

STATE OF SOUTH CAROLINA
In The Court of Appeals

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APR 06 2018

SC Court of Appeals

Appeal from Greenville County
CASE NO. 2002-GS-23-1063
Hon Edward W Miller

Robert Watkins

Appellant

✓

The State

Respondent

PETITION FOR REHEARING
Appellant case NO 2016-000966

Robert Watkins 243803 Q2A118
Perry Corr. Inst
430 Oaklawn Rd
Pelzer SC 29669
Pro-se Appellant:

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P.C.I. MAILROOM

In reference to case NO 2002-GS 23-1063 Appellant filed in the 13th Judicial Circuit Court of General Sessions, an Pro-se 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 on the presiding 13th Judicial Circuit Court Judge Edward W. Miller on April 26, 2016 issued an order in reference to Case NO 2002-GS 23-1063 denying Appellant's Motion for a New trial. As is in the record of appeal before this court under Appellate Case 2016-000966 and final Brief;

Appellant argues that this court overlooked principle of law, pursuant to Brady v Maryland 373 U.S 83 in determining whether or not Judge Edward W. Miller abused his discretion. Appellant directed this court attention to the material facts that he presented in his Motion for a New trial, which surrounded the prosecutions suppression of favorable evidence, being the City of Greenville Police incident dispatch Detail Report. Based on the material facts presented in Appellant's Motion for a New trial that included in Appellate case NO[#] 2016-000966 before this court the material facts and legal argument for a New trial is based on the principle of law pursuant to Brady v Maryland 373 U.S. 83 (1963) in which the test to be applied in determining whether Appellant is entitled to a New trial based on the material facts and evidence presented is, "A Brady claim is based upon the requirements of due process. Such a claim is complete if the accused can demonstrate (1) the evidence was favorable to the accused, (2) it was in the possession of or known to the prosecution; (3) it was suppressed by the prosecution; and (4) it was material to guilt or punishment. Judge Miller abused his discretion in not applying these 4 prong test, and but in fact even abused his discretion

in applying the application of law, pursuant to SCACrim P. Rule 29 (b) State v Prince 316 S.C. 57, 447 S.E.2d 177 (1993) when there is no material facts in argument. Appellant further argues that this court overlook the principle of law as to whether the Judge Miller, abused his discretion in not ruling on the Motion for a New trial pursuant to Brady v Maryland 373 US 83, which prejudice him if review of his Motion for a New trial pursuant to Brady v Maryland 373 US 83? Appellant pray that this court entertain his Petition for a rehearing by granting him a New trial, in when it finds his allegations to be supported by the record before this court Under Appellate case 2016-000966. This court affirmed the States argument. Appellant is a lay person, not experience is criminal or civil law, or in Appeals. He applied for indigent defense counsel from the SCSCRD Division of Appellate defense in which denied him representation from that government agency. Appellant was forced to fend for himself. He now knows that the statement of fact that should have been presented Before this court on appeal, was that the Judge Miller abused his discretion in not ruling on his motion for a New trial, Pursuant to Brady v Maryland 373 US 83 (1963) Appellant asks this court to consider its overlook on the principle of pursuant to Brady v Maryland 373 US 83 (1963) and determine if Judge Edward W. Miller abused his discretion in not ruling the Motion for New trial on grounds pursuant to Brady v Maryland, 373 U.S. 83 (1963). Therefore Appellant Petition for a rehearing is based on the overlooked principle of law pursuant to Brady v Maryland 373 US 83, Question presented to this court pursuant to law is, Did Judge Edward W. Miller abuse his discretion in not ruling on Appellant's Motion for a New trial pursuant to Brady v Maryland, 373 U.S. 83 (1963)? prejudicing him of a judicial review by this court.

In conclusion

Appellant relief requested is the granting of his petition for a rehearing and reversal of Judge Edward W. Miller order denying his Motion for a New Trial.

Respectfully Submitted by
Pro se Appellant
Robert Watkins 21380342118
Perry Correctional Inst
430 Oaklawn Rd
Pelzer SC 29669

Proof of Service:

Robert Watkins ✓

on 4-4-18 I placed in the Perr-Corr Inst. mail room window a copy of My Petition for rehearing to the SC Attorney General's Office, Assist. Atty General Megan Harrigan Jameson

Sworn to before me on this 4th day

April month 2018 year

S.C. Notary Nancy M. Mubart Exp. Date 1-23-2022

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