

Dear Clerk.

I apologize for being unfamiliar with procedure and proper form.

This Appeal raises due process violations not raised in earlier Appeals. Namely, Preliminary determinations on Probable Cause.

If it's possible, I would request your office and the Court view all Appeals and motions as a collective in their entirety when considering release from custody. I would also like to request Co-Counsel be appointed as quickly as possible, so I may address the Court in proper form.

Sincerely,

David J. Muth

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SC Court of Appeals

Memorandum Attachment.
For all Appeals Filed and Bond Request.

The Petitioner is experiencing Severe and Extreme symptoms from Schizophrenia, Personality Disorder, Autism, and Clinical Depression. It would be accurately described as a state of constant mental torment, that keeps the Petitioner in a constant state of suicidal thought. Antipsychotic medications alleviate basically 100% of these symptoms. I have been prescribed medications for 18 years, and have been diagnosed and treated by multiple independent mental health professionals. Medical staff at the Laurens Detention Center have refused treatment for 5 months. There is a Federal Civil Rights Lawsuit Pending, and Emergency Injunctions Pending (See Case No. 8:22-cv-04671-SO-JM). No person should suffer the extreme mental torment I have and am still enduring. I have been met with ineffective counsel who were completely indifferent. Due process violations, excessive detentions and bond, and I would say malice from the state. I would like to request an expedited review of the appeals I have filed and my requests for bond.

Respectfully,

4-1-2023.

David J Miller

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IN THE SOUTH CAROLINA
COURT OF APPEALS For the
8th Circuit.

David Miller vs. State of South Carolina

Case No. 2022A3610101143-1148. Simple Larceny
2022A36101002448 FTL (6) Enhanced 16-1-57
Theft

(Appeal)

1. Statutory due process Violations
Code 1976 § 17-23-90

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2. Excessive Warrants
For Prosecution.

3. Preliminary Hearing due process Violations.

4. Cruel and Inhumane Conditions of
Confinement.

5. Ineffective Assistance of Counsel.

This Appeal respectfully presents claims
separate and not raised in the March 30, 2023
Appeal. Namely due process Violations
Concerning the Canceled February 21, 2023
Preliminary Hearing. In Laurens Magistrate
Court. All other claims have been raised.

IN THE SOUTH CAROLINA COURT OF APPEALS
FOR THE 8th CIRCUIT.

CASE NO. 2022A3010101143-1148-(6) Larceny (16-1-57)
2022A3010200446 (1) FTC Theft.

The Petitioner respectfully submits the following
as an Attachment to the March 30 Petition
for Bond or Release from Detention.

The Petitioner contends for the following
reasons immediate release or Bond reduction
should be ordered. (1.) The Petitioner is facing
prosecution for and on excessive warrants.

Being 6 Counts of Larceny. S. Carolina precedent
clearly establishes if multiple items are
alleged stolen during one Act of Larceny
it is to be prosecuted as one offense.
The Petitioner is facing 6 Counts for 2 alleged
Acts (2.) The Petitioner has requested a fast and
speedy trial on 4 occasions starting in November,
2022, and the State has failed to indict, therefore
the Petitioner is entitled to discharge from
imprisonment. (3.) The Petitioner filed several
motions in the Laurens Magistrate Court claiming
the State lacked probable cause and the warrants
were excessive. After 111 days, on February 21, 2023
a hearing was scheduled to determine probable cause.
After arriving for the preliminary hearing, the
Magistrate announced he would not conduct
the hearing if Defense Counsel did not arrive.

The Petitioner presented a physical order issued by Laurents General Sessions, and signed by Judge Adge, relieving Counsel, and stating I was Pro Se. None the less, the Magistrate canceled the hearing. It is well established that while a preliminary hearing is not an absolute right, it is however a substantial and important part of judicial due process. And in a case such as this, where a defendant claims actual innocence, and a lack of probable cause, needless, unwarranted delay, or cancellation should trigger a review for violation of due process. The Magistrate did file to waive preliminary hearings after the needless cancellation, only due to the obvious due process concerns and the fact the Magistrate was impeding resolution by needlessly retaining jurisdiction. And in light of the obvious, the Petitioner contends a post violation waiver should not null or invalidate the issue. The Petitioner is not seeking release from prosecution, only that sufficient reasons exist to grant release from detention. In light of the case in its entirety, the Petitioner requests immediate release from imprisonment, or any order the Court may find in the best interest of justice.

4-1-2023 Respectfully Submitted. David J. Miller

Conclusion:

The Petitioner is being detained under cruel, inhumane conditions, on excessive warrants, statutory due process violations, preliminary due process violations, and due to ineffective counsel.

The Petitioner is not seeking release from prosecution, however does not object to such a finding.

The Petitioner's primary request is for immediate release from custody to receive treatment for serious mental health diagnosis, namely schizophrenia, autism, personality disorder, and clinical depression, and due to the substantial violations. There is a 1983 civil rights complaint, and request for emergency injunctions pending. (See Case No. 8:22-cv-04671-SD-SDA)

The Petitioner, David Miller, requests immediate release, Bond modification or any order the Court may find in the best interest of justice.

4-1-2023.

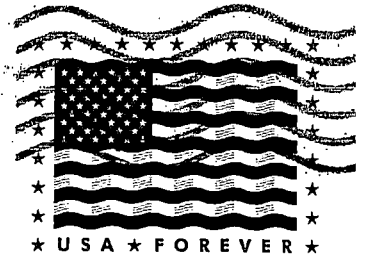
Respectfully Submitted.
David Miller

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GREENVILLE SC 296

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South Carolina Court
of Appeals For the
Eighth Circuit
PO Box 11629
Columbia SC 29211

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