

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Jasper County
Honorable Thomas A. Russo, Circuit Court Judge
Appellate Case No. 2018-001198

JAMES WATSON,

Respondent,

vs.

THE STATE,

Petitioner.

MOTION TO WITHDRAW APPEAL

Petitioner (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

In August of 2011, the Jasper County Grand Jury indicted Respondent James Watson for first-degree criminal sexual conduct with a minor. In September of 2012, the Jasper County Grand Jury additionally indicted Watson for unlawful neglect of a child. On October 15, 2012, a jury trial was commenced in the Jasper County Court of General Sessions with the Honorable Perry M. Buckner, circuit court judge, presiding. At the conclusion of the multi-day trial, the jury convicted Watson as indicted. Following the verdict, the trial judge sentenced Watson to an aggregate thirty-year term of imprisonment. Watson then timely filed and perfected an appeal. Thereafter, the Court of Appeals dismissed the appeal pursuant to Anders v. California, 386 U.S. 738 (1967). State v. Watson, Op. No. 2014-UP-144 (S.C. Ct. App. filed Apr. 2, 2014).

II.

Following his unsuccessful appeal, Watson filed an application for post-conviction relief, and, in response, the State filed a return requesting an evidentiary hearing on the matter. On October 13, 2018, an evidentiary hearing was conducted in regard to Watson's post-conviction relief application in the Hampton County Court of Common Pleas with the Honorable Thomas A. Russo, circuit court judge, presiding. At the conclusion of the hearing, the post-conviction relief judge granted Watson's application and remanded the matter for a new trial, and his ruling was memorialized in a written order filed on May 7, 2018. Thereafter, the State initiated an appeal of the post-conviction relief judge's ruling.

III.

Subsequent to the State's initiation of the appeal, the State—after further review of the record and the post-conviction relief judge's order—has now determined there is no valid basis upon which to continue forward with the appeal of the grant of post-conviction relief in Watson's case. Cf. Briggs v. State, 421 S.C. 316, 325, 806 S.E.2d 713, 718 (2017) (“After Dawkins in 1989, certainly after Douglas in 2009 and Smith in 2010, reasonably competent trial counsel should know to object—absent a valid trial strategy—when a forensic interviewer gives testimony that indicates the witness believes the victim, but does not serve some other valid purpose.”). Therefore, pursuant to Rule 260(c) of the South Carolina Appellate Court Rules, the State asks this Court to withdraw the State's appeal and allow the matter to be promptly remanded to the Jasper County Court of General Sessions for a new trial in a manner consistent with the post-conviction relief judge's order. See Rule 260(c), SCACR (“An appeal or other proceeding may be dismissed on motion of the appellant or petitioner upon such terms as may be fixed by the court.”).

IV.

Prior to the filing of the this motion, undersigned counsel for the State has consulted with Watson's appellate counsel about this matter, and Watson's appellate counsel has indicated he has no objections to the State's request for the appeal to be withdrawn.

WHEREFORE, Appellant prays this Court will withdraw the State's appeal in the case of James Watson v. State, Appellate Case No. 2018-001198; issue remittitur; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Assistant Attorney General

By 
Mark R. Farthing

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May 13, 2019

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S.C. SUPREME COURT

JAMES WATSON,

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vs.

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PROOF OF SERVICE

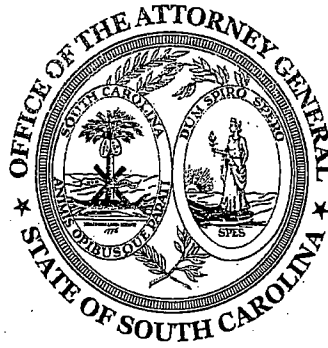
I, Shana Montgomery, certify I have served the within Motion to Withdraw Appeal on Respondent by sending two copies of the same to:

David Alexander, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served.
This 13th day of May, 2019.



SHANA MONTGOMERY
Legal Assistant
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(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

RECEIVED

MAY 13 2019

S.C. SUPREME COURT

May 13, 2019

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RE: James Watson v. State – Appellate Case No. 2018-001198

Dear Mr. Shearouse:

Enclosed please find the original and six copies of the Motion to Withdraw Appeal, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing
Assistant Attorney General
Bar No. 76901

MRF/
Enclosures

cc: David Alexander, Esquire
Victim Advocacy Division