 4. ☐ EXTRADITION DENIED 5. ☐ JUVENILE-NO ARREST

REPORTING OFFICER(S)	DATE	UNIT NO.	APPROVING OFFICER	DATE	UNIT NO.
Thompson JH #0303	12/19/01	212		12/19/01	212

FOLLOW-UP INVESTIGATION ☐ YES ☐ NO (OFFICER)

RECORDS

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Exhibit # 16

21

[redacted] 1 pay

Greenville County Forensic Division
CRIME SCENE INVESTIGATION REPORT

AGENCY: Greenville City Police Department
AREA: Hector

CASE NUMBER: 2-01-095052

INCIDENT TYPE:	Armed Robbery	INCIDENT LOCATION:	253 Congaree Rd. Greenville, SC
VICTIM:	Chuck E. Cheese	ADDRESS:	Same as above
COMPLAINANT:		ADDRESS	
INV. OFFICER	Jones	UNIT NUMBER	208

INCIDENT SUMMARY/ACTION(S) TAKEN:

Forensic officer Pratt was requested to respond to the above incident location regarding the above incident type. Upon arrival the R/O spoke with the investigating officer who stated that a black male suspect entered the above business, after business hours, through the unlocked rear door. Once inside the business, the suspect, wearing a ski type mask, approached the manager and cleaning crew who were sitting in the front dining area. He presented an unknown type firearm and demanded the manager and cleaning crew go to the manager's office. Once inside the office the manager opened the safe and the suspect took an unknown amount of money from one of the cash drawers. The suspect then fled the scene in an unknown type vehicle. The R/O processed all affected areas for latent fingerprints with positive results. The R/O then responded to the roadway in front of 'Park Haywood' apartments (245 Congaree Rd.). The R/O met with investigating officer who requested the R/O secure digital images of the below listed vehicle which he stopped after it left the apartment complex. The R/O observed the trunk and the doors open to the vehicle. In the trunk area the R/O observed two 'walkie-talkie' radios and some clothing. On the passenger side front seat the R/O observed a substantial amount of cash. These items were photographed. The vehicle was not processed for latent fingerprints due to condensation. The items located inside the vehicle were to be collected by the investigating officer. The R/O then responded to a dumpster behind the apartment complex where the below listed vehicle was seen driving past prior to leaving the apartment complex. Inside the dumpster the R/O observed a blue in color jacket. It was reported that the suspect at the scene was wearing a dark colored jacket. The jacket was photographed and collected by the R/O. All collected evidence will be placed in property and evidence. All lifted latents will be forwarded to the DPS latent section. All digital images will be downloaded to the digital photo database. No other action was taken.

Received and En route;0130 Arrived;0135 Cleared;0240 Received Call
Incident Date: 12-19-01
Photo ID#: 3901
Vehicle Information: 2001 Ford VIN: 1FAFP55U31A154878

REPORTING OFFICER	Pratt, S.C.	STAR #	8300	UNIT #	923	DATE	12-19-01
REPORTING OFFICER		STAR #		UNIT #		DATE	
APPROVING SUPERVISOR	Sgt. D.L. Shaw	STAR #	7361	UNIT #	921	DATE	12/19/01

DOCKET NO. 2002-GS-23-
TJQ
C1063

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2002

THE STATE

vs.

ROBERT MAX WATKINS

Guilty

9-24-08
GUILTY

WITNESSES

W.C. BRUCE Owensby

GPD

12/19/01

Exhibit #17 michelle
indictment 2 pages
2 sentencing sheets

ARREST WARRANT NUMBER

G 865977

G 865988

ACTION OF GRAND JURY

TRUE BILL

Joan Holmes

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

COUNT ONE: Guilty

COUNT TWO: Guilty

Foreperson of Petit Jury 10/25/02 *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

ENTERED
ACCT.

Exhibit

Constitution 1 page
As applied to Appellant Counsel
Elizabeth Franklin-Best

SCANNED

Page 101

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 T. Quinn
SOLICITOR

P: 105

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

TELEPHONE 864-898-5906
FAX 864-898-5798

PICKENS COUNTY COURTHOUSE
214 E. MAIN STREET, B120
PICKENS, SOUTH CAROLINA 29671

Solicitor
W. WALTER WILKINS

January 19, 2016

Robert M. Watkins, 00243803
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

RE: State v. Watkins

Dear Mr. Watkins:

Please find enclosed the State's response to your Motion for a New Trial.

With best regards,
I am,

Lucas C. Marchant
Asst. Deputy Solicitor of the 13th Judicial Circuit.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	INDICTMENT: 2002-GS-23-1063
The State of South Carolina vs. ROBERT MAX WATKINS, DEFENDANT.	)	STATE'S RESPONSE TO DEFENDANTS MOTION FOR A NEW TRIAL PURSUANT TO NEWLY DISCOVERED EVIDENCE

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAULA H. HICKENSIMER
2016 JAN 29 PM 2 27

The procedural history on this case is as follows:

(1) Defendant was arrested on December 19, 2001.

(2) Defendant was appointed Bill Dodson on December 20, 2001. Mr. Dodson left the Public Defender's Office and the case was reassigned to Jim Bannister.

(3) Defendant was tried by the Honorable C. Victor Pyle on October 23-25, 2002. The defendant was represented by Jim Bannister and the State was represented by Judy Munson. A jury verdict of guilty was returned on Armed Robbery and Possession of a Weapon During the Commission of a Violent Crime. Defendant was sentenced to 30 years and 5 years to run concurrent.

(4) Defendant filed an appeal which was dismissed by the Court of Appeals, Op. No. 2004-UP-406 (filed June 22, 2004).

(5) Defendant filed a PCR on October 22, 2004 and a hearing was held on April 8, 2005 by the Honorable Larry R. Patterson. On January 17, 2006 Judge Patterson denied the defendants application for relief.

(6) The Supreme Court granted the Defendants Petition for Writ and reversed Judge Patterson's ruling and Remanded the case for a new trial. Watkins v. State, Op. No. 2008-MO-001 (filed January 14, 2008).

(7) Upon the Defendant's return to the Greenville Detention Center he was appointed John Mauldin. On March 14, 2008 Judge Patterson held a bond hearing and set the defendant's bond at $70,000 (which was the original bond amount on this case and other unrelated cases that the State chose not to proceed on after the conviction in 2002). The Court also ordered the case to be tried within 120 days.

p. 107

(8) On March 27, 2008 Judge Patterson relieved John Mauldin and his office from representing the defendant at the Defendant's request due to the fact that Jim Bannister was a public defender in the first trial and therefore a conflict existed. The defendant requested to move forward Pro Se or retain private representation.

(9) On May 30, 2008, the Friday before the Monday start of trial on June 2, 2008, a hearing was held wherein the defendant requested counsel be appointed to him. Judge Patterson granted the request and ordered the Defendant to be represented by Stephen J. Henry.

(10) On September 11, 2008 the Defendant moved the Court to have Stephen Henry relieved because a "conflict" existed due the fact that Mr. Henry was on the Public Defender Board and thus he was essentially in the same "office" as Mr. Mauldin. Judge Patterson denied the Defendant's request to have Mr. Henry relieved.

(11) On September 22, 2008, the defendant filed a Motion to Proceed Pro Se, which was day one of the retrial. Stephen Henry was relieved and the Defendant was allowed to proceed Pro Se. Mr. Henry was ordered to remain as stand-by counsel throughout the trial.

