

R. James Miller, Jr. # 316047

RECEIVED

Manning Correctional Institution

AUG 10 2015

502 Beckman Drive

Columbia, SC 29203

S.C. SUPREME COURT

August 4, 2015

The Supreme Court of South Carolina

Daniel E. Shearouse, Clerk

P.O. Box 11330

Columbia, SC 29211

Re: Appeal from dismissal of PCR 2015-CP-20-078

Dear Clerk of Court,

It has been more than two (2) months since I filed an appeal from the dismissal of my PCR on May 18, 2015. To date, I have not received a case number or any other information regarding my appeal from the Court or the Office of Indigent Defense. Neither have they responded to my letters. Can you please provide my case number and advise as to whether or not I have been appointed counsel to represent me.

Thank you for your time and assistance.

Respectfully,

R. James Miller, Jr.

State of South Carolina

County of Fairfield

IN THE COURT OF COMMON PLEAS

2015 MAY 26 ~~20~~ 3-47 Sixth Judicial Circuit

Robert James Miller, Jr. FAIRFIELD COUNTY

Applicant CLERK OF COURT C/A No. 2015-CP-20-078

v.

NOTICE OF APPEAL

State of South Carolina,

Respondent.

Notice is hereby given that Robert James Miller, Jr., Applicant in the above captioned case, hereby appeals to the Supreme Court of South Carolina from the Order of Dismissal entered in this action on May 18, 2015.

Dated: May 20, 2015

Respectfully,

R. James Miller, Jr.

R. James Miller, Jr. #316047

Manning Corr. Inst.

502 Beckman Drive

Columbia, SC 29203

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM FAIRFIELD COUNTY
Court of Common Pleas

Brian M. Gibbons, Circuit Court Judge

~~Missouri~~ ~~10/15~~ 2105 10 PM
Civil Action No. 2015-CP-20-0078

Robert James Miller, Jr.,

Petitioner,

v.

State of South Carolina,

Respondent.

2015 MAY 26 PM 3 48
FAIRFIELD COUNTY
CLERK OF COURT
BETTY J. BECKHAM

Proof of Service

I certify that I have served the Notice of Appeal in the above captioned case on the following individuals by depositing a copy of it in the U.S. Mail, postage pre-paid, on May 21, 2015, addressed to:

Office of the Attorney General

Attn: J. Croom Hunter, Esq.

P.O. Box 11549

Columbia, SC 29211

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

AUG 10 2015

Appeal from Fairfield County
Brian M. Gibbons, Circuit Court Judge

S.C. SUPREME COURT

R. James Miller, Jr.,

Petitioner,

v.

State of South Carolina,

Respondent.

Appellate Case No. 2015 -

Lower Court Case No. 2015-CP-20-078

MOTION FOR APPOINTMENT OF COUNSEL

Petitioner moves for an Order appointing counsel to represent him in this appeal from the dismissal of Application for Post-Conviction Relief. In support of this motion, petitioner states:

- 1) Petitioner is unable to afford counsel. He has requested leave to proceed in forma pauperis.
- 2) Petitioner's imprisonment will greatly limit his ability to litigate. The issues in this case are

Complex and will require significant research and investigation.

3) Counsel should be appointed in this case in the interest of Justice.

"The Court must appoint Counsel when the complexities of the case are such that denial of Counsel would amount to a denial of due process."

Brown v. United States, 623 F.2d 54, 61 (9th Cir. 1980).

4) Counsel must also be appointed when the plaintiff is a person of such limited education as to be incapable of presenting his claims in such a way that the court can afford plaintiff a fair hearing.

Hawkins v. Bennett, 423 F.2d 948, 951 (4th Cir. 1970).

These proceedings cannot proceed expeditiously if plaintiff is required to represent himself. For these reasons, due process and practical considerations dictate that plaintiff be allowed court-appointed Counsel.

On these grounds, plaintiff respectfully asks the Court to grant this motion for appointment of Counsel.

Dated: August 4, 2015

Respectfully Submitted,

R. James Miller, Jr.

R. James Miller, Jr.

The State of South Carolina

In the Supreme Court

RECEIVED

AUG 10 2015

Appeal from Fairfield County

Court of Common Pleas

S.C. SUPREME COURT

Brian M. Gibbons, Circuit Court Judge

Lower Court case No. 2015-CP-20-078

Appellate case No. 15 -

R. James Miller, Jr.,

Petitioner,

v.

State of South Carolina,

Respondent.

Proof of Service

I certify that I have served the Motion for Appointment of Counsel in the above captioned case on the attorney for the respondent by depositing a copy in the U.S. Mail, postage prepaid on August 4, 2015, addressed to:

Office of the Attorney General

Attn: J. Cream Hunter, Esq.

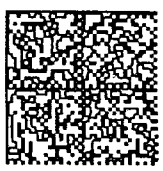
P.O. Box 11549

Columbia, SC 29211

R. James Miller, Jr.

Donald Wood #362781
Manning Corr. Inst. W9 20 B
502 Beckman Drive
Columbia, SC 29203

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The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk

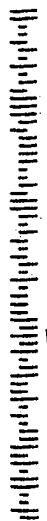
P.O. Box 11330
Columbia, SC 29211

SCDC

SEP 05 2015

MAIL ROOM

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LEGAL MAIL

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

362781