

1 as the letter of the ethics laws and we will
2 view violations or the appearance of impropriety
3 as serious and potentially deserving of heavy
4 weight in the screening deliberations. On that
5 note, and as you know, the record will remain
6 open until the formal release of the report of
7 qualifications and you may be called back at
8 such time, if the need arises. Thank you for
9 offering to serve the state of South Carolina.

10 MS. RIVERS-DAVISSON: Thank you.

11 CHAIRMAN CASKEY: Yes, ma'am. Have a great
12 afternoon.

13 MS. RIVERS: You too.

14 CHAIRMAN CASKEY: We will stand at ease for a couple
15 of minutes until our next applicant can get in
16 here and settled.

17 (Off the record)

18 CHAIRMAN CASKEY: Thank you all for being here. We
19 will go back on the record with the screening
20 here. Mr. Miller, if you'll come forward to the
21 podium. Ladies and gentlemen, before us we have
22 Mr. David Miller who is an applicant for the
23 seat two position in the Second Circuit circuit
24 court. Mr. Miller, if you would please raise
25 your right hand.

1 WHEREUPON:

2 DAVID MILLER, being duly sworn and
3 cautioned to speak the truth, the whole truth
4 and nothing but the truth, testifies as follows:

5 CHAIRMAN CASKEY: If you'll look in front of you, you
6 should have some documents there. If you'll
7 review those please.

8 MR. MILLER: Yes, sir.

9 CHAIRMAN CASKEY: Are those the personal data
10 questionnaire and the sworn statement that you
11 have submitted to the Commission?

12 MR. MILLER: Yes, sir, they appear to be. They are
13 unsigned.

14 CHAIRMAN CASKEY: Are there any updates or changes
15 that need to be made to those?

16 MR. MILLER: Not that I'm aware of, sir.

17 CHAIRMAN CASKEY: Do you have any objection to making
18 those documents a part of the record of your
19 testimony here today?

20 MR. MILLER: I do not.

21 (EXHIBIT NO. 18 MARKED FOR
22 IDENTIFICATION PURPOSES (17
23 pages) PDQ - David Miller)
24 (EXHIBIT NO. 19 MARKED FOR
25 IDENTIFICATION PURPOSES (7 pages)

1 Sworn Statement - David Miller)

2 CHAIRMAN CASKEY: Okay. The Judicial Merit

3 Commission has thoroughly investigated your
4 qualifications for the bench. Our inquiry has
5 focused on nine evaluative criteria and has
6 included a ballot box survey, thorough study of
7 your application materials, verification of your
8 compliance with state ethics laws, a search of
9 newspaper articles in which your name appears, a
10 study of previous screenings, and a check for
11 economic conflicts of interest. We've had
12 received four affidavits filed in opposition to
13 your election. My understanding is that two of
14 the affiants are not here and pursuant to our
15 rules, those affidavits cannot be entered into
16 the record. However, the two affiants that are
17 here are witnesses in opposition to your
18 election. And so before we proceed with the
19 balance of the questioning, we're going to hear
20 from them first. So if you'd like to take a
21 seat there in the front row, we will call
22 forward Ms. Ford.

23 MR. MILLER: Yes, sir.

24 CHAIRMAN CASKEY: And, Ms. Ford, as you make your way
25 to the podium, I have reviewed the complaints

1 and I want to, just as a preliminary note,
2 recognize the gravity and the sensitivity of the
3 issues involved in those allegations. And I
4 want to emphasize here the point of -- the
5 purpose of the Commission is to evaluate the
6 constitutional and statutory qualifications of a
7 candidate, in this instance Mr. Miller. This is
8 not a place where we can provide some relief or
9 remedy to any case whatsoever and so I would ask
10 while there's certainly a need for a factual
11 basis and a foundation for understanding the
12 complaint, we need to be mindful that the focus
13 should be on the nine evaluative criteria.

14 MS. FORD:: Absolutely.

15 CHAIRMAN CASKEY: And I just offer that as a
16 cautionary note. So we're going to give you all
17 the time you need to be heard. I want to make
18 sure the Commission has all that information so
19 we can then incorporate that into our report to
20 the General Assembly as per our charge. But
21 just keep it between the left and right lateral
22 limits if you would, please, ma'am.

23 MS. FORD: Yes, Mr. Chairman.

24 CHAIRMAN CASKEY: One more thing. If you would
25 please, raise your right hand.

1 WHEREUPON:

2 SARAH FORD, being duly sworn and cautioned
3 to speak the truth, the whole truth and nothing
4 but the truth, testifies as follows:

5 CHAIRMAN CASKEY: Thank you, ma'am. Be happy to hear
6 from you.

7 MS. FORD: Thank you, Mr. Chairman. I know when a
8 lawyer says that they're going to be brief, it's
9 normally the opposite but I promise, I will be
10 brief. My name is Sarah Ford. I'm a lawyer and
11 advocate for crime victims and I'm here before
12 you to share my concerns and those of clients
13 regarding David Miller and his candidacy for
14 circuit court judge. I am not here to re-
15 litigate any case. I am here to express my
16 viewpoint in an effort to make the candidacy of
17 Mr. Miller more comprehensive for this body to
18 consider. The majority of judges and those
19 running for judges are excellent candidates.
20 But it's important to note that I don't think
21 most judges or lawyers have no complaints
22 submitted because there are no complaints, but
23 because people are apprehensive of the
24 consequences of making those complaints known.
25 Not doubt Mr. Miller believes very differently

1 from my opinion and those of clients who have
2 also submitted affidavits for you all to read.
3 And, of course, this commission may consider
4 some or all or part of the testimony that is
5 submitted. It is difficult to be succinct in
6 cases that have stemmed many years. However,
7 one thing in all of the cases in my experience
8 with Mr. Miller is this. Mr. Miller lacks
9 sensitivity to victims and their positions and
10 the laws that protect them. His action or
11 inaction in cases left multiple victims and
12 survivors feeling re-victimized and without
13 faith in our system, which as a lawyer I
14 absolutely detest. Everyone should feel
15 confident and secure that if they are a crime
16 victim, their case will be investigated fully,
17 that the matters will be prosecuted effectively,
18 and they can count on justice to be done for
19 defendants and victims. There are cases in
20 which Mr. Miller was involved where victims
21 rights were not protected or complied with even
22 by his own admission. Cases in which victims
23 were told investigations would be reopened and
24 nothing ever happened other than to string
25 victims along making them believe that cases

1 would be prosecuted, and ultimately, they
2 weren't. Situations where request for
3 information went unanswered for months.

4 SENATOR SABB: Mr. Chairman.

5 CHAIRMAN CASKEY: Senator Sabb.

6 SENATOR SABB: I really hate to interrupt but it's
7 almost as if we're talking about a broad
8 spectrum. Now, I've read the complaint that was
9 filed and it seemed very specific in terms of
10 the subject matter. As I'm trying to follow
11 you, it appears as if your comments are directed
12 to more than what's identified in the complaint.
13 Am I reading you right in that?

14 MS. FORD: Correct, Senator. I am speaking broadly
15 about my experience as a former prosecutor and a
16 victims rights attorney with my experiences with
17 Mr. Miller. The case specifically that I spoke
18 of in the -- my affidavit specifically was a
19 case he prosecuted in -- on the Bowen Turner
20 case but I also reference several other cases as
21 well. So I'm not speaking specifically on the
22 Turner case but more my broad perspective on
23 that. I hope that answers your question.

24 SENATOR SABB: It does.

25 MS. FORD: Thank you, sir. May I continue?

1 CHAIRMAN CASKEY: Yes, ma'am.

2 MS. FORD: There were situations where Mr. Miller
3 allowed defendants to travel places contrary to
4 bond orders without giving victims the
5 opportunity to be heard on that. And that's
6 concerning for me, as an attorney, that someone
7 who has behaved in such a way is seeking a job
8 as a circuit court judge. You know, South
9 Carolina law requires that family court and
10 circuit court judges protect the rights of
11 victims as diligently as those of defendants.
12 You know, my concerns extends to his disposition
13 of cases, catering to certain defense attorneys,
14 failing to fully prosecute cases in which
15 multiple women were sexually assaulted,
16 explaining to victims that he didn't want to
17 make it look like he was, quote, going after a
18 defendant who was accused of at least three
19 sexual assaults, and not complying with laws in
20 situations that would benefit defense attorneys.
21 Our judiciary needs individuals who are
22 exemplary in every way. Ethically,
23 intellectually, temperamentally. I do not
24 believe, based on my experiences with Mr.
25 Miller, that he has those necessary qualities.

1 I do stand on the submission of Dr. Bess, Mr.
2 Montgomery, and Mr. Stoller as further evidence
3 of those concerns regarding Mr. Miller. And as
4 such, I do encourage the Commission to find Mr.
5 Miller unqualified for the position of circuit
6 court judge. Hope that was brief enough.

7 CHAIRMAN CASKEY: Yes, ma'am. Thank you. Any
8 comments or questions from members of the
9 Commission? Seeing none, thank you for being
10 here and thank you for your testimony.

11 MS. FORD: Thank you, Mr. Chairman.

12 CHAIRMAN CASKEY: Next I'd like to call Mr. Stoller.
13 Am I pronouncing that correctly, sir? Stoller?

14 MR. STOLLER: Stoller. That's correct.

15 CHAIRMAN CASKEY: Thank you, sir. We'd be happy to
16 hear from you.

17 MR. STOLLER: All right.

18 CHAIRMAN CASKEY: I forgot. I do need to put you
19 under oath. Come on down. Apology. If you
20 would, sir, just raise your right hand.

21 WHEREUPON:

22 KARL STOLLER, being duly sworn and
23 cautioned to speak the truth, the whole truth
24 and nothing but the truth, testifies as follows:

25 CHAIRMAN CASKEY: Thank you, sir. As I said, we'd be

1 happy to hear from you.

2 MR. STOLLER: Good afternoon. My name is Karl
3 Stoller. I came to speak to you today as a
4 parent of a victim, one Dallas Stoller, and also
5 as a law enforcement officer in this state. In
6 my capacity of law enforcement, I've had the
7 privilege of dealing with many fine judges,
8 solicitors, and even attorneys on the defense
9 side. But I've never quite had the occasion to
10 deal with someone quite like Mr. Miller. What I
11 experienced as a parent of a victim was someone
12 who I would bring his character into question
13 after dealing with him. His demeanor and his
14 general lackadaisical attitude towards that
15 case. What I mean by that is I never met the
16 man, okay. I talked to him one time on a Zoom
17 meeting. On bond hearings, he never bothered to
18 reach out to any of us. And, again, as a law
19 enforcement officer, I've never experienced
20 that. I've seen both sides of it. He didn't
21 reach out to us. He just didn't seem to care.
22 And when it comes down to being a prosecutor,
23 which I am not, I would think that there is -- I
24 know it's not his sole job to represent the
25 victim. I understand that. He's representing

1 the state on behalf of the victims. I
2 understand that. However, he still has a duty.
3 He still has a duty, okay. But I recall that
4 one conversation that I had with him and that
5 was on a Zoom call because I think he was too
6 busy to come talk to us in person. We had a
7 Zoom call before this so-called advertised bond
8 revocation hearing in Orangeburg County on the
9 Chloe Bess case regarding Bowen Turner. My
10 daughter, as I'm sure most of you know, Dallas
11 Stoller, died November 14, 2021. So this was in
12 April of 2022. He stated during that Zoom
13 meeting -- he -- he was somewhat apologetic
14 initially but it -- not so much. But he said,
15 you know, in light of Dallas's death, they had
16 decided to dismiss the charges against Mr.
17 Turner regarding Dallas's case. That did not
18 come as a complete surprise to me because I do
19 know it's very difficult to prosecute a case
20 without a victim. I get that. Even more so,
21 when the victim's deceased. I understand that
22 too. However, just the matter of fact approach
23 to it. And I do know as an officer that you can
24 prosecute some cases without the cooperation of
25 the victim. I've done it on assault and battery

1 cases myself in magistrate court. I'm not a
2 prosecutor so I don't do it on a general
3 sessions court level but, obviously, you know
4 law enforcement generally in the misdemeanor
5 level cases does their own prosecution in those
6 summary courts. And I didn't have the
7 cooperation of a victim. Some I was successful
8 with. Some I wasn't. But to my point, I
9 questioned him and I asked him I said do you
10 think that you actually did the absolutely best
11 job you could for not just my daughter but all
12 these victims involved. And his response, he
13 fired back at me. He was angry that I even
14 asked that. He said I absolutely do. He said
15 as a matter of fact, I'm going to tell you this,
16 and a SLED agent witnessed this conversation,
17 our attorney, other people on the Zoom call, a
18 lady from the attorney general's office. He
19 said I'm not wasting my time or 12 jurors time
20 on a case I can't win. Is that the kind of
21 person that we want as a circuit judge in South
22 Carolina? I question that. I appreciate you
23 all listening to me and there's a plethora of
24 things I could go over. Most of them are
25 addressed in my statement. So I'm open to any

1 questions that any one of you may have of me.