(12) Defendant was convicted on his retrial on September 24, 2008. He was sentenced to 25 years on the armed robbery and a consecutive 5 years on the possession of a weapon during the commission of a violent crime.

(13) Defendant appealed his conviction on September 29, 2008. The Court of Appeals reversed his conviction citing that the Trial Judge could not have presided over the trial as he was the PCR Judge on the first trial. State v. Watkins, Op. No. 2011-UP-091 (S.C. Ct.App. Filed March 8, 2011).

(14) The State petitioned the Supreme Court for Writ of Certiorari which was granted and oral arguments were heard. The Supreme Court reversed the Court of Appeals and upheld the Defendants conviction on December 4, 2013. State v. Watkins, 406 SC 360 (2013).

(15) On June 10, 2014 the defendant filed a Motion for a new trial based on After Discovered Evidence Rule 29(b), claiming that State failed to turn over fingerprint analysis information. The State submitted its response on July 8, 2014 and following that the defendant submitted a reply on July 17, 2014.

(16) On June 18, 2014 the defendant requested an Evidentiary hearing before then Chief Administration Judge Edward W. Miller.

(17) On August 8, 2014 Judge Miller reviewed the written motions and handed down an order denying defendant's Motion for a new trial based off After Discovered Evidence.

(18) The Defendant filed a Post-Conviction Relief Action on January 31, 2014. Respondent made its return on July 11, 2014. An evidentiary hearing was held on April 22, 2015. An Order of Dismissal was signed and filed on October 2, 2015 (Attachment "C" – 11 pages).

Defendant moves this honorable court that he is entitled to a new trial based off After-Discovered Evidence, Rule 29(b) SCRCrimP. In order for the court to grant a new trial based off of newly discovered evidence the Court must find the following: that the evidence (1) is such that it would probably change the result if a new trial were granted; (2) has been discovered since the trial; (3) could not in the exercise of due diligence have been discovered prior to the trial (4) is material; and (5) is not merely cumulative or impeaching. ***State v. Prince,*** 316 S.C. 57, 447 S.E.2d 177 (1993).

The defendant's position is that the 911 call came in at 1:06:20, the call was dispatched at 1:07:35 a.m., and that he was stopped at 1:10 a.m. Using the call dispatch report (Defendants Exhibit #1), he states that law enforcement did not receive the information that the suspect was driving the white Ford Taurus until 1:21:13 a.m. and that Officer Thompson could not have arrived on the scene until 1:26:34 a.m. The defendant argues law enforcement had no reasonable suspicion to stop his vehicle at 1:10 a.m. because they did not have a description of the car prior to him being stopped and therefore the stop was unconstitutional. He further argues that the call detail report shows that Officer Thompson could not have been the officer who conducted the stop at 1:10 a.m. because the call detail report indicates that Thompson did not arrive on scene until 1:26:34 a.m.

It is the States' position that the defendant's argument is based on the erroneous position that the only evidence presented at trial was that he was stopped at 1:10 a.m. Although defendant is correct in stating that Pelzer testified that they were stopped at 1:10 a.m., she also testified that the time could have been 20 to 25 minutes later than what she recalled and that she was "averaging" out the time (Defendant Exhibit #14). Furthermore, other evidence presented at trial shows that the defendant and Pelzer were stopped after the information regarding the white Ford Taurus was dispatched. Officer Thompson's report (Defendant Exhibit #15) and his testimony (Defendant Exhibit #5) show that he was the one who stopped the defendant, and Officer Jones report (Attachment "A" – 2 pages) as well as his trial transcript (Attachment "B" – 17 pages) indicates that Officer Thompson is the officer that stopped the defendant (Attachment "B" – pg., 155 line 14).

The defendant has misread and misinterpreted the reports he referenced in this case and is applying information from multiple reports of the various agencies that were associated in this incident to draw speculative conclusions as to the events that took place on the early morning of December 19, 2001. In order for the Court to conduct any analysis of the standard above, the State submits that the following is an account of how events unfolded that evening.

The Chuck E Cheese restaurant located at 253 Congaree Road is robbed at some point prior to 1:06:20 a.m., which is the time dispatch received the 911 robbery call indicating that a 5'10" Black Male, wearing a blue coat and ski mask, stuck a pistol to an employee's head. Dispatch then disseminates information out to all law enforcements officers who are available to handle the call. The area beat Officer Jones was very close to the restaurant and his testimony indicates that it took him less than one minute to arrive (Attachment "B" – pg. 153, lines 18-19). The dispatch report (Defendant Exhibit #1) indicates that he was dispatched at 1:07:35 a.m., and arrived at the incident location within a very short period of time. Dispatch relates additional information about this incident at 1:21:13 a.m., to include that a white Ford Taurus had been seen circling the building several times in the past week, and that the robber left on foot possibly towards the apartments behind the restaurant. In reviewing dispatch records as it relates to Officer Thompson, he is "dispatched", "en route" and "arrives" all at exactly 1:26:34 a.m. Officer Thompson testified that he did not go to the restaurant but instead went directly to the area of the complex located behind the restaurant where he subsequently conducted a traffic stop on the white Ford Taurus (Defendant Exhibits #5 and #15) which the defendant was driving. After making the traffic stop, that Officer Thompson called into dispatch. [1] When he approached the defendant, the defendant admitted he did not have a license with him, he gave the name Robert Base and when he was asked to step from the car, Officer Thompson spotted the defendant attempting to hide an amount of U.S. Currency, all of which raised Officer Thompson's suspicion.

[1] The call dispatch report indicates that Thompson's "dispatch", "en route", and "arrival" time all occurred at 1:26:34. It is a common practice in the law enforcement arena not to "call out" on the radio when an incident like this is occurring so as not to tie up radio traffic which could interfere with the dissemination of additional suspect information.

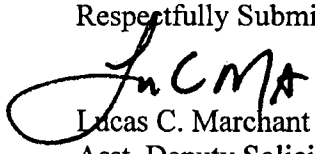
It is the States position that the evidence presented at trial is truthful and accurate. The defendant is attempting to color the evidence by drawing inferences in the reports to make it appear as though a discrepancy exists which could be construed as material. Forensic Officer Pratts report (Defendant Exhibit #16) indicates that he met with the investigating officer at the restaurant and vehicle stop, however it does not indicate that Officer Jones is the officer who made the stop on the white Ford Taurus. In fact the defendant specifically questioned Officer Jones on this issue as well as the issue of whether or not he was the officer who made the stop and whether he was the investigating officer as listed in Officer Pratts report. Officer Jones testified that he did not stop the defendant (Attachment "B" – pg. 163, lines 13-15) and he was not the investigating officer (Attachment "B" – pg. 163, lines 23-25). There is absolutely no evidence indicating that Officer Jones is the one who stopped this defendant. Both Officer Jones report, Officer Thompsons report and the trial transcript make it very clear that Officer Thompson is the one who stopped the defendant, and that Officer Thompson did so only after being informed that a white Ford Taurus could be involved in this incident. The defendant would also have the court believe that the testimony of States witness Elena Pelzer's recollection of the timing of this incident would be so great as to indicate that law enforcement must be fabricating information with respect to the stop. Again, Ms. Pelzer testified that she recalled that they were stopped at 1:10, and she makes it clear that the time could have been up to 20 to 25 minutes later than what she recalled. The defendant is attempting to join what is uncertain time recollection testimony from Ms. Pelzer and a call report to conclude that Officer Thompson could not have been the one who made the stop. The call dispatch report does not provide evidence of which officer actually made the stop. It does not provide any evidence which could have been used to impeach the officers' testimony nor does it provide evidence to show that the stop was unconstitutional. Rather, the call dispatch report confirms the officers' testimony. Therefore the defendant cannot show that the evidence is material.

