

R. James Miller, Jr. #316047  
Manning Corr. Inst. W7A 18T  
502 Beckman Drive  
Columbia, SC 29203

27 April 2015

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

RECEIVED

APR 30 2015

S.C. Supreme Court

Dear Clerk of Court,

Please find the enclosed Motion for Rehearing and Certificate of Service to be filed in case number 2014-2102.

When I was transferred between institutions, my legal documents were lost. Can your office PLEASE send me a copy of the Court Orders in my case(s): 2014-0030; 2014-1029; 2014-1620; 2014-1740; 2014-2310; (and any other Court Orders or letters this Court issued).

I require the information so I may file in the Federal Court. Thank you very much for your time and assistance.

Respectfully,  
R. James Miller, Jr.

THE SUPREME COURT OF SOUTH CAROLINA

Robert J. Miller, Jr., : Appellate Case No.  
Petitioner, : 2014-2102

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APR 30 2015

v.

S.C. Supreme Court

: Motion for Rehearing

State of South Carolina,  
Respondent. :

Petitioner respectfully requests that this court grant a rehearing and states:

- 1) Certiorari should be GRANTED because the lower court erred. The restitution order is contrary to clearly established Federal Law.

"restitution to be tied to the loss caused by the offense of conviction." Hughey v. United States, 495 U.S. 411, 418 (1990) (citing 18 U.S.C. §3580(a) (1982 ed.); emphasis added). That is, restitution may not be imposed for losses caused by any other crime or any other defendant.

- 2) Petitioner was NEVER arrested, indicted or convicted for the crime in which the restitution was ordered.

3) AS a RULE, when restitution is in dispute, a court must determine the specific amount owed; and before a Court may order restitution to a victim, it must hold a hearing to determine the actual amount of damages or loss.

State v. Fussell, 299 S.C. 162, 383 S.E.2d 1 (1989), and State v. Rhinehart, 312 S.C. 36, 403 S.E.2d 536 (1993).

4) Counsel's errors in failing to move for a restitution hearing constituted deficient legal representation in violation of the 6<sup>th</sup> Amendment to the U.S. Constitution. See Hill v. Lockhart, 484 U.S. 52 (1985).

5) The Courts failure to conduct a rehearing would result in a FUNDAMENTAL MISCARRIAGE OF JUSTICE.

WHEREFORE, based on this Motion and all other information on file in this case, Petitioner is entitled to the requested relief and prays this Court grant a rehearing.

Executed in Columbia, SC on April 24, 2015

Respectfully,

*R. James Miller, Jr.*

R. James Miller, Jr.

THE SUPREME COURT FOR SOUTH CAROLINA

Robert J. Miller, Jr.,  
Petitioner,

: Appellate case No.  
: 2014 - 2102  
:

v.

State of South Carolina,  
Respondent.

: CERTIFICATE  
: OF  
: SERVICE

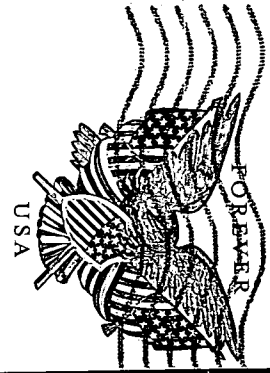
I certify that I have served the Petitioner's Motion for Rehearing on the Attorney's for the Respondent by depositing a copy in the U.S. Mail, postage prepaid, on April 27, 2015 addressed to:

John Croom Calvin Hunter, Esq.  
Office of the Attorney General  
P.O. Box 11549  
1000 Assembly Street  
Columbia, SC 29211-1549

Respectfully,  
*R. James Miller, Jr.*  
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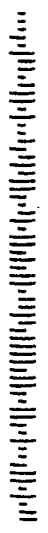
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Daniel E. Shearouse,  
Clerk of Court  
The Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211

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