



# The Supreme Court of South Carolina

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May 31, 2019

Mr. James Henry Thompson II, #310502  
Kirkland Correctional Institution  
4344 Broad River Road  
Columbia, SC 29210

**RECEIVED**

MAY 31 2019

SC Court of Appeals

Re: The State v. James H. Thompson, II  
Appellate Case No. 2019-000896

Dear Mr. Thompson:

This responds to your letter dated May 17, 2019. This letter was received yesterday.

An appeal has been filed regarding your guilty pleas, and this appeal is pending before the South Carolina Court of Appeals under the above appellate case number. Jessica Marie Russo, Esquire, is representing you in this appeal.

To the extent you may be trying to seek relief from this Court regarding these guilty pleas, no action will be taken on that request since you are represented by counsel. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

To the extent you may be trying to file an ethical complaint against a judge or lawyer, I have enclosed information on how to file a complaint.

Very truly yours,



CLERK

Enclosure

cc: Office of the Attorney General (with copy of *pro se* letter)  
Jessica Marie Russo, Esquire (with copy of *pro se* letter)

~~The Honorable Jenny Abbott Kitchings (with copy of *pro se* letter)~~

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MAY 30 2019

DEAR South Carolina Supreme Court,

S.C. SUPREME COURT

Monday May 2019

I am writing to you about a writ of HABEAS CORPUS and a Appeal for a re-sentence and reduction of my sentence of 2 years to 19 months or less, - A Time served

I want to file a complaint on Judge Edward W. Miller because he would not accept my plea entered Alford plea (no contest) on May 23rd 2019 in General Session Court in York County, York S.C. 29745

And by coercion and threats forced me to plead guilty to charges to Resisting Arrest and Possession of Crack 1st offense, by telling me a lie that "there is no Alford Plea (no contest) in this state" and that I was asked over and over to plead guilty and I was denied the Alford Plea (no contest) before the guilty, in which by statute -> People v. Sung Min, 249 A.D. 2d 130, 132, 671 N.Y.S. 2d 480, 481, (1st Dept. 1998) Holding that defendants motion to withdraw plea should have been granted because his allegations of coercion were supported by the record, The record showed that the lower court wrongly burdened the defendants to trial by telling defendant will receive the max sentence or max consecutive

sentences After trial but a significantly lighter sentence After plea which was inaccurate") which saying my guilty plea was not voluntary knowing, OR Intelligent. Challenged Coercion, Intentionality of the Plea.

Also By being forced by Judge Edward W. Miller - to plead guilty, I could not "mitigate" and defend, my self about my innocence because the prosecutor did not get the drug tested and didn't also fingerprint the evidence to see if the bag had my fingerprints

on it OR DNA. Also the Resisting Arrest (A) was not valid because the police report statement said I was arrested for public intoxication first and that I was swaying on my feet when officers tried to lead me to the police

car, Police said I threw my weight and would not police put me in the police car, but in court I would not defend myself, because Judge Edward W. Miller forced me by coercion and threats and lies to plead guilty instead of Alford Plea (No Contest) → statute People v. Roth Wax,

161 A.D. 2d 70, 76, 560 N.Y.S. 2d 409, 413 (1st Dept. 1990) "Finding that" a plea induced by materially false information imparted by the trial Judge, it has been coerced and cannot be permitted to stand."

→ statute - People v. Lopez, 71 N.Y.2d 662, 666, 515 N.E.2d 5, 6-7, 529 N.Y.S.2d 465, 466-67 (1988) - "Noting that where the defendant's recitation of the facts casts doubt upon the defendant's guilt or otherwise calls into question the voluntariness of the plea, the trial court has a duty to inquire further to ensure that the guilty plea is both knowing and voluntary. If the court fails to conduct this inquiry, the defendant's right to appeal may be preserved even if the issue was not raised in the court of first instance".

In conclusion, in the letter entirely is why I wish to Appeal my sentence for re-sentencing Reduction in sentence from 2 years to 18 months and "Habeas Corpus"

I also wish to file a complaint against Judge Edward W. Miller and a lawsuit for violating my U.S. Constitutional rights.

Sincerely, James Lopez II

P.S Enclase with letter is Police statement and copy of Appeal Notice AND Affidavits.

p-5-5 - I might will be at the South Carolina Department of Corrections Kirkland R#E by the time you receive this letter