2 I'm happy to speak to you.

3 CHAIRMAN CASKEY: Thank you, sir. Do any members of
4 the Commission have any questions for Mr.
5 Stoller?

6 SENATOR SABB: I do, Mr. Chairman.

7 CHAIRMAN CASKEY: Senator?

8 MR. STOLLER: Yes, sir?

9 EXAMINATION

10 BY SENATOR SABB:

11 Q. So I guess I would -- would start off by asking you
12 to accept our condolences.

13 A. Yes, sir. I appreciate that.

14 Q. One of my mother's prayers was that she would be
15 taken before any of her children.

16 A. Yes, sir.

17 Q. It's just not a natural thing.

18 A. It is not.

19 Q. But I'm curious about some of the things that I read.
20 And I understand it, there was an understanding that
21 there was going to be one type hearing and you all
22 appeared and as it turns out, it ended up being a
23 guilty plea.

24 A. That's correct, yeah.

25 Q. What I am curious about is at the time of the guilty

1 plea, were there members of your family who would
2 otherwise have been there if they had known that it
3 was a guilty plea as opposed to a bond hearing?

4 A. Just to make sure I understand it.

5 Q. Sure.

6 A. Would there have been other family members there --

7 Q. No. So, for instance, --

8 A. Okay.

9 Q. -- let's assume for a second, there are three people
10 who are really interested in this case.

11 A. Yes, sir.

12 Q. And then they understood that there was going to be a
13 bond revocation hearing, these three people.

14 A. Yes, sir.

15 Q. And one of them said well, you know, I'm not going to
16 go --

17 A. Right.

18 Q. -- because it's just a bond revocation. It's not
19 like it's a guilty plea or it's not -- it's not
20 something that dispositive of the entire case.

21 A. Right.

22 Q. It's just one procedural thing that's part of the
23 case.

24 A. I understand.

25 Q. So, I was curious and I couldn't glean from what I

1 read, --

2 A. Yes, sir.

3 Q. -- as to whether or not there was or whether there
4 wasn't some.

5 A. I would say, generally, that -- honestly, Senator,
6 that most everybody in my family did attend. You
7 know, we don't have a very big family. So most
8 everybody did and a lot of friends and whatnot in the
9 community, which we were very appreciate of. But
10 yes, that -- that was advertised as a bond revocation
11 hearing publically.

12 Q. Yeah.

13 A. And it turned out to be the acceptance of a plea
14 deal.

15 Q. Yeah. So let me be candid with you.

16 A. Yes, sir.

17 Q. And tell you as I read what concerned me but now I'm
18 not as concerned upon this particular issue as I was
19 initially.

20 A. Yes, sir.

21 Q. Initially, I thought it may have been one of those
22 situations where some people did not come because
23 they didn't realize what was actually going to take
24 place.

25 A. Yes, sir.

1 Q. But it sounds like in this situation, at least,
2 fortunately, from the standpoint of anybody who
3 wanted to be there or wanted to be heard, they would
4 have been there.

5 A. Yes, sir.

6 Q. Okay.

7 A. Yes, sir.

8 Q. All right, that helps me.

9 A. Yeah. And we made -- we were allowed to give a
10 victim's impact statement --

11 Q. Yeah.

12 A. -- to the judge at that hearing, which I think we all
13 know that's a joke. That amounts -- the decision's
14 already made before you're allowed to speak as a
15 victim. That's a fact, okay. So it has about has
16 much bearing on it as, excuse me, but flying to the
17 moon, okay. So we were able to do that. So we were
18 able to say some -- some things that we needed to
19 talk about but at the end of the day, the decision
20 was already made. And it was made well in advance
21 and to that -- also to that point, I will add to
22 this, that court order, that bond modification
23 hearing in Lee County -- I'm backing up a little bit.
24 I think it was Judge McFaddin made an order that said
25 should the defendant violate the conditions of his

1 bond in any shape or form, he is to be immediately
2 taken into the custody -- he lived in Orangeburg
3 County -- by the Orangeburg County Sheriff's Office,
4 upon notification, okay. If he's observed, okay. So
5 he was allowed -- he was wearing a GPS monitor --

6 Q. Yes, sir.

7 A. -- and we can -- we can wear out the rest of the day
8 talking about GPS monitors --

9 Q. Can I interrupt one quick second?

10 A. Yes, sir.

11 Q. Just to share this as a matter of information because
12 I sat on a sub-committee this past year when we
13 passed --

14 A. Yes, sir.

15 Q. -- the bond reform bill.

16 A. Yes, sir.

17 Q. And what we discovered was there were a number of
18 instances where persons were on GPS monitoring
19 violated it and nothing ever happened.

20 A. And nothing happened.

21 Q. And so that's one of the things legislatively that we
22 tried to tighten up on because that's not good for
23 anybody --

24 A. Yes, sir.

25 Q. -- when that occurs.

1 A. I appreciate that because you're exactly right. As a
2 matter of fact, probably eight or nine weeks ago, I
3 arrested a guy with a GPS monitor on. Not for the
4 GPS monitor. He was committing another crime while
5 wearing one. So that's still about how good that is,
6 okay. But, to my point, this defendant, Mr. Turner,
7 was ordered to wear this GPS monitor which he was
8 wearing, documented 50 plus, there might have been 60
9 violations of bond. That paperwork showed up on this
10 gentleman's desk, from my understanding, about a
11 month before he ever put this ad in the paper about
12 the bond revocation hearing, okay. Well,
13 everything's up to interpretation right, but I think
14 it's pretty obvious the way the judge wrote that
15 order. He said if he's observed violating the
16 conditions of this bond, he is to be taken into
17 custody immediately. Not let's talk about it a
18 little while, think about it a little bit, and then
19 go get him. Let's not set up -- the bond revocation
20 hearing, the order goes on further to say that it
21 would be set after he is picked up, okay. That
22 wasn't done. The argument Mr. Miller posed is well,
23 we didn't observe him doing that. Well, again, you
24 got the printout that shows it. That's an
25 observation, right? I'm seeing that. So, to my

1 point, and, again, Senator, I appreciate your
2 comments about the GPS and I'm thankful that
3 something's actually moving forward with it. But to
4 my point, what's the point of GPS if that's not a
5 tool for observation? We can't station a deputy
6 outside that yard 24/7. It's impossible.

7 **Q. I promise you I get it.**

8 A. So that's what I'd say to that. But that's the
9 response I got. So that -- you know, it's just been
10 a -- it's been a horrible experience with him and,
11 you know, hey, at one time, he may have been an
12 excellent prosecutor. He might have been right on
13 target but somewhere along the line he's lost his
14 way, okay. Too many years -- maybe he's spoiled to
15 it. Soured to the system. I know in law enforcement
16 you get that way because you don't feel like you're
17 making any difference. Maybe that's the case. But
18 all I can speak to is what we dealt with as a family.

19 CHAIRMAN CASKEY: Thank you, sir. I think Ms.

20 Blackley has some questions or comments.

21 MR. STALLER: Yes, ma'am?

22 EXAMINATION

23 BY MS. BLACKLEY:

24 **Q. Hello. Just wanted to extend my condolences --**

25 A. Thank you so much.

1 Q. -- to your family. And just to tell you I can
2 empathize. I am a former victim's advocate.

3 A. Yes, ma'am.

4 Q. I would like to still consider myself an advocate for
5 all people --

6 A. Thank you.

7 Q. -- always.

8 A. Yes, ma'am.

9 Q. I do want to go back to a statement you made earlier
10 in regards to Mr. Miller when you said he never
11 reached out --

12 A. Correct.

13 Q. -- before that Zoom hearing.

14 A. That is correct.

15 Q. What indications -- in what way did he not reach out?
16 Was it --

17 A. He never made any contact with us. You know, he
18 never made a phone call. I think he talked to my
19 daughter one time, I think. I can't swear to that.
20 She was 17 when this happened so, obviously, her
21 parents are still involved when the offense occurred.
22 But he never bothered to even come and introduce
23 himself as the person prosecuting the case for the
24 State. And it was literally, in the -- in the
25 hearings I did sit on, especially the one in Lee

1 County when the defense attorney, Mr. Hutto, would
2 propose something -- I've never, again being in law
3 enforcement, and sitting in a courtroom many times,
4 I've never seen a prosecutor that didn't have at
5 least some exception to what the defense was offering
6 up in their words. And it was all right, no, that's
7 good. I'm good with that. Always.

8 **Q. But for -- but -- but for -- point of clarification -**
9 **-**

10 A. Yes, ma'am.

11 **Q. -- was it -- but you were notified for all court**
12 **proceedings or your attorney? Well --**

13 A. Sometimes it was -- if -- if it hadn't have been for
14 Ms. Ford being involved, we wouldn't have known about
15 them, no, ma'am. Because the solicitor's office --
16 the second judicial solicitor's office, not just Mr.
17 Miller, they didn't talk to us about a thing.

18 **Q. Were you never -- did you not receive a victim's**
19 **impact statement form from the victim's advocate from**
20 **the solicitor's office?**

21 A. I do not recall getting anything from the solicitor's
22 office, ma'am. We got some information from SLED and
23 that was -- that was about the extent of it. But Ms.
24 Ford was the one that was able to let us know when
25 something was coming up.

1 MS. BLACKLEY: Thank you.

2 MR. STOLLER: Yes, ma'am.

3 CHAIRMAN CASKEY: Senator Rankin.

4 MR. STOLLER: Yes, sir.

5 EXAMINATION

6 BY MR. RANKIN:

7 Q. Mr. Stoller, Luke Rankin.

8 A. Yes, sir.

9 Q. Sorry to meet you under these circumstances. I am a
10 father and just cannot imagine all of this and I just
11 want to ask a couple of questions.

12 A. Yes, sir.

13 Q. And again, embrace the condolences that we have for
14 you that any father of a child has for your loss and
15 --

16 A. Yes, sir

17 Q. -- and ever being in this situation in the first
18 place. I've read the -- your affidavit and I got the
19 transcript here --

20 A. Yes, sir.

21 Q. -- where you, without any prodding, because you know
22 how to speak in public as well as you did today --

23 A. Yes, sir.

24 Q. -- speak freely to Judge Dennis --

25 A. Yes, sir.

1 Q. -- about your position. I want to ask one question,
2 though, and because it's a unique thing to me. You
3 reference in your affidavit that -- that Sarah Ford
4 was your daughter's legal counsel.

5 A. Correct.

6 Q. Did y'all retain her?

7 A. Yes. Yeah. She came to us through SCVAN.

8 Q. And so is that -- is that a paid position --

9 A. No, sir.

10 Q. -- or just a rights acknowledgment --

11 A. She is a victims rights attorney so she there to
12 represent the victims. Yes, sir.

13 Q. She spoke first at the hearing. I've read that. And
14 then she introduced you and others before Judge
15 Dennis, correct?

16 A. That's correct.

17 Q. Horry County. I think all counties -- all districts,
18 rather, have the victims representative within the
19 solicitor's office that is separate and distinct from
20 the assigned solicitor.

21 A. Right.

22 Q. And who was that? Who served that role for --

23 A. I don't recall ever meeting anybody in that role with
24 the solicitor's office. I may be incorrect but I
25 don't remember anybody coming to me saying that they

1 were the victim's advocate for the solicitor's
2 office. No, sir.

3 **Q. And this case arose from an event that took place in**
4 **Orangeburg, correct?**

5 A. In Bamberg County.

6 **Q. Bamberg.**

7 A. My daughter was assaulted in Bamberg County.

8 **Q. And who is the solicitor for Bamberg?**

9 A. Bill Weeks.

10 **Q. Okay. And is that the assistant solicitor or the**
11 **head --**

12 A. No. David Miller's the deputy solicitor and his boss
13 is Bill Weeks. He is the solicitor.

14 **Q. And that -- and this case was transferred was out**
15 **because of what? What was the conflict that --**

16 A. It was conflict -- the Chloe Bess case -- the third
17 incident it was conflicted out of Orangeburg because
18 David Pasco is the solicitor in Orangeburg County,
19 first judicial circuit. The defendant's father, Walt
20 Turner, was an investigator for the first judicial
21 circuit solicitor's office.

22 **Q. And who is the first solicitor?**

23 A. David Pasco.

24 **Q. So David Pasco's --**

25 A. Investigator --

1 Q. -- investigator is the father --

2 A. -- son was the defendant.

3 Q. The father of the defendant?

4 A. Correct, yeah. Mr. Turner -- Walt Turner is his
5 father, the investigator. And so David Pasco
6 conflicted it out. First -- second judicial circuit
7 solicitor's office was already working on Dallas's
8 case in Bamberg County and because of that, it's my
9 understanding, that Pasco passed it over to them
10 because they were already working on the case
11 involving the same defendant. And he conflicted
12 himself out because of his employee's -- the
13 defendant being his employee's son.

