

No.

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OCT 22 2014

IN THE
SUPREME COURT OF SOUTH CAROLINA

S.C. SUPREME COURT

R. James Miller, Jr. - Petitioner

VS.

State of South Carolina - Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO
FAIRFIELD COUNTY COURT OF GENERAL SESSIONS

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

PETITION FOR WRIT OF CERTIORARI

R. James Miller, Jr. # 316047
Turbeville Correctional Institution
P.O. Box 252
Turbeville, SC 29162

THE SUPREME COURT OF SOUTH CAROLINA

Robert James Miller, Jr. x
Petitioner, :

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vs. :

Case No: OCT 23 2014

S.C. SUPREME COURT

The State, Respondent x

On Petition For Writ Of Certiorari To
The Fairfield County Court Of General Sessions

PETITION FOR WRIT OF CERTIORARI

Robert James Miller, Jr. would respectfully move
this Court to issue a Writ of Certiorari to review
the Judgment below for the following reasons:

- 1) The court in which I was convicted did not have
the power to convict me because it did not have
Jurisdiction.
See Butler v King, 781 F.2d 486, 490 (5th Cir. 1986)
- 2) Subject matter Jurisdiction may be raised at any
time, and thus, the Supreme Court was able to review
defendant's claim that trial court lacked subject
matter Jurisdiction on grounds that indictment

was insufficient, even though he failed to raise the issue until his petition for certiorari.
Hooks v. State, (S.C. 2003) 353 S.C. 48, 577 S.E.2d 21

- 3) Conviction on amended indictment substituting different offense is invalid. State v. Sowell, (S.C. 1910) 85 S.C. 278, 67 S.E. 316.
- 4) See South Carolina Constitution Art I, § 11
2. Where the defendant was tried and convicted upon an indictment which was a nullity, it follows that he was convicted in violation of this Section.
State v. Funderburk, (S.C. 1972) 259 S.C. 256, 191 S.E.2d 520.
- 5) Alleged offenses occurred outside the territorial jurisdiction of the court and such a claim is one that may be raised at any time. See Brown v. State, 343 S.C. 342, 540 S.E.2d 846 (2001).
- 6) The General Sessions Court did not have jurisdiction and violated the Due Process Clause of the 5th and 14th Amendments.
See Sonal v. Large, 332 U.S. 174, 178-79, 67 S.Ct. 1588, 1591; Lowery v. Estelle, 696 F.2d 333, 336-38.

This Federal Constitutional Violation has previously been raised in an Application for Post-Conviction Relief (PCR) dated August 30, 2012 (2012-cp-20-352) Petition for Writ of Habeas Corpus, dated April 15, 2014 (2014-cp-20-163); numerous letters and an Application for a Certificate Certifying Question of Law, all of which were filed with the Fairfield County Court of Common Pleas. No action has been taken.

This matter was also presented to the South Carolina Court of Appeals thru a direct appeal on April 11, 2012 (2012-211446); numerous letters from May 2012 to present; a Motion for Reconsideration Motion for Reinstatement, Petition for Writ of Error Coram Nobis and Application for a Certificate Certifying Question of Law (see attached) all of which have been rejected by the Court.

In addition to raising more than 30 separate issues in a Petition for Writ of Habeas Corpus filed with the United States District Court (Civil Action Number 1:14-483-JFA-SVH), this matter was before this Court (Appellate case No. 2014-000030) and dismissed on January 15, 2014. This Court was also given an opportunity to fix the State's errors thru my Motion to Vacate Illega

Sentence (Appellate Case No. 2014-001029), dismissed May 12, 2014; Letter to Chief Justice, dismissed June 25, 2014; and Petition for rehearing, denied on July 15, 2014.

WHEREFORE, Petitioner would show this Court that the decision(s) of the lower court are clearly erroneous and should be reversed. The Jurisdiction of this Court is invoked and Petitioner respectfully prays that a Writ of Certiorari issue to review the Judgment below. Petitioner also request's that counsel be appointed in this matter.

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

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 18, 2014.

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

THE SUPREME COURT OF SOUTH CAROLINA

The State, Respondent x
:

Appellate Case No.:

v.
:

Robert James Miller, Jr.
Petitioner x

Certificate of Service

I certify that I have served a copy of my
Petition for Certiorari on the Respondent
by depositing a copy in the U.S. Mail,
postage prepaid, on the 21st day of July,
2014 addressed to:

J. Anthony Mabry, Esq.
Asst. Attorney General
P.O. Box 11549
Columbia, SC 29210

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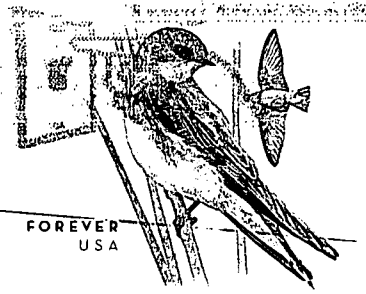
S.C. SUPREME COURT

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

R. James Miller # 316047
Turbeville Corr. Inst. TA126
P.O. Box 252
Turbeville, SC 29162

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Mr. Daniel E. Shearouse
Clerk of Court
The Supreme Court of S.C.
P.O. Box 11330
Columbia, SC 29211

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