The Court has already heard this and other similar arguments from the defendant during the Post-Conviction Relief process and hearing on April 22, 2015. (Attachment "C").

The State submits that the motion does not meet the standards set forth in ***Prince*** based on the aforementioned response. Additionally, this information is not information such that it would be probably change the result if a new trial were granted.

Taking all this into consideration and reviewing the information in conjunction with the factors cited in ***Prince,*** this information does not rise to the level that would have materially changed the result of the trial of the defendant. Furthermore, it is the States position that the defendants request should be denied based off all information the court has been presented with and that no need exists for any additional "evidentiary hearing" as requested by the defendant.

Respectfully Submitted,



Lucas C. Marchant
Asst. Deputy Solicitor, 13th Judicial Circuit

p 112

Attachment "A" - 2 Pages

AGENCY I.D. SC0230200

SUPPLEMENTAL REPORT

CASE NUMBER 0 1 0 0 0 0 9 5 0 5 2

NCIC INQ. ENT.

☒ ORIGINAL REPORT ☐ SUPPLEMENTAL REPORT ☐ STATUS CHANGE ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY

INCIDENT TYPE: ARMED ROBBERY

PATROL DISTRICT: HECTOR PAGE 1 OF 2 PAGES

I.D. OVERFLOW: ☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ MISSING ☐ JAIL ☐

NAME (LAST, FIRST, MIDDLE) | VICTIM RELATIONSHIP TO SUBJECT: #1 #2 #3 | RESIDENT *JSOU | RACE | SEX | AGE | D.O.B. | ETH

ADDRESS | CITY | STATE | ZIP CODE | PATROL DISTRICT | DAY PHONE | EVENING PHONE

HEIGHT | WEIGHT | HAIR | EYES | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL, PECULIARITIES, ETC.

☐ VICTIM NO. ____ VISIBLE INJURY: ☐ YES ☐ NO EXPLAIN: | COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES | VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK. DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK. | ☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPL. ASMT. ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

☐ SUBJECT NO. ____ USING ALCOHOL: ☐ NO ☐ YES ☐ UNK. USING DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK. | ☐ ARRESTED ON CURRENT OFFENSE ☐ CLEARED BY ARREST ON PRIOR OFFENSE

ARRESTEE ARMED ☐ YES ☐ NO WEAPON TYPE: ☐ SEMI-AUTO ☐ FULL-AUTO

JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED ☐ REFERRED TO OTHER AUTHORITY ☐ ON VIEW ARREST ☐ SUMMONED ☐ CUSTODY

ON 12-19-01 MYSELF AND SEVERAL OTHER OFFICERS RESPONDED TO THE AREA OF 245 CONGAREE RD. IN RESPONSE TO A ROBBERY AT THE CHUCK-E-CHEESE. WHILE RESPONDING TO THE AREA DISPATCH ADVISED THE DESCRIPTION AS A B/M WITH A BLUE JACKET ON AND THAT HE WAS POSSIBLY IN A WHITE FORD TAURUS. I ARRIVED ON THE SCENE ALMOST IMMEDIATELY AFTER IT CAME OUT AND WATCHED THE ENTRANCE TO PARK HAYWOOD APARTMENTS SINCE THE SUSPECT HAD RAN INTO THE APARTMENT COMPLEX. I PARKED THE CORNER OF THE ENTRANCE SO THAT I COULD SCAN EVERY VEHICLE / PERSON LEAVING THE COMPLEX, WHILE OFFICER HAMILTON GOT INFORMATION FROM THE VICTIMS. ONLY TWO CARS EXITED THE COMPLEX AT THAT SHORT TIME PERIOD, (ONE WAS A W/F THAT WORKED FOR CHANNEL 4 NEWS AND THE OTHER WAS A W/M IN A YELLOW CAB) AFTER SEVERAL MINUTES A WHITE FORD TAURUS WITH A B/M AND B/F DROVE PAST ME (I WAS ON FOOT BY THIS TIME) AND WAS STOPPED BY OFFICER THOMPSON. AFTER AN AMOUNT OF MONEY WAS FOUND IN THE CAR BY OFFICER THOMPSON THE MALE AND FEMALE WERE REMOVED FROM THE TAURUS AND THE MALE WAS PLACED IN OFFICER THOMPSONS CAR WHILE THE FEMALE WAS PLACED IN THE BACK OF MINE. SHE WAS LATER

TYPE							
STOLEN							TOTAL VALUE
DAMAGED							
BURNED							
RECOVERED							
SEIZED							

SUBJECT IDENTIFIED ☐ YES ☐ NO | SUBJECT LOCATED ☐ YES ☐ NO | ☐ ACTIVE ☐ ADMIN. CLOSED ☐ UNFOUNDED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ VICTIM/DECLINES COOPERATION 4. ☐ EXTRADITION DENIED 5. ☐ JUVENILE-NO ARREST

REPORTING OFFICER(S)	DATE	UNIT NO.	APPROVING OFFICER	DATE	UNIT NO.
DE JONES SD378	12-19-2001	208	(OFFICER)	12-19-01	208

FOLLOW-UP INVESTIGATION ☐ YES ☐ NO

AGENCY I.D. SC0230200

SUPPLEMENTAL REPORT

CASE NUMBER: 0 1 0 0 0 0 9 5 0 5 2

NCIC INQ. | ENT.

☐ ORIGINAL REPORT ☐ STATUS CHANGE ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY
☐ SUPPLEMENTAL REPORT ☐ ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY

INCIDENT TYPE: ARMED ROBBERY

PATROL DISTRICT: HECTOR PAGE 2 OF 2 PAGES

I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ MISSING ☐ JAIL ☐

NAME (LAST, FIRST, MIDDLE) | VICTIM RELATIONSHIP TO SUBJECT: #1 #2 #3 | RESIDENT *JSOU | RACE | SEX | AGE | D.O.B. | ETH

ADDRESS | CITY | STATE | ZIP CODE | PATROL DISTRICT | DAY PHONE H B | EVENING PHONE H B

HEIGHT | WEIGHT | HAIR | EYES | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

☐ VICTIM NO. ____ VISIBLE INJURY: ☐ YES ☐ NO EXPLAIN:

COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES

VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK. DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK.

☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPL. ASMT. ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

☐ SUBJECT NO. ____ : USING ALCOHOL: ☐ NO ☐ YES ☐ UNK. : USING DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK.

