

Marshall Ray Miller
#249557
Lieber Correctional Institution SB-56
P.O. Box 205
Ridgeville, SC 29472-0205

April 29, 2014

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

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S.C. SUPREME COURT

Re: *Marshall Ray Miller; #249557, Petitioner, v. State of South Carolina, Respondent*
Appellate Case No. 2013-001076

Dear Mr. Shearouse:

This letter is in response to the April 17, 2014 Order of this Court regarding my Motion to proceed *pro se* in the above-referenced petition for writ of certiorari.

Petitioner acknowledges being a layman at law and not as well versed as counsel, however, Petitioner is cogent enough to recognize that counsel intends to waive meritorious issues in lieu of one issue counsel deems meritorious. The petitioner will not be able to file a subsequent post-conviction application raising ineffective assistance of appellate counsel; which would also cause a paradox under a *Martinez v. Ryan* [132 S.Ct. 1309 (2012)] analysis where PCR counsel is also counsel on certiorari. *Martinez* allows analysis of ineffective assistance of PCR counsel, but not appellate counsel, in order to overcome the procedural default of a claim not satisfying the fair presentation rule. Thus, in order to preserve meritorious issues for federal habeas review, petitioner here is forced to proceed *pro se* in order to exhaust those issues.

In the April 4, 2014 motion to proceed *pro se*, petitioner requested specific relief that is necessary for petitioner to proceed *pro se* in an environment that limits [his] ability to produce certain work. To this end petitioner requested in relief item #'s 2 - 5:

- 2) That Mr. Compton complete compiling the certiorari Appendix;
- 3) That Mr. Compton provide the necessary copies of the Appendix to this Court and Respondent;
- 4) That Mr. Compton provide Petitioner a copy of the Appendix; and

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- 5) Allow Petitioner sixty (60) days from the date of receipt of the Appendix in which to file the petition for writ of certiorari in conformity with the rules, with the exception of the color of the cover.¹

Petitioner submits that he is completely aware of the dangers of self-representation. Petitioner suggests that if Mr. Compton or the Office of Appellate Defense will be responsible for the Appendix and the copies of the Appendix, that Petitioner will proceed pro se in the petition for writ of certiorari.

Respectfully submitted,

Marshall R Miller

Marshall Ray Miller
PETITIONER, *Pro se*

Cc: John D. Compton, III, Esq.
Ashley Anne McMahan, Esq.

¹ Petitioner is responsible for submitting the requisite number of copies of the Petition following the final brief.

MARSHALL R. MILLER #249557

Lieber C. F. 58.56

P.O. Box 205

Ridgeville, SC

29472

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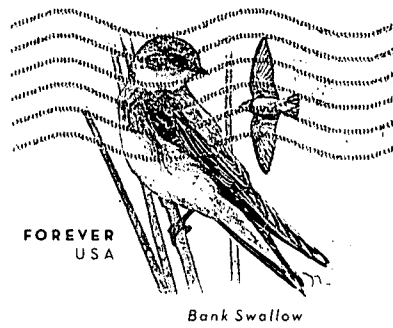
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