

STATE OF SOUTH CAROLINA
COUNTY OF FAIRFIELD
IN THE COURT OF COMMON PLEAS

Robert James Miller Jr

2014 SEP 8 AM 9 08
FORM 8
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2014CP2000163

Robert M Stevenson III

RECEIVED
SEP 15 2014
SC Court of Appeals

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Plaintiff

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);
☐ Rule 43(k), SCRPC (Settled); ☐ Other: _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

MOTION FOR HABEUS CORPUS DENIED

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

Judge Code

9/4/2014

Date

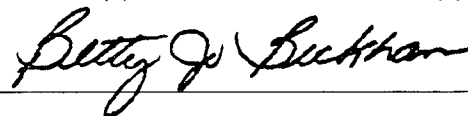
For Clerk of Court Office Use Only

This judgment was entered on **September 4, 2014**, and a copy mailed first class or placed in the appropriate attorney's box on **September 4, 2014**, to attorneys of record or to parties (when appearing pro se) as follows:

Robert James Miller Jr BRCI #316047 4460 Broad River
Road Columbia, SC 29210

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)



Court Reporter

Betty Jo Beckham - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA

COUNTY OF Fairfield

Robert James Miller, Jr.
Plaintiff(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2014-CP-20-163

vs.
Robert M. Stevenson III,
Warden, Broad River Corr. Inst.
Defendant(s)

Submitted By: Robert James Miller, Jr.
Address: B.R.C.I. #316047
4460 Broad River Rd.
Columbia, SC 29210

SC Bar #:
Telephone #:
Fax #:
Other:
E-mail:

2014 MAY 6 PM 12:31
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|---|--|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ Employment (120)
☐ General (130)
☐ Breach of Contract (140)
☐ Other (199) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 -CP- -
☐ Notice/ File Med Mal (230)
☐ Other (299) | Torts - Personal Injury
☐ Assault/Slander/Libel (300)
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Other (399) | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) |
| Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☒ Habeas Corpus (530)
☐ Other (599) | Administrative Law/Relief
☐ Reinstatement Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers Compensation Settlement Approval (780)
☐ Other (799) | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) |
| Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Sexual Predator (510) | | |

Submitting Party Signature: Robert James Miller Jr.

Date: April 15, 2014

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA,

COUNTY OF Fairfield

Robert James Miller, Jr.
Plaintiff

vs.

Robert M. Stevenson, III
Defendant.

IN THE COURT OF COMMON PLEAS

Sixth JUDICIAL CIRCUIT

MOTION AND AFFIDAVIT TO
PROCEED IN FORMA PAUPERIS

FILE NO.

RECEIVED

SEP 15 2014

SC Court of Appeals

I, R. J. M. Jr., being duly sworn, state that I am the Plaintiff and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request that the complaint be filed and service made without costs.

Sworn to and Subscribed before me
this 14th day of April, 2014

Susan H. Dye
Notary Public for South Carolina

My Commission expires
My Commission Expires
March 5, 2018

Robert James Miller Jr.
Signature of Plaintiff or

Person Filing Complaint on Behalf of
Plaintiff

ORDER

☒ Leave is granted to proceed in forma pauperis without payment of the filing fee.

☐ Leave is granted to proceed in forma pauperis without payment of the service cost.

☐ Leave is denied to proceed in forma pauperis.

Dated:

5/6/14, 2

South Carolina

[Signature]
JUDGE/CLERK OF COURT

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

PETITION ~~§ 17-1-10~~ § ~~17-1-10~~ FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

~~State of South Carolina~~		~~County of~~ Fairfield County
Name (under which you were convicted): Robert James Miller, Jr.		Docket or Case No.:
Place of Confinement: Broad River Correctional Institution	Prisoner No.: 316047	
Petitioner (include the name under which you were convicted): Robert James Miller, Jr.		Respondent (authorized person having custody of petitioner): Robert Stevenson III Warden, Broad River Corr. Inst.
The Attorney General of the State of South Carolina		

PETITION

2014 MAY 6 PM 12 31
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECHTOLD

- (a) Name and location of court that entered the judgment of conviction you are challenging:
**Fairfield County Court of Common Pleas
101 South Congress Street
Winnsboro, SC 29180**
 - (b) Criminal docket or case number (if you know): **2011-GS-20-035, 036, 037**
- (a) Date of the judgment of conviction (if you know): **April 3, 2012**
 - (b) Date of sentencing: **April 3, 2012**
- Length of sentence: **Two concurrent ten(10) year terms and one consecutive ten(10) year term Suspended with 3 years probation.**
- In this case, were you convicted on more than one count or of more than one crime? ☒ Yes ☐ No
- Identify all crimes of which you were convicted and sentenced in this case:
3 counts Financial Identity Fraud

- (a) What was your plea? (Check one)

- ☐ (1) Not guilty ☐ (3) Nolo contendere (no contest)
☒ (2) Guilty ☐ (4) Insanity plea

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? **N/A**

(c) If you went to trial, what kind of trial did you have? (Check one)

☐ Jury ☐ Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☐ Yes ☒ No

8. Did you appeal from the judgment of conviction?

☒ Yes ☐ No

9. If you did appeal, answer the following:

(a) Name of court: **South Carolina Court of Appeals**

(b) Docket or case number (if you know): **2012-211446**

(c) Result: **They dismissed case**

(d) Date of result (if you know): **July 18, 2012**

(e) Citation to the case (if you know):

(f) Grounds raised:

I do not believe public defender raised any. However, I wrote letters and explained that I did not receive the plea bargain or the maximum sentence of 4 years as the public defender had indicated. (Refer to Exhibit AA).

(g) Did you seek further review by a higher state court? ☒ Yes ☐ No

If yes, answer the following:

(1) Name of court: **Supreme Court of South Carolina**

(2) Docket or case number (if you know): **2014-000030**

(3) Result: **Dismissed**

(4) Date of result (if you know): **January 15, 2014**

(Refer to Exhibit BB)

(5) Citation to the case (if you know):

(6) Grounds raised: Lack of Jurisdiction
Ineffective assistance of Counsel
Constitutionally defective guilty plea

(h) Did you file a petition for certiorari in the United States Supreme Court?

☐ Yes ☒ No

If yes, answer the following:

(1) Docket or case number (if you know):

(2) Result:

(3) Date of result (if you know):

(4) Citation to the case (if you know):

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☒ Yes ☐ No

11. If your answer to Question 10 was "Yes," give the following information:

- (a) (1) Name of court: Fairfield County Court of Common Pleas
(2) Docket or case number (if you know): 2012-CP-20-352
(3) Date of filing (if you know): August 30, 2012
(4) Nature of the proceeding: Post-Conviction Relief
(5) Grounds raised:

Lack of Jurisdiction
Ineffective assistance of Counsel
Constitutionally defective guilty plea

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☒ Yes ☐ No

(7) Result: Withdrawn

(8) Date of result (if you know): February 3, 2014

(b) If you filed any second petition, application, or motion, give the same information:

- (1) Name of court: South Carolina Court of Appeals
- (2) Docket or case number (if you know): 2012 - 211446
- (3) Date of filing (if you know):
- (4) Nature of the proceeding: Motion to Reconsider
- (5) Grounds raised: Lack of Jurisdiction
Illegal Search and Seizure
Defective guilty plea
Restitution erroneously ordered
Ineffective assistance of counsel

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result: None

(8) Date of result (if you know):

(c) If you filed any third petition, application, or motion, give the same information:

- (1) Name of court:
- (2) Docket or case number (if you know):
- (3) Date of filing (if you know):
- (4) Nature of the proceeding:
- (5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result:

(8) Date of result (if you know):

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☐ Yes ☒ No

(2) Second petition: ☒ Yes ☐ No

(3) Third petition: ☐ Yes ☐ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

Attorney recommended I withdrawl my PCR and go forward with my Section 1983 suit and this action. Because State Court could not grant requested relief

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: Lack of Jurisdiction over Subject matter
Sixth Amendment Constitutional Violation.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Alleged offenses occurred outside the territorial Jurisdiction of the State of South Carolina. Solicitor lacked authority to initiate prosecution and the convicting court lacked authority to try the offenses. Solicitor acknowledged at the plea and on the record that the state did not have Jurisdiction. Records and other information was concealed. Plaintiff wishes to reallege and incorporate by reference paragraphs 16 and 17 and Exhibits S, T & Q of plaintiff's Section 1983 suit.

(b) If you did not exhaust your state remedies on Ground One, explain why:

Please refer to 11(e) above.

(c) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☒ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: **Post-conviction Relief**

Name and location of the court where the motion or petition was filed:

**Fairfield County Court of Common Pleas
101 S. Congress St., Winnsboro, SC 29180**

Docket or case number (if you know):

2012-CP-20-352

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?

☒ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes ☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

Attorney recommended I withdraw my PCR and go forward with my Section 1983 suit and this action. Attorney General's office threatened to pursue additional charges and seek an enhanced penalty. State court could not grant the requested relief

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One:

GROUND TWO: Constitutionally Defective Guilty Plea

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Plaintiff unintelligently Surrendered his chance of acquittal at trial in exchange for Concessions that the Solicitor had agreed to but plaintiff did not receive. Plea offer was for a maximum sentence of seven (7) years in exchange for a guilty plea to four counts of fraud (Exhibits 1, 2 and 3 (pg 2)).

Plaintiff wishes to reallege and incorporate by reference paragraphs 10 - 12 of Section 1983 companion case.

Conviction was obtained in violation of the law.

(b) If you did not exhaust your state remedies on Ground Two, explain why:

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☒ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Post-Conviction Relief

Name and location of the court where the motion or petition was filed:

Fairfield County Court of Common Pleas

101 S. Congress St., Winnsboro, SC 29180

Docket or case number (if you know):

2012-cp-20-352

Date of the court's decision:

Feb. 3, 2014

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?

☒ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes ☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

PCR was withdrawn. Court was unable to provide the relief requested.

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two

GROUND THREE: Ineffective Assistance of Counsel in Violation of the Sixth Amendment

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Plaintiff's public defender failed to hire a forensic accountant as promised and approved by the Honorable Judge Goldsmith. He also refused to honor plaintiff's request for a restitution hearing. Plaintiff was denied a fair trial by the gross incompetence of his attorney and there is "Reasonable Probability" that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial and the outcome would have been different.

(b) If you did not exhaust your state remedies on Ground Three, explain why?

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☒ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: **Post-Conviction Relief**

Name and location of the court where the motion or petition was filed:

**Fairfield County Court of Common Pleas
101 S. Congress St., Winnsboro, SC 29180**

Docket or case number (if you know):

2012-CP-20-352

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?

☒ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes ☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

Application for PCR was withdrawn per counsel's advice.

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three:

GROUND FOUR: Involuntary guilty plea /
constitutionally defective guilty plea

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Counsel misled the plaintiff into making a disadvantageous choice by indicating that any risk of suffering the maximum penalty could be avoided by pleading guilty. Plaintiff was coerced into pleading guilty with the expectation he would receive a sentence ranging from probation to a term of "No more than four years" in State prison per his attorneys' "Educated guess" and statement that "He is not a hanging Judge."

Plaintiff was warned not to challenge the jurisdictional issue and to plead guilty to avoid having the State turn the matter over to the Government for prosecution, in which they claim to have a

(b) If you did not exhaust your state remedies on Ground Four, explain why: letter indicating I would receive an enormous amount of time.

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why:

For fear of having sentence increased

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Post-conviction Relief

Name and location of the court where the motion or petition was filed:

Fairfield County Court of Common Pleas
101 S. Congress St., Winnsboro, SC 29180

Docket or case number (if you know):

2012-cp-20-352

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?

☒ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes ☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

Application for PCR was withdrawn per attorney's advice.
Also, the court was unable to grant the relief sought.

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you

have used to exhaust your state remedies on Ground Four:

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☐ Yes ☒ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: For Grounds Five thru Twenty - Five -

Many of these facts had not been known or had been hidden from the plaintiff until recently. Plaintiff did not know his rights and which facts were relevant.

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, ground or grounds have not been presented, and state your reasons for not presenting them:

5, 17, 23, 24 and 25

Plaintiff had been advised that the court could not grant any relief for these grounds.

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☒ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

U.S. District Court, District of South Carolina

Case Number:

Section 1983 suit

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☒ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the raised.

Same as above

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: N/A

(b) At arraignment and plea: Michael Lifsey, Sixth Circuit Public Defender
104 N. Main Street
Lancaster, SC 29721

(c) At trial: N/A

(d) At sentencing: Same as above

(e) On appeal: None Plaintiff was denied his right to counsel.