14 Q. Who was the investigator that --

15 A. Walt Turner who is Bowen Turner's father.

16 Q. Who is the employee of David Pasco.

17 A. For David Pasco. For Solicitor Pasco, yes, sir.

18 Q. And so I don't do criminal at law. These folks that
19 are wishing that I would hush will attest to that.

20 A. It's okay.

21 Q. Again, -- and I've had clients who are victims. I
22 become a contact on behalf of -- I've got a trustee -
23 - I serve a trustee of a infirmed person who was
24 victimized by a crime. And, again, it may just be
25 one county or another, some are more astute, but I

1 literally got more contact from, not the solicitor
2 assigned to prosecute his case but from a couple of
3 folks in an administrative role. And not that speaks
4 to the relationship or interaction that you've
5 complained about today. But are you saying that that
6 was really not present in this case either from
7 Orangeburg or from Lee County or --

8 A. Absolutely. I didn't -- I was never contacted by
9 anybody with even victim's assistance, victim's
10 advocates with the solicitor's office. We did --
11 like I said, the SLED victim's advocate did reach out
12 to us early on but that was while SLED was doing the
13 investigation. I had no contact with a -- now, maybe
14 my wife did and I wasn't -- I'm not familiar with
15 that. but not me. But I did think it would have been
16 appropriate too for Mr. Miller to at least have
17 introduced himself to us, as being the prosecutor.
18 Because he was not the original one on the -- on the
19 case.

20 **Q. And your role in law enforcement is what?**

21 A. Sheriff's deputy of Orangeburg County Sheriff's
22 Office. I'm a sergeant there.

23 **Q. In Orangeburg?**

24 A. Yes, sir.

25 **Q. Okay. And so you know folks in Orangeburg well I'm**

1 **sure.**

2 A. Yes, sir.

3 **Q. There's victims --**

4 A. And -- born and raised in Bamberg County. My father
5 was the agent in charge of probation and parole in
6 Bamberg County for many years. I knew Mr. Weeks when
7 he was just starting out. I was Judge Peoples's jury
8 boy when I was 11/12 years old. So yes, sir, I've
9 been around for a while. Fifty-four.

10 **Q. And not that they -- their voice counts but in terms**
11 **of how it's done in Orangeburg, is it done**
12 **differently in terms of that victim's outreach?**

13 A. Yes, sir. Our sheriff's office has their own
14 victim's advocates office. Amy Rinkenberger is our
15 director. She is on it. You know, when we take
16 calls for service, we give -- that's the first
17 information we give to a person who is the victim of
18 a crime in Orangeburg County. We have a list that we
19 work by. They stay in contact and I've never had one
20 complaint out of Pasco's office that their victim's
21 advocate has not reached out and followed-up and
22 coordinated with ours. Never. Not once.

23 **Q. And, again, it may be of no value. But surely,**
24 **you're not afraid to reach out and talk to the folks**
25 **you interact with all the time. Did you ever tell**

1 **your solicitors in Orangeburg --**

2 A. I did. I did have a meeting with David Pasco. I
3 did.

4 **Q. And did he say?**

5 A. He thought it was appalling, yeah.

6 **Q. Who was the --**

7 SENATOR SABB: Thought what was appalling?

8 MR. STOLLER: There was no contact. He thought that
9 was appalling, yeah.

10 **Q. So he would know his brother or sister in a different**
11 **solicitor's -- in Lee County, I guess, Weeks did --**

12 A. You know, Aiken. They're headquarters in Aiken
13 County. That's the seat of the second judicial
14 circuit, yeah.

15 **Q. So did you ask him to reach out to Aiken --**

16 A. I was -- yeah. I said any -- any information. Our
17 former chief deputy with the sheriff's office, Kenny
18 Kinsey -- Dr. Kenny Kinsey who was -- everybody knows
19 about in the Murdaugh trial, yeah. He was -- he
20 tried to -- our sheriff. Everybody. We couldn't get
21 any -- I got no information. None.

22 **Q. But did Pasco get information for you from his**
23 **brother in the solicitors --**

24 A. If he got anything -- he told me -- I recall him
25 meeting with me one time and saying that, you know,

1 that -- and this was kind of after the fact. This
2 was after the case had been disposed of and there was
3 talk of reopening Dallas's case. He had reached out
4 to me. Bill Weeks said yeah, he said we're going to
5 take a second look at it and we're going to look it
6 into a little bit. Mr. Miller won't be involved this
7 time. And that was one of the last things that Mr.
8 Pasco relayed to me that they had some communication
9 with them and that's been well over a year ago.

10 **Q. So the first solicitor in, again, Solicitor Weeks's**
11 **office, who as that?**

12 A. Who's the solicitor in --

13 **Q. Who's the first one assigned this once it was**
14 **transferred.**

15 A. When it was -- when Dallas's assault occurred, there
16 was another -- and I can never remember this young
17 man's name. I think his first name was Michael. He
18 was the prosecutor assigned to Dallas's case. And he
19 got out rather quickly. I think he had some kind of
20 conflict. Honestly, what I was told is he was
21 physically intimidated by the defense attorney, Mr.
22 Charlie Williams. And he was scared of his size and
23 stature. That's what I was told. And then the next
24 thing I know, I get Mr. Miller. We find out that Mr.
25 Miller's our guy handling the case. And that's what

1 I would stress. At that point -- the part about the
2 first guy, that's neither here nor there. But at
3 that point, if he's the new guy in town, -- just like
4 if I was investigating a crime and I was new to the
5 case, I would certainly introduce myself to the
6 victims and saying hey, I'm here working for you.
7 And he didn't do that.

8 SENATOR RANKIN: Thank you.

9 SENATOR SABB: Mr. Chairman. I'm sorry. I yield to
10 Mr. Safran.

11 CHAIRMAN CASKEY: Mr. Safran. Before you get going,
12 let me just interject here. I appreciate the
13 issues we have before us but I want to remind my
14 fellow commissioners that our task is to
15 evaluate the candidate as to the value of
16 criteria. I know there are moments where our
17 curiosities bring us into the details of the
18 case. But insofar as we do that, it needs to be
19 directly related to our mission and scope.

20 MR. STOLLER: Yeah, I would think that some of the
21 questions they're asking are speaking to the
22 character -- his character.

23 CHAIRMAN CASKEY: Yes, sir. Absolutely. As we get
24 into details that are more tangential --

25 MR. STOLLER: Correct.

1 CHAIRMAN CASKEY: -- we just need to be mindful of
2 that. Mr. Safran.

3 EXAMINATION

4 BY MR. SAFRAN:

5 Q. Thank you, Mr. Chairman. I hate having to go through
6 this with you.

7 A. Yes, sir.

8 Q. I mean, this is -- it's a trauma every time you do
9 it.

10 A. Yes, sir.

11 Q. And I hate it for you.

12 A. Yes, sir.

13 Q. I'm just curious about a couple of things. And,
14 again, my whole goal here is to just get a fair
15 understanding --

16 A. Yes, sir.

17 Q. -- of everything. And with the understanding -- and
18 you know because you're in law enforcement. When we
19 come to something like this, we're not a super jury.
20 We don't -- we don't basically go back and try to
21 figure out what should have been --

22 A. Right.

23 Q. -- and who didn't. It's not our job to do that. But
24 it is our job to kind of, at least, understand, okay?

25 A. Yes, sir.

1 Q. What I'm hearing from you is a couple of things but
2 let me just ask one quick question. At some point
3 while your daughter was still with us, --

4 A. Yes, sir.

5 Q. -- y'all got Ms. Ford involved, is that fair? I
6 mean, she was still alive.

7 A. They actually -- Ms. Ford actually reached out to us.

8 Q. I mean, she got involved and you say somehow y'all
9 more or less connected. She was acting as your
10 attorney from that point forward.

11 A. Correct.

12 Q. Okay.

13 A. Well, Dallas's, yeah.

14 Q. Dallas's. But then even after -- I believe even
15 after that untimely --

16 A. Yes, sir.

17 Q. -- y'all were still reaching -- she was reaching out
18 to you and still kind of representing your interest.

19 A. That is -- that is correct, yes, sir.

20 Q. Okay. Now, you talk about that you didn't hear
21 anything from Mr. Miller during this time frame, him
22 reaching out personally to you, okay. If -- is there
23 any possibility that Ms. Ford had told him not to?

24 A. Not that I'm aware of.

25 Q. But if that was true, though, that, at least, might -

1 - that might be consistent.

2 A. That might speak to it but I don't think that was the
3 case.

4 Q. And I'm just asking. To your knowledge, that wasn't.

5 A. Because, Mr. Safran, because she was directly more --
6 she was Dallas's attorney. He would be -- he would
7 be under no privilege that he couldn't -- couldn't
8 speak to me separately.

9 Q. No, and I get that. But I think sometimes people may
10 assume more.

11 A. Right.

12 Q. That, at least, if in fact he was told don't go
13 through to them, you go through me.

14 A. Right.

15 Q. That at least is a possible explanation. If and in
16 fact, it happened.

17 A. Right.

18 Q. Is that fair?

19 A. Possibly.

20 Q. Let me ask you also. What I'm hearing is this. You
21 know, you deal with these issues as far as law
22 enforcement and stuff every day.

23 A. Uh-huh.

24 Q. And what I'm hearing from you is at least your
25 experience is the interaction between solicitor and

1 victims is different based on what your normal
2 experience is?

3 A. Uh-huh.

4 Q. And, I mean, do you, as an investigating officer or
5 arresting officer, do you stay involved from a
6 victim's standpoint once, you know, somebody -- so
7 you stay --

8 A. One hundred percent.

9 Q. The whole way?

10 A. To the end.

11 Q. So you'd be talking to your liaison within the
12 department. You'd be talking whoever the person is
13 at the solicitor's office.

14 A. Yes, sir.

15 Q. Is it fair to say that -- because, I mean, have you
16 spent your whole time as far as law enforcement with
17 the Orangeburg Sheriff's Department?

18 A. Yes, sir.

19 Q. Is it -- I mean, I represent a lot of law enforcement
20 --

21 A. Yes, sir.

22 Q. -- people in what I do, okay. I see from department
23 to department things aren't uniform. One place may
24 have something cracker jack and another place, you
25 might look at it and say they're not even in the same

1 world. I mean, we all understand --

2 A. I won't dispute that.

3 Q. -- that that's the reality.

4 A. Yes, sir.

5 Q. What I'm also hearing is this. You, on one hand, as
6 a law enforcement officer understand how the legal
7 system works. And I think I heard you say I
8 understand about having to try to prosecute without a
9 victim. You got that part.

10 A. Uh-huh.

11 Q. What I'm hearing, though, is there wasn't, at least,
12 maybe the inclusion in the process to kind of maybe
13 let you know as things were going along this is what
14 we're hitting as an obstacle. This is a problem
15 we've got. And really kind of reaching out to you
16 from the human side as opposed to maybe just --

17 A. I would say human and professional.

18 Q. Okay.

19 A. You know, I would -- I would argue that that would be
20 a human element, one, but primarily a professional
21 element. That's what my stance would be. I would
22 think that he would need to talk to us about that.

23 Q. I mean, with the professional side, again, the lack
24 of communication?

25 A. Yeah. And -- and just a general -- again, I don't

1 even know the word for it, a lackadaisical attitude
2 towards the whole thing.

3 **Q. And I think that --**

4 A. It was very passive. Just push it off. And he -- he
5 was irritated -- I mean, just like I said, in the
6 Zoom meeting, anything you said and questioned him,
7 he was immediately irritated by that. And I find
8 that very unprofessional.

9 **Q. And what I'm hearing is, at least, where most of that**
10 **comes from is at least in that one interaction on the**
11 **Zoom all those things kind of came to you as far as**
12 **don't care.**

13 A. Right.

14 **Q. We're just a number.**

15 A. Right.

16 **Q. Okay.**

17 A. And I'm not -- and you're not going to waste my time.
18 I don't think I would have ever said that a -- I've
19 never said that to a victim. Never once. As a
20 matter of fact, I think the sheriff would take my
21 badge if I did that.

22 MR. SAFRAN: Thank you.

23 MR. STOLLER: Okay.

24 CHAIRMAN CASKEY: Okay. Let me just say, Mr.

25 Stoller, if you don't want to take anymore

1 questions, you don't have to.

2 MR. STOLLER: I'm fine. Shoot.

3 CHAIRMAN CASKEY: Okay. At this point, I'd just
4 recognize Mr. Strom. He indicated he had a
5 question. And, Senator Sabb, I saw you as well.

6
7 SENATOR SABB: I yield to the gentleman across the
8 way.

9 MR. STROM: Thank you, Senator. Thank you, Mr.
10 Chairman.

11 EXAMINATION

12 BY MR. STROM:

13 Q. Mr. Stoller, I join everybody and I've got two
14 daughters. I can't imagine --

15 A. Yes, sir.

16 Q. -- and I'm -- I hate it. I wrote three words.
17 Temperament, procedure, and what I mean by that is
18 constitution, and outcome. I heard you on the
19 temperament. I heard everything you said about that.

