

IN THE SOUTH CAROLINA
COURT OF APPEALS

State

✓
David S Miller

Case No 2023-01934

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JUL 20 2023

SC Court of Appeals

Appeal Brief:

The Petitioner Appeals The Courts Decision To accept The negotiated Plea agreement and The 30 month Sentence Imposed on May 24, 2023 on The Following grounds. The Court Failed To Confirm The Petitioner was Competent To Represent Himself, Even Though The Petitioner is diagnosed with Schizophrenia, Personality disorder and Autism and Filed Multiple motions To receive a Mental evaluation while paying out The extreme mental Health symptoms. The Petitioner additionally Filed Several motions requesting Legal Counsel Be appointed. The Petitioner additionally Filed Notices of his Intent To Plead Insanity. The Court has a obligation To ensure a Defendant is Competent To proceed Pro Se, and in this case The Court Erred and Failed In its responsibility by Accepting The Plea agreement.

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(Appeal Brief Page 2)

The Petitioner does not need to Prove Incompetence only that the Court Failed To order a Competency evaluation, or in the very least Take Action To Confirm whether The Petitioner was or was not Competent. The Petitioner stands on Actual Innocence, However He allowed The Court to resolve The Cases due To extreme mental Anguish He was suffering at The Detention Center due To medical STAFF refusing mental Health medications. What's more The Indictments were Fatally Flawed (see motions to dismiss) And would not Have been Convicted, The Court should as its responsibility made sure The Petitioner was legally able To represent Himself. The Petitioner Intends To challenge The Conviction based on The aFore mentioned grounds. even if The sentence is Completed and Satisfied. The Petitioner Respectfully Request This Honorable Court Consider a Expedited Review of The Case and Vacate The Sentence.

Respectfully Submitted
7-18-2023 David J. Miller

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(Brief Page 3) Case No: 2023-000934

The Petitioner Argues That Court Failed in its obligation and Responsibility laid out in *Faretta v U.S.* To ensure I made The Decision To go Prose knowingly and intelligently. I suffer extreme mental illnesses and the Court did not Even question my illness or anything dealing with Competency with the exception of the question of did I raise my daughters which I answered "No". The Court has an obligation to ensure I am competent to Preserve the integrity of The Judicial process and in This Case Failed to do so, and as a result I am serving a 30 month sentence while being Innocent of The Charges.

Respectfully Submitted.

7-18-23

David J. Miller

IN THE SOUTH CAROLINA
(COURT OF APPEALS)

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DAVID S. MILLER

CASE NO: 2023-00093
JUL 20 2023
SC Court of Appeals

(MOTION TO APPOINT LEGAL COUNSEL)

The Petitioner, David S Miller brings this matter before the Court to respectfully request legal counsel be appointed for the following reasons and grounds. First, the Petitioner is diagnosed with multiple serious mental illnesses and is not competent, and during the original case adjudication was denied legal counsel and as a result is serving a 30 month sentence for a crime he did not commit and would have almost certainly been acquitted of. The Petitioner was entitled to counsel but the Court failed to respond to several motions and additionally erred and failed in its responsibilities to confirm the Petitioner's competency. The Petitioner respectfully request legal counsel be appointed.

Respectfully Submitted

7-18-23 David S Miller

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IN THE SOUTH CAROLINA
COURT OF APPEALS

State
v.

David J Miller

Case No. 2023-000934

(Certificate of Service)

This is to certify that a copy
of the enclosed Appeal Brief and
Motion to Appoint Counsel has been
served on the State Prosecutor by
U.S. Mail Service and The South Carolina
Court of Appeals Clerk of Court by
Fax and U.S. Mail Service

Respectfully,

7-18-23 David J Miller

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SC Court of Appeals

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