(f) In any post-conviction proceeding: Michael Hemlepp
3027 South Parahan Rd.
York, SC 29745

(g) On appeal from any ruling against you in a post-conviction proceeding:
N/A

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☐ Yes ☒ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☐ Yes ☒ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief:

An Order to release petitioner, an Order
Vacating the restitution, Damages, and
or any other relief to which petitioner may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on ~~Feb. 11, 2014~~ (month, date, year).

MAY 5, 2014

Executed (signed) on May 1, 2014 ~~February 10, 2014~~ (date).

Robert James Miller Jr.

~~Robert James Miller Jr.~~

Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

Constitutional Rights

und #

- ve : Plaintiff was not read or otherwise informed of his rights when he was arrested on November 3, 2010. When plaintiff refused to talk or give a Statement, Investigator Jeff Talbert made plaintiff's spouse stand in front of the holding cell and forced her into crying by stating he was going to call the Department of Social Services to take our son. After my wife began crying, he laughed and then looked at me and said "I bet you want to talk to me now."
- ix : Plaintiff was falsely imprisoned by the bondsman on March 30, 2012 per request of Assistant Solicitor Riley Maxwell, in retaliation for plaintiff not being in agreement to the restitution (Please refer to paragraphs 9-11, Section 1983 suit).
- ven : The Honorable Judge L. Casey Manning, per Solicitor Maxwell's request and misleading information, erroneously ordered the plaintiff to pay restitution on a charge that was dismissed which the State openly acknowledged on the record that they did not have Jurisdiction. Plaintiff wishes to reallege and incorporate by reference paragraphs 17 and 21 (Example C) and Exhibit Q of plaintiff's Section 1983 suit.
- ight : Illegal search and seizure of plaintiff's vehicle on November 3, 2010.
- ine : Illegal search of plaintiff's storage unit and seizure of \$9,000.00 U.S. Currency. Search warrant was

Grounds cont.

- e (cont.) defective and unlawfully obtained with the intent to deprive plaintiff of property and his rights.
- en : Illegal Search and Seizure of plaintiff's U.S. Mail without any court order or search warrant and with the intent of uncovering incriminating evidence which could be used against the plaintiff at trial. None was found but my rights were clearly violated. Plaintiff wishes to reallege and incorporate by reference paragraph 26 and Exhibit R of plaintiff's Section 1983 Suit.
- ven : Assistant Solicitor Maxwell unlawfully obtained an Order on March 7, 2011, directing E*Trade Financial to release the funds held in this account. This incident occurred more than one (1) year before the plaintiff's trial and with the intent to adversely affect and prejudice plaintiff's criminal case. Again, this being the same offense in which the plaintiff was falsely arrested for on December 20, 2010 and then dismissed because the State admitted they did not have Jurisdiction.
- elve : The state denied the plaintiff due process of law and intentionally neglected to give any notice of the forfeiture hearing that was held on March 7, 2011 which violated state and federal law and the plaintiff's Constitutional Rights. Plaintiff was not afforded an opportunity to present witness testimony, attend a hearing or present evidence.

Grounds cont.

- teen: Assistant Solicitor Maxwell unlawfully obtained a Court Order on October 14, 2011 directing the Fairfield County Sheriff's Office to release the \$9,882.00 U.S. currency that was illegally seized from the plaintiff. This Order was issued six (6) months before the plaintiff's trial and clearly prejudiced the case.
- teen: The State denied the plaintiff due process and equal protection of the law by failing to provide any notice of the forfeiture hearing that was held on October 12, 2011.
- teen: Assistant Solicitor Maxwell unlawfully obtained a Court Order on April 5, 2012, directing the transfer of the ownership of the plaintiff's vehicle that was illegally seized. Mr. Maxwell committed perjury, violated State and federal law and deprived the plaintiff of his Constitutional Rights.
- xteen: The State denied the plaintiff due process of law and deprived him of his personal property and Constitutional rights on April 5, 2012. Plaintiff was not afforded an opportunity to present witness testimony, attend a hearing or present evidence.
- enteen: Plaintiff's conviction was unlawfull as he was denied his Sixth Amendment Constitutional Right to a Speedy trial.

Grounds cont.

teen: Plaintiff's conviction and sentence was obtained in violation of the law. Plaintiff was denied his Sixth Amendment Constitutional Right to a trial in the "State and district wherein the crime shall have been committed."

eteen: Plaintiff's conviction and sentence was obtained in violation of the law because the Assistant Solicitor, Riley Maxwell, and Jeff Talbert, investigator for the Fairfield County Sheriff's Office concealed evidence and information that would have exonerated the plaintiff.

enty: Plaintiff was unlawfully convicted and sentenced for a crime in which Investigator Talbert, during the course of his investigation, was able to obtain numerous bank ATM surveillance photographs of two of his relatives withdrawing cash. Both admitted to using the ATM cards fraudulently but were never charged. After being advised of this potential conflict of interest, Investigator Talbert intentionally withheld and/or destroyed critical information, evidence, photographs and Etc.

ty-one: The State has continuously rejected and denied the plaintiff's requests for Discovery, in violation of State and Federal Law and the Sixth and Fourteenth Amendments of the U.S. Constitution (Exhibits 4-11).

Grounds Cont.

nty-two: Plaintiff's conviction and sentence was obtained in violation of the law because the Assistant Solicitor had the plaintiff picked up by the bondsman and falsely imprisoned on March 30, 2012. This deliberate act deprived plaintiff of his rights to meet with his attorney, prepare for a trial, or negotiate a plea and forced plaintiff into pleading guilty four days later. This incident was extremely detrimental to the plaintiff and created significant prejudice as the plaintiff was unable to wear a coat and tie to court but had to settle for a bright orange jumpsuit, handcuffs, leg irons and a chain and padlock around his waist.

ty-three: Plaintiff's sentence violates the Due Process Clause of the Fourteenth Amendment. The sentence is an "Atypical" and "Significant Hardship" on the plaintiff in relation to the generally accepted "normal" or "average" sentence imposed for this type of offense. Plaintiff's conviction and sentence clearly indicates bias, prejudice and discrimination. Plaintiff's codefendant, being similarly situated and having identical charges, was granted a PR bond when the plaintiff was denied bond, she also received probation when the plaintiff received the maximum possible penalty of ten years on each of the three counts.

Grounds Cont.

nty-Four: Plaintiff's sentence is an obvious departure from the ordinary guidelines applied to persons pleading guilty and constitutes cruel and unusual punishment in violation of the Eighth Amendment to the U.S. Constitution. Plaintiff would not have pled guilty and would have insisted on going to trial had he been made aware of what was meant by pleading "Without Negotiations or Recommendation" (Sentence sheet's attached). In any event, plaintiff's sentence is unlawfull because Assistant Solicitor, Riley Maxwell did not keep this Agreement either (Please See Exhibit #12). Even after stating he would not make a recommendation to the Judge he turned around and asked "for a ten to 15 year sentence."

ty-Five: Plaintiff's conviction and sentence was obtained in violation of the law because he is in fact
INNOCENT

I declare under the penalty of perjury that the foregoing is true and correct. Executed at Columbia, South Carolina on February 10, 2014.

Robert James Miller Jr.
Robert James Miller, Jr.

Grounds cont.

- 26) Plaintiff has recently learned that he had a constitutional right to be represented by counsel for his appeal even though he could not afford one. Plaintiff was denied this right. Plaintiff wrote numerous letters to the Office for Indigent Defense requesting assistance but never received any response.
- 27) Had plaintiff not been deprived of his right to counsel, he clearly would have been able to raise each claim that had been known and exhausted all State remedies.
- 28) Some "Grounds" listed in this petition were only recently discovered and made known (i.e. Constitutional violations of conducting forfeiture hearings without the plaintiff's knowledge, illegal search and seizure of plaintiff's U.S. Mail, unlawful transfer of the plaintiff's property, and etc.) Plaintiff has made every possible attempt to exhaust State remedies by filing Motions for reconsideration and to vacate or modify sentence, which have all been rejected.
- 29) As a result of the Assistant Solicitor's misconduct prior to and at the plea hearing, plaintiff is entitled to relief "on the law."
- 30) Plaintiff is entitled to relief on the basis of legally insufficient evidence to support a conviction.

~~In The United States District Court~~
~~For the District of South Carolina~~

Robert James Miller, Jr.,
Petitioner

v.

Robert M. Stevenson, III
Warden, Broad River
Correctional Institution,
Respondent

C/A No.: ~~12-11-983-11A-001~~

Grounds continued

31) Petitioner has reason to believe that Someone may have altered official documents in petitioner's criminal case — the arrest warrants associated with this action in which petitioner pled guilty. If not intentional, then Someone has made a very big mistake.

Petitioner has been provided a copy of his "Rap Sheet" dated November 18, 2010, addressed to Investigator Jeff Talbert of the Fairfield County Sheriff's Office. Talbert being the officer that issued all the warrants in petitioner's case. Petitioner was arrested and served on November 3, 2010 but no longer has possession of the

original warrants, only copies that have been provided by the state. According to the "Rap Sheet", petitioner was arrested on 11/03/2010 and charged with warrant numbers M400779, M400780, M400781 and others (Exhibit's 20 and 21). These warrants are, or at least were, for Financial Transaction Card Forgery, SC Code § 16-14-40 (E)

This Code reads as follows:

§ 16-14-40 (e) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not less than three thousand dollars nor more than five thousand dollars or imprisoned NOT MORE THAN FIVE YEARS, or both.

Petitioner pled guilty to these three warrant numbers and received 10 YEARS ON EACH COUNT.

Petitioner believes that Investigator Talbert may have altered, edited and reissued the warrants AFTER petitioners arrest. New warrants were issued using the same warrant numbers (Exhibit's 22, 23 and 24) but charging the petitioner with a different crime, one that carries twice as much time - Financial Identity Fraud § 16-13-510 SC Code. The "New" warrants were used in place of the "old" ones when petitioner was indicted (Exhibits 25, 26, and 27).

This would certainly explain why the petitioner

and his wife remained at the detention center for several days without a bond hearing. Upon information and belief, it was Talbert who requested the delay and intentionally postponed the hearing that would have otherwise been held before the regularly scheduled Magistrate Judge. Investigator Talbert arranged a "Special" bond hearing in front of the Summary Court Chief Judge, and per his request, petitioner was denied bond.

Petitioner's wife, being similarly situated and having identical charges, was released on a personal recognizance (PR) bond. Investigator Talbert is personally responsible for the violation of the petitioner's rights under the Eighth Amendment to the U.S. Constitution.

Additionally, as you can see, the arrest warrants were not received or time stamped by the Clerk of Court until November 8, 2010, five days after they were supposedly served.

32) In the event that information was incorrectly entered on petitioner's Rap Sheet, it still poses a problem where the State law is not clear and seems to contradict itself by stating two very different things. Both can not be correct. For instance, on the arrest

warrants (EXhibit's 22-24) the complete "Description of offense" reads:

- * FinanTC/Financial identity fraud, obtains/records identify. info., access/att. access finan. records of other unlawfully.

The Key word is: FinanTC

The South Carolina Code of Laws defines FinanTC as meaning Financial Transaction Card. This being the exact same prefix on all of petitioner's warrants with the exception of grand larceny (see Exhibit's 21, 28 and 29).

Therefore, according to the Financial Transaction Card Crime Act, § 16-14-100 S.C. Code, the maximum possible penalty under this section would be "...fined not less than three thousand dollars nor more than five thousand dollars or imprisoned not more than five years, or both."

Petitioner believes his sentence of ten (10) years on each count is in violation of the law.

It now becomes more obvious as to why Investigator Talbert would have switched the warrants in the first place. However, in the event that there was some type of unintentional mix up, then the arrest warrants are clearly defective and

- * Also appears on Sentencing Sheets.

contain language that is misleading, unclear and confusing.

Simply put, if the warrants were switched, then they are illegal. If they were not switched after being served, they are still illegal because Financial Transaction Card offenses fall under Section §16-14-100, Code of Laws of South Carolina, as amended.

33) Petitioner wishes to point out that his defective, involuntary, and coerced guilty plea to the above mentioned Financial Identity Fraud (3 counts) was NOT part of a Plea Bargain. Please refer to page # 4 of the attached Affidavit of Defendant for Guilty Plea - "Plea negotiations" (Exhibit # 33), Sentencing Sheets (previously submitted) indicating that plea is "without negotiations or recommendation", and the previously submitted Exhibit # 1 (Lines 1-11) in which Solicitor Maxwell responds to the Judges question: "Solicitor, have there been any plea negotiations?"