20 A. Right.

21 Q. Constitutionally. You understand what we're talking
22 about. Victims rights you deal with that. Is there
23 any issues with that in this case?

24 A. Well, Mr. Strom, I think, -- if I can speak candidly.
25 I think that a lot of time victims' rights are

1 routinely violated, honestly. And what I'm speaking
2 to is the fact that you're allowed to give a victim's
3 impact statement after a judgment has been rendered,
4 that's not right. What effect does that have if it's
5 after the fact? The decision's already been made.
6 All you're doing is just telling a little story, you
7 know, how things went outside -- you know, I consider
8 that just a waste of time honestly. So, you know,
9 and I think that, to a degree, because I'm not aware
10 of him talking to my daughter one time that he -- he
11 just -- he or his clerk or his aide, whatever the
12 heck you want to call it, somebody should have been,
13 you know, because she was a victim.

14 **Q. Right.**

15 A. You know, she was the one. He should have been, at
16 least, communicating with her. You can push me to
17 the side. I'm fine with that. I can deal with that.
18 But deal with her because that's your job, okay. And
19 so I think that those -- honestly, I can't sit here
20 and defend that victims' rights are always protected.
21 I can't do that because I'd be being dishonest.

22 **Q. But I guess -- and I get what you're saying. They --**
23 **they dropped the ball because they didn't communicate**
24 **the way they should have. But it sounds like that**
25 **after y'all's case came about, you got notice about**

1 **the hearings because you went to all the hearings.**

2 A. I went to a bond hearing in Bamberg County.

3 **Q. Okay, you went to that and then you went to what you**
4 **thought was going to be a bond revocation.**

5 A. We actually had a couple of bond hearings -- a bond
6 mod in Lee County, one in Bamberg, and then --
7 because he got in more trouble and he had to be
8 remanded to the Department of Juvenile Justice for a
9 period of time. And one of those was announced so
10 late there was no way you could get to it.

11 **Q. Who was -- who was communicating with you about those**
12 **hearings?**

13 A. I think Sarah was -- got us some information on
14 those, if I make no mistake, when I got involved.
15 But I know for a fact Lee County and the, ultimately,
16 which I -- which, I mean, it was advertised in the
17 T&D, the local paper in Orangeburg that we were going
18 to have a bond revocation hearing. And I did that
19 because that's the approach he had is six guns out,
20 you know.

21 **Q. Okay. So the Lee County hearing what was that?**

22 A. That was a bond modification hearing. Mr. Turner was
23 having to live with his grandmother. He was not
24 allowed, as part of conditions of bond, to live with
25 his parents. And they asked for him -- Senator Hutto

1 asked for him to be able to go back to his parents
2 care and, unfortunately, that decision was made and
3 it was granted with no opposition by this gentleman
4 behind me that it was okay. It was good. And what
5 that led up to is the assault of Chloe Bess --

6 **Q. Did y'all --**

7 A. -- 45 days later.

8 **Q. Did y'all get notice of that hearing?**

9 A. Huh-uh.

10 **Q. So the bond --**

11 A. I didn't get an email or anything like that.

12 **Q. The bond --**

13 A. I think Sarah was the one that let me know it was
14 coming up.

15 **Q. Okay. That it was coming up or that it was
16 happening?**

17 A. It was about to happen. So we stopped everything we
18 were doing and went because I made a statement there.

19 **Q. Okay, so you went to that one?**

20 A. Uh-huh.

21 **Q. Okay. And I think you said there was one that you
22 didn't -- that was such short notice you didn't get
23 to go.**

24 A. Correct.

25 **Q. Tell me about that one.**

1 A. I think that was in Bamberg County and, honestly, I
2 believe that might have been the initial bond
3 hearing. The very first one on Dallas's case.
4 Because the one I actually went to, there was another
5 request for modification to remove the GPS monitor.

6 **Q. So y'all didn't --**

7 A. Because he was initially on a GPS monitor in Bamberg
8 County.

9 **Q. So you didn't -- I mean, you're -- this is in --**

10 A. Bamberg County.

11 **Q. -- Bamberg. You didn't get notice of the original**
12 **bond hearing in Bamberg County?**

13 A. Huh-uh. I don't recall ever receiving --

14 **Q. That would have been set at magistrate's court.**

15 A. That's right.

16 **Q. And typically, the solicitor's not involved.**

17 A. No, and Miller wasn't even the solicitor at that
18 point.

19 **Q. Okay.**

20 A. Let me make that perfectly clear. He was not
21 involved out the gate.

22 **Q. Okay. So where did he get involved?**

23 A. I think that came in after -- I think -- I'm at a
24 little bit of a loss there. I think that came in at
25 some time between the bond hearing -- the -- the bond

1 modification hearing request in Bamberg County to
2 remove the GPS monitor --

3 **Q. Right.**

4 A. -- and then somewhere in the interim between that and
5 the Lee County thing. Because I definitely know I
6 saw him in Lee County. I do not recall seeing him at
7 the courthouse in Bamberg but, honestly, when that
8 one happened, my father had just died a couple of
9 days before and I wasn't really paying a lot of
10 attention.

11 **Q. Right. And then were there any other hearings that**
12 **y'all didn't notice of or got real short notice of?**

13 A. Those were the only ones that I remember ever -- them
14 ever having.

15 **Q. Them having?**

16 A. Yes, sir. Yes, sir.

17 **Q. All right. And then when it came down to the plea**
18 **negotiations, and what worked out when you thought it**
19 **was going to be bond revocation and it turned into a**
20 **plea hearing. Tell me some details on that.**

21 A. Say that again. What do you want me to --

22 **Q. I want to know -- you said you had a Zoom call.**

23 A. Yeah.

24 **Q. Okay. And he was less than kind and polite.**

25 A. Correct.

1 Q. And how far in advance of that was that before the --

2 A. I want to say it was the day before the hearing. It
3 was a very short period of time.

4 Q. And y'all thought during that Zoom call, it was going
5 to a bond revocation and not a plea?

6 A. That was how it was advertised, yes, sir. But I kind
7 of knew it wasn't going to be that way. I already
8 kind of figured it out.

9 Q. You kind of figured it out?

10 A. Yes, sir.

11 Q. Okay.

12 A. Experience allowed me to figure that out.

13 Q. But everybody else on that call would have thought
14 that it was a bond revocation?

15 A. Yeah, that it was a bond revocation hearing coming
16 up. Like I said, again, it was advertised publicly
17 in the local paper as such.

18 Q. All right, y'all show up for what you think's a bond
19 revocation, or at least everybody else did. You had
20 in the back of your mind, with your experience, that
21 this thing was going to get changed.

22 A. And once I knew those GPS readings came out and
23 nothing happened, I said here we go. That compels
24 you to get something done.

25 Q. So when did you find out what the offer was on the

1 **plea?**

2 A. At the courtroom that day.

3 **Q. That morning?**

4 A. That morning, yes, sir.

5 **Q. All right, and tell me about that conversation. Was**
6 **everybody involved? Who all was --**

7 A. We were sitting there in open court. So, yes, sir,
8 everybody was involved.

9 **Q. But did he come tell you ahead of time?**

10 A. No, sir. I'm telling you I've never spoken to that
11 gentleman in person.

12 **Q. So the first time you heard that the case was being**
13 **pled to an assault case --**

14 A. Assault and battery I.

15 **Q. -- was on the record?**

16 A. Yes, sir.

17 **Q. So they were telling the judge --**

18 A. They were presenting the information, sir, right
19 there when it was being done. That's the first I
20 heard of it, yes, sir. Even though, like I said, my
21 intuition and instinct told me I knew that something
22 was going on.

23 **Q. You know, and I've been in a solicitor's office.**
24 **I've been on the other side.**

25 A. Yes, sir.

1 Q. All right, when you do that, you prepare your victims
2 to talk. So, at some point, somebody had to have a
3 conversation with you to say do you want to come up
4 and speak?

5 A. Ms. Ford said we're allowed to give a victim's impact
6 statement after the fact.

7 Q. Okay. Were you opposing the plea going forward at
8 that time?

9 A. Absolutely.

10 Q. Why?

11 A. Because I thought it was ridiculous.

12 Q. You thought what part of it was ridiculous?

13 A. To take a young man who has -- the first victim --
14 known victim remains anonymous, okay. The second
15 being my daughter who is now deceased. And the third
16 being Ms. Chloe Bess. He had a pattern, Mr. Strom,
17 of re-offending while out on bond. No regard for the
18 law whatsoever. So I knew -- I said, you know, the
19 reality of it is, -- you know, there was a time --
20 let me back up. When this thing first happened to my
21 daughter, when Bowen was 16-years-old -- listen, my
22 daughter never wanted that boy to go to jail because
23 you know what, they were friends. They went to
24 Orangeburg Preparatory School together, okay. She
25 knew he had an issue. You find out about the history

1 of this kind of stuff when something happens, okay.
2 You find out from SLED that something had happened
3 prior to your child, okay. And you've got to
4 understand my daughter -- and I know everybody's
5 going to brag on their daughter just like you would
6 yours, right, you know. But she was an exceptional
7 person. And she had one of the most forgiving
8 personalities and hearts of anybody I've ever met in
9 my life. And she did not want Bowen to go to jail.
10 She wanted her friend to get help because she knew he
11 needed it. And had that been listened to, maybe
12 things would have turned out a lot different for
13 everybody, right.

14 **Q. Been listened to by who?**

15 A. By all parties involved. The solicitor's office, the
16 defense attorneys, et cetera. I mean, it just fell
17 on deaf ears, you know. But, at the end of the day,
18 to ask -- to speak to your question about his
19 sentence, I did not feel like it was appropriate to
20 give him -- to sentence him under the YOA for assault
21 and battery first degree with no sex offender
22 registry. Honestly, I don't even know why the word
23 sex offender registry came up in the conversation for
24 an assault and battery one charge because, generally,
25 that's not of a sexual element, would you agree? All

1 right, so, obviously, somewhere along the line
2 somebody's admitted to saying hey, there's a --
3 there's something going on -- we're accepting the
4 fact that there's a sexual element to it. So why
5 wasn't it pled to maybe criminal sexual conduct in
6 the third degree or second degree or something. Why
7 did it go all the way to A & B one. I don't
8 understand that.

9 Q. I got it.

10 A. But, again, I'm not a lawyer.

11 Q. Right. But -- but your complaint there is that you
12 didn't like the plea negotiations and you were -- and
13 you just learned about them that day.

14 A. That day.

15 Q. And you didn't -- the victims didn't know it was
16 going to be a plea down to an aggravated assault or
17 assault one until you heard it on the record?

18 A. That's when I heard it and I'm going to have to
19 assume that's when they heard it too. I cannot
20 honestly speak to what they heard or didn't hear.

21 Q. Right.

22 A. But that was me.

23 Q. Okay, so that's the outcome piece that I was talking
24 about. But procedurally, I think we've covered all
25 that. It sounds to me like the only real substantive

1 issue procedurally is this plea -- this bond hearing
2 turning into a plea without victims having adequate
3 notice. That's -- that's the one thing -- because
4 you are at the bond hearings. Is that right?

5 A. Yeah.

6 Q. Okay.

7 A. Yeah.

8 Q. Is there anything else that I didn't ask you about?

9 A. Huh-uh.

10 MR. STROM: Thank you.

11 MR. STOLLER: I'm here to answer your stuff.

12 CHAIRMAN CASKEY: Thank you, Mr. Stoller. I

13 appreciate you answering all these questions.

14 MR. STOLLER: Yes, sir.

15 CHAIRMAN CASKEY: You're uniquely positioned to know

16 all of these sorts of details as we try to

17 evaluate everything. I think Senator Sabb had a

18 question. I'll recognize him at this time.

19 RE-EXAMINATION

20 BY SENATOR SABB:

21 Q. And as it turns out, it really follows up on Mr.

22 Strom's questions. When I looked at the transcript

23 and I looked at what was placed on the record, one

24 thing I did not see, and so I want you to help me

25 with this one -- Oftentimes when -- when there is a

1 plea negotiation, it's -- actually, every time, it's
2 incumbent upon the parties, actually both the
3 solicitor and the defendant, to put the entire plea
4 agreement on the record. One of the things I did not
5 hear is that he is pleaing to is that the defendant
6 has three charges pending. And that as part of this
7 plea negotiation, we're going to plea bargain this
8 case from this charge to this charge and we're going
9 to dismiss two other cases as a part of the plea
10 negotiations. I never saw that in the record.

11 A. Right.

12 Q. And so my question is what is your understanding? Is
13 your understanding that the defendant was pleaing to
14 the lesser charge and in response to that, the state
15 would be dismissing two additional counts or were
16 they all handled separate and independent from each
17 other?