☐ ARRESTED ON CURRENT OFFENSE ☐ CLEARED BY ARREST ON PRIOR OFFENSE

ARRESTEE ARMED ☐ YES ☐ NO WEAPON TYPE: ☐ SEMI-AUTO ☐ FULL-AUTO

JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED ☐ REFERRED TO OTHER AUTHORITY

☐ ON VIEW ARREST ☐ SUMMONED ☐ CUSTODY

TAKEN OUT AND PLACED IN OFFICER ELLIS'S CAR SO THAT BOTH SUBJECTS COULD BE TAKEN TO THE DETECTIVES DIVISION AT LEL, WHILE I STOOD BY FOR THE CAR TO BE TOWED. THE ONLY THING THAT I HEARD THE FEMALE SUBJECT SAY WHILE I WAS WRITING THE TOW REPORT WAS "I DONT UNDERSTAND WHY I AM HERE, I'M NOT THE ONE THAT DID ANYTHING." AFTER ID TOOK PICTURES OF THE CAR AND INTERIOR (INCLUDING MONEY LAYING ON THE SEAT.) I SEPERATED AND COUNTED THE MONEY. THERE WERE (20) $5.00 BILLS AND (150) $1.00 BILLS LAYING ON THE PASSENGERS FRONT SEAT. ALSO IN THE CAR WAS A BLACK TIMBERLAND HAT, BLACK STOCKING CAP, AND 2 BLUE SMALL TALK-ABOUT RADIOS; THAT WERE ALL TAKEN TO THE DETECTIVES DIVISION AFTER SMITH AND CHILES TOWED THE VEHICLE. AFTER THE FEMALE WAS REMOVED FROM MY CAR I FOUND A $5.00 BILL SHOVED BEHIND THE REAR SEAT THAT WAS NOT THERE BEFORE SHE WAS.

TYPE							TOTAL VALUE
STOLEN							
DAMAGED							
BURNED							
RECOVERED							
FORGED							

SUBJECT IDENTIFIED ☐ YES ☐ NO | SUBJECT LOCATED ☐ YES ☐ NO | ☐ ACTIVE ☐ ADMIN. CLOSED ☐ UNFOUNDED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ VICTIM/DECLINES COOPERATION 4. ☐ EXTRADITION DENIED 5. ☐ JUVENILE-NO ARREST

REPORTING OFFICER(S)	DATE	UNIT NO.	APPROVING OFFICER	DATE	UNIT NO.
DE JONES #378	12-19-2001	208		12-19-01	202

FOLLOW UP INVESTIGATION ☐ YES ☐ NO

1 white Ford Taurus, to connect the white Ford Taurus to
2 me. There be -- in other words, the State will have to
3 prove that all of the evidence is consistent with one
4 another. And the evidence will show that the evidence is
5 not consistent with each other to find me guilty beyond a
6 reasonable doubt. Thank you, ladies and gentlemen.
7 THE COURT: I need to put in the record that I did
8 have a hearing, and I found affirmatively that it was
9 implied that Mr. Watkins knowingly, intelligently and
10 voluntarily waived his right to council and decided to
11 proceed with himself. And I find that he did it
12 knowingly, voluntarily and intelligently. I want to put
13 that in the record. Okay.
14 MR. WATKINS: Thank you, ladies and gentlemen.
15 THE COURT: All right. We're ready to proceed, Mr.
16 Marchant.
17 MR. MARCHANT: The State calls David Jones.
18 THE CLERK: Sir, if you'll please place your left
19 hand on the Bible and raise your right hand.
20 DAVID JONES
21 Having been first duly sworn, testified as follows:
22 THE CLERK: Thank you. Please be seated. Please
23 state your name for the record.
24 THE WITNESS: David E. Jones.
25 THE CLERK: Thank you.

1 DIRECT EXAMINATION

2 BY MR. MARCHANT:

3 Q Mr. Jones, what is your occupation with the
4 Greenville police department?

5 A I'm currently assigned downtown. I've been there
6 for a year. I've been serving with the police department
7 since 2000. Years before that I was on patrol and
8 responding to routine calls for service, such as 911
9 calls, alarm calls, traffic calls, that type of stuff.

10 Q Have you been to the criminal justice academy?

11 A Yes, sir.

12 Q What is the reason for any officer going to the
13 criminal justice academy?

14 A So that we're actually certified by the State to be
15 a police officer.

16 Q Are you allowed to be a police officer with the
17 Greenville unit without having that certification?

18 A No, sir.

19 Q Were you working in December of 2001 with the
20 Greenville City PD?

21 A Yes, sir.

22 Q Specifically were you working the night of 19th, or
23 the morning of the 19th?

24 A Yes, sir.

25 Q What were your duties at that time?

1 A I was on routine patrol that night. Just ---
2 Q Okay. Please describe for the jury what routine
3 patrol means?
4 A On the patrol division we generally take care of
5 everything, especially on the night shift. We respond if
6 you need 911 calls, alarm calls, traffic offenses, DUIs.
7 Pretty much anything that you're ever going to have to
8 call the police department for we cover that all night
9 long, all shift.
10 Q And did you receive a call that evening in reference
11 to what we're here about today?
12 A Yes, sir.
13 Q What information did you receive about this
14 incident?
15 A Initially it came out as an armed robbery that had
16 just occurred at the Chuck E Cheese on Congaree Road.
17 Q And were there any details given about suspect or
18 anything of that nature?
19 A When I almost was on the scene they advised across
20 the radio that we were looking for a black male wearing
21 dark clothing, dark jacket, driving possibly a white Ford
22 Taurus with I believe they even said had a paper tag at
23 the time.
24 Q Okay. I'm going to show you what's been marked as
25 State's Exhibit Number 2. Do you recognize this exhibit?

1 A Yes, sir.
2 Q And how is it you recognize this exhibit?
3 A This is an overhead picture of the area that got
4 robbed and also the apartments directly behind the Chuck
5 E Cheese.
6 Q Is this a fair and accurate representation of that
7 area?
8 A Yes.
9 MR. MARCHANT: The State would move Exhibit Number 2
10 into evidence.
11 THE COURT: Okay. Without objection.
12 (State's Exhibit Number 2 was filed.)
13 MR. MARCHANT: Permission to publish?
14 THE COURT: Yes, sir.
15 MR. MARCHANT: Officer Jones, if you would step down
16 for me.
17 THE COURT: Since you're not at the microphone,
18 Officer, speak up so everybody in the courtroom can hear
19 you.
20 THE WITNESS: Okay.
21 BY MR. MARCHANT:
22 Q Would you please point out for the jury where the
23 Chuck E Cheese is located?
24 A It's located right here.
25 Q Okay. And do you know what those buildings behind

1 it represent?
2 A Yes, sir.
3 Q What is that?
4 A These would be the Park Haywood Apartments from here
5 all the way to the back side here.
6 Q Okay. Would you please point out to the jury where
7 the entrance for the Park Haywood Apartments is?
8 A It's got an entrance that comes in off of Congaree
9 Road and then comes right here. It's the only entrance
10 in and out of the apartments.
11 Q Okay. Now, when you say the only entrance, what do
12 you mean?
13 A It's the only actual entrance for vehicles to come
14 in and out.
15 Q Okay. Do you recall back in 2001 whether or not
16 there was a fence in between the back of the Chuck E
17 Cheese and the apartment complex?
18 A No, there is no fence.
19 Q Now, would you please tell the jury specifically
20 where you responded to and parked your vehicle that
21 evening?
22 A That evening I came in actually on the backside up
23 to Congaree road here. Instead of coming in front of the
24 Chuck E Cheese, there's an actual back way to get here.
25 I pulled in, stopped right here at the very front