Maxwell withdrew the plea bargain after having petitioner unlawfully detained on March 30, 2012. The remaining charges were Nolle Prossed because the petitioner is in fact, innocent.

Therefore, the state should not be threatening the petitioner by stating he will have to face all the original charges and will get more time if he is successful in having his conviction overturned.

34) Solicitor Maxwell knowingly and maliciously charged the petitioner based on information provided by Investigator Talbert which both knew to be false. Maxwell even acknowledged on the record that the petitioner was not in Fairfield County, "...and I'm not sure exactly how he did it...", the alleged victim "was away in Alaska," "The Sheriff's department was able to determine not where every transaction occurred but transactions occurred throughout the eastern Seaboard...", "Mr. Miller... was living in Myrtle Beach... where they were located at that period of time...", and "he liquidates the stocks in this company up in New York..." (Exhibits 30, 31, 32). &

(Exh. Q)

There is not one single piece of evidence to support a claim that any crime was ever committed by the petitioner in Fairfield County. Solicitor Maxwell carefully avoided making any statement that a crime had been committed in Fairfield County because he knew (and admits) it didn't. of course, he had to cover his tracks for having had disposed of the petitioners illegally seized cash and property.

Petitioner believes that the General Sessions Court lacked Jurisdiction to accept the plea because the State failed to prove that any crime was ever committed. The only real crime ever

committed in Fairfield County was the false imprisonment, malicious prosecution, and the deprivation of property and constitutional rights of the petitioner by Solicitor Maxwell and the Fairfield County Sheriff's Office.

35) Any evidence to any crime having occurred in Fairfield County was intentionally withheld because this information would have exonerated the petitioner (ie. ATM surveillance photo's of a co-defendant and two of Investigator Talbert's relatives withdrawing cash). Please see Exhibit's # 34, 35 and 36. Upon information and belief, Investigator Talbert may have destroyed other relevant photo's.

36) Petitioner's guilty plea was Unconstitutional because he pled guilty unvoluntarily and is entitled to a hearing. Fontaine v. United States, 411 U.S. 213-15, 93 S.Ct. 1461-63; Machibroda v. United States, 368 U.S. 487, 494, 82 S.Ct. 510, 514 (1962) (holding that petitioner was entitled to a hearing on the issue of... Unkept promises...).

See also Santobello v. New York, 404 U.S. 257, 262, 92 S.Ct. 495, 499 (1971) (holding that when pleas rest on an implied promise or an agreement by a prosecutor that he will make no Sentencing

recommendations, such promises must be fulfilled). Petitioner's plea was "WITHOUT NEGOTIATIONS OR RECOMMENDATION" (Please see Sentencing Sheets, previously submitted, signed by the Solicitor, myself and the public defender). Petitioner pled guilty with an understanding that the Solicitor would be barred from volunteering any information detrimental to the petitioner, would refrain from making any sentencing recommendation and would not oppose any request for leniency.

Solicitor Maxwell Stated at the plea and on the record that:

"It's the States position that he's pleading Straight-up today and we think he deserves a lot of time" (Exhibit #1 - plea transcript, page 15, lines 9-11) and "This is a Straight-up plea, the State is asking for a ten to 15 year sentence" (Exhibit #12 - plea transcript, page 3, lines 11-12).

This also raises a question as to the competency of the petitioners public defender for failing to object or effectively represent me.

37⁴) During the plea, Assistant Solicitor Maxwell commented on my post-arrest silence in violation of my Fifth Amendment right against

Self-incrimination, by stating "I don't know if Mr. Miller ever gave an exact statement admitting to everything to the investigators but I think he has made statements admitting to some type of responsibility before. Of course, he is pleading guilty today but I don't think there was ever any full confession, full statement taken by the investigators" (Exhibit # 31, plea transcript - page 24, lines 14-19).

See Gravley v. Mills, 87 F.3d 779 (6th Cir. 1996) (holding that a prosecutor violated due process by repeatedly making references to petitioner's post-arrest silence; also finding that defendant had ineffective assistance of counsel because counsel had not objected to prosecutor's comments at trial).

Also, Alston v. Garrison, 720 F.2d 812, 815-16 (4th Cir. 1983) (holding defendant was denied effective assistance of counsel where counsel failed to object to evidence that defendant exercised right to remain silent).

It is improper for the Solicitor, or any attorney for the State, to comment on or to make any reference in his argument to the fact that the accused failed to testify as a witness in his own behalf. State v. Robinson, 238 SC 140, 119 SE2d 671 (1961).

38 3) Petitioner's public defender failed to challenge the validity of a Search Warrant that contained obvious errors.

The search warrant was defective, violates State Law and the plaintiff's Fourth Amendment Right that guarantees "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures... no Warrants shall issue, but upon probable cause... and particularly describing the... persons or things to be seized."

Most noticeably, "Attachment B" of the Search Warrant (Exhibit C, page 6) does not match the other documents. It is not initialed by the Judge (like ALL the other pages) and the type and font is different, indicating it was added after-the-fact or switched.

* Description in Warrant

"Warrant must describe objects with particularity. — An affidavit for a warrant to Search for property held in fraud upon revenue of the United States, which is substantially in the language of the statute authorizing such Search warrant, but which does not particularly describe the person or things to be seized, does not conform to the requirements of this Amendment. A warrant issued thereon and following its language is VOID."

Woods v. United States, 279 F 706 (1922).

Effect of insufficient affidavit —

Where the affidavit does not disclose anything which the issuing officer can consider in arriving at a determination of whether there is probable cause for the issuance of a warrant, this, in effect, leaves the determination of probable cause to the Judgment and discretion of the police officer rather than the issuing officer; therefore, the affidavit is totally insufficient and a warrant issued thereupon is a nullity.

State v. Hill, 245 SC 76, 138 SE2d 829 (1964).

Petitioner was arrested at Storage unit and consented to a search in which nothing was found. Investigator's Bill Dove and Jeff Westfall took the petitioner to the detention center and kept the keys to the Storage unit. Then Westfall, already having had searched the unit and knowing what was in it, obtained a search warrant to re-inspect the unit.

Petitioner's counsel failed to challenge the UnConstitutional search and seizure.

39)

Under the Sixth Amendment to the Constitution of the United States and the laws of the

State of South Carolina, the petitioner had a right to counsel during criminal proceedings. Adequate counsel was not provided. Petitioner was deprived of a fundamentally fair trial with a "reliable result." There is a reasonable probability that, but for counsel's unprofessional errors, the result would have been different.

Petitioner's attorney failed to interview important witnesses, failed to investigate or gather evidence — such as ATM photo's — and failed to request documents.

Counsel failed to hire forensic accountant which the Honorable Judge Brooks Goldsmith approved. Petitioner was denied expert assistance in violation of the Fourteenth Amendment.

As a result of the Solicitor's false information, and ambiguous statements, the Judge erroneously ordered petitioner to pay \$30,000. restitution (and a \$6,000. collection fee !!) for an offense in which the petitioner WAS NOT even charged and the State admitted they did not have any Jurisdiction over. Petitioner's counsel never objected.

Counsel failed to challenge unconstitutional Search and Seizure.

Failed to challenge Jurisdiction issues.

Failed to raise a claim of insufficient evidence to support a conviction.

Did not object when Solicitor broke the agreement to NOT make a sentence recommendation.

Did not object when Solicitor inappropriately commented on my post-arrest silence.

Petitioner's public defender misled him into making a disadvantageous choice by indicating that any risk of suffering the maximum penalty could be avoided by pleading guilty. Petitioner received the maximum possible sentence.

Petitioner reasonably believed that the Judge would grant a lenient sentence if he followed his attorneys advice to avoid a trial and plead guilty. Petitioner was coerced into pleading guilty with the expectation that he would receive a sentence ranging from probation to "No more than four years" per his attorneys "Educated Guess" and statement that "He is not a hanging Judge".

Petitioner was denied a fair trial by the gross incompetence of his attorney and there is reasonable probability that, but for counsel's errors, he would not have pled guilty, would have insisted on going to trial and the outcome would have been different. Very different.

39) It is also worth mentioning that the Judge, or any Judge, should not have accepted the guilty plea when there was so much uncertainty as to whether or not a crime had occurred, the Jurisdiction of the alleged offenses and especially the amount of money in question. The Solicitor failed miserably at presenting the State's case and neglected to offer any useful information. And of course, petitioner's counsel failed to object.

In reviewing the plea transcript, it becomes obvious by Solicitor Maxwell's ambiguous statements, comments and answers that he is intentionally attempting to divert the Judges attention and manipulate the court and conceal the real facts. He only pretends to be unfamiliar with the case and knowingly takes advantage of and exploits every opportunity to present the Judge with erroneous and misleading information to confuse him. Apparently, this tactic works.

To begin with, on page 3 of the transcript - lines 6-9, Maxwell states "I think eight other charges", then he goes on to say that they "will be dismissed per his guilty plea." This would not be correct because there was no plea agreement.

And also...

Page 19, lines 20-23:

"I believe at some point they may have gotten married, they were in a relationship of some sort and I think they have a child... they were best of my knowledge..."

Page 20, (Exhibit #30)

line 3, "I believe goes to Alaska"

line 5, "I'm not sure exactly how he did it"

line 13, "I think \$15."

Page 21,

line 3, "...I believe in October..."

line 6, "...Mr. Miller or his girlfriend or wife..."

Page 22, (Exhibit Q)

line 8, "I think it's a JURISDICTIONAL issue..."

line 9, "I think it's something important..."

lines 10-13, "I believe... New York... I believe...

New York."

line 16, "The only thing I guess..."

line 22, "I guess made whole..."

Page 23,

lines 10-11 "were able to go on the record before Judge Goldsmith I believe that signed an order that E-trade -- basically told..."

lines 13-14 "... I think maybe at the same time..."

line 24 "... I think that was the account..."

Page 24, (Exhibit # 31)

line 8, "Mr. Miller I think is originally..."

line 14, "I don't know if Mr. Miller ever..."

lines 15-16 "... but I think he has..."

line 18 "... but I don't think there was..."

line 25 "I think she's charged with..."

Page 25, (Exhibit M)

line 4, "... we believe that was bought..."

lines 7-8, "it's a 2002 Saturn, I believe."

line 10, "I think we first may have to work that out"

line 12, "... I believe..."

lines 15-16, "I think that's all I have."

Well, I think that if my attorney properly represented me, I might have received a fair trial and I believe that, to the best of my knowledge but I don't know for sure, the Judge may have dismissed the case because I don't believe the Court had Jurisdiction and I think that my conviction and Sentence might be illegal but I don't know because we

may have to work that out. Basically, I guess
the Solicitor may have confused everyone, but
I don't think that I ever thought that I believed
my attorney would not adequately represent me.
I guess I was wrong.

I think that's all I have too.

For the reasons set forth in this Declaration
and the grounds presented in the Petition for
Writ of Habeas Corpus, petitioner is entitled
to the requested relief.

VERIFICATION

I have read the foregoing Declaration and hereby
verify that the matters alleged therein are true,
except as to matters alleged on information and
belief, and, as to those, I believe them to be true.
I certify under penalty of perjury that the foregoing
is true and correct.

Executed at Columbia, South Carolina on
April 2, 2014

Robert James Miller Jr
Robert James Miller, Jr.

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM FAIRFIELD COUNTY
Court of General Sessions

L. Casey Manning, Circuit Court Judge

2012 APR 11 P 4:10

FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

Case No(s): 2011-GS-20-035, 2011-GS-20-036, 2011-GS-20-037

The State of South Carolina,

Respondent.

v.

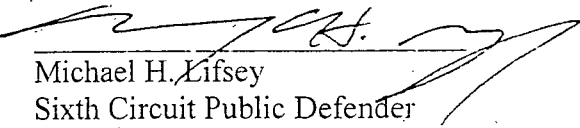
Robert James Miller, Jr.

Appellant.

STATEMENT PURSUANT TO RULE 203(d)(1)(B)(iv)

Appellant pled guilty on April 3, 2012. Undersigned counsel files this appeal at the request of Appellant and pursuant to In re Anonymous Member of the Bar, 303 S.C. 306, 400 S.E.2d 483 (1991). Counsel knows of no issue that can be reviewed on appeal.

Date: April 11, 2012


Michael H. Liffsey
Sixth Circuit Public Defender
Post Office Box 1809
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(803) 285-5585
Attorney for Appellant

Other Counsel of Record:

Riley Maxwell
Assistant Solicitor
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(803) 712-1735
Attorney for Respondent

RECEIVED

APR 16 2012

SC Court of Appeals

The Supreme Court of South Carolina

The State, Respondent

v.