18 A. Yes, sir. The first case was never charged, okay.

19 Q. Yes, sir.

20 A. Dallas's case he told us on the Zoom call that he was
21 moving to dismiss. I'm assuming that decision was
22 made -- finalized by Judge Dennis in the courthouse
23 in Orangeburg the morning of the so-called bond
24 revocation hearing. I'll have to say that. But the
25 -- the Bess case -- the Chloe Bess that was the

1 assault pled down to assault and battery one, that's
2 -- that's -- if I'm understanding you right, it may
3 show up in the record or whatever because they -- I
4 guess they were -- the first one wasn't charged. The
5 second one, being Dallas's case, I was assuming was
6 already dismissed. So I don't know why. I can't
7 rally speak to why it wouldn't show up.

8 **Q. I just didn't see it in the record --**

9 A. Yes, sir.

10 **Q. -- where it was being conditioned upon it.**

11 A. Right.

12 **Q. And when I heard you say that there were some**
13 **discussions about looking at the case again --**

14 A. Uh-huh.

15 **Q. -- that sort of confirmed in my mind that the**
16 **dismissal was not a part of the plea bargaining as it**
17 **relates to the Bess case.**

18 A. That's -- that's right. I would say I agree.

19 **Q. They were really separate and independent.**

20 CHAIRMAN CASKEY: Gentlemen, let me interrupt you
21 there. I'm so sorry. But I've gotten enough
22 side eyes from the court reporter. We've got to
23 go one at a time of when we talk back.

24 SENATOR SABB: I apologize. Thank you, Mr. Chairman.

25 CHAIRMAN CASKEY: Yes, sir. Sorry to interrupt you.

1 SENATOR SABB: That's okay. Neither one of us were
2 talking over each other. We were just kind of
3 talking to each other but sorry about that,
4 Madame Reporter.

5 Q. But I think you and I are one accord that they were
6 really separate and independent from each other,
7 right?

8 A. Correct. Yes, sir.

9 SENATOR SABB: Thank you, Mr. Chairman.

10 CHAIRMAN CASKEY: Thank you, Senator. I certainly
11 meant no disrespect. Representative Rutherford.

12 EXAMINATION

13 BY REPRESENTATIVE RUTHERFORD:

14 Q. Thank you. And, again, let me join my colleagues in
15 saying how sorry I am that you have to relive this.

16 A. Yes, sir.

17 Q. As it relates to the bond motion, that hearing was
18 held in Lee County, is that -- because he --

19 A. Yeah, the bond modification that -- the second bond
20 modification hearing, yeah.

21 Q. You're referring to the second bond modification --

22 A. Yeah, because his bond was modified once before in
23 Bamberg County, yeah.

24 Q. Right. But the final, I guess, order of bond would
25 be the second bond modification just so we're --

1 A. To my understanding, yes, sir.

2 Q. And when that bond modification hearing was held, it
3 was your understanding that Mr. Miller objected to
4 him getting a bond, correct?

5 A. At the -- in Lee County?

6 Q. Yes, sir.

7 A. No, I don't remember him objecting to that.

8 Q. It says the -- it says in the order that the state
9 was represented at the hearing by Second Circuit
10 Deputy Solicitor David Miller, who opposed the
11 request for bond.

12 A. I don't remember that at all.

13 Q. Okay.

14 A. I'm not saying it's a lie. I just don't remember it.

15 Q. Yes, sir. And it also -- and maybe I didn't read for
16 enough down. It says the victims' family members
17 were present at the hearing and were represented by
18 Sarah Ford. And so, I guess, if she was representing
19 you all maybe she would have been the one to
20 communicate to you all that he objected or didn't.

21 A. I'm going to look back at her and defer because I --
22 I don't recall him ever objecting --

23 CHAIRMAN CASKEY: Let me stop you right there. We've
24 got to do it one at time on the microphone so we
25 have it on the record. All of this is -- is

1 recorded and such. If you know, you can say you
2 know --

3 MR. STOLLER: Well, then I --

4 CHAIRMAN CASKEY: If you don't know, you can say you
5 don't know. If you don't recall, you don't
6 recall.

7 MR. STOLLER: I don't recall.

8 CHAIRMAN CASKEY: I want to be very mindful of him
9 because I recognize the natural speech patterns
10 of, you know, quick responses back and forth.
11 But because the boss lady there has made it
12 clear that we have got to be more deliberate
13 about --

14 MR. STOLLER: Okay.

15 CHAIRMAN CASKEY: -- pushing pause. Answer. Pause.
16 Question. So, Mr. Rutherford.

17 CONTINUED BY REPRESENTATIVE RUTHERFORD:

18 **Q. Thank you. And this order states -- and I assume**
19 **that this is the one that you were referring to --**
20 **that he's to be on home detention and that any and**
21 **all violations shall be reported to the Second**
22 **Circuit solicitor's office or the Orangeburg County**
23 **Sheriff's Office within -- within 24 hours of the**
24 **violation. And it is directed at the Orangeburg**
25 **County Sheriff's -- Orangeburg County Magistrate to**

1 do the paperwork to let him out. Was he in jail in
2 Orangeburg at the time?

3 A. When the bond modification -- no.

4 Q. He was in jail in Lee County or he was out on bond?

5 A. No, he was out on bond.

6 Q. Okay.

7 A. Yeah, he was just having to live with his -- he was
8 just having to live with his grandmother at the time.
9 They wanted him to be able to return back home and
10 live with them.

11 Q. And so before the plea when he was out on GPS
12 monitoring, he was living in what county?

13 A. Orangeburg County.

14 Q. He was living in Orangeburg?

15 A. Uh-huh.

16 Q. And the observations of his violations of the bond
17 were made by whom?

18 A. Okay, so this is where I'm going to go back to the
19 GPS thing, okay. It is my understanding that they
20 wear the GPS monitor. I think, you can correct me if
21 I'm wrong, but I think in this situation, a bail
22 bondsman is the one that handles this while they're
23 out on bond. They're supposed to be monitoring his
24 activities. If they see him violate or go outside of
25 his perimeters, they're supposed to notify law

1 enforcement that he is outside of that, okay. That
2 did not happen. The only reason that those noted
3 violations came to light is because the mother of
4 Chloe Bess, Ms. Carol Bess, had been hearing that
5 Bowen had been seen in multiple places that he was
6 not supposed to be. She pressed the issue. And
7 finally, the bonding company released the data for
8 the GPS printouts. It's my understanding, sent them
9 to the solicitor's office, okay. I know they didn't
10 come to the sheriff's office. Sent them to the
11 solicitor's office. And that is where, I guess, we
12 all differ in our opinion on what observation is but
13 that GPS printout is supposed to be the paperwork you
14 need to be able to observe to say that, okay, he has
15 been operating outside of his limits. And per the
16 judge's order, if you read it, Mr. Rutherford, he was
17 -- once that's discovered, he's to be immediately --
18 not later -- but immediately placed into custody and
19 held in the Orangeburg County Detention Center until
20 a bond revocation hearing can be set.

21 **Q. Right, I saw that. But you never were privy to --**
22 **you never had access to what exactly the violations**
23 **were, other than GPS.**

24 **A.** It was all -- it was -- it was printed out on the
25 news.

1 Q. It was printed on the news?

2 A. Yeah, it was all over the news.

3 Q. But in terms of you seeing that -- no one reported
4 that they saw him out after 7:00 p.m., is that fair
5 to say? According to your recollection?

6 A. Not to -- not my knowledge.

7 Q. Right. Because the problem is that if you look at
8 it, it says there are places that he can go between
9 7:00 a.m. and 7:00 p.m. And so using the GPS
10 coordinates, you'd have to figure out that he was not
11 at some place --

12 A. Yeah, but those --

13 Q. -- that he was allowed to go --

14 A. -- printouts will show you where he was. They will
15 tell you where he was. He was in Georgia.

16 CHAIRMAN CASKEY: If you would, sir, two things.

17 We've got to remind ourselves to not talk to
18 each other at the same time.

19 MR. STOLLER: Okay.

20 CHAIRMAN CASKEY: Also, I would remind everyone we
21 are focused on Mr. Miller as a candidate. And,
22 again, this is a -- there's a lot happening
23 here. Anytime you have multiple jurisdictions
24 involved trying to unwind and understand
25 everything is not necessarily self-evident. So

1 I understand the need for a lot of questioning
2 but let's stay focused on the evaluation of Mr.
3 Miller as a candidate for judicial office.

4 **Q. Right. And so Mr. Miller nor you, best of your**
5 **recollection, nobody said we saw him out after 7:00**
6 **p.m., is that right?**

7 A. Nobody physically saw him out, yeah.

8 **Q. Right. Right. In terms of observation, nobody said**
9 **that they observed him out after 7:00 p.m.**

10 A. Right. And I guess that's your definition of
11 observation is actually seeing the person, not --
12 mine differs in that but that's okay.

13 **Q. Is there another word for observation?**

14 A. If I had a paper and it had those printouts and it
15 said he was in Georgia on December 24, whatever year.
16 That's certainly not on Jackson Boulevard in
17 Orangeburg County, okay. And so that to me, Mr.
18 Rutherford, and, again, that's an argument, I guess,
19 that we all can have later on. But to me, that's an
20 observation.

21 **Q. But was there an observation of him that Mr. Miller**
22 **ignored that he was out after 7:00 p.m.? Or did the**
23 **coordinates put him out after 7:00 p.m.?**

24 A. The coordinates put him out after those time frames.

25 **Q. After 7:00 p.m.**

1 A. Yeah.

2 **Q. Okay.**

3 A. So that's why I argued that there's an observation
4 there, yeah. He was -- to speak to what you were
5 saying a minute ago about he was allowed certain
6 areas. To counseling, to see his attorney, to
7 different -- I don't think even to go to church,
8 honestly. I don't think that was part of it either.
9 But I tell you where he was. The night after my
10 daughter was buried at 11:00 something o'clock, he
11 was at that cemetery. At the cemetery she was buried
12 in.

13 **Q. And so when the Orangeburg -- you're saying the**
14 **Orangeburg County Sheriff's Office did not have**
15 **notice and that's why they didn't do anything about**
16 **it.**

17 A. They didn't give us -- they didn't give us that
18 sheet.

19 **Q. All right.**

20 CHAIRMAN CASKEY: Thank you, gentlemen. I appreciate
21 that line of questioning but I think we've --
22 we've exhausted that -- that -- that inquiry.
23 So, again, Mr. Stoller, as you heard from my
24 colleagues, I extend my sympathies -- all of our
25 sympathies for the position you're in. Also our

1 gratitude for your willingness to take questions

2 --

3 MR. STOLLER: Yes, sir.

4 CHAIRMAN CASKEY: -- so thoroughly. I think it's

5 been immensely helpful, at least, for me.

6 Probably -- surely as to the other members of

7 the Commission as we try to understand that and

8 contextualize it. So I thank you for being here

9 today. Thank you for your patience in helping

10 us to understand the complaint as fully as we

11 can. Also, I would be remiss if I didn't thank

12 you for your service to the state as a law

13 enforcement --

14 MR. STOLLER: Yes, sir.

15 CHAIRMAN CASKEY: -- officer.

16 MR. STOLLER: Yes, sir.

17 CHAIRMAN CASKEY: I think most of us served at some

18 point in a solicitor's office ourselves --

19 MR. STOLLER: Yes, sir.

20 CHAIRMAN CASKEY: -- and we have a very keen

21 understanding of what goes on and the sacrifice

22 that's made.

23 MR. STOLLER: Yes, sir.

24 CHAIRMAN CASKEY: Certainly appreciate that.

25 MR. STOLLER: Well, I appreciate that sentiment. And

1 I will add this, as a law enforcement officer it
2 is -- and I don't -- I know a lot of people are
3 going to take this as a smite but it would be
4 helpful if we had a court that backed us up when
5 we turn cases into.

6 CHAIRMAN CASKEY: Yes, sir. I thank you. Thank you,
7 again, for being here and for your service. So,
8 let me just note for the record, that we will
9 have entered the complaint of Mr. Stoller and
10 Ms. Ford into the record. And, at this point,
11 we would also call forward Mr. Miller.

12 Representative Jordan would like us all to take
13 a break so at his request, we will stand at ease
14 for a few minutes. Thank you.

15 (EXHIBIT NO. 20 MARKED FOR
16 IDENTIFICATION PURPOSES (3 pages)
17 Complaint of Ms. Ford)

18 (EXHIBIT NO. 21 MARKED FOR
19 IDENTIFICATION PURPOSES (4 pages)
20 Complaint of Mr. Stoller)

21 (Off the record)

22 CHAIRMAN CASKEY: Thank you, ladies and gentlemen.

23 We are back on the record and will proceed with
24 the screening of Mr. David Miller, a candidate
25 for Seat 2, Second Judicial Circuit, Circuit

1 Court. Mr. Miller, you have heard the testimony
2 from the complainants here. Let me just ask you
3 first: Do you have any objection to entering
4 your response to the -- the written response to
5 the complaint that you submitted to the
6 Commission, do you have any problem with
7 entering that on the record?

