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OCT 20 2015

SC Court of Appeals

State of South Carolina  
In the Court of Appeals

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

Appellate case No. 2014-001964

R. James Miller, Jr.,

Appellant,

v.

Robert M. Stevenson, III,

Respondent.

### MOTION TO DISMISS

Appellant respectfully requests to withdraw his appeal and states:

- 1) Appellant filed his Petition for Writ of Habeas Corpus with the Fairfield County Clerk of Court on May 6, 2014 (2014-CP-20-163).
- 2) The Honorable Brian M. Gibbons denied the Petition on September 4, 2014. The State was not present and there was no hearing, Petitioner was deprived of his Right to Due Process of Law.
- 3) Appellant filed his Notice of Appeal on Sept. 10, 2014.

- 4) More than one-year has elapsed and appellant is still waiting for an answer to his appeal (excessive delay).
- 5) The Appellate Court process is inadequate and ineffective and does not protect the Appellants Constitutional Rights.
- 6) The Office of the Attorney General has launched a campaign of harassment and **OBSTRUCTION OF JUSTICE** against Appellant for filing this appeal and the repercussions are numerous, interfere with the exercise of my federal rights, has a substantial and injurious effect, amount to Per se prejudicial violations and a total miscarriage of Justice.
- 7) This Court has denied Appellant Counsel even though the factual and legal issues are sufficiently complex and numerous, the claims have merit, the interests of Justice require appointed Counsel. Appellant is going to be denied a full and fair opportunity to have his claims heard, has made colorable claims but lacks the means to adequately investigate, prepare, or present the claims.

WHEREFORE, since the Court intends to dismiss the appeal anyway, Appellant respectfully requests to withdraw his appeal and spare the court the trouble and for such other and further relief this Court deems just, proper, and equitable.

Dated: 15 October 2015

Respectfully Submitted,  
R. James Miller

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: CERTIFICATE  
OF SERVICE

Robert M. Stevenson, III,  
Respondent.

I certify that I served a copy of the Appellant's Motion to Dismiss (Withdraw) on the Attorneys for the Respondent by depositing a copy in the institutional mailbox, postage prepaid, on this 16<sup>th</sup> day of October 2015 addressed to:

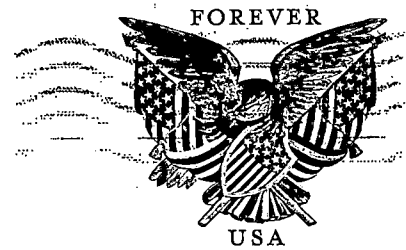
J. Cream Colvin Hunter, Esq.  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211-1549

Respectfully,  
R. James Miller, Jr.

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Columbia, SC 29203

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S.C. Court of Appeals  
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