Robert Miller, Petitioner.

Appellate Case No. 2014-000030

Lower Court Case Nos. 2011-GS-20-00035 thru 2011-GS-20-00037.

ORDER

By order filed on July 18, 2013, the South Carolina Court of Appeals dismissed the appeal in this matter.¹ When no petition for rehearing or reinstatement was received, the Court of Appeals sent the remittitur on August 13, 2013. Petitioner has now filed a motion seeking a writ of certiorari, a writ of habeas corpus, a vacation of his criminal convictions, monetary damages, and such other relief as may be appropriate.

The motion must be dismissed because petitioner has failed to provide an affidavit or proof of service showing that a copy of the motion has been served on opposing counsel. Rule 240(c)(1) of the South Carolina Appellate Court Rules (SCACR).

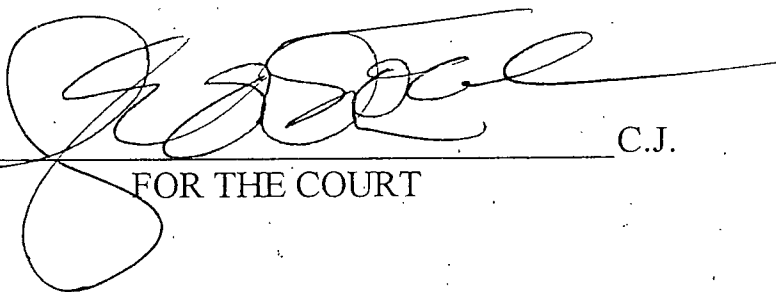
To the extent the motion is seeking review of the decision of the Court of Appeals, the motion must be dismissed for several other reasons. First, under Rule 242(a) of the South Carolina Appellate Court Rules (SCACR), this Court will only review a final decision of the Court of Appeals, and a decision is not final for the purposes of review until a petition for rehearing or reinstatement has been acted on by the Court of Appeals. Rule 242(c), SCACR. Since no petition for rehearing or reinstatement has been ruled on by the Court of Appeals in this matter, there is no final decision for this Court to review.

¹ Before the Court of Appeals, the Appellate Case Number was 2012-211446.

Second, when no petition for rehearing or reinstatement was received by the Court of Appeals, the Court of Appeals properly sent the remittitur. Rule 221, SCACR. The sending of the remittitur ended appellate jurisdiction over this case, and no further motion or petition can be considered in the case. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).

To the extent petitioner may be requesting relief from this Court under Rule 245, SCACR, that request must be dismissed not only for the failure to provide a proof of service, but also because there is no extraordinary reason for this Court to entertain this matter in its original jurisdiction. *Key v. Currie*, 305 S.C. 115, 406 S.E.2d 356 (1991):

Accordingly, the motion is dismissed.


C.J.
FOR THE COURT

Columbia, South Carolina
January 15, 2014

cc: Salley W. Elliott, Esquire
The Honorable Jenny Abbott Kitchings
Robert Miller
The Honorable Betty Jo Beckham

Winnsboro, SC 29180
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9. Randall Knox
Analyst
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E-mail: rknox@paypal.com

ATTACHMENTS

1. Copy of the Account Profile for Account #63941525.
2. Copy of the ACH Transfer Activity for Account #63941525.
3. Copy of the Check Deposit dated 08/30/10 for Account #63941525.
4. Copy of the Check Deposit dated 09/01/10 for Account #63941525.
5. Copy of the Debit Card Transactions for Debit Card #4798 8410 1887 7428.
6. Copy of the Trade Order History for Account #63941525.
7. Copy of the Schedule of Account Activity for Account #63941525.
8. Copy of the IP Report for LogIn ID BUNDRICK10.
9. Copy of the Online Public Record Search for SSN: 527-52-8538.
10. Copy of the August, 2010 Account Statement for Account #63941525.
11. Copy of the September, 2010 Account Statement for Account #63941525.
12. Copy of the October, 2010 Account Statement for Account #63941525.

EXhibit 1

Online Public Records Search 527-52-8538

Inquiry Information:

Date of Inquiry: 10/06/2010
UserID: LOPARISH

Subject Information: SSN: 527-52-8538

Report Results

SSN ISSUED-55 STATE ISSUED-AZ
M1 OF 1 NM-BUNDRICK, WILLIAM, RAY CA-
494, BUNDRICK, RD, WINNSBORO, SC, 29180, 05/99
FA-PO, BOX 39858, NINILCHIK, AK, 99639, 08/09 ES-ALLIED, RETIRED
SS-527-52-8538 BDS 04/18/39 &

STATE OF SOUTH CAROLINA

County of Fairfield

SEARCH WARRANT

1470 US Highway 321 By-Pass
Winnsboro, SC

Date: 11-03-2010
Officer: Inv. Jeff Westfall

STATE OF SOUTH CAROLINA }

Form approved by SC Attorney

SEARCH WARRANT

General - Section 17-13-160

COUNTY OF FAIRFIELD }

March 15, 1971

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF _____

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

See Attachment A

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

See Attachment B

This Search Warrant shall not be valid for more than ten days from the date of issuance.
A written inventory of all property seized pursuant to this Search Warrant shall be made to

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Winnsboro, S.C.

4:55 PM 11-03-

2010

[Signature]

(LS)

Signature of Judge

STATE OF SOUTH CAROLINA }

COUNTY OF FAIRFIELD }

AFFIDAVIT

Personally appeared before me, one Inv. Jeff Westfall who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

See Attachment B

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

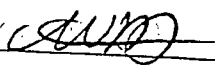
See Attachment A

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

See Attached Affidavit

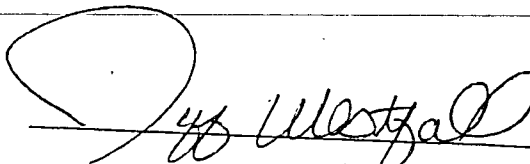
Sworn to and Subscribed before me

this 3rd day of Nov, 2010



Signature of Judge

(LS)



Affiant

Address Fairfield County Sheriff's Office

350 Columbia Rd., SC 29180

Phone (803) 635-4141

State of South Carolina)

)

)

County of Fairfield)

AFFIDAVIT

In support of the attached Application for Search Warrant, Affiant, being duly sworn, deposes and says:

I, Jeff Westfall, am a criminal investigator with the Fairfield County Sheriff's Office. In connection with my duties, I investigate and make arrests for violations of criminal offenses. I have been a criminal investigator with the Fairfield County Sheriff's Office for approximately 2 years. Prior to that, I was a patrol deputy with the Fairfield County Sheriff's Office for 1 year and a patrol officer with the Town of Winnsboro for 2 years. During this time, I have investigated numerous criminal investigations which have led to numerous arrests and convictions.

I am submitting this Affidavit in support of the belief that there is probable cause to establish the property and items enumerated herein are to be found at said storage unit #115 at Clarks Mini Storage located at 1470 US Hwy 321 Bypass area of Fairfield

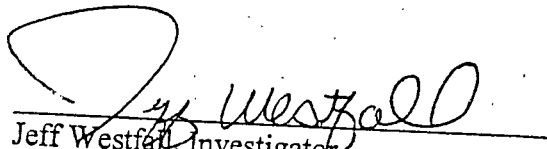
County in South Carolina. During the course of an investigation I have learned from an interview of Kayla Miller that Robert James Miller does rent this storage unit and it is in his name. The Fairfield County Sheriff's Office is conducting an investigation involving Robert James Miller and Kayla Miller where they were illegally obtained credit cards in



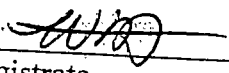
other persons (real and fictitious) names for the intent of committing the crime of identity theft.

On or about August 28th 2010, Robert James Miller and Kayla Hudson did illegally use the identity of the victim William Bundrick to open up fictitious bank accounts and transfer the monies out of Mr. William Bundrick account and place it in the fictitious accounts for the purpose of stealing the money. It is the belief of the affiant that the fraudulent credit cards and money may be inside of the storage unit located at 1470 US 321 Bypass, Winnsboro SC at Clarks Mini Storage.

Based on the above facts and circumstances, your Affiant believes that there is probable cause to believe that the items enumerated above are contained within this storage unit.


Jeff Westfall, Investigator
Fairfield County Sheriff's Office

Sworn to and Subscribed Before Me.
This 30th Day of November, 2010


Magistrate
Fairfield County



ATTACHMENT A

RE: CLARKS MINI STORAGE
1470 US HWY 321 BYPASS
WINNSBORO, SOUTH CAROLINA

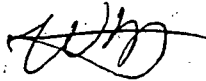
DIRECTIONS TO PROPERTY TO BE SEARCHED

From the intersection of Hwy 213 and US Hwy 321 Bypass travel North to Clarks mini warehouse behind City Laundry and Cleaner address 1470 US Hwy 321 Bypass. Fairfield County.

DESCRIPTION OF PROPERTY TO BE SEARCHED

Storage unit clearly mark with black number 115 with a white roll up door.

All items located inside storage unit such as suit cases, boxes, safes, any type of storage container stored within the storage unit.



ATTACHMENT B

DESCRIPTION OF PROPERTY SOUGHT

1. Any credit cards, bank cards, paper checks, US Currency, documents.
 2. computer devices, cell phones
 3. Any other items related to the crime.
-

RETURN

I received the attached Search Warrant 11 - 3, 2010, and have executed it as follows
On 11 - 3, 2010 at 5:30 o'clock P M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with Storage Unit #115
Name of person searched or "at the place of search" with
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

See attached list

This inventory was made in the presence of Inv. Jeff Talbert, Inv. Jeff Westfall
AND Inv. Maggie Boyd and Inv. Bill Dove

I swear that this Inventory is a true and detailed account of all property taken by me on the warrant.

SWORN to before me this 4th }

day of November, 2010 }

[Signature] (LS) }

Signature of Judge

[Signature]

(Signature of Officer Executing Warrant)

1 transactions hadn't gone through yet from moving it from the
2 Provident account to the E-trade account. Fairly clearly
3 you can tell, at least in my opinion, that it was

4 [REDACTED] that phone and that's certainly
5 something we would put forth at trial that his voice matched

6 [REDACTED] An additional thing
7 Mr. Miller did that he's not actually pleading guilty to
8 because I think it's a jurisdictional issue but it's part of
9 the restitution and I think it's something important for you

10 to know about, is Mr. Bundrick owned some stock in I believe
11 it is some type of oil or energy company out of New York, I
12 believe the holding or the financial company managing the
13 stocks was in New York. [REDACTED]

14 [REDACTED]
15 [REDACTED] E-trade that was then put into
16 the E-trade account. The only thing I guess that was
17 positive out of this is a lot of this money when Mr. Miller
18 and Kayla Miller was caught a lot of money was still in the
19 accounts. A lot of money was gone but a good bulk of it was
20 still in these accounts and Mr. Bundrick was made whole on
21 the Provident account, he was not made whole on the stock
22 sale. After the Provident account was I guess made whole
23 back

24 THE COURT: So Mr. Bundrick got \$139, or was it
25 \$139,000?

15

1 MR. MAXWELL: Your Honor, me and Mr. Lifsey have
2 discussed this case at length. We at different points in
3 time had talked about -- there was an offer on the table of
4 seven years at some point with really no set agreement to
5 the restitution. I don't think Mr. Lifsey disagrees with
6 the amount I've put forward but in the manner of how -- of
7 structuring Mr. Miller making the payments we haven't really
8 talked much about how -- or haven't really agreed to how
9 that's going to happen. It's the State's position that he's
10 pleading straight-up today and we think he deserves a lot of
11 time.

12 THE COURT: And you will drop additional charges I
13 think you mentioned earlier. What are those charges?

14 MR. MAXWELL: Those charges relate to the use of
15 financial cards that were used to access these accounts
16 after they were set up and the money was moved to the
17 fraudulent accounts. There was two counts of financial card
18 fraud, there were three more counts of criminally receiving
19 goods. Basically when I was working with the sheriff's
20 department and we were figuring out what to charge
21 Mr. Miller with prior to his arrest we wanted to make sure
22 we covered all of our bases, everything is related to the
23 financial identity fraud essentially. I think the card
24 fraud of actually using the cards after the fraud was
25 perpetrated, the moving of money to these accounts we

Letter to public
Sender dated
1-4-13

Exhibit #2

All this brings me to my second point in writing to you today. I NEED TO KNOW if (and when) you were ever informed of a forfeiture hearing? Why was I NOT notified or given an opportunity to attend? The sheriff's office wrote to me on October 30, 2013 and stated that: "I conferred with Riley Maxwell about your requests. Records indicate that the vehicle and ALL U.S. currency recovered in this investigation were released to the Attorney Robert Goldsmith, per court order by Judge Brooks Goldsmith." of course, they did not include a date. Also, the victim in my case was William Bundrick, not his brother Robert and my Judge was Casey Manning, NOT the honorable Goldsmith.