8 MR. MILLER: I do not, sir, and that would be the sum
9 of my response to the complaint, subject to any
10 questions that the Committee might have.

11 CHAIRMAN CASKEY: Okay. We will go ahead and enter
12 that onto the record then.

13 (EXHIBIT NO. 22 MARKED FOR
14 IDENTIFICATION PURPOSES (4 pages)
15 Miller Response)

16 CHAIRMAN CASKEY: It's on the laptops -- all right --
17 as well. Okay. I appreciate that. Are there
18 any questions or comments for Mr. Miller with
19 respect to the concerns articulated by the
20 complainants from members of the Commission?

21 SENATOR RANKIN: Mr. Chairman.

22 CHAIRMAN CASKEY: Yes, sir. Senator Rankin.

23 EXAMINATION

24 BY SENATOR RANKIN:

25 Q. Mr. Miller, Luke Rankin. Nice to see you here again

1 in the difficult situation for everyone involved
2 here. I -- I just want to -- not to effectively
3 tease out your responses, but there's some press here
4 or FITSNews. There may be other members of the press
5 here. Obviously you got folks that have made
6 statements that you've seen in writing, and you don't
7 object to the written response that you've made. My
8 invitation to you is not to read this, but as best
9 you can because this won't be published, your
10 response will not included in any record until and if
11 there's a decision by this Commission, which might
12 not happen until December or January.

13 A. Yes, sir.

14 Q. So again, not to offer you a lob of a pitch because
15 I'm not doing that, but I would suggest to you that
16 if you would like to say something in response
17 generally to these -- to the complaint that had been
18 made against you, that you -- if you would like,
19 speak to that today.

20 A. Senator, I will -- I thank you and I'll keep it very
21 brief. The first time that I ever met Ms. Ford was
22 actually into the process, as Mr. Stoller indicated,
23 and when I spoke with her, she informed me that she
24 represented Dallas Stoller and her family, and she
25 represented Chloe Bess and her family. And Senator,

1 as you are aware, under our rules, victims are
2 defined as, in the case of minor children, also their
3 parents. So the Stollers -- the whole Stoller family
4 -- father, mother, and Dallas Stoller -- were victims
5 in the case. When Ms. Ford told me that she was
6 representing them, I told everyone from our office we
7 cannot talk to these victims except through Ms. Ford.
8 All of our communications with Ms. Ford were to her
9 to set up every meeting, every discussion, every Zoom
10 call, every hearing. Every single bit of
11 communication we had was to Ms. Ford. It was never
12 directly to the victims. Even when, as Mr. Stoller
13 indicated, I spoke to his daughter, which was in 2019
14 going into the start of COVID -- because we actually
15 got the Zoom call set up so that we could do that --
16 Ms. Ford was there for that. She was on every single
17 call. And so I realized, particularly from Ms. --
18 listening to Mr. Stoller's testimony here today, I
19 had an expectation that what I told and what my staff
20 told Ms. Ford was going to be relayed to the victims,
21 her clients, and it's very clear that was not done
22 and I apologize for that. I did not ever address
23 that with her because I didn't think that it was
24 something that needed to be addressed. I made the
25 assumption that I shouldn't have made that what we

1 talked about was being conveyed to the victims and
2 the victims' families in the case. So I would first
3 say that. And then, just for the sake of clarity so
4 that -- because there was a lot of questioning back
5 and forth about it, Bowen Turner was accused in
6 Bamberg County of a crime. That is a county over
7 which I was responsible as the prosecutor. He bonded
8 out. There were conditions on his bond. His
9 attorneys came back and his attorneys asked for the
10 electronic monitoring device, that he was supposed to
11 wear as a condition of bond, to be removed. I was
12 not the prosecutor in the case at that time, it was
13 Michael Emmer. Mr. Emmer is a -- is another attorney
14 that was in our office. The judge who heard that
15 motion to have the ankle monitor removed, removed the
16 ankle monitor. Forty-one days later, Bowen Turner
17 got charged in Orangeburg County. That's not one of
18 our counties in the Second Circuit. It immediately
19 got conflicted to our office. Michael Emmer went to
20 Orangeburg for the bond hearing, and the judge for
21 the bond hearing said that Bowen Turner was to stay
22 in jail without bond, or stay incarcerated without
23 bond, but he was only 16. So he went to DJJ. At
24 some point, Senator Hutto made a motion for a bond in
25 front of Judge Casey Manning. That bond hearing was

1 held and ultimately Judge Manning said, "I'm not
2 gonna grant a bond right now. Y'all -- I'm
3 dismissing it without prejudice" or "denying it
4 without prejudice" is I believe the way he put it.
5 All of that was Michael Emmer leading up to that.
6 The first time I ever became involved in the case was
7 a bond reconsideration hearing in Dorchester County,
8 and why are we bouncing around all these place -- all
9 of the circuit court judges in the First Circuit had
10 recused themselves. So we found out that Judge
11 McFaddin was going to be in Dorchester County on the
12 day before Bowen Turner's birthday, and that -- or
13 maybe it was the day of his birthday, I don't recall
14 which one. But that was what Senator Hutto was
15 arguing was the change in circumstance. I've got a
16 16 year old who's being held in DJJ, and today he's
17 going to go to the big boy jail at the Orangeburg-
18 Calhoun Detention Center. And so we went to
19 Dorchester. Everybody did. We notified everyone --
20 or we notified -- we notified everyone for that, and
21 when we got there, that's when I met Sarah Ford. And
22 we did, we vehemently argued against him getting a
23 bond. We argued he should not have any bond because
24 he was out on bond for a prior violent offense
25 whenever he got this charge. Judge McFaddin granted

1 a bond with a number of conditions, including a
2 condition, at our request after talking with the
3 family, that the Defendant had to stay at his
4 grandmother's house because his parent's house was
5 physically close to Chloe Bess's house, the
6 Orangeburg victim. And so that was how it was left.
7 This provision that keeps being talked about, about
8 the -- if the Defendant is observed violating any
9 term of condition of this order, I wrote that. I
10 wrote this order. I wrote it for Judge McFaddin in
11 the Dorchester County courthouse, and Judge McFaddin
12 penned his changes that he wanted on the order before
13 he signed it, which you notice on the last page. But
14 the significance was, when we left the courthouse
15 that day, everybody kind of knew where we were and
16 what was going on, and subsequently somehow -- and I
17 don't know how, but somehow, the Defense became aware
18 of the fact that Ms. Bess had moved. She had moved
19 to Florida, and so they made a request: "Can he
20 please be allowed to move from his grandmother's
21 house to his parent's house to be on the electronic
22 monitor. Still on the electronic monitor, still all
23 the same conditions. We just want him to move
24 essentially three miles." And that is the hearing
25 that Mr. Stoller keeps referring to as the Lee County

1 hearing. That was the Lee County hearing. And yes,
2 at that hearing, the judge asked the question, Does
3 the State object to the modification? We didn't care
4 which one of those two places that he lived. There
5 was nothing substantively changing about it, and I
6 said, We don't have an objection to where he lives,
7 Judge. And that's -- that has now been turned into,
8 Oh, well he never cared about whether or not he got a
9 bond. He never cared about whether any bond
10 conditions were being enforced. So -- but just
11 procedurally, that's how everything progressed, the -
12 - in the order of the hearings and the locations of
13 the hearings and the dates of the hearings. And then
14 ultimately, in 2022, in January of 2022, that was
15 when we were told that there had been these
16 violations of the bond conditions. And when we were
17 told there were violations of the bond conditions, we
18 asked SLED to get the materials. SLED actually
19 turned the materials over to us March the 22nd of
20 2022, is when we got that information. March the
21 25th, the bond revocation motion was scheduled, and
22 we had -- we knew we had one of two dates: Either a
23 Monday or a Friday during this term when we would
24 have Judge Dennis there, who again, we had to find a
25 First Circuit judge -- or a judge with jurisdiction

1 in the First Circuit who had not recused himself. So
2 that's why we ended up in front of Judge Dennis. For
3 scheduling reasons, we couldn't get it done on the
4 Monday of that term. So we did it on the Friday, and
5 the Friday of that term was April the 8th of 2022.

6 **Q. And I'm curious, again, forgive me, but the normal**
7 **interaction with you and victim's families, when they**
8 **don't have an advocate or again, in this case, an**
9 **attorney who is representing them as an advocate,**
10 **what is the normal procedure?**

11 A. The normal procedure -- we have Victim Advocates in
12 our office. The normal procedure is for us to
13 contact a Victim Advocate in our office and say, We
14 need to speak to this victim about this because we
15 need to explain what's going on, or we need to speak
16 to the -- or we need to let the victim know this is
17 scheduled or that is coming up. And we have multiple
18 Victim Advocates in the Second Circuit. We have one
19 in particular for Barnwell and Bamberg, but they can
20 be supplemented by people from Aiken at any point in
21 time. And for that matter, I don't have any question
22 in my mind that if we ask SLED's Victim Advocate --
23 because these are all SLED cases, if we had asked
24 SLED's Victim Advocate to notify the victims of
25 anything, then they would have done that as well.

1 But again, this wasn't -- this wasn't one of those
2 cases and in fact, our concern was, you know,
3 ethically, under 4.2, these are now represented
4 persons. We're talking with somebody that we know to
5 be represented, and so obviously, my obligation
6 ethically is not just to make sure I don't do it, but
7 nobody that worked for me does it either.

8 **Q. And I'm curious on that to the degree -- and not**
9 **quibbling or trying to pick at this, but generally**
10 **speaking or in -- if you dealt with South Carolina**
11 **Victim Assistance Network before, Ms. Ford, is that**
12 **standard that both sides of the victim and prosecutor**
13 **side, they know not to and don't contact the families**
14 **or the victims except through them? You follow my**
15 **question?**

16 **A. Yeah. I do and I don't -- I don't know the what -- I**
17 **don't know what is normal. I do know that in this**
18 **particular case, Ms. Ford informed me, when she said**
19 **that she was representing them, that all the**
20 **communications were to go through her. And I didn't**
21 **have -- and certainly I didn't have a problem with**
22 **that or I wasn't concerned about that at the time.**
23 **You spoke earlier about representing victims in cases**
24 **in the past, and we have that come up. It's not**
25 **completely unusual and out of professional courtesy,**

1 if nothing else, we're always going to let the
2 attorney know, you know, The victim has given us an
3 email address. Can we copy you on the emails. And
4 if the attorney goes, No, I'd rather you send the
5 emails to me first so I can -- you know, so I can
6 print them for what they're gonna get, or -- the
7 we're gonna do that. We try to be as cooperative
8 with all of the attorneys as we can. And so I would
9 -- I don't know that it was -- I don't know that it
10 was unusual because I've never dealt with Ms. Ford
11 before that day in Dorchester County. I've never
12 seen her. To the best of my knowledge, I'd never
13 spoken to her before that day in Dorchester County.
14 And despite how the end of the process of the plea,
15 throughout, all the way up until the week before the
16 plea, I thought we were getting along great. I mean,
17 we had email communications back and forth, she had
18 my cell number, she had my Senior Assistant
19 Solicitor's cell phone number. She could call us,
20 we'd fire text messages back and forth to each other
21 about what was happening. And there was a very
22 specific time after March the 25th -- when we filed
23 our motion, there was a very specific time whenever I
24 got a call from Senator Hutto and he said, Hey, let's
25 try to work this thing out instead of going forward

1 with the plea. And I immediately sent an email and
2 said -- and in the email said, I got a call from
3 Senator Hutto this morning, you know, he wants to try
4 to work something out.

5 **Q. That email to who?**

6 A. That was email -- that was an email from me to Sarah
7 Ford. And I said, If we work something out, I need
8 to be able to meet with the victims pretty quickly
9 because I'm gonna have to come up with the offer and
10 gonna have to shape everything, make sure that we've
11 got all of our bases covered. And at that point in
12 time, the response that I got back was, Will this
13 offer encompass both cases? And I -- that's another
14 thing for clarity. At the time that Bowen Turner was
15 charged in Bamberg, there was no other case pending
16 against him. There had been a case. It was a Family
17 Court case. It was out of Colleton. That's all I
18 knew about it. It had been opened and it had been
19 closed, and so that case had been opened and closed
20 and it was in Family Court. I've never prosecuted a
21 case in Family Court in my life. Matter of fact,
22 I've only been in Family Court probably three or four
23 times that I know of. And so that case that was over
24 in Colleton was not an issue as far as what we needed
25 to get resolved, but early that -- early in that

1 process, the week before all of this went on, I made
2 it clear that the Stoller case was not a part of any
3 plea agreement, that I did not feel that ethically I
4 could go forward prosecuting a case, with the
5 evidentiary issues that I knew to exist, without
6 Dallas Stoller being available to testify. And I
7 told Sarah Ford that as early as March the 30th. I
8 made it clear that this does not -- this is not the
9 Stoller case. These are two separate things. And so
10 when we met with this -- when we met with Ms. Bess's
11 mother, then -- and I talked to her about the plea.
12 After I met with her, that's when I communicated the
13 plea to defense counsel, the plea offer to the
14 defense counsel. And it was the next day. It was
15 April the 6th that I actually met with Mr. Stoller
16 and his family, and it was by Zoom.

