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JUN 23 2014

The South Carolina Court of Appeals  
~~THE SUPREME COURT OF SOUTH CAROLINA~~

The State

Appellate Case No.

v.

Robert James Miller, Jr.

~~\_\_\_\_\_~~ - ~~\_\_\_\_\_~~  
2012 - 211446

MOTION FOR ~~\_\_\_\_\_~~  
Reinstatement

Robert James Miller, Jr. would respectfully move this Court for a Reconsideration on the merits in this case. This matter was dismissed on July 18, 2014. This motion is made for the following reasons:

- 1) Numerous extraordinary circumstances exist.
- 2) I was denied my 6<sup>th</sup> Amendment Constitutional right to be represented in my direct appeal before the South Carolina Court of Appeals. This right is clearly established.

See Evitts v. Lucey, 469 U.S. 387, 396, 105 S. Ct. 830, 836, 83 L. Ed. 2d 821, 830 (1985) ("[A] first appeal as a right therefore is not adjudicated in accord with due process of law if appellant does not have the effective assistance of an attorney.")

- 3) The court in which I was convicted did not have the power to convict me because it did not have Jurisdiction.

See Butler v. King, 781 F.2d 486, 490 (5<sup>th</sup> Cir. 1986)

(finding that defendant was entitled to federal writ of habeas Corpus because state district court lacked Jurisdiction...)

### U.S. Constitution - Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial... the State and district wherein the crime shall have been committed...

4) Petitioner is able to "demonstrate a sufficient probability that [the court's] failure to review his federal claim will result in a fundamental miscarriage of Justice."  
(reaffirmed after the passage of AEDPA in Edwards v. Carpenter, 529 U.S. 446, 451, 120 S.Ct. 1587, 1591, 146 L.Ed. 2d 518, 523 (2000)).

5) Petitioner's Conviction and sentence was obtained in violation of the law because he is innocent.

Petitioner has proved by "clear and convincing evidence" at least 40 instances of obstruction of Justice, the wholesale suppression of exculpatory evidence, and Constitutional violations which resulted in a case that was corrupted from start to finish and convicted an innocent man.

See Murray v. Carrier, 477 U.S. 478, 495-96, 106 S.Ct. 2639, 2649, 91 L.Ed. 2d 397, 413 (1986)

"[W]here a Constitutional Violation has probably resulted in the conviction of one who is actually innocent..."

No Reasonable Juror Would have found Petitioner Guilty !!!

6) Most importantly, you have overlooked the most obvious error. EVERYTHING ABOUT MY CONVICTION AND SENTENCE IS ILLEGAL.

My "rap sheet" indicates an arrest on Warrant numbers : M400779 and M400780 for Financial Transaction Card Forgery - S.C. Code §16-14-40(E), FIVE YEAR MAXIMUM PENALTY. The "rap sheet" indicates that the offenses occurred on 9/15/2010 and 10/6/2010.

This is the same date of offense on the warrants that were altered AFTER I was served BUT the offense was changed to Financial Identity Fraud, §16-13-510, which has a maximum penalty of 10 YEARS.

You insist that "no extraordinary reason exists..."  
OPEN YOUR EYES

Look at the plea transcript, the Sentencing Sheets and especially the indictments. Now the offenses conveniently occurred on 9/2/10 and 9/7/10.

WHY? Because I proved to the Public Defender that I was away and could not possibly committed a crime. All these dates have been changed and you can see the EXTRAORDINARY circumstances but you choose to remain blind.

"... callous and deliberate disregard for the fundamental principles of truth and fairness that underlie our Criminal Justice System."

7) Remember also that I was ordered to pay over \$ 30,000 in restitution for a crime in which I was never even charged, indicted or convicted. And the state stole my car, \$ 9,882.00 cash, and brokerage account.

"No Extraordinary reason exists" ? Perhaps the United States Supreme Court will think different.

8) Neder v. United States, 527 U.S. 1, 7, 119 S.Ct. 1827, 1833, 144 L.Ed.2d 35, 46 (1999) - Stating that there is a "limited class of fundamental Constitutional errors that... are so intrinsically harmful as to require automatic reversal..."

On these grounds, petitioner respectfully asks the Court to reconsider his Motion to Vacate Illegal Sentence and Restitution.

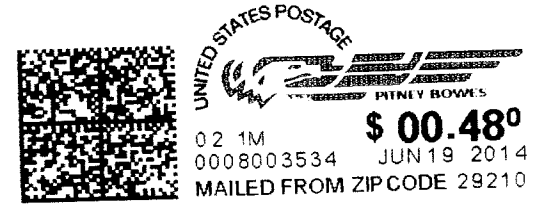
Dated: June 18, 2014

Respectfully,

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



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SC Court of Appeals

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