I would like to have a copy of all your notes, information and etc. pertaining to this matter. Additionally, can you please provide me with any information, letters, notes, documents AND ESPECIALLY emails in regards to the plea bargain that was initially offered by the Solicitor but then withdrawn immediately prior to court AFTER the bondsman picked me up and put me in jail (you had indicated that the plea was for seven (7) years for four (4) counts of armed).

Mr. Lifsey, this information is very important (at least to me) and I really appreciate your time, assistance and understanding in this matter. Please forward to me the requested information as soon as you possibly can. If for any reason you are unable to provide me with a particular document or piece of information, can you please advise me which document(s) and an alternative source. This way I won't be continuously writing you with the same questions.

Again, Thank You very much for your time and assistance.

Respectfully,

R. James Miller, Jr.

ATTACHMENT #1 PCR

10 STATE CONCISELY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOU ARE BEING HELD IN CUSTODY UNLAWFULLY:

- (A) LACK OF JURISDICTION OVER SUBJECT MATTER OR DEFENDANT
- (B) INEFFECTIVE ASSISTANCE OF COUNSEL
- (C) CONSTITUTIONALLY DEFECTIVE GUILTY PLEA

11 STATE CONCISELY AND IN THE SAME ORDER THE FACTS WHICH SUPPORT EACH OF THE GROUNDS SET OUT IN (10):

- (A) OFFENSES OCCURRED OUTSIDE THE TERRITORIAL JURISDICTION OF THE STATE OF SOUTH CAROLINA. SOLICITOR LACKED AUTHORITY TO INITIATE PROSECUTION AND THE CONVICTING COURT LACKED AUTHORITY TO TRY THE OFFENSES.
- (B) DEFENDANT WAS DENIED A FAIR TRIAL BY THE GROSS INCOMPETENCE OF HIS ATTORNEY AND THERE IS "REASONABLE PROBABILITY" THAT, BUT FOR COUNSEL'S ERRORS, HE WOULD NOT HAVE PLEADED GUILTY AND WOULD HAVE INSISTED ON GOING TO TRIAL AND THE OUTCOME WOULD HAVE BEEN DIFFERENT. COUNSEL MISLED THE DEFENDANT INTO MAKING A DISADVANTAGEOUS CHOICE BY INDICATING THAT ANY RISK OF SUFFERING THE MAXIMUM PENALTY COULD BE AVOIDED BY PLEADING GUILTY. DEFENDANT REASONABLY BELIEVED THAT THE JUDGE WOULD GRANT A MORE LENIENT SENTENCE IF HE FOLLOWED HIS ATTORNEYS ADVICE TO AVOID A TRIAL, PLEAD GUILTY AND SHOW REMORSE BY MAKING A STATEMENT TO THAT EFFECT AND APOLOGIZING TO THE COURT AND JUDGE. DEFENDANT WAS COERCED INTO PLEADING GUILTY WITH THE EXPECTATION HE WOULD RECEIVE A SENTENCE

RANGING FROM PROBATION TO A TERM OF "NO MORE THAN FOUR YEARS" IN PRISON PER HIS ATTORNEYS "EDUCATED GUESS" AND STATEMENT THAT "HE IS NOT A HANGING JUDGE". (IN FACT, THE SOLICITOR'S INITIAL PLEA OFFER WAS FOR A MAXIMUM SENTENCE OF (7) SEVEN YEARS IN EXCHANGE FOR A GUILTY PLEA TO FOUR (4) COUNTS OF FRAUD).

IN ADDITION TO FAILING TO HIRE A FORENSIC ACCOUNTANT AS PROMISED (AND APPROVED BY THE HONORABLE JUDGE GOLDSMITH), COUNSEL DID NOT HONOR THE DEFENDANTS REQUEST FOR A RESTITUTION HEARING TO CHALLENGE THE \$29,000. THE STATE CLAIMED WAS MISSING. AS A RESULT, THE JUDGE ERRONEOUSLY ORDERED THE DEFENDANT TO PAY \$30,000. IN RESTITUTION AND FAILED TO GIVE ADEQUATE CONSIDERATION TO THE FACT THAT THE DEFENDANTS CAR AND APPROX. \$11,000. CASH WAS SEIZED.

- (C) DEFENDANT UNINTELLIGENTLY SURRENDERED HIS CHANCE OF ACQUITTAL AT TRIAL IN EXCHANGE FOR CONCESSIONS THAT THE SOLICITOR HAD AGREED TO BUT THE DEFENDANT DID NOT RECEIVE. DEFENDANT PLED GUILTY WITH THE EXPECTATION THAT THE SOLICITOR WOULD REFRAIN FROM MAKING A RECOMMENDATION TO THE JUDGE AND THAT HE WOULD NOT OPPOSE ANY REQUEST FOR LENIENCY BY THE DEFENDANT. THIS WAS CONSTRUED AS MEANING THAT THE PROSECUTION WOULD BE BARRED FROM VOLUNTEERING ANY INFORMATION DETRIMENTAL TO THE DEFENDANT INCLUDING ANY ORAL OR WRITTEN STATEMENTS FROM ANY VICTIMS.

GUILTY PLEA WAS INVOLUNTARY, COERCED AND BROKEN.

Exhibit R

GOLD CROWN MANAGEMENT, INC.
Yachtsman Credit Card Account
1304 N. Ocean Blvd.
Myrtle Beach, SC 29577

WACHOVIA BANK, NATIONAL ASSOCIATION
Myrtle Beach, SC 29577
67-1/532

5355

10/22/2010

PAY TO THE ORDER OF Robert Miller

One Hundred and 00/100***** \$100.00

Robert Miller
933 Bundrick Rd
Winnsboro, SC 29180

MEMO _____

Kean P. Beaty

© 2003 INTUIT INC. # 720 1-800-435-2610

MP

⑈005355⑈ ⑆053200019⑆ 2001401847144⑈

Security deposit for Motel Room.
Got locked up and couldn't get it.

County of Fairfield

Robert James Miller, Jr.
Petitioner

IN THE COURT OF GENERAL SESSION
Sixth Judicial Circuit
Case No.: 2012-CP-20-352

2014 JAN 24 AM 10 34

FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

V.

State of South Carolina
Respondent

MOTION FOR PRODUCTION OF
COMPLETE CASE FILE PURSUAN
To Brady v. Maryland, 373 U.S. 83
(1963) SC. CODE ANN. § 30-4-10
§ 30-4-165 (1991-Supp. 2005)

COPY

Comes now Petitioner, Robert James Miller, Jr., respectfully
requesting this Honorable Court to help petitioner obtain a complete
case file with financial records, bank statements, receipts, motions,
letters, notes, emails, and ALL investigation reports in RE. Matter of Haddock
11 S.E. 2d 601 (1986); Sup. Ct. Rule 32 Code of Prof. Resp. Dr 6-101
(3) and Rules of disciplinary procedure § 7 Subd. (A) (3).

The petitioner respectfully contends that he never received a complete
discovery Rule 5 package from the State nor his appointed counsel, pursuant
to the law of this State and the Sixth and Fourteenth Amendments of the
Constitution. Petitioner respectfully requests a full and complete
case file pursuant to Brady v. Maryland 373 U.S. 83 (1963) SC. Code Ann.
§ 30-4-10 § 30-4-165 (1991-Supp. 2005)

sworn to, and subscribed before me
this 24th day of January, 2014

Jusan H. Frye
Notary Public

My Commission Expires
March 2015

My Commission expires: _____

Respectfully Submitted,

R. James Miller, Jr.

Robert James Miller, Jr.

3
THE STATE OF SOUTH CAROLINA
In the Court of Common Pleas

Robert James Miller, Jr.
petitioner

v.

State of South Carolina
respondent

Case No. 2012-cp-20-352

FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM
JAN 24 AM 10:34

PROOF OF SERVICE

COPY

I certify that I have served the "Motion For Production of Case File" on the Respondents by depositing a copy of it in the U.S. Mail, postage prepaid, on January 23, 2014, addressed to Alan Wilson, Attorney General, P.O. Box 11549, Columbia, SC 29211.

Robert James Miller, Jr.

Robert James Miller, Jr.

January 23, 2014

Memorandum

OFFICE OF CLERK OF COURT
FAIRFIELD COUNTY

P.O. DRAWER 299
WINNSBORO, SC 29180
Telephone: 803-712-6526
Fax: 803-712-1506

TO: R. James Miller

FROM: Betty Jo Beckham, Clerk of Court

Subject:

DATE: 1-24-14

YOUR PCR ATTORNEY IS MR MICHAEL HEMLEPP . HIS ADDRESS IS 3027 SOUTH PARAHAM RD
YORK, S.C. 29745. YOU NEED TO CONTACT HIM ABOUT GETTING INFORMATION CONCERNING
YOUR CASE. I DO NOT KNOW WHEN PCR HEARINGS WILL BE HELD. THE ATTORNEY GENERAL
OFFICE SCHEDULES THESE HEARINGS . YOU CAN CONTACT THEM AT P.O. BOX 11549,
COLUMBIA S.C. 29211. SEND YOUR REQUEST TO PCR DEPT.
cc: Office of Attorney General

Memorandum

OFFICE OF CLERK OF COURT
FAIRFIELD COUNTY

P.O. DRAWER 299
WINNSBORO, SC 29180
Telephone: 803-712-6526
Fax: 803-712-1506

TO: Robert James Miller Jr. #316047

FROM: Betty Jo Beckham, Clerk of Court

Subject: MOTION OF DISCOVERY

BJB

DATE: 10-22-13

I HAVE CHECKED ALL YOUR FILES IN MY OFFICE AND THERE IS NOT A MOTION OF DISCOVERY
RULE 5 IN ANY OF YOUR FILES. YOU NEED TO GET IN TOUCH WITH THE ATTORNEY THAT
REPRESENTED YOU TO SEE IF HE RECEIVED THE MOTION.

Exhibit # /

Post Office Box 2842
Greenville, South Carolina 29602
Telephone: (864) 277-9093
Facsimile: (864) 277-3627

VANESSA CASON

ATTORNEY AT LAW

November 1, 2013

Robert James Miller #316047
B.R.C.I. WA-267-A
4460 Broad River Rd.
Columbia, SC 29210

RE: Robert J. Miller, Jr. v. State of South Carolina
Case No.: 2012-CP-20-352

Dear Mr. Miller:

Your letters indicate that you now wish to dismiss this action, request your trial documents, and request your trial transcript.

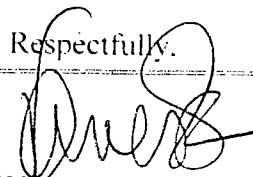
I have indicated previously that I did not have a copy of your trial transcript. To date, I do not have a copy of your trial transcript. In a PCR action, the State requests and provides the attorney with a copy of the transcript and the State provides a copy of the application. This is why I wrote you regarding that information.

I have already requested your transcript. That was done shortly after I received the notice of appointment. I have since requested the transcript again. I have not yet received it. I normally receive it one or two months prior to the PCR hearing. When I receive it, I will forward a copy to you.

I do not have the discovery items from your case at the trial level. Those documents would have been provided to you by the Solicitor's Office or your attorney. If you do not have those documents, you can request them from the Solicitor's Office. If I request those documents, I will be charged a fee, and I will pass that cost on to you.

You have said that you want to withdraw your application. Do you wish to actually dismiss or consent to my being relieved as your counsel? If you will let me know as soon as possible what you wish to do, I will execute the correct documents.

Respectfully,



Vanessa Cason

VC/rml

State of South Carolina
Solicitor, Sixth Judicial Circuit



CHESTER/FAIRFIELD
LANCASTER
DOUGLAS A. BARFIELD, JR., SOLICITOR

November 15, 2013

R. James Miller, Jr., #316047
Broad River Correctional Institute
4460 Broad River Road
Columbia, S.C. 29210

Dear Mr. Miller:

Please find enclosed the court orders regarding the money, the E*Trade account and the vehicle.
You will need to contact your attorney regarding discovery matters.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Maxwell", written over a horizontal line.