17 SENATOR SABB: Mr. Chairman.

18 CHAIRMAN CASKEY: Senator Sabb.

19 EXAMINATION

20 BY SENATOR SABB:

21 Q. I want to thank Chairman Rankin for really asking you
22 to consider having a conversation. For me, it was
23 very illuminating and I've got a very -- I think
24 better understanding of procedurally how things went.
25 One question: In embracing all that's happening,

1 particularly the dates, and for me, I don't need to
2 have dates in front of me. When a lawyer appears
3 before a tribunal, I accept what they tell me as an
4 officer of the Court.

5 A. Yes, sir.

6 Q. And that's what I've done with regard to what you've
7 shared here today, but I'm curious, and it's a two-
8 part question, as I understand it, on the Zoom call
9 that you had with the Stoller family and others, the
10 first question -- and I want to ask them both
11 together. So the first question is: Did you make
12 the statement that, I'm not gonna waste the jurors's
13 time or my time with a case that I know I can't win,
14 and if, in fact, you did make that statement, do you
15 have any regrets as to the impact of it given what
16 Mr. Stoller concluded and shared with us in his
17 testimony today?

18 A. Senator, first, I do not specifically recall using
19 those exact words, and I don't -- and honestly, when
20 Mr. Stoller was up here saying it, I think he said a
21 case that I -- I said that I didn't -- wasn't gonna
22 waste anyone's time with a case that I wasn't going
23 to win. And certainly, I don't recall that phrasing,
24 but yes, I do absolutely regret any comment to him
25 that made him feel that way. And in fact, one of my

1 biggest regrets about this case as a whole is I think
2 that it is the job of an attorney, in pretty much any
3 capacity, to measure the responses and to just make
4 sure that the expectations are measured for the
5 people that you are working with. And in a perfect
6 world, I would have loved to have been able to spend
7 much more time with him and with the family, and I
8 will make -- just so there's no confusion, this 6 --
9 April the 6th call, Zoom call, was strictly with the
10 Stoller family and Ms. Ford. There weren't any other
11 outsiders that were there. But I was not -- I didn't
12 do a good job of managing their expectations going
13 along, and we ended up in a situation where, because
14 of time constraints, I was trying to get everything
15 put in ahead of time so that we could go and make
16 this plea. And I did refer to this, whenever I was
17 explaining the plea to Ms. Bess, when I was
18 explaining the plea to the Stoller family, I did tell
19 them, We don't have sentence sheets. I don't know if
20 this is gonna be a plea. It's a bond revocation
21 hearing. We know that. That's what we're going
22 there for is the -- is this bond revocation hearing,
23 but it may turn into a plea. And I was -- I thought
24 I was very clear about that, that that was a
25 possibility because the plea offer was out there.

1 But obviously I would have liked for there to be a
2 different lead up, and part of that -- well, it
3 doesn't matter what the excuse was. That's my
4 responsibility.

5 SENATOR SABB: That's all I have, Mr. Chairman.

6 Thank you, sir.

7 MR. MILLER: Thank you.

8 CHAIRMAN CASKEY: Mr. Strom.

9 MR. STROM: Thank you, Mr. Chairman.

10 EXAMINATION

11 BY MR. STROM:

12 Q. Mr. Miller, I think I've known you since you clerked
13 for Judge Peeples.

14 A. Yes, sir.

15 Q. And you're better than this. You've always been a
16 tough prosecutor. I'm looking back through your file
17 and I see where two sheriffs have written letters,
18 and that's after all this stuff has been public.
19 Strom Thurmond, Jr., a former solicitor, wrote a
20 letter recommending you. You know, you have created
21 an issue that's an embarrassment to our Judiciary and
22 our court system. People -- you know, and you're
23 better than this. You have a state senator
24 representing somebody, you didn't do a good job
25 communicating with the victims like you should, and

1 there's obviously some temperament issues here; and I
2 think we've talked about that before when you've run
3 -- you know, you can have a little bit of a temper
4 and I think, in your questions, you were asked about
5 how you're gonna address your temper.

6 A. Yes, sir.

7 Q. And you know, I was gonna ask you what you would do
8 differently, and you answered a lot of that. But I
9 want to tell you, I'm mad at you for the way this
10 thing has happened because you've embarrassed our
11 system. And I don't know whether you're gonna get
12 voted out of this today, I don't know whether you'll
13 get elected judge, but I'll tell you this,
14 temperament is a big deal with this Commission.

15 A. Yes, sir.

16 Q. And if you become a judge and you have this issue
17 going down the road, I can tell you every single
18 person sitting around here, we will vote you out the
19 next time you come up.

20 A. Understood.

21 Q. And this will be on the record the next time you come
22 up.

23 A. Yes, sir.

24 MR. STROM: Thank you, Mr. Chairman.

25 SENATOR RANKIN: Mr. Chairman.

RE-EXAMINATION

1
2 BY SENATOR RANKIN:

3 Q. I'm not quibbling or disagreeing at all with that
4 because again, I think he speaks for all of us in
5 terms of how we view any, any brush with temperament
6 in --

7 A. Yes, sir.

8 Q. -- execution of the offices for which you are
9 seeking, and -- but I want to just harken back to the
10 exchange on a very fine point on your -- you said
11 you, to Senator Sabb, would love to have been able to
12 prosecute this case for the Stoller family. One of
13 the comments in here, which we might get into in a
14 little while if I hush, but effectively assails your
15 bias against folks just like Mr. Turner, and that you
16 would be so harsh on the defense that if this is, to
17 me -- and that has been a kind of a theme that we
18 read about you. You've got incredible ballot-box-
19 survey comments, but one of which, in fact, makes the
20 point that, again to Mr. Stoller, who is kind of in
21 the fraternity of law enforcement and would get the
22 best of the solicitors, whether it's his own or
23 another area's, but within that fraternity. So your
24 point about would love to have prosecuted, help me
25 understand why you would have loved that. What does

1 **that mean?**

2 A. Why I would have loved to have been able to prosecute
3 the case? I felt like that the -- I felt like the
4 Dallas Stoller case was the stronger of the two
5 cases, that if I was going to go to trial in the
6 case, that I would have tried the Dallas Stoller case
7 first. As it relates to the -- this belief that I am
8 too harsh -- I don't -- I don't know what the word
9 would be or that I'm too aggressive towards
10 defendants in some cases, all I can say about that is
11 that I'm an advocate. I am an advocate for the State
12 of South Carolina when I am a prosecutor. In the
13 decade before I was a prosecutor, I was an advocate
14 for my criminal defense clients, I was an advocate
15 for my civil clients; and I was an advocate -- I was
16 always a strong advocate for them. And so, yes, when
17 I was talking to the Stollers, and in addressing
18 Senator Sabb's question, if I did -- I told Mr.
19 Stoller, look, I wanted to try this case. This is
20 the case I wanted to try. And there were a lot of
21 reasons for it and I've talked about some of the
22 reasons with them, that I would have preferred to try
23 that case, but unfortunately, Ms. Stoller passed, and
24 so I did not think that that was ethically doable
25 anymore. I did not think that I could overcome the

1 evidentiary issues that we would have without her
2 testimony being available. I continue to feel that
3 way. I know that my boss, Solicitor Weeks, is --
4 talked to the family about reexamining the case. I
5 can't tell you what's going on with that because I
6 don't know, but I wanted to get some level of closure
7 for this family, for the Stoller family and for the
8 Bess family. But I knew, when I was talking to the
9 Stoller family, that if we couldn't go forward and
10 there wasn't going to be -- even if it was a guilty
11 plea for concurrent time under the same
12 considerations, if we were not going to -- or with
13 the same sentence, if there wasn't going to be that
14 guilty plea, I knew that there was going to be -- it
15 was gonna be -- it was gonna leave a wound. And I
16 said before I wasn't sure of the exact wording of
17 what was said, but I do specifically recall the
18 conversation between Mr. Stoller and I got -- it got
19 escalated during the course of the meeting. And your
20 point is well taken, Mr. Strom and Senator Rankin.

EXAMINATION

BY CHAIRMAN CASKEY:

23 **Q. Mr. Miller, sometimes I sat in court and watched the**
24 **judge pose a question to counsel to help the counsel**
25 **arrive at his or her point, and I would be less than**

1 candid with you if I told you that I did not feel
2 that same feeling just now after Senator Rankin had
3 pitched you a softball. What I had hoped to hear,
4 your response to that question of why you would have
5 loved to prosecute it, was because you were convinced
6 that justice required prosecution of that man, but
7 that you were unable to proceed because of the
8 ethical considerations that you clarified here. And
9 so I would like to have heard more in terms of
10 commitment to your ideas of pursuing justice because
11 you had analyzed the case, but had recognized the
12 limitations under our professional rules of conduct.
13 But, that notwithstanding, I have another set of
14 concerns that I'd like to talk with you about because
15 again, we are charged to evaluate the candidate along
16 the lines of the constitutional and statutory
17 evaluate of criteria. And the first relates to --
18 well, let me start with the Victim Advocate in your
19 office, I think you talked with Senator Rankin
20 initially about that. Why was your Victim Advocate
21 not reaching out to the decedent or her family
22 immediately when you took possession of the case?

23 A. Because at that point in time, Sarah Ford was there.
24 I -- and I don't know prior to that hearing, I assume
25 that it was our Victim Advocate in our -- our Victim

1 Advocate's office or maybe it was the SLED Victim
2 Advocate, who was telling people, Here's where the
3 hearing was. We were actually talking to the SLED
4 agent that was the lead agent on the case and
5 explaining to them, Hey, look, this is what's going
6 on, and this is what's happening. I don't know how -
7 - I don't know which office, whether it was our
8 Victim Advocate or the other, but even in that
9 situation, that Victim Advocate is an employee of our
10 office and is under our control. Under the rule,
11 they can't talk to somebody who is represented by
12 counsel anymore than I can, and so ---

13 **Q. So when Ms. Ford communicated to you that she was**
14 **going to represent the victim and the family, how was**
15 **that communication made? Was that in writing?**

16 A. It was verbally. She was -- I know that it was
17 verbally. It may have been followed up by a letter.
18 I don't recall whether or not that happened.

19 **Q. How did you notify the other people in your office**
20 **that they were now restricted from communication with**
21 **the victim because they were represented by counsel?**

22 A. We have a very small office. So at that hearing that
23 was in Dorchester County, it was myself and Michael
24 Emmer and I believe our Victim Advocate was there.
25 If she wasn't there, then we just told her as soon as

1 it was over with, but we had -- that's three-fourths
2 of our office at that point in time. So it was not a
3 very difficult thing to get the word out, Hey, these
4 people are represented by an attorney. Everything
5 has to go through the attorney.

6 **Q. And did you make that communication to people in your**
7 **office?**

8 A. Oh, yes, sir.

9 **Q. And you did that verbally or in writing?**

10 A. Verbally because we were all there.

11 **Q. Is it your ordinary practice to make notifications at**
12 **that time only orally?**

13 A. I would say yes because it's just not -- it's not
14 something that happens very frequently. So I
15 believe, yes, I would say normally it's just done
16 verbally.

17 **Q. I thought I heard in your testimony that there were**
18 **several attempts or actual communications between**
19 **yourself and Mrs. Ford. Is that accurate?**

20 A. There were quite a few. Yes, sir.

21 **Q. And those accurate -- those communications, they were**
22 **to communicate times for hearings and what else?**

23 A. Discussions about what was going on as far as plea
24 offers. There was discussions -- there was a
25 discussion about the fact that Senator Hutto wanted

1 to try to get the case resolved. I explained that
2 I'd be making a plea offer. She asked from me what
3 was the plea offer going to be, what was I proposing.
4 I sent that to her. She responded and said, Can you
5 explain why you were doing this? I responded to
6 that. She said, Okay. These are the people that
7 want to meet, and so we did, the same -- actually, I
8 think it was the same day we ended up meeting with
9 them. There were numerous conversations that went
10 back and forth about various things. The whole Lee
11 County bond reconsideration thing, whenever I first
12 got contacted about it, it was from defense counsel
13 who said, Hey, this is what we understand. Can he
14 move back in with his parents? And I said, I don't
15 know. You know --

16 Q. I'm sorry to interrupt, sir, but that issue is less
17 pressing in my mind than the communication with
18 respect to the plea offer.

19 A. Okay.

20 Q. If I understand the time line correctly, you're
21 telling us now, under oath, that you communicated to
22 Ms. Ford, as the attorney for the family, that there
23 would be a plea offer extended and, I presume, that
24 you actually included the contents of the offer, what
25 the offer was.