1 entrance and waited for other units to respond. And when
2 they arrived, actually got out of the car and walked up
3 to the -- about right here in this corner.
4 Q Okay. Please explain to the jury what I'm handing
5 to you?
6 A It's a stick note with my name on it.
7 Q Okay. Would you please place that where you parked
8 your vehicle that evening? Okay. Now, as soon as you
9 parked your vehicle, what did you do?
10 A I got out of my vehicle and actually walked over to
11 where I could actually observe cars coming in and out,
12 trying to see if anybody was out on foot, maybe if I saw
13 the suspect, or any type of foot traffic or car traffic.
14 Q Okay. And do you recall specifically what time you
15 arrived at the apartment complex?
16 A I want to say it was shortly right after the call
17 came out. I mean, it was right after one o'clock, 1:03,
18 1:04, something like that, and I arrived on scene
19 probably a minute after the call came out.
20 Q Now, when you got out and started walking, what is
21 it you're looking for?
22 A At the time they had said -- I mean, I'm looking for
23 any possible person that might have been that suspect,
24 any person that type of night, anybody running from the
25 area, the car specifically we were looking for that

1 night, basically anything at one o'clock in the morning
2 that might draw my attention to that.
3 Q Okay. If you want you can have a seat back there in
4 the witness chair. Now, you mentioned that you would be
5 looking for anything that would draw your attention. Did
6 you see anybody in the period of time that you were
7 outside of the vehicle that matched the description that
8 was given to you?
9 A Shortly after that there were three cars that
10 actually left as I was standing there. The first car I
11 believe was a white female that worked for Channel 4
12 news. The second car was a white male in a yellow taxi
13 that left the apartments. And the third car was a white
14 Ford Taurus that came through there that I was not
15 actually able to stop, drove past me at that time.
16 Q Okay. So did you stop the first two cars?
17 A The first two I did not.
18 Q Okay. How is it that you know one of the vehicles
19 was a News 4 vehicle?
20 A I believe it was actually marked. I think it was an
21 SUV that was marked.
22 Q Okay. In your short time, after you've responded to
23 the scene, you only saw three vehicles?
24 A Yes, sir.
25 Q Did you see anybody walking throughout the complex

1 that matched the description you were given?
2 A No.
3 Q As soon as you saw the third vehicle, which was a
4 white Taurus, what did you do?
5 A I tried to get on the radio to let the other
6 officers who were actually on the scene then know that
7 there was a white Ford Taurus leaving the parking lot and
8 was headed towards the entrance, that was trying to get
9 out of the entrance onto Congaree Road.
10 Q Do you know whether or not that white Taurus was
11 stopped?
12 A Yes.
13 Q Do you know who it was stopped by?
14 A It was stopped by at the time Corporal Thompson,
15 which is Lieutenant Thompson.
16 Q Okay. Did you then go down to where he had the
17 vehicle stopped?
18 A Yeah.
19 Q Why did you do that?
20 A Because of high risk that an armed robbery had just
21 occurred and to assist, just for safety issues, to make
22 sure.
23 Q To make sure I'm clear, you did or did not see who
24 was in the vehicle when it passed you?
25 A I did not see at the time when it passed by me.

1 Q Okay. When you got down to the vehicle, what did
2 you do?
3 A When I got to the vehicle basically helped the other
4 officers over there in getting -- they had already got
5 Mr. Watkins out of the car, and assisted them, basically
6 just doing some of the paperwork. He was already out.
7 The lady that was also in the car was actually placed in
8 the back of my car for a time being to keep her separated
9 away from him until we could figure with investigation
10 what all was going on. Once other units arrived
11 eventually she was transported along with him to the law
12 enforcement center, and I actually stood by with the car
13 to have the car towed and processed.
14 Q What's the purpose of separating suspects?
15 A Basically so that they can't get the story going
16 together. Don't want them collaborating any type of
17 story. We generally try to separate people and that way
18 they can't get the same story going.
19 Q Now, did you have any conversation with the woman
20 that you had placed in the rear of your vehicle?
21 A I did not.
22 Q Following that, and once the duty wrecker came and
23 picked up the vehicle, did you have any other involvement
24 in this case?
25 A No, sir.

1 MR. MARCHANT: I have no further questions. Please
2 answer any questions Mr. Watkins may have.
3 CROSS-EXAMINATION
4 BY MR. WATKINS:
5 Q Excuse me one second. How you doing? Good
6 afternoon, sir.
7 A Good afternoon.
8 Q I'd like to ask you a couple questions. Were
9 there -- did you notice any tag numbers on the car? Were
10 there any tag numbers given over dispatch in the 911 call
11 that you received about this white Ford Taurus?
12 A I believe that they had said on the -- across the
13 radio to us that it possibly had a paper tag. Didn't say
14 it had a tag, it had some type of paper tag.
15 Q And this -- was this in reference to a car seen at
16 Chuck E Cheese, or was this in reference to an officer
17 seeing -- seeing the car in the parking lot?
18 A This was in reference to people on the scene who had
19 said that previous nights before, before this had
20 happened, two or three nights before about the same time
21 at closing, they had seen that same vehicle -- or they
22 had seen a white Ford Taurus with a paper tag circling
23 the parking lot and didn't think anything about it at the
24 time, but after this had happened they thought that this
25 might be the same vehicle. This person may have gotten

1 into that vehicle.
2 Q Do you know which witness that were that said this?
3 A No, I do not.
4 Q Okay. Do you know whether or not there was any --
5 this information provided in any of the witnesses'
6 statement about a paper tag in reference to this car?
7 A I'm sorry.
8 Q The statements or -- that the witnesses gave, are
9 you aware of there -- did any of them put any statements
10 in their statements about a tag being on the car?
11 A I do not know.
12 Q Okay. On the night that you took a suspect out of
13 your car, you found a five dollar bill, was it a five
14 dollar bill?
15 A I believe so.
16 Q What happened to that five dollar bill?
17 A It was put with the other money in property and
18 evidence to be returned to the store eventually.
19 Q Would you say that money was taken out my pocket?
20 The five dollar bill that you got, that was taken from
21 the back of your car, was it taken out of my pocket?
22 A No, not that I'm aware of.
23 Q So there's no connection between that five dollar
24 bill and me?
25 A I don't know. But the back of my car was completely

1 clean. There was no money in the back seat of my car.
2 When the lady that was in the car with you was placed
3 into the back of my car, after we got her out of my car,
4 I searched my car and there was a five dollar bill hidden
5 underneath the seat.
6 Q All right. Did -- at any time did you go towards
7 the white Ford Taurus? Did you have anything to do with
8 the white Ford Taurus that I was stopped in?
9 A I stood by while the pictures were taken of the
10 money that was in it and while it was processed --
11 basically while they took the pictures earlier and then
12 after they towed it, yeah.
13 Q Did you ever separate the money or count any of the
14 money that was in the car?
15 A I don't remember if I actually did or not.
16 Q Well, I have a copy of your statement here. I'd
17 like -- can I introduce this?
18 THE COURT: No.
19 MR. WATKINS: Well ---
20 THE COURT: You can't ask me questions, Mr. Watkins.
21 You can just -- it's up to Mr. Marchant.
22 BY MR. WATKINS:
23 Q I'll -- the statement I want you to read right here
24 where it says -- read this part of this statement right
25 here.

1 A What part?
2 Q All of it right here. Start here.
3 A Okay. My report from that night says, after an
4 amount of money was found in the car by Officer Thompson,
5 the male and female were removed from the Taurus. The
6 male was placed in Officer Thompson's car, while the
7 female was placed in the back of mine. She was later
8 taken out and placed in Officer Ellis' car so that both
9 suspects could be taken to the detective division at the
10 law enforcement center. While I stood by for the car to
11 be towed the only thing that I heard the female subject
12 say while I was writing the report was, I don't
13 understand why I'm here, I'm not the one that did
14 anything. After ID took pictures of the car and
15 interior, including money laying on the seat, I separated
16 and counted the money. There were 20 five dollars bills,
17 and 150 dollar bills laying on the passenger front seat.
18 Also in the car was a black Timlin hat, a black stocking
19 cap, and two blue small talk about radios that were all
20 taken to the detective division after Smith and Childs
21 towed the vehicle away. After the female was removed
22 from my car I found a five dollar bill showed up behind
23 the rear seat that was not there before she was.
24 Q Okay. Thank you. Okay. Let me -- okay. Right
25 here, do you know what this is right here?