Riley Maxwell
Assistant Solicitor

EXHIBIT 10

SIXTH JUDICIAL CIRCUIT
PUBLIC DEFENDER'S OFFICE

104 North Main Street * Post Office Box 1809
Lancaster, South Carolina 29721
Telephone No.: (803) 285-5585
Fax No.: (803) 285-6085

November 15, 2013

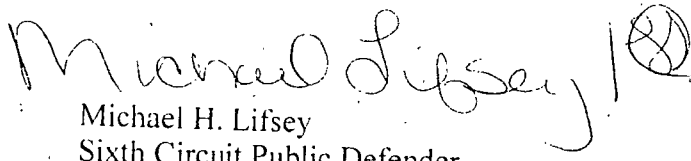
Mr. James Robert Miller, SCDC # 316047
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210

Re: Your recent letter

Dear Mr. Miller:

I am writing in response to your recent letter in which you are asking that I provide you additional information from your file concerning your case. I am in court this week and next week in Chester County and therefore am unable to go back through my file and respond immediately. However, I will try to send you a response in the next 10-15 days.

Sincerely,



Michael H. Lifsey
Sixth Circuit Public Defender

EXHIBIT 11

SIXTH JUDICIAL CIRCUIT
PUBLIC DEFENDER'S OFFICE

104 North Main Street * Post Office Box 1809
Lancaster, South Carolina 29721
Telephone No.: (803) 285-5585
Fax No.: (803) 285-6085

January 3, 2014

Mr. James Robert Miller, SCDC # 316047
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210

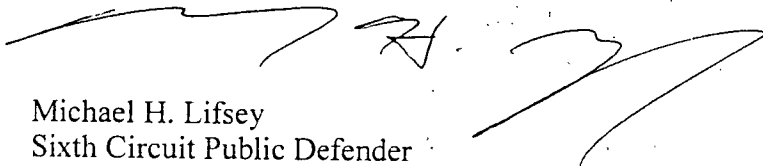
Re: Your recent letter

Dear Mr. Miller:

I am sorry for the delay in responding. I have given you a copy of all the written materials in your file. I have a CD with additional materials on it. Is there a family member of yours to whom I can just send a copy of the CD? Or, if it suits you better, I notice you have attorney appointed to represent you on the PCR matter that is pending in relation to this case. Can I just send him a copy of the CD?

No, he did not

Sincerely,



Michael H. Lifsey
Sixth Circuit Public Defender

COUNTY OF FAIRFIELD
VS.
Robert James Miller Jr
A:
Race: WHITE Sex: M Age: 40
DOB: 1971 SS#: 7228
Address: Cito Rd
City, State, Zip: McConellsburg, PA 17233
SID#:

INDICTMENT/CASE#: 2011-GS-20-35
A/W#: M400779
Date of Offense: 9/7/2010
S.C. Code §: 16-13-0510
CDR Code #: 2813

SENTENCE SHEET
0-10 yrs.

DL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
Disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
to: FinanTC / Financial identity fraud, obtains/records identify. info., access/att. access finan. records of other unlawfully
violation of § 16-13-0510 of the S.C. Code of Laws, bearing CDR Code # 2813
NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

Charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
Plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
TEST: Maxwell, Riley J SC Bar# 74878 Defendant x J. J. Miller Attorney for Defendant SC Bar# 015154

HEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
\$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.
CONCURRENT or ☐ CONSECUTIVE to sentence on: 4/3/12 2011GS2037
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Amount: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
Set by SCDPPPS _____

PTUP _____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

fees:		\$
1-1-206 (Assessments 107.5 %)		\$
1-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
1-1-211(A)(2) (DUI Surcharge)	\$100	\$
6-5-2995 (DUI Assessment)	\$12	\$
6-1-286 (DUI Breath Test)	\$25	\$
iso 47.9 (Public Def/Prob)	\$500	\$
4-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
4-1-213 (Drug Court Surcharge)	\$150	\$
0-21-114 (BUI Breath Test Fee)	\$50	\$
1-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
iso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
to County (if paid in installments)		\$ 3.90
		\$ 133.90

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk: Betty J. Beekman
Court Reporter: Mike Walthers
A/217 (03/2011)

Presiding Judge: [Signature]
Judge Code: 2061
Sentence Date: 4-3-12

FAIRFIELD
TATE VS.
Robert James Miller Jr
KA:
WHITE Sex: M Age: 40
1971 SS# 7228
address: Cito Rd
ity, State, Zip: Mc Connellsburg, PA 17233
L#: SID#

INDICTMENT/CASE#: 2011-GS-20-36
A/W#: M400780
Date of Offense: 9/2/2010
S.C. Code § : 16-13-0510
CDR Code #: 2813

SENTENCE SHEET - 10 yrs.

CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
disposition of the said indictment comes now the Defendant who was
D: FinanTC / Financial identity fraud, obtains/records identify. info., access/att. access finan. records of other unlawfully
violation of § 16-13-0510 of the S.C. Code of Laws, bearing CDR Code # 2813
NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)
e charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
e plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

TEST: Maxwell, Riley J 74878 SC Bar# Defendant
Attorney for Defendant 015154 SC Bar#

HEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
\$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 3

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
bation, which are incorporated by reference.

CONCURRENT or ☒ CONSECUTIVE to sentence on: 4/3/12 2011GS2037 & 2011GS2035
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

suant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
nestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

ESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☒ Ordered
al: \$ 30,000 plus 20% fee: \$

PTUP
_____ days/hours Public Service Employment

ment Terms:
Set by SCDPPPS

Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____

ment:

May serve W/E beginning _____
Substance Abuse Counseling ☐

e:

Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

-1-206 (Assessments 107.5 %) \$

\$ _____ paid to Public Defender Fund

-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

Other: _____

1-211(A)(2) (DUI Surcharge) \$100 \$

-5-2995 (DUI Assessment) \$12 \$

-1-286 (DUI Breath Test) \$25 \$

so.47-9 (Public-Def/Prob) \$500 \$ 500.00

-1-212 (Law Enforce. Funding) \$25 \$ 25.00

-1-213 (Drug Court Surcharge) \$150 \$

-21-114(BUI Breath Test Fee) \$50 \$

5-2942(J) (Vehicle Assessment) \$40/ea \$

so 90.5 (SCCJA Surcharge) \$5 \$ 5.00

☒ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

County (if paid in installments) \$ 18.90
\$ 648.90

Presiding Judge
Judge Code: 2061
Sentence Date: 4-3-12

of Court/ Deputy Clerk Betty J. Beckhar
Reporter: Mike Watkins
/217 (03/2011)

UNIT OF
ATE VS.
Fairfield
Robert James Miller Jr
A:
WHITE Sex: M Age: 40
1971 SS# 7228
ress: City Rd
y, State, Zip: Mc Connellsburg, PA 17233
#: SID#:

INDICTMENT/CASE#: 2011-GS-20-37
A/W#: M400781
Date of Offense: 8/28/2010
S.C. Code § 16-13-0510
CDR Code #: 2813

SENTENCE SHEET 0-1045

DL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
Disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
FinanTC / Financial identity fraud, obtains/records identify. info., access/att. access finan. records of other unlawfully
violation of § 16-13-0510 of the S.C. Code of Laws, bearing CDR Code # 2813
NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ § 17-25-45
w/minor 1st or Lewd Act)
Charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
Plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

TEST: Maxwell, Riley J 74878 SC Bar# Defendant Attorney for Defendant 015154 SC Bar#

HEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
Indeterminate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed years
or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
; plus costs and assessments as applicable*; the balance is suspended with probation for

ths/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
ation, which are incorporated by reference.

CONCURRENT or ☐ CONSECUTIVE to sentence on: 4/3/12 2011GS2035
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

ESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
l: \$ plus 20% fee: \$
ent Terms:
et by SCDPPPS

PTUP
days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. ☐
May serve W/E beginning
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

ient:		
2:		\$
1-206 (Assessments 107.5 %)		\$
1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
1-211(A)(2) (DUI Surcharge)	\$100	\$
-5-2995 (DUI Assessment)	\$12	\$
-1-286 (DUI Breath Test)	\$25	\$
so 47-9 (Public Def/Prob)	\$500	\$
1-212 (Law Enforce. Funding)	\$25	\$ 25.00
1-213 (Drug Court Surcharge)	\$150	\$
21-114 (BUI Breath Test Fee)	\$50	\$
5-2942(J) (Vehicle Assessment)	\$40/ea	\$
so 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
County (if paid in installments)		\$ 3.90
		\$ 133.90

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation

of Court/ Deputy Clerk
Reporter: Betty J Beck
/217 (03/2011)

Presiding Judge
Judge Code: 2061
Sentence Date: 4-3-12

1 MR. MAXWELL: This is Robert James Miller, Mr. Miller
2 is represented by Mr. Mike Lifsey. Mr. Miller has been
3 indicted for three counts of financial identity fraud, those
4 are docket numbers 2011-GS-20-35, 36, and 37, he is entering
5 guilty pleas to all three charges, that is the 10 year
6 statute. He has a host -- I think eight other charges all
7 related to those identity fraud charges, those indictments
8 will be dismissed per his guilty plea to these first three
9 charges.

10 THE COURT: All right.

11 ~~MR. MAXWELL: This is a straight-up plea, the State is~~
12 ~~asking for a ten to 15 year sentence.~~ Of course, anything
13 above ten years we would be asking for at least one of the
14 charges to be run consecutive to the first charge. I have
15 handed up a restitution order, it's a lot of money. The
16 victim, Mr. Bundrick, is out of roughly \$29,000 and some
17 change.

18 THE COURT: This is Mr. Bundrick over here to my left?

19 MR. MAXWELL: Yes, sir.

20 THE COURT: How much is he out of?

21 MR. MAXWELL: He is out of 29,000 and some change,
22 there's also some banks that are out of some money because
23 of these transactions. Of course, the State's position is
24 if he gets a ton of time we realize that probation and
25 paying the money back may not be -- may be just kind of a

MILLER, ROBERT JAMES JUNIOR
SC0200000 FAIRFIELD CNTY SO
CASE-108284
ATN-200000007265
WARR-M400779
CIT-16-14-40(E)-FELONY

11/03/2010

Exhibit # 20

ARREST CHARGE 01-FINANCIAL
TRANSACTION CARD FORGERY
OFFENSE DATE-09/15/2010
PALM PRINTS AVAILABLE

END OF PAGE

01 - PAGE 02 TO FOLLOW

PAGE-02 DATE-11/18/2010 TIME-12:15:38
REQ ORI-SC0200000 FAIRFIELD CNTY SO
SID-SC01603793 FBI-114027LA9

CONTRIBUTOR/SUBJECT DOA/RCVD CHARGE/DISPOSITION/ETC

WARR-M400780
CIT-16-14-40(E)-FELONY

ARREST CHARGE 02-FINANCIAL
TRANSACTION CARD FORGERY
OFFENSE DATE-10/06/2010

WARR-M400781
CIT-16-14-40(E)-FELONY

ARREST CHARGE 03-FINANCIAL
TRANSACTION CARD FORGERY
OFFENSE DATE-08/28/2010

WARR-M400788
CIT-16-14-60-MISDEMEANOR

ARREST CHARGE 04-FINANCIAL
TRANS CARD FRAUD <\$500 IN
6MTHS
OFFENSE DATE-08/28/2010

WARR-M400789
CIT-16-14-60-MISDEMEANOR

ARREST CHARGE 05-FINANCIAL
TRANS CARD FRAUD <\$500 IN
6MTHS
OFFENSE DATE-10/06/2010

WARR-M400790
CIT-16-14-60-MISDEMEANOR

ARREST CHARGE 06-FINANCIAL
TRANS CARD FRAUD <\$500 IN
6MTHS
OFFENSE DATE-09/15/2010

WARR-M400791
CIT-16-14-60-MISDEMEANOR

ARREST CHARGE 07-FINANCIAL
TRANSACTION CARD FRAUD
GENERALLY
OFFENSE DATE-09/15/2010

WARR-M400793
CIT-16-14-60-MISDEMEANOR

ARREST CHARGE 08-FINANCIAL
TRANSACTION CARD FRAUD
GENERALLY
OFFENSE DATE-10/06/2010

WARR-M400795 @
CIT-16-13-30(B)(1)-FELONY

ARREST CHARGE 09-GRAND LARCEN
Y, VALUE >\$1,000 BUT <\$5,00
0
OFFENSE DATE-08/28/2010

- WARRANT OCCURS WITH MORE THAN ONE SID NUMBER

MI-400719
STATE OF SOUTH CAROLINA
☒ County/ Fairfield ☐ Municipality of
2010 NOV - 3 P 2 54
10-8284
THE STATE
against
Robert James Jr Miller
Address: 2869 Greenbriar Mossydale
Winnsboro, SC 29180-
Phone: SSN: 888-88-8888
Sex: M Race: W Height: 5 10 Weight: 155
L State: SC DL #: 99999999
OB: 11/1971 Agency ORI #: SC0200000
Prosecuting Agency: Fairfield County Sheriff
Prosecuting Officer: J Talbert -1086
Offense: FinanTC Financial identity fraud, obtains/records identify. info., access/att. access finan. records of
Offense Code: 2813
Code/Ordinance Sec: 16-13-0510
This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of
The accused
to be arrested and brought before me to be
dealt with according to the law.
(L.S.)
Signature of Judge
Date:
RETURN
A copy of this arrest warrant was delivered to
defendant Robert James Miller Jr
on 11-3-10
Bill Du
Signature of Constable/Law Enforcement Officer
RETURN WARRANT TO:
General Sessions
101 South Congress St.
PO Drawer 299
Winnsboro, SC 29180
ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

