

State of South Carolina  
v  
David S Miller  
Defendant,

In the 8th Circuit  
Court Appeals

(Petition To Appeal)

Case Nos.  
2022A3010101143-1148  
(6 Simple Larceny)  
2022A3010200255.

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JUN 12 2023

SC Court of Appeals

Poss meth less gram

The Petitioner, David S Miller, filed a notice of Intent to Appeal on May 27, 2023. And now respectfully, brings the matter before this Honorable Court to request the Actions of the 2 current General Sessions Court on May 24, 2023, concerning the above cases, being the Acceptance of the Negotiated Pled, conviction and sentence of 30 months be vacated and ~~reversed~~ for retrial or Resolution for the following reasons and grounds. (1) The Court Erred in Accepting the Petitioners Pled of guilty to Poss meth less gram 1st and 2nd and Pled to 2 Counts of Simple Larceny. The Petitioner was Prose in the cases.

Appeal Page 2.

Prior to May 24, and the conviction the Petitioner Filed Numerous Direct Motions trying out in detail how he suffers extreme psychotic symptoms from ADHD, Schizophrenia, and Personality disorder, and requested a mental evaluation at least 4 times by direct motion and in open court on March 27, 2023. The Petitioner also Filed several Notices he would be pleading Guilty. The Petitioner also Filed several motions to appoint Counsel. The Court Failed to Act on any of these motions. The Petitioner was not competent to represent himself on these cases, and not competent to make decisions regarding his mental defense. The Court did Nothing to examine the Petitioner's mental state or competency prior to sentencing and conviction. The Court could be not First ordering a mental evaluation or appointing Counsel. The Court Failed to ask the basic questions

Appendix page 5

Concerning the Petitioners Mental State  
Before accepting the Plea. The Petitioner  
Has substantial Mental Defects and  
is Not Competent To Proceed Pro Se.

And The Court Erred by Accepting The  
Plea without First Determining The  
Petitioners Competency. The Petitioner  
Stands on actual Innocence To The 2  
Larceny Offenses and Filed Serial Petitions  
Pointing Out Fatal Flaws in The Information  
Asking For dismissal. Also The State Knows  
The Petitioner Could Not be Convicted of  
Larceny. The States Actions were  
Unethical and should be considered  
mistaken For the Following reasons:

1. The State Knows I was being detained  
under cruel conditions due to The Det.  
Center refusing needed medications  
To Treat Schizophrenia, Autism and Personality  
Disorder. 2. The State Knows I requested  
and needed a mental evaluation.
3. The State Knows The Information in  
The Cases was Factually Flawed and They  
Could Not Convict Me.

Appel Page 4.

The State Forced Me In To A Pled  
agreement, while suffering severe  
mental defects, being Incompetent,  
without legal Counsel on charges  
I am Innocent of and would not  
be convicted of. The States Conduct  
was unethical and the Court Ethical  
In Accepting the Pled, Convicting  
me and imposing a 30 month Sentence.  
I ask this Honorable Court to Find  
the Court should have first ordered  
the requested mental Evaluation,  
and determined Competency. I therefore  
Request this Honorable Court Vacate  
the Conviction and Remand For  
Retrial or Resolution.

David Miller. Respectfully Submitted.  
#253748.  
Kirkland Rd  
4341 Broadview Rd -  
Columbus Sc  
29210

David Miller  
6-6-2023.

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