1 A Yes, sir.
2 Q What would this be? Can you tell what this would
3 be?
4 THE COURT: Wait just a second. Let me see what you
5 got. Okay. Y'all step out just for one minute.
6 (The jury exited the courtroom at 9:55 a.m.)
7 THE COURT: I don't want anything to come in where I
8 have to declare a mistrial. A mistrial is a drastic
9 remedy. Now, Mr. Watkins, again, I don't want to be
10 sending the jury in and out. You asked him what this
11 was. He doesn't know what your questions are going to
12 be. He could -- he could have easily responded and said
13 this is my testimony in your first trial, and that would
14 have let the jury know you've already been tried. And
15 you know, they're going to wonder what that was and what
16 we're doing here. We're not supposed to go into your
17 first trial. This is supposed to be your trial here
18 today. And it's questions like this that I was concerned
19 about.
20 Now, you can use a prior statement to impeach him if
21 he testifies under oath something contrary to what he
22 said previously. And I'm just anticipating. I don't
23 know what you -- but you asked what this was, and this is
24 his testimony from the previous trial.
25 MR. WATKINS: I was going to try to get him to where

1 it showed ---

2 THE COURT: No, but you asked him what this was, and
3 he's going to tell you that's my testimony from the
4 previous trial. Then what we going to do about them
5 knowing that you had already been tried?

6 MR. WATKINS: Yes, sir.

7 THE COURT: You go talk to Mr. Henry about that and
8 then I'm going -- we can't be interrupting this for you
9 to be talking to him.

10 MR. WATKINS: Okay. I understand.

11 (Mr. Watkins talked to Mr. Henry.)

12 THE COURT: If they're ready bring them back in.

13 (The jury entered the courtroom at 9:59 a.m.)

14 THE COURT: All right. Mr. Watkins, the bailiff
15 has informed -- I mean, the jury has informed the
16 bailiff that you need to talk louder, that they can't
17 hear you.

18 MR. WATKINS: Okay. I'm sorry.

19 BY MR. WATKINS:

20 Q Officer Jones, this is a copy of the Greenville
21 police report tow sheet. Can you tell me if this is
22 correct where the -- right there about the units that
23 y'all were in that night?

24 A Yeah, that's several people that were there.

25 Q I mean, the unit, the car that you was in, the

1 unit?
2 A Not the car number, that's our unit number. That's
3 our actual unit number ourselves. We have actual
4 separate numbers that's on the cars.
5 Q So is that your unit number?
6 A At the time it was, 208.
7 Q No, see where it says right here, it says Deputy
8 Jones, 12-- 212?
9 A Yeah, that would be -- they were just reversed
10 there.
11 Q Okay.
12 A Somebody else did that.
13 Q All right. Thank you. Okay. But you were not the
14 officer that stopped me in the white Ford Taurus?
15 A No.
16 Q You did not request that digital images be taken of
17 the car once it was stopped by forensic officer S. E.
18 Pratt?
19 A No.
20 Q Okay. So this would be -- right here this is -- all
21 right. Okay. So you did not request them digital
22 imagery -- you did not request digital images of the car
23 to be taken? You did not request images of this car to
24 be taken by S. E. Pratt, and you wasn't the investigating
25 officer on the scene?

1 A Not that I'm aware of, no.
2 MR. WATKINS: Okay. Thank you no more questions.
3 THE COURT: Mr. Marchant?
4 MR. MARCHANT: Just one, Your Honor.
5 REDIRECT-EXAMINATION
6 BY MR. MARCHANT:
7 Q Do you recall the name of the person that you had
8 secured in your vehicle?
9 A Off the top of my head I do not, I'm sorry.
10 Q Do you recall of the sex of that person?
11 A It was a black female.
12 MR. MARCHANT: Thank you. No further questions.
13 Ask that this witness be excused.
14 THE COURT: Thank you, sir. Mr. Marchant?
15 MR. MARCHANT: The State calls Marcus Scarabino.
16 THE CLERK: Please pause at the end of the bench.
17 Please place your left hand on the Bible and please raise
18 your right hand.
19 MARCUS SCARABINO
20 Having been first duly sworn, testified as follows:
21 THE CLERK: Thank you. Please be seated. Sir,
22 please state your full name for the record and would you
23 please spell your last name.
24 THE WITNESS: Marcus Scarabino, S-c-a-r-a-b-i-n-o.
25 THE CLERK: Thank you.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

The state of South Carolina

-vs-

ROBERT MAY WATKINS AKA
Robert May Watkins
DEFENDANT

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

INDICTMENT: 2002-GS-23-1063

DEFENDANTS RETURN TO THE STATES RESPONSE TO DEFENDANTS MOTION FOR A NEW TRIAL PURSUANT TO NEWLY DISCOVERED EVIDENCE

Date: 1-27-16

To The 13th Judicial Circuit Court of Greenville County General Session Court:

The procedural history is as stated in the State's Response to defendants Motion For a New Trial, pursuant to Newly Discovered Evidence.

The defendant argues in his retuen that, the states response is without merit, and that its claim that defendants Motion For a New trial pursuant to SCCrimP Rule 29(b) Does not meet the merits of State v. Prince, 316 S.C. 57, 447 S.E.2d 177 (1993) is Based on the state's attempt to Mislead the court as to the facts, that prove otherwise, to coerce the court to rule in its favor.

The Defendant also states that the state is not fully addressing the issue at hand It is in the defendant Motion For a New trial pursuant to SC 1976 Code of law 17-23-110 and under Brady v Maryland 373 U.S. 83 (1963) as well as pursuant to SCCrimP Rule 29(b). The state argument is basically stating that the after and or Newly discovered Evidence being the Greenville Police incident dispatch Detail Report is not material, defendant claims that his Motion and sworn affidavit included exhibits show otherwise, that he is entitled to the relief sought A New trial.

Defendant states the state Response is frivolous and without merit

The defendant states if this court rules just on what the state says in its response, it will not be making a sound decision on All the facts and evidence before them as a whole based on the laws stated in the Defendant's Motion for a New trial pursuant to SCRCrimPRule 29(b) after and Newly discovered evidence and SC 1976 Code of Law §17-23-110 citing Brady v Maryland, 373 U.S. 83 (1963). The state Response only Address Defendant Motion for a New trial pursant to SCRCrimPRule 29(b) pursuant to State v Prince, 316 S.C 57, 447 S.E.2d. 177 (1993) But not pursuant to Brady v Maryland 373 U.S. 83 (1963).

The state argued that, It is the State's position that the defendants argument is based on the erroneous position that the only evidence presented at trial was that he was stopped at 1:10 am. Although defendant is correct in stating that Pelzer testified that they were stopped at 1:10 am, she also testified that the time could have been 20 to 25 minutes later than what she recalled and that she was "averaging" out the time (Defendant Exhibit 74). The state response here is misplaced, The State state was attempting to discredit the time State witness Elena Pelzer would introduce into evidence, The time The defendant Returned to the Apartment, to discredit the alibi defense Evidence that I return to Apartment 708 Parkhaywood Apts at 1:00, around there, in doing this The State was aware that she introduce into Evidence that The defendant and Elena Pelzer were stopped at 1:10 am, But the time The defendant returned to the apartment could have been 20 minutes or 25 minuts from the time They were stopped.

