

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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JUN 10 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA

VS.

Appeal No. **2026-000844**

BENJAMIN DAVID MILLER

**MOTION TO APPOINT NEW COUNSEL**

**COMES NOW**, the Defendant Benjamin D. Miller, and respectfully moves the Court to appoint him a new counsel to represent him on his direct appeal. In support of this motion, Miller shows unto the Court the following:

- 1) The Clerk's Office directed Miller's current trial counsel, Mr. Ivan James Toney to file a Proof of Service document back on April 9, 2026.
- 2) Counsel has deliberately and with **malicious intent** failed to comply with the clerk's directive.
- 3) Due to counsel's failure to comply, Miller's appeal is in grave danger Of being dismissed, if it has not already been dismissed.

Accordingly, based on the above stated facts of this case, Miller respectfully and urgently moves the Court to appoint him a new, *competent and unbiased* Appellate Counsel to represent him on this appeal.

*PROOF OF SERVICE*

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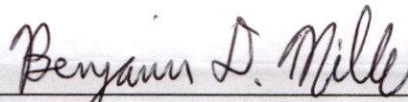
I, Benjamin Miller, do hereby certify that I am an inmate at the Evans Correctional Institution, P.O.Box 2951202, Bennettsville, S.C. 29512; and on May 28, 2026, I served true and correct copies of the following:

**MOTION TO APPOINT NEW COUNSEL**

. . . to the appropriate prison authorities for service via the internal legal mail system for delivery to the person[s] and address[es] listed below.

Office Of The Clerk  
Greenville County Courthouse  
305 E. North Street  
Greenville, SC 29601

**DA Sydney Lauren Case**  
13th Judicial Solicitor Office  
305 E. North St. #325  
Greenville, SC 29601



Benjamin D. Miller

Benjamin D. Miller #00223127  
Evans Correctional Institution  
P.O. Box 2951202  
Bennettsville, S.C. 29512

Office of The Clerk  
S.C. Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211



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