Fairfield

Personally appeared before me the affiant J Talbert

being duly sworn deposes and says that defendant Robert James Jr Miller

did within this county and state on or about 09/15/2010

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Fairfield
in the following particulars:

DESCRIPTION OF OFFENSE: FinanTC Financial identity fraud, obtains/records identify. info., access/att. access finan. records of
other unlawfully

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

That on or about September 15, 2010 in the county of Fairfield, one Robert James Jr Miller, without the permission of the victim
William Bundrick, and with the intent of unlawfully appropriating the financial resources of the victim, did obtain and use Bundrick
identity, social security number, bank account numbers and personal information. With this information the defendant did take
money from the victim's account and deposit into an account fraudently opened with HSBC Bank. This incident is based on an
investigation by the Fairfield County Sheriff's Office.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Fairfield

Affiant's Address P. O. Box 387
Winnsboro, SC 29180-
Affiant's Telephone (803)635-4141

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/15/2010 defendant Robert James Jr Miller

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Fairfield) as set forth below:

DESCRIPTION OF OFFENSE: FinanTC Financial identity fraud, obtains/records identify. info., access/att. access finan. records of
other unlawfully

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 11/01/2010

Signature of Issuing Judge

Russell Durant Price

Judge Code: 7107

(L.S.)

Judge's Address 115-B South Congress Street

Winnsboro, SC 29180-

Judge's Telephone (803)635-4525

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

M-400780

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Fairfield

THE STATE

10-8284

against

Robert James Jr Miller

Address: 2869 Greenbriar Mossydale

Winnsboro, SC 29180-

Phone: SSN: 888-88-8888

Sex: M Race: W Height: 5 10 Weight: 155

DL State: SC DL #: 99999999

DOB: 1971 Agency ORI #: SC0200000

Prosecuting Agency: Fairfield County Sheriff

Prosecuting Officer: J Talbert - 1086

Offense: FinanTC Financial identity fraud, obtains/records identify. info., access/att. access finan. records of

Offense Code: 2813

Code/Ordinance Sec: 16-13-0510

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
101 South Congress St
PO Drawer 299
Winnsboro, SC 29180

DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY

☒ County/ ☐ Municipality of

Fairfield

Personally appeared before me the affiant J Talbert

being duly sworn deposes and says that defendant Robert James Jr Miller

did within this county and state on or about 10/06/2010

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Fairfield violate the criminal laws of the

in the following particulars:

DESCRIPTION OF OFFENSE: FinanTC Financial identity fraud, obtains/records identify. info., access/att. access finan. records of other unlawfully

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on or about October 6, 2010 in the county of Fairfield, one Robert James Jr Miller, without the permission of the victim, William Bundrick, and with the intent of unlawfully appropriating the financial resources of the victim, did obtain and use Bundrick identity, social security number, bank account numbers and personal information. With this information the defendant did take money from the victim's account and deposit into an account fraudently opened with Bank Of America. This incident is based on an investigation by the Fairfield County Sheriff's Office.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Fairfield

Affiant's Address P. O. Box 387
Winnsboro, SC 29180-

Affiant's Telephone (803)635-4141

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/6/2010 defendant Robert James Jr Miller

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Fairfield) as set forth below:

DESCRIPTION OF OFFENSE: FinanTC Financial identity fraud, obtains/records identify. info., access/att. access finan. records of other unlawfully

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 11/01/2010

(L.S.)

Signature of Issuing Judge

Russell Durant Price

Judge Code: 7107

Judge's Address 115-B South Congress Street
Winnsboro, SC 29180-

Judge's Telephone (803)635-4525

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

☒ County/ ☐ Municipality of

Fairfield

2010 NOV -8 P 2:54

THE STATE 10-8284

against

FAIRFIELD COUNTY
CLERK OF COURT

Robert James Jr Miller

Address: 2869 Greenbriar Mossydale

Winnsboro, SC 29180-

Phone: SSN: 888-88-8888

Sex: M Race: W Height: 5 10 Weight: 155

DL State: SC DL #: 99999999

DOB: 1971 Agency ORI #: SC0200000

Prosecuting Agency: Fairfield County Sheriff

Prosecuting Officer: J Talbert -1086

Offense: FinanTC / Financial identity fraud, obtains/records identify, info., access/att. access finan. records of

Offense Code: 2813

Code/Ordinance Sec: 16-13-0510

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

is to be arrested and brought before me to be
dealt with according to the law

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Robert James Miller Jr

on 11-3-10

Bill D
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
101 South Congress St
PO Drawer 299
Winnsboro, SC 29180

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Fairfield

Personally appeared before me the affiant J Talbert

being duly sworn deposes and says that defendant Robert James Jr Miller

did within this county and state on or about 08/28/2010

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Fairfield

violate the criminal laws of the

in the following particulars:

DESCRIPTION OF OFFENSE FinanTC / Financial identity fraud, obtains/records identify, info., access/att. access finan. records of
other unlawfully

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on or about August 28, 2010 in the county of Fairfield, one Robert James Jr Miller, without the permission of the victim, William Bundrick, and with the intent of unlawfully appropriating the financial resources of the victim, did obtain and use Bundrick identity, social security number, bank account numbers and personal information. With this information the defendant did take money from the victim's account and deposit into an account fraudently opened with Charles Schwab Bank. This incident is based on an investigation by the Fairfield County Sheriff's Office.

Signature of Affiant

J Talbert

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Fairfield.

Affiant's Address P. O. Box 387

Winnsboro, SC 29180-

Affiant's Telephone (803)635-4141

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 8/28/2010 defendant Robert James Jr Miller

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Fairfield

) as set forth below:

DESCRIPTION OF OFFENSE FinanTC / Financial identity fraud, obtains/records identify, info., access/att. access finan. records of
other unlawfully

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on: 11/01/2010

Russell Durant Price
Signature of Issuing Judge

Judge Code: 7107

Judge's Address 115-B South Congress Street

Winnsboro, SC 29180-

Judge's Telephone (803)635-4525

Issuing Court: ☒ Magistrate

☐ Municipal

☐ Circuit

Talbert-FCSO

ARREST WARRANT NUMBER/DOA

M400779 (DOA-11-03-10)

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

The State of South Carolina
County of Fairfield

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2011

THE STATE
vs.

Robert J. Miller, Jr.

Indictment for
Financial Identity Fraud

SC Code: § 16-13-510
CDR Code: 2813
Class: Felony, E

EXHIBIT # 25

Talbert-FCSO

ARREST WARRANT NUMBER/DOA

M400780 (DOA-11-03-10)

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

The State of South Carolina
County of Fairfield

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2011

THE STATE
vs.

Robert J. Miller, Jr.

Indictment for
Financial Identity Fraud

SC Code: § 16-13-510
CDR Code: 2813
Class: Felony, E

Exhibit # 26

Talbert-FCSO

ARREST WARRANT NUMBER/DOA

M400781 (DOA-11-03-10)

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

The State of South Carolina
County of Fairfield

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2011

THE STATE
vs.

Robert J. Miller, Jr.

Indictment for
Financial Identity Fraud

SC Code: § 16-13-510
CDR Code: 2813
Class: Felony, E

Exhibit # 27

M-400789

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Fairfield

2010 NOV - 8 P 2:54

THE STATE

10-8284

against

FAIRFIELD COUNTY
CLERK OF COURT

Robert James Jr Miller

Address: 2869 Greenbriar Mossydale

Winnsboro, SC 29180-

Phone: SSN: 888-88-8888

Sex: M Race: W Height: 5 10 Weight: 155

State: SC DL #: 99999999

DOB: 1971 Agency ORI #: SC0200000

Prosecuting Agency: Fairfield County Sheriff

Prosecuting Officer: J Talbert - 1086

Offense: FinanTC / Financial Transaction Card fraud value
more than \$500 in six month period, by cardholder

Offense Code: 2349

Code/Ordinance Sec: 16-14-0060(a)(1)-

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

Defendant: Robert James Miller Jr

on 11-3-10

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
101 South Congress St
PO Drawer 299
Winnsboro, SC 29180

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Fairfield

Personally appeared before me the affiant J Talbert

being duly sworn deposes and says that defendant Robert James Jr Miller

did within this county and state on or about 10/06/2010

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Fairfield) violate the criminal laws of the

in the following particulars:

DESCRIPTION OF OFFENSE: FinanTC / Financial Transaction Card fraud value more than \$500 in six month period, by cardholder.

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

ON OR ABOUT OCTOBER 6, 2010, IN THE COUNTY OF FAIRFIELD, ONE ROBERT J. MILLER, DID FRAUDULENTLY OPEN AN ACCOUNT WITH BANK OF AMERICA, IN THE VICTIM WILLIAM BUNDRICK'S NAME WITHOUT CONSENT. THE DEFENDANT OPENED THIS ACCOUNT BY USING THE VICTIM'S ACCOUNT NUMBER AND OTHER PERSONAL INFORMATION ILLEGALLY. THE DEFENDANT DID FRAUDULENTLY RECEIVE AN ATM CARD FOR THIS ACCOUNT IN BUNDRICK'S NAME AND DID USE THE CARD TO RECEIVE MONEY, GOODS AND SERVICES WITHOUT BUNDRICK'S CONSENT. THE DEFENDANT DID VIOLATE SECTION CODE 16-14-60 (A) 2,4 and 5. THIS INCIDENT IS BASED ON AN INVESTIGATION BY THE FAIRFIELD COUNTY SHERIFF'S OFFICE.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Fairfield

Affiant's Address: P. O. Box 387

Winnsboro, SC 29180-

Affiant's Telephone: (803)635-4141

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 10/06/2010 defendant Robert James Jr Miller

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Fairfield) as set forth below:

DESCRIPTION OF OFFENSE: FinanTC / Financial Transaction Card fraud value more than \$500 in six month period, by cardholder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 11/01/2010

Signature of Issuing Judge: Russell Durant Price (L.S.)

Judge's Address: 115-B South Congress Street

Winnsboro, SC 29180-

Judge's Telephone: (803)635-4525

Judge's Code: 7107

Judge's Address: 115-B South Congress Street

Winnsboro, SC 29180-

Judge's Telephone: (803)635-4525

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Fairfield

THE STATE

against

10-8284

Robert James Jr Miller

Address: 2869 Greenbriar Mossydale

Winnsboro, SC 29180-

Phone: SSN: 888-88-8888

Sex: M Race: W Height: 5'10 Weight: 155

DL State: SC DL #: 99999999

DOB: 1971 Agency ORI #: SC0200000

Prosecuting Agency: Fairfield County Sheriff

Prosecuting Officer: J Talbert 1086

Offense: FinanTC/Criminally receive goods, services fraudulently obtained, value more than \$1,000 in

Offense Code: 3486

Code/Ordinance Sec: 16-14-0080(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

is to be arrested and brought before me to be dealt with according to the law

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Robert JAMES Miller Jr on 11-3-10

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
101 South Congress St
PO Drawer 299
Winnsboro, SC 29180

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Fairfield

Personally appeared before me the affiant J Talbert

being duly sworn deposes and says that defendant Robert James Jr Miller

did within this county and state on or about 09/15/2010

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Fairfield

in the following particulars:

DESCRIPTION OF OFFENSE

FinanTC/Criminally receive goods, services fraudulently obtained, value more than \$1,000 in any six month period

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

ON OR ABOUT SEPTEMBER 15, 2010, IN THE COUNTY OF FAIRFIELD ONE ROBERT JAMES MILLER, DID CRIMINALLY RECEIVE GOODS, MONEY AND SERVICES WITHOUT THE CONSENT OF THE VICTIM, WILLIAM BUNDRICK BY FRAUDLENTLY REMOVING FUNDS FROM BUNDRICK'S BANK ACCOUNT AT PROVIDENT BANK. THE DEFENDANT DID FROM THE VICTIM'S ACCOUNT FRAUDENTLTY. THE FUNDS WERE FRAUDENTLTY PLACED IN HSBC BANK AND FRAUDENTLTY REMOVED. THIS INCIDENT IS BASED ON AN INVESTIGATION BY THE FAIRFIELD COUNTY SHERIFF'S OFFICE.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Fairfield

Affiant's Address P.O. Box 387

Winnsboro, SC 29180-

Affiant's Telephone (803)635-4141

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/15/2010 defendant Robert James Jr Miller

did violate the criminal laws of the State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Fairfield

) as set forth below:

DESCRIPTION OF OFFENSE

FinanTC/Criminally receive goods, services fraudulently obtained, value more than \$1,000 in any six month period

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 11/01/2010

Signature of Issuing Judge

Russell Durant Price

Judge Code: 7107

Judge's Address 115-B South Congress Street

Winnsboro, SC 29180-

Judge's Telephone (803)635-4525

Issuing Court:

☒ Magistrate

☐ Municipal

☐ Circuit

STATE OF SOUTH CAROLINA)

COUNTY OF LANCASTER)

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)

VS.)