Assisted Solicitor Lucas Merchant in his response should not mislead the tribunal on the facts. This is a violation of SCACR 407 Rule 3.3 (, Rule 3.8

There is no dispute or doubt that the Record before the court showed that at 1:10 am The defendant and Elena Pelzer were stopped. Assistant Solicitor Lucas Merchant was trying to discredit based on the time The defendant was stopped, that Elena Pelzer was averaging out the time of 1:00 when The defendant returned to the apartment with 1:10 the time he was stopped. The State is being dishonest with the tribunal. See Id in Exhibit # 14 Trial transcript page 366 line 4 through page 367 line 1. of defendant's Motion for a New trial.

Furthermore the state goes on the state, other Evidence presented at trial shows that the defendant and Pelzer were stopped after the information regarding the white Ford Taurus was dispatched. officer Thompson's report (Defendant's Exhibit "15) and his testimony (Defendant Exhibit # 5) shows that he was the one who stopped the defendant, and officer Jones report (Attachment "A - 2 pages) as well as his trial transcript (Attachment "B - 17 pages) indicate that officer Thompson is the officer that stopped the defendant (Attachment "B" - page 155 line 14).

See Id in the State Response page 3.

The state is overlooking or disregarding, the rule that the undisclosed Police incident dispatch Detail Report Id as defendant Exhibit number (#1) plays under Defendant argument for a Motion for a New trial Pursuant to Brady v Maryland 373 U.S 83 (1963)

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Inwhich the Prosecution failed to disclose, which is favorable to Impeachment evidence, which show, If according to the states own witness Elena Pelzer testimony Id in defendant's exhibit #14 Tr page 366 line 4 through page 367 line (1), that the defendant was stopped at 1:10 am, the Greenville Police incident dispatch Detail Report Id as Exhibit #1 in Defendant Motion for a New trial, information about a white Taurus was not dispatched out until 1:21:13 am, and officer John Thompson didnt arrive on the scene until 1:24:34 am, after inwhich the defendant had already been stopped at 1:10 am.

Defendant argument in his Motion for a New trial is based on a Brady violation, which is based of of newly or after discovered evidence, because he did not discovery it in time for trial on September 24 2008 or to present do PCR Application of Civil Case 2014-CP-23-00589. It was discovered after the PCR Evidentiary hearing had already Been held. The Defendant argues this and shows this in his Motion for a New trial.

Defendant would have to object to the states arguments in its Response on grounds, the states argument is not based on the evidence and facts presented in Defendant Motion for a New trial, nor is the state Response based on honesty and truth, But more like misplacing the facts or misrepresenting the facts, and presenting a triviloas response...

Defendant further opposes and objects to the states response Id on page 4 Paragraph 2 of its Response, because the evidence withheld in violation of Brady v maryland 373 US 83 (1963) Id in Exhibit #1 of Defendant Motion for a New trial, contains exculpatory evidence, impeachment evidence that is material, because it shows that there is no way officer John Thompson could have stopped the Defendant

and state witness Elena Pelzer at 1:10 am in a white Ford Ford taurus as he and both Officer D.L. Jones states falsely in their Supplemental Reports and then testify to falsely under oath during the September 22-24th 2002 Jury trial.

The Defendant also disagrees and object and oppose the states position that the evidence presented at trial is truthful and accurate. The defendant is attempting to color the evidence by drawing inference in the reports to make it appear as though a discrepancy exists which could be conserned a material. forensic officer Pratts report (Defendant Exhibit #16) indicates that he met with the investigating officer at the restaurant and vehicle stop, however it does not indicate that officer Jones is the officer who made the stop on the white Ford Taurus. In fact the defendant specifically questioned officer Jones on this issue as well as the issue of whether or not he was the officer who made the stop and whether he was the investigating officer as listed in officer Pratts report; officer Jones testified that he did not stop the defendant (Attachment "B"-page 163, lines 13-15) and he was not the investigating officer (Attachment "B-pg. 163 line 23-25) There is absolutely no evidence indicating that officer Jones is the one who stopped this defendant. Both officer Jones report, Officer Thompson report and the trial transcript make it very clear that officer Thompson is the one who stopped the defendant; and that officer Thompson did so only after being informed that a white Ford Taurus could be involved in this incident. The defendant would also have the court believe that the testimony of the state witness Elena Pelzer's recollection of the timing of this incident would be so great as to indicate that law enforcement must be fabricating information with respect to the stop. Again, Ms Pelzer testified that she recalled that they were stopped at 1:10 and she makes it clear that the time

Could have been up to 20 to 25 minutes later than what she recalled. The defendant is attempting to join what is uncertain time recollection testimony from Ms Pelzer and a call report to conclude that officer Thompson could Not have been the one who made the stop. The call dispatch report does not provide evidence of which officer actually made the stop. It does not provide any Evidence which could have been use to impeach the officer's testimony nor does it provide evidence to show that the stop was unconstitutional. Rather, the call dispatch report confirms the officer's testimony. Therefore the defendant cannot show that the evidence is material.

Id on page 5 of the states Response.

The defendant disagree with the state here. The Greenville Police dispatch incident dispatch Detail Report, contains impeachment evidence, that would place in question the credibility and believability of State witnesses officer John Thompson and D.C. Jones testimony before the jury; because it shows inreference to the Evidence introduced into Evidence in chief at trial by assistant Solicitor Lucas Merchant, Through state witness Elena Pelzer that Defendant and herself were stopped in the white Ford Taurus at 1:10 am. Id in Exhibit # 14 Tr page 366 line 4 Through page 367 line 1 of Defendant's Motion for a New trial, and Id as Exhibit # (1) The Greenville Police incident dispatch Detail Report, contains Evidence that, The only office that could have been on the scene to stop the Defendant in the white Ford taurus were office Jones Star 378 at 1:07:40 am and not Officer John Thompson who after the Defendant had been stopped at 1:10 am in a white Ford Taurus, the 911 dispatcher made comments inreference to that stop, at 1:21:13 that Left in foot Possibly toward the apts in back, white Taurus

~~Page 4~~

Left in the parking lot white taurus seen several times earlier in the week in the parking lot, which John Thompson recieved this information at 1:21:13 and arrived on the scene at 1:26:34 a.m. after the defendant and Elora Pelzer had already been stopped at 1:10am. Had the assistant Solicitor Lucas Marchant disclosed this document containing this information to me, I could have used it to impeach the state witness Officer Thompson and Jones credibility and believability, But most of all used it to challenge the investigatory stop as well as the warrantless arrest. In which the facts are undisputable. And that they been presented to the tribunal in a Motion to Suppress the Evidence used to convict the defendant as well as to impeach the credibility of the state witnesses. There is a strong probability as well as a reasonable probability that the outcome of the trial would have been different, in the exclusion of the evidence used to convict the defendant under the fruits of a poisonous tree doctrine, or had the jury disbelieved the state witness testimony. The states position in its response on page 5, I can say that assistant Solicitor Lucas Marchant has misread and misinterpreted the facts and evidence presented in the Defendants Motion for a new trial.

