

IN THE SOUTH CAROLINA COURT OF APPEALS

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SC Court of Appeals

Robert James Miller, Jr., :
Appellant, :

v. :

Appellate Case No. ;

State of South Carolina, :
Respondent. :

2012 - 211446

PLEASE TAKE NOTICE, that upon the annexed affidavit, the above named appellant makes application to the Chief Judge of the Court of Appeals to designate an Associate Judge of the Court to determine the application hereby made for a certificate certifying that this case involves a question of law that ought to be reviewed by the Supreme Court of South Carolina and granting leave to appeal to the Supreme Court of South Carolina from the South Carolina Court of Appeals order dismissing appellants appeal dated July 18, 2012.

Executed at Columbia, South Carolina on:

July 2, 2014

Robert James Miller Jr.
Robert James Miller, Jr.

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SC Court of Appeals

----- X
Robert James Miller, Jr., :
Appellant, :

v. :

State of South Carolina, :
----- Respondent. -X

Appellate Case No. :

2012 - 211446

Affidavit in Support of Application for a Certificate
Certifying Question of Law

Robert James Miller, Jr. being duly sworn, deposes
and says :

1. I am the appellant above named and I make this affidavit in support of the annexed notice.
2. I was arrested on November 3, 2010 by the Fairfield County Sheriff's Office and charged with three counts of Financial Transaction Card Forgery, S.C. Code §16-14-40 (E) (warrant numbers M400779, M400780, and M400781), three counts of Financial Transaction Card Fraud <\$500., two counts of Financial Transaction Card Fraud

generally, and two counts of grand larceny. With the exception of the grand larceny, all the offenses begin with the prefix "Financial Transaction Card" on the appellants "Rap Sheet" and "FinanTC" on the warrants. Therefore, FinanTC very clearly means Financial Transaction Card. See §16-14-10 definitions

3. Accordingly, all Financial Transaction Card / FinanTC offenses unmistakably fall under the Financial Transaction Card Crime Act, which establishes the Maximum possible penalty under this section (§16-14-100) as "upon conviction shall be punishable by a fine of not less than three thousand dollars nor more than five thousand dollars or imprisoned not more than five years, or both."
4. Sometime after my arrest, the three warrants for Financial Transaction Card Forgery were unlawfully altered and the alleged offense was changed to FinanTC / Financial Identity Fraud... S.C. Code §16-13-510, with a Ten-year maximum penalty (twice the penalty for what I was originally charged).
5. It is worth mentioning that the above warrants indicate that the alleged "dates of offense" occurred

on 9/15/2010 (M400779), 10/06/2010 (M400780), and 8/28/2010 (M400781). However, these dates were altered on the indictments (with "white out") and new dates were handwritten on the first two warrant Warrant # M400779 (indictment 2011-GS-20-035) was changed to September 7, 2010, and warrant # M400780 (indictment 2011-GS-20-036) was changed to September 2, 2010.

6. On April 3, 2012 before the Honorable Judge L. Casey Manning, appellant pled guilty to the above warrant numbers without knowing that both the type of offense and the alleged date(s) of offense had been changed.

Appellant received a 10-Year Sentence on each of the charges. One concurrent and one consecutive, suspended to three years probation.

7. Obviously, my first question of law is: "because the documents were twice altered, is my conviction in violation of the law?"
8. My second question, and I believe this will impact everyone who has ever or will ever be charged with

the same offense, "Is it lawful for arrest warrants (and sentencing sheets) in its Description of Offense to state two distinctively different crimes which have two very different penalty's ?"

Please see the warrants and sentencing sheets (previously submitted) in my case.

Description of Offense: FinanTC / Financial Identity Fraud, obtains/records identify. info., access/att. access finan. records of other unlawfully

FinanTC = five year maximum penalty.

Financial Identity Fraud = 10 year maximum penalty.

Both, used in the same sentence cannot be correct.

WHEREFORE, appellant respectfully requests that his two questions of law be Certified and forwarded to the Supreme Court of South Carolina for consideration of the matter in controversy so a proper decision can be made in this case.

Sworn to before me
this _____ day of _____, 2014

My commission expires:

R. James Miller, Jr.
R. James Miller, Jr.
316047 B.R.C.I.
4460 Broad River Rd.
Columbia, SC 29210

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Appellant, :

v. :

State of South Carolina, :

Respondent. X

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Certificate of Service **SC Court of Appeals**

I certify that I have served a copy of the appellants Notice and Affidavit for a Certificate Certifying Question of Law on the respondent by depositing a copy in the U.S. Mail, postage prepaid, on the 2nd day of July, 2014 addressed to:

J. Anthony Mabry
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211

Robert James Miller, Jr.
Robert James Miller, Jr.

R. James Miller Jr.
#316047 B.R.C.I.
4460 Broad River Rd,
Columbia, SC 29210

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SC Court of Appeals

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211



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