AFFIDAVIT OF DEFENDANT FOR GUILTY PLEARobert Jones, Miller

Defendant.

The Defendant states to the Court that the Defendant wants to plead guilty to the following charge(s):

Financial Identity Fraud (3 counts)

In Connection with the plea, I certify that the answers to the following questions are true:

BACKGROUND OF DEFENDANT

- 1) How old are you? 40
- 2) How far did you go in school? GED
- 3) What kind of work do you do? Unemployed
- 4) Have you ever been treated for abuse of alcohol and/or drugs or for mental illness? yes ☐ no
If so, when? Currently under treatment
For how long? Currently under treatment
Did you successfully complete the program? ☐ yes ☐ no
- 5) Have you taken any medication, drugs, or alcohol in the last 24 hours? ☒ yes ☐ no
If yes, what? Klonopin, Vistaril, Trazedone, Atriple
How much? prescribed amounts
- Does this affect your ability to understand and comprehend what is going on here today
☐ yes ☒ no
- 6) Are you today under the influence of any medication, drugs, or alcohol? ☐ yes ☒ no

7) Are you today aware of any physical, emotional, or nervous problem that might keep you from understanding what you are doing? ☐ yes ☒ no

8) Have you ever been ordered by a judge to submit to a mental evaluation to determine your competency to stand trial? ☐ yes ☒ no

WAIVER OF CONSTITUTIONAL RIGHTS

1) Do you understand that you have the right to remain silent, that is, your right against self-incrimination? You cannot be compelled to testify or give evidence against yourself. Do you understand this right? ☒ yes ☐ no

Do you wish to give up this right and plead guilty?
☒ yes ☐ no

2) Do you understand that you have a right to a jury trial, you have a right to have a jury decide whether or not you are guilty beyond a reasonable doubt. They would base their decision upon evidence which the state presents and on any evidence you might wish to introduce. In a trial, you would be presumed to be innocent, and the state would have to produce evidence that would convince all 12 members of the jury that you were guilty beyond a reasonable doubt. Do you understand this right?
☒ yes ☐ no

Do you wish to give up your right to a jury trial and plead guilty?
☒ yes ☐ no

3) Do you understand that you have the right to confront and be confronted by the witnesses against you, that is, the right to see, hear, and cross examine any witnesses that may be called against you during the trial and the right to subpoena and call witnesses on your own behalf?
☒ yes ☐ no

Do you wish to give up these rights and plead guilty?
☒ yes ☐ no

4) If your case has not yet been before the grand jury, you have the right to have the case presented to the grand jury. After hearing evidence, 12 of the 18 people on the grand jury would have to agree that you were probably guilty before the charge against you could be reported out as a True Bill ready for trial. A grand jury might return a No BILL, which would mean that the charge would be dismissed. Do you understand this right?
☐ yes ☐ no

Do you wish to give up your right to have the grand jury examine your case?
☐ yes ☐ no



5) Do you understand that when you plead guilty you give up these constitutional rights?
yes no

Is that what you want to do?
yes no

Do you understand that you will not get a jury trial if you plead guilty?
yes no

NATURE OF THE CHARGE AND CONSEQUENCES OF PLEADING GUILTY

1) Has your attorney discussed with you the charge(s) and possible punishments for the charge(s)?
yes no

2) Are you pleading guilty for any other reason that the fact that you are guilty? yes no
If so what is the other reason?

3) As you understand, the possible penalty for this charge is:

Up to 10 yrs on each count

4) If an offense with graduated penalties: Do you understand that if you plead guilty to this offense and you are convicted at a later time of a similar crime, the punishment will be higher next time?
yes no

5) Do you have any questions about the nature of the charges against you?
yes no

6) Do you understand that when you plead guilty you admit the truth of the charge(s) against you?
yes no

7) You may have defenses to the charge(s) against you. Do you understand that if you plead guilty you will waive or give up any defense to the charge(s)? yes no

8) You may have given an incriminating statement in this case. Do you understand that if you plead guilty you waive or give up the right to contest or challenge whether such a statement was freely and voluntarily given in accordance with your constitutional rights?
yes no

- 9) Understanding the nature of the charge(s) against you and the consequences of a guilty plea, do you still wish to plead guilty?
- ☒ yes ☐ no

PLEA NEGOTIATIONS

- 1) Has any plea agreement been made by you with the solicitor's office?
- ☐ yes ☒ no
- If so, exactly what do you understand the agreement to be?
- _____
- _____

- 2) Other than this agreement, has anyone promised you anything else in regards to your sentence in this case?
- ☐ yes ☒ no

VOLUNTARINESS OF PLEA

- 1) Has anyone promised you anything or held out any hope of reward to get you to plead guilty?
- ☐ yes ☒ no
- 2) Has anyone threatened you or used force to get you to plead guilty?
- ☐ yes ☒ no
- 3) Has anyone used pressure or intimidation to cause you to plead guilty?
- ☐ yes ☒ no
- 4) Have you had enough time to make up your mind as to whether or not you want to plead guilty?
- ☒ yes ☐ no
- 5) Are you pleading guilty of your own free will and accord?
- ☒ yes ☐ no

SATISFACTION WITH ATTORNEY

- 1) Has your attorney reviewed this form with you and answered any questions you have about it?
- ☐ yes ☒ no
- 2) Are you satisfied with the manner in which your attorney has advised you and represented you?
- ☒ yes ☐ no

3) Have you talked with your attorney as often and for as long as you feel necessary for him/her to properly represent you?

yes no

4) Do you need more time to talk with your attorney?

yes no

5) Have you understood your talks with your attorney?

yes no

6) Has your attorney done everything for you that you feel he/she could have done or should have done?

yes no

7) Has your attorney done anything in this case that you feel he/she should not have done?

yes no

8) Are you completely satisfied with your attorney's services?

yes no

9) Do you have any complaint that you want to make about your attorney, the solicitor, or any of the police officers?

yes no

10) Do you understand that you have a right to appeal your guilty plea and the sentence and that you must do this within 10 days of the sentence?

yes no

CONCLUDING QUESTIONS

1) Do you understand all of these questions?

yes no

2) Do you still want to plead guilty?

yes no

SIGNED BY ME IN THE PRESENCE OF MY ATTORNEY, this _____ day

of _____

X. [Signature]
DEFENDANT

1 so they were living in basically a house not far away from
2 Mr. Bundrick. During the summer of 2010 Mr. Bundrick leaves
3 Fairfield County and I believe goes to Alaska for a vacation
4 and his house is basically unattended during that point in
5 time. At some point Mr. Miller, and I'm not sure exactly
6 how he did it, but when Mr. Bundrick gets gone Mr. Miller
7 gets his hands on Mr. Bundrick's birthdate, social security
8 number and basically the account number and routing number
9 of Mr. Bundrick's checking account. Mr. Bundrick was
10 banking at that time with Provident Bank, a [REDACTED]
11 [REDACTED] and on June 6th of 2010 he had [REDACTED]
12 that checking account. I will go ahead and tell you by
13 about mid-October it was less than I think \$15 in that
14 checking account. Essentially what Mr. Miller did was use
15 Mr. Bundrick's birthdate, social security number and go
16 online and set up accounts in Mr. Bundrick's name at Bank
17 of America, Charles Schwab, HSBC and E-trade. Once he set
18 up these accounts in Bundrick's name with Mr. Bundrick's
19 home address he then transferred the money in the banking
20 account at Provident on different occasions, on several
21 different occasions to these other accounts. E-trade, Bank
22 of America, HSBC and Charles Schwab sent basically debit
23 cards, ATM cards to Mr. Bundrick's residence, because
24 Mr. Bundrick wasn't at home Mr. Miller was able to get
25 access and gain possession of those cards which he then was

1 transactions over the period of time that Mr. Miller had
2 them in his possession and Mr. Bundrick was away in Alaska.
3 The sheriff's department was able to determine not where

4 every transaction occurred but transactions occurred
5 throughout the eastern seaboard, parts of Myrtle Beach,
6 Columbia, between Columbia and Myrtle Beach up into
7 Pennsylvania and up the eastern seaboard. These are places
8 that we knew Mr. Miller -- Mr. Miller I think is originally
9 from Pennsylvania, at one point in time we had some

10 information that he was living in Myrtle Beach so basically
11 we were able to match up the use of these cards with where
12 Mr. Miller or Kayla Miller were -- where they were located
13 at that period of time back in September and October of
14 2010. I don't know if Mr. Miller ever gave an exact
15 statement admitting to everything to the investigators but I
16 think he has made statements admitting to some type of
17 responsibility before. Of course, he is pleading guilty
18 today but I don't think there was ever any full confession,
19 full statement taken by the investigators. I do believe his
20 girlfriend did give information to investigators admitting
21 to the knowledge --

22 THE COURT: She has charges pending?

23 MR. MAXWELL: She has charges pending.

24 THE COURT: Same charges or --

25 MR. MAXWELL: I think she's charged with a bulk of what

1 MR. LIFSEY: No, sir.

2 THE COURT: Solicitor, one question. Now, Mr. Bundrick
3 is actually out of the \$29,025.75?

4 MR. MAXWELL: That's correct, Your Honor.

5 THE COURT: He has been made whole by insurance and
6 banks or whatever. Help me out a little bit.

7 MR. MAXWELL: The money that was in the checking
8 account the initial fraud was coming from, [REDACTED], [REDACTED] the banks
9 made him whole. Where he is out of the money is after
10 Mr. Bundrick (sic) had liquidated that account he liquidates
11 the stocks in this company up in New York for \$[REDACTED], [REDACTED] and
12 that is the bulk of what Mr. Bundrick is out of because
13 those stocks were sold. Of course, when the fraud was
14 caught they just don't give him the stocks back, and luckily
15 there was still \$19,000 of that money still in one of the
16 accounts that he was able to get back. And then he got cash
17 back --

18 THE COURT: So once again he was out of about \$30,000
19 basically.

20 MR. MAXWELL: Yes, sir, that he is out.

21 THE COURT: Anything further?

22 MR. LIFSEY: No, sir.

23 THE COURT: Mr. Miller, on indictment number 2011-35,
24 State versus Robert J. Miller, it's an indictment for
25 financial identity fraud, I sentence you to ten years. On

Digital Video Snapshot

Site: Winsboro Bypass

Camera Name: Cam 5- ATM

9/13/2010 2:48:34 PM (Eastern Daylight Time)

Exhibit # 34



Capture Size: 704 x 480 pixels

Recorder Network Name: Winnsboro-Bypass

Recorder Serial Number: KBAAP3580

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/15/2010 BY 60322

Exhibit # 35

Digital Video Snapshot

Site: Winsboro Bypass

Camera Name: Cam 5- ATM

9/13/2010 2:49:18 PM (Eastern Daylight Time)



Capture Size: 704 x 480 pixels

Recorder Network Name: Winsboro-Bypass

Recorder Serial Number: KBAAP3580

WINSBORO BYPASS
CAM 5-ATM
9/13/2010 2:49:18 PM

Parklane Drive Up at Parklane2



9/8/2010 9:14:02 PM RTZ (GMT-05:00)

Parklane Drive Up at Parklane2



9/8/2010 9:15:30 PM RTZ (GMT-05:00)