Basicall the states position is based on trying to misrepresent the facts, and legal argument based on the evidence presented in the Defendants Motion for a New trial. But in the evident that this court, after reviewing the Defendants Motion for a New trial with sworn affidavit and exhibits included and determine that it is not necessary for an Evidentiary hearing in order to find that the Defendant is entitled for a New trial Based on the merits and evidence included in his Motion for a New trial. Defendant prays that this court will grant his Motion for a New trial.

The Defendant also claims the State in its respond, did not address the merits of his Motion for a New trial pursuant to Brady v Maryland 373 US 83, (1963) and therefore waiver the rights to rebate the merits of the defendant claim in his Motion for a New trial, pursuant to Brady v Maryland, 383 US 83 (1963), and therefore also request that a New trial be granted on the merits of his Motion for a New trial Based on those grounds, as well as pursuant to SCRCrim.P. Rule 29(b).

The Defendant therefore disagrees with the states Responses in which the State attempt to manipulate the facts and evidence in his Motion for a New trial, and falsely claiming that taking all the information and facts and evidence in the defendants Motion into consideration and reviewing the information in conjunction with the factors cited in Prince, this information does not rise to the level that would have materially changed the result of the trial of the defendant, furthermore it is the states position that the defendant Request should be denied based off all information the court has been presented with and that no need exists for any additional "evidentiary hearing" as requested by the defendant. The defendant disagrees with the state, and claims that his Motion for a New trial and sworn affidavit in support of his Motion for a New trial with attached Exhibits shows otherwise that the defendant is entitled to all relief sought in his Motion for a New trial, and pray that this court will take an action in response to the states Response, and take its own actions it Deem appropriate.

Respectfully Submitted by
Robert U. Watkins 243803 02B108
Perry Correctional Institution
430 Oakland Rd
Pelzer SC, 29669

Proof of Service

I Robert M. Watkins on 1-27-2016 Placed in Perry Correctional Institution Mailroom window, my Return to the states Response to my Motion for a New trial filed on Oct 7, 2015, State Response filed on Jan. 19 2016, My return enclosed and attached Dated 1-27-2016. Address to The office of the clerk of Court of General Sessions Court Greenville County in reference to Case 2002-GS-23-1063. I'm requesting Due to my indigency that a copy of my return to the state Response Be provide by the clerk of Court of General Sessions, Paul B. Wickensimer or Assistant Clerk of Court Leonda King to. The chief administrative Judge and the Solicitors office. and that certified copy showing it he filed and a copy provided to them.

Witnessed by: Cedric Ali Calder

Robert M Watkins 243803 42B168
Perry Corr. Inst
430 Oaklawn Rd
Pelzer SC, 29669

/s/ Robert M Watkins

Sworn to before me on this
27th day January month 2016 year

SC Notary Tamara Conwell exp date September 25, 2023

Original.

Exhibit A

965 5070
C965983

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE STATE OF SOUTH CAROLINA, Vs. ROBERT MAX WATKINS, Defendant.	)	IN THE COURT OF GENERAL SESSIONS THIRTEENTH JUDICIAL CIRCUIT CASE NO: 2002-GS-23-1063 **ORDER DENYING DEFENDANT'S MOTION FOR NEW TRIAL**

RECEIVED
MAY 09 2016
SC Court of Appeals

FILED CLERK OF COURT
FILED AND ENTERED
GREENVILLE CO. SC
2016 APR 26 AM 10: 01

THIS MATTER is before the Court on the Defendant's Pro Se Motion for a New Trial based on after/newly discovered evidence. In order for the Court to grant a new trial based on newly discovered evidence, the Court must find the following: that the evidence (1) is such that it would probably change the result if a new trial were granted; (2) has been discovered since the trial; (3) could not in the exercise of due diligence have been discovered prior to the trial; (4) is material; and (5) is not merely cumulative or impeaching. *State v. Mercer*, 381 S.C. 149, 166, 672 S.E.2d 556, 565 (2009); *State v. Prince*, 316 S.C. 57, 447 S.E.2d 177 (1993). After careful consideration of the issues raised in the Motion, the Court finds that the arguments and evidence set forth by the Defendant do not sufficiently meet the test for new trial based upon after discovered evidence. The Motion is denied and the Court's previous sentence is reaffirmed.

THEREFORE, it is ORDERED, ADJUDGED, AND DECREED that the Defendant's Motion for New Trial is DENIED.

IT IS SO ORDERED.

Edward W. Miller

The Honorable Edward W. Miller
Thirteenth Judicial Circuit

Dated: 4/26/16

DOCKET NO. 2002-GS-23-
TJQ C1063

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2002

THE STATE

vs.

ROBERT MAX WATKINS

Guilty 9-24-08 GUILTY

WITNESSES

W.C. BRUCE Owens

GPD

12/19/01

ARREST WARRANT NUMBER

G 865977

G 865988

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

COUNT ONE: Guilty

COUNT TWO: Guilty

Foreperson of Petit Jury

10/25/02
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

ENTEREL
ACCT.

SCANNED

p. 143

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 T. Quinn
SOLICITOR

p. 144

STATE OF SOUTH CAROLINA	)	Thirteenth Judicial Circuit
	)	In the Court of General Sessions
COUNTY OF GREENVILLE	)	
	)	
State of South Carolina,	)	Case No.: 2002-GS-23-01063
	)	
vs.	)	**VERDICT**
	)	
Robert Max Watkins,	)	
	)	
Defendant.	)	
	)	

ON THE CHARGE OF ARMED ROBBERY:

We, the jury, by unanimous consent find the Defendant:

1. Not Guilty.

2. X Guilty.

ON THE CHARGE OF POSSESSION OF A WEAPON DURING A VIOLENT CRIME:

We, the jury, by unanimous consent find the Defendant:

1. Not Guilty.

2. X Guilty.

Foreperson of the Jury

HUGH G. FAULKNER, JR.

September 24, 2008
Greenville, SC

STATE OF SOUTH CAROLINA

COUNTY OF STATE Greenville

VS.

Robert Watkins

AKA:

Race: B Sex: M Age: 42

DOB: SS#:

Address:

GREENVILLE, SC 00000 29607

DL#:

IN THE COURT OF GENERAL SESSIONS

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

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 w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: JnCMA

Marchant, Lucas Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited 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**

Total: $ plus 20% fee: $

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		$	

PTUP

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E begining

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:

A Certified Copy
Paul B. Wickensimer
Clerk of Court C.P. & G.S.
Greenville County, SC
Dated 1-28-15

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

Paul B. Wickensimer
Clerk of Court/ Deputy Clerk

Court Reporter: M. Di Girolamo

PRESIDING JUDGE Larry R. Patterson

Judge Code: 2 0 3 1 5

Sentence Date: September 24, 2008

SCCA/217 (07/2008)

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Exhibit 15

STATE OF SOUTH CAROLINA)
COUNTY OF STATE Greenville)
VS.)
Robert Watkins)
AKA:)
Race: B Sex: M Age: 42)
DOB: SS#:)
Address: LD)
GREENVILLE, SC ~~00000~~ 29607)
DL#: S#:)

IN THE COURT OF GENERAL SESSIONS

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

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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 w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)
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 commited 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**
Total: $ plus 20% fee: $
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		$	

PTUP
days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E begining
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. Wickensimer
Clerk of Court/ Deputy Clerk

Court Reporter: M. Di Girolamo

PRESIDING JUDGE Larry R. Patterson
Judge Code: 2 0 0 3 1 5
Sentence Date: September 24, 2008

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