

**RECEIVED**

MAR 31 2015

THE SUPREME COURT FOR SOUTH CAROLINA

S.C. Supreme Court

Robert James Miller, Jr.,  
Petitioner,

Appellate case No.: 2014-002102

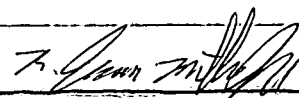
v.

State of South Carolina,  
Respondent.

Motion for recognizance  
or bail

PLEASE TAKE NOTICE, that upon the annexed affidavit of Robert James Miller, Jr. Sworn to on the 30 day of March, 2015 and all proceedings in this case, a motion is made to this Court for an Order revoking the order committing Petitioner to the custody of the South Carolina Dept. of Corrections and releasing me in my own recognizance or on bail, on the grounds set forth in the affidavit, and for such other and further relief as the Court may deem Just and proper.

Executed at Columbia, South Carolina on March 30, 2015.



Robert James Miller, Jr. #316047  
Manning Correctional Institution  
502 Beckman Drive  
Columbia, SC 29203

RECEIVED

MAR 31 2015

S.C. Supreme Court

THE SUPREME COURT OF SOUTH CAROLINA

Robert James Miller, Jr.,

Petitioner,

Appellate Case No.: 2014-2102

V.

Affidavit in support  
of motion for

State of South Carolina,

Respondent.

Recognizance or Bail  
pending Appeal

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

- 1) I am the Appellant above named and I make this affidavit in support of the annexed notice of motion.
- 2) On April 3, 2012, I unintelligently pled guilty to three counts of Financial Identity Fraud although I had been arrested for Financial Transaction Card Forgery.
- 3) I am presently in the custody of the South Carolina Dept. of Corrections pursuant to the Judgment and Sentence in the case.
- 4) I believe that the facts in my case warrant the

issuance of an order securing my release on bail in my own recognizance:

- (a) The offense in which the appellant was charged, Financial Transaction Card Forgery § 16-14-40, carries a **MAXIMUM** penalty of five years in prison.
  - (b) The indictments were unlawfully altered **AFTER** the Grand Jury issued a 'true bill'. The dates and type of offense was changed (refer to State's dismissal of PCR, acknowledging this fact).
  - (c) Appellant only has twenty-months remaining to serve on his illegal ten-year sentence.
  - (d) Appellant's conviction and sentence is contrary to clearly established law and violates his Constitutional rights.
  - (e) Prior to his conviction, appellant was 'free' on a \$125,000.00 bail in this case.
- 5) Deponent believes that the appeal herein has great merit and that there is a reasonable possibility of

Ultimate reversal of the Judgment of conviction appealed from. A few of the reasons why said Judgment of Conviction should be reversed are:

- Convicting Court lacked Jurisdiction
- Defective indictments
- Plea agreement broken by State
- Constitutionally defective guilty plea
- Ineffective assistance of Counsel
- Brady Violations
- Denial of Due Process and Equal Protection of Law
- Prosecutorial and law enforcement misconduct
- Obstruction of Justice

6) I believe in good faith that I am entitled to the relief I am seeking in this case.

WHEREFORE, I respectfully pray that an order be entered revoking the order committing me to the Dept. of Correcns. and releasing me in my own recognizance or on bail, together with such other and further relief as this court may deem proper and Just.

Sworn to before me this  
30<sup>th</sup> day of March, 2015

*Letha Bullard*

Notary Public 7-13-2020

*R. James Miller, Jr.*

R. James Miller, Jr.

THE SUPREME COURT OF SOUTH CAROLINA

Robert James Miller, Jr., :

Petitioner, Appellate Case No: 2014-2102

v.

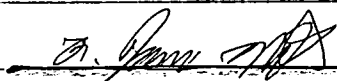
: Certificate of Service

State of South Carolina,

Respondent. :

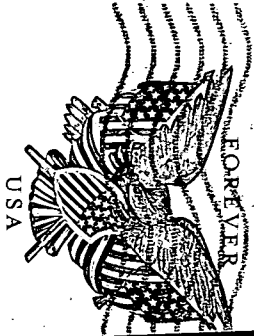
I certify that I have served the Petitioner's Motion and Affidavit on the Attorney's for the Respondent by depositing a copy in the U.S. Mail, postage prepaid, on March 30, 2015 addressed to:

J. Croom Hunter, Esq.  
Assistant Attorney General  
P.O. Box 11549  
Columbia, SC 29211

  
Robert James Miller, Jr.

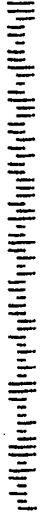
R. James Miller, Jr. # 316047  
Manning Correctional Institution  
1000 Beckman Drive  
Columbia, SC 29203

COLUMBIA SC 2920  
30 MAR 2015 PM 4 L



The Supreme Court of South Carolina  
Daniel E. Shearouse, Clerk of Court  
P.O. Box 11330  
Columbia, SC 29211

2921133030



© USPS 2013



THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT



THE DEPARTMENT OF CORRECTIONS  
HAS NEITHER CENSORED NOR IN-  
SPECTED THIS ITEM. THEREFORE,  
THE DEPARTMENT DOES NOT ASSUME  
RESPONSIBILITY FOR ITS CONTENTS.  
MANNING CORRECTIONAL INSTITUTION  
S.C. DEPARTMENT OF CORRECTIONS