1 A. Word for word.

2 **Q. And then subsequently explained your reasoning for**
3 **that plea offer, and then you had the meeting; and if**
4 **I have the dates right, that would have been the**
5 **April 6th -- is that the Zoom call meeting?**

6 A. It was April 4th the -- that she got the offer. She
7 inquired about whether -- what the rationale for the
8 offer was. On April 5th, I sent the email saying,
9 Here's my rationale for the offer. She had
10 indicated, when she asked for the rationale for the
11 offer, that Ms. Bess wanted to talk, and so when I
12 sent that to her, I said, just for clarity, I -- and
13 -- my first statement was, I'll talk to anybody who
14 wants to talk, but just for clarity, when you say Ms.
15 Bess, do you mean Chloe or do you mean her mom? She
16 said, I mean her mom. And so we talked at five
17 o'clock -- at four o'clock that afternoon.

18 **Q. And this was before the Zoom meeting with the Stoller**
19 **family?**

20 A. It was before the Zoom meeting with the Stoller
21 family.

22 **Q. During the Zoom meeting with the Stoller family, did**
23 **you communicate or discuss the plea offer?**

24 A. I don't know if we discussed the plea offer itself,
25 but the point of the call, the point of the

1 discussion was to talk about why we couldn't go
2 forward with the Stoller case, and because we
3 couldn't go forward with that case, that -- and it's
4 another distinction that --- without much of a
5 difference, but I think it's significant. I
6 specifically said on that Zoom call that I would not
7 be dismissing the case, I wouldn't be dismissing the
8 indictment, until after the plea on Friday. I said,
9 I'm not gonna dismiss it until after the plea on
10 Friday, because I didn't want there to be any
11 argument that Mr. Stoller couldn't talk to the Court
12 because there wasn't an open case, it wasn't -- I
13 didn't want that to even be an issue. And so if we
14 go back and look, we'll find out that, in fact, the
15 plea was at ten o'clock in the morning on April the
16 8th of 2022, and that case didn't get dismissed until
17 that afternoon in Bamberg County because I left
18 Orangeburg, and I went to Bamberg, and that's
19 whenever I dismissed the indictment. I did it
20 specifically for that reason, and I told them that
21 was the reason why I was doing it that way.

22 **Q. When -- at the bond revocation turned plea --**

23 **A. Yes, sir.**

24 **Q. -- forgive me if -- I read the transcript earlier and**
25 **I don't recall exactly where the exchange was, there**

1 was some question about a continuance, that Ms. Ford
2 had asked for a continuance to hold the matter over,
3 and you objected to that. I think if I -- I think I
4 recall page 7, page 7. That's the wrong page.

5 SENTATOR SABB: I don't know that he has the
6 transcript.

7 CHAIRMAN CASKEY: That's right.

8 Q. None the less, why -- the ultimate question is and I
9 ask because it's related to the question of
10 temperament of professional ---

11 A. Thank you.

12 Q. Knowing that Ms. Ford had communicated to you
13 concerns, issues, a desire to not go forward with the
14 case, given the gravity of the underlying crimes and
15 the emotional residence accompanying that, when the
16 victims articulated a desire to not go forward with
17 the plea then, you are given the opportunity by the
18 judge to consent to a continuance. You didn't do
19 that, and I'm curious why.

20 A. One of the things that I was very concerned about was
21 the possibility of the bond revocation motion not
22 being granted. If that bond didn't get revoked, then
23 there was going to be an issue that we were gonna
24 have to deal with -- that we were gonna have to deal
25 with going down the road as far as how to get this

1 back before the Court. And there was a point in time
2 when there were concerns expressed about the fact
3 that Senator Hutto had legislative protection. Early
4 on in the case, there was a lot -- there was some
5 concerns about that. We were in a position where we
6 had two things that we were fighting against. The
7 first thing that we were fighting against was we
8 could only make him come to court on Monday and
9 Friday. Now, he never -- and to his credit, he never
10 said, I can't come to court. But we knew that we had
11 to schedule our hearings either on a Monday or a
12 Friday, and also we had to schedule any hearings in
13 front a judge who wasn't a judge from the First
14 Circuit. And so at that point, I felt like if we did
15 not -- if we continued, I did not believe that it was
16 a request for a continuance to, Okay, we're gonna
17 continue all of this, and we'll reschedule it for
18 somewhere down the road and we'll come back later. I
19 believed that what was being requested was, I want to
20 continue this plea so we can argue about this bond
21 revocation motion, which we had filed. We were
22 completely ready to argue the motion, but the Judge
23 had already said the plea makes the motion moot. So
24 I was in that moment -- because I wasn't anticipating
25 it at the time, but in that moment right there, I was

1 thinking to myself, If we continue this, we're
2 continuing everything, and we could end up down the
3 road four, six months, however long. So I was trying
4 to get a resolution to the case.

5 Q. I'm struggling to reconcile that sentiment with the
6 reality that there were -- if you were in court on
7 Friday, April 8th, that there was gonna be a Monday,
8 April 11th and a Friday, April 15th and a Monday,
9 April 18th and so on and so forth, where these things
10 could have been accomplished. And I can appreciate
11 the difficulty in scheduling, but clearly this case
12 has taken you from Lee to Dorchester to Bamberg to
13 Orangeburg --

14 A. Yes.

15 Q. -- so I understand that. I guess the last question -
16 - and I see Mr. Rutherford has some questions that he
17 wants to explore with you -- I'd thought I heard Mr.
18 Stoller say that at some point, this case -- after
19 consideration by you, that there was -- it was passed
20 to -- back to Solicitor David Pascoe for
21 consideration of prosecution. Is that your
22 understanding as well?

23 A. No, sir, that's not what happened. And I don't -- I
24 don't know that Mr. Stoller said that or that ---

25 Q. Could be my faulty memory.

1 A. And I -- certainly, I have a faulty memory as well
2 sometimes, but no, what happened as far as the
3 Stoller case goes -- as far as the Stoller case goes,
4 the -- after it was dismissed, the Stoller family met
5 with Solicitor Weeks and they came in and talked to
6 him. I wasn't present for a meeting or part of the
7 meeting, but I -- what I understood came out of the
8 meeting was that Solicitor Weeks is reinvestigating
9 or re-looking at the case to make sure that nothing
10 was missed, and that's all that I know about that.

11 **Q. Okay.**

12 A. It's still pending a review as far as I know.

13 CHAIRMAN CASKEY: Thank you, sir. Representative
14 Rutherford, you still have a question?

15 REPRESENTATIVE RUTHERFORD: Well, not a question, but
16 a statement. I just disagree with the
17 Chairman's assessment of what happened on page 7
18 in the transcript. I don't believe that Mr.
19 Miller said that he wanted to go on despite the
20 objection of Mrs. Ford. I think he was simply
21 saying that he was going to go on with the plea
22 because the plea would trump the motion to
23 revoke bond, and the Judge had already said it
24 was moot and did he want to proceed despite the
25 fact that Ms. Ford's motion was not filed

1 timely. And you make mention of the fact that
2 there were other Fridays and Mondays to come,
3 but that is not in the record that Mr. Hutto or
4 the Judge would have been available on those
5 Mondays and Fridays because as he stated, you're
6 talking about a judge outside of the First
7 Circuit and a defendant who is, at that point,
8 ready to plead guilty with his lawyer and the
9 State. So I just -- I don't agree with your
10 assertion that he did anything except say that
11 they were ready to proceed and take a guilty
12 plea that day because the Court noted that the
13 motion regarding the victims by Ms. Ford was not
14 filed in a timely manner. So it's not a
15 question to Mr. Miller, but just a disagreement
16 as to how the Chairman posits his opinion on
17 what happened on transcript on page 7.

18 CHAIRMAN CASKEY: Yes, sir. I appreciate that.

19 Thankfully I've gotten rather used to the fact
20 that we don't always agree.

21 REPRESENTATIVE RUTHERFORD: Yes, sir.

22 CHAIRMAN CASKEY: Mr. Safran.

23 EXAMINATION

24 BY MR. SAFRAN:

25 **Q. Thank you, Mr. Chairman. I'm kind of trying to wrap**

1 my arms something here. You just said that you were
2 concerned about the revocation being granted as a
3 reason to take -- go forward with the plea. Is that
4 -- am I correct on that?

5 A. No, sir. I was concerned that the bond revocation
6 would not be ---

7 Q. No. I mean --

8 A. --- be granted.

9 Q. -- you were -- excuse me. You were concerned whether
10 or not it would be granted.

11 A. Correct.

12 Q. So you thought that there was a risk or a real risk
13 that it would not happen.

14 A. Right. And I also thought that that was a real risk,
15 that if the Judge said, Okay. We're continuing this
16 matter, it just wouldn't get heard at all, which was
17 the -- which was one of the things that -- the only
18 thing that it appeared to me at the -- at the hearing
19 that day, the only thing that it appeared to me was
20 the objection for Ms. Ford and for the people that
21 were assembled was for Bowen Turner to walk out of
22 that courtroom in handcuffs because his bond had been
23 revoked or because he had pled and he had gotten some
24 kind of incarcerative sentence or whatever it was
25 going to be.

1 Q. Well, let me ask you this: Could you blame them for
2 having that objection?

3 A. I don't blame them for having that objection.

4 Q. The other question is this: I'm sitting here and I
5 haven't done a criminal case in more years than I can
6 count.

7 A. Right.

8 Q. So if I'm saying something that proves to be foolish,
9 I'll take responsibility for it.

10 A. Sure.

11 Q. But, you know, to kind of echo, you know, what Mr.
12 Stoller said, you've got all this data showing that
13 he was doing exactly the opposite of what he'd been
14 told not to do. Okay.

15 A. Right.

16 Q. I guess my question was is that where were your --
17 was your concern coming in terms of the revocation
18 not getting granted because, you know, I'm sitting
19 here. You got a pile of stuff there that shows he's
20 been, God knows, everywhere, and you know, I
21 understand what Mr. Rutherford said, Representative
22 Rutherford, about nobody was there laying eyeballs.
23 Well, maybe it -- not at that point, but now you got
24 a stack of stuff from the company that basically has
25 been monitoring him saying that, you know, he was

1 clearly doing wrong.

2 A. Right.

3 Q. And so, you know, again, I'm a little concerned about
4 where that comes from.

5 A. We had -- we had received information from the
6 counselor for Bowen Turner, who had confirmed the
7 statement that had been made, that he had told Bowen
8 Turner and Bowen Turner's father that he needed to be
9 out, he needed to be out of the house, that he needed
10 to go places, and he needed to not be locked up in
11 his house. And that over the course of the times
12 that he was not where he was supposed to be -- and
13 keep in mind, this was about the fifth time we had
14 been told that, Oh, there's some violation of his
15 bond, when SLED had gone out and looked at it and not
16 found anything. And so this happened in January, and
17 we get all these things where he's going all these
18 places and we say immediately, Yes, let's go do this.
19 And the response that we got back from Senator Hutto
20 was, all these places he was always with one of his
21 family members, and that was a part of his bond order
22 was that and when he did leave the house, he couldn't
23 leave the house without being in the presence of
24 either his mother, his father, or his grandmother.
25 He was always with somebody, an adult, whenever he

1 was out. Every single place that he went, he was
2 supervised. All of these -- all of these locations
3 were public places. His father was apparently
4 prepared to testify that the reason that he went to
5 Columbia was because they didn't want to run into
6 somebody in Orangeburg that would get upset about him
7 being out with his dad. There was a driving range
8 that he went to, and according to what I was told,
9 his dad was gonna say that he was sitting at the
10 driving range watching Bowen Turner hit golf balls
11 while he was talking to him. I felt like if you
12 looked at all of the hours that Bowen Turner was on a
13 GPS monitor and you took all of the hours that he was
14 not where he was supposed to be, it was gonna be a
15 minuscule percentage of time. There's a lot of
16 places. There's probably -- it was a lot of hours,
17 quite frankly, but I felt like someone with Brad
18 Hutto's abilities in courtroom could make an argument
19 to a Circuit Court judge that a Circuit Court judge
20 might go, Yeah, I agree. He has violated, but he
21 hasn't committed any new offenses, he's always been
22 in the presence of a chaperone out -- while all of
23 this was going on. So what I'm gonna do is I'm gonna
24 tighten down. I'm gonna tighten down the conditions
25 on him. And I felt like that was a reasonable

1 possibility of that happening.

2 **Q. Was any of this shared with the Stollers or with, you**
3 **know, the other victim?**

4 A. I did talk to I believe that I -- it was Ms. Bess. I
5 know that the conversation was had at one point, and
6 it was just disregarded about the idea that there
7 might be a way that the judge didn't grant the bond
8 hearing -- or the bond revocation.

9 **Q. Was it a very in depth discussion?**

10 A. It was in depth, you know. And I was -- that was --
11 it was, Why would a judge not grant it, and me
12 saying, Well, this is what I've been told. I got a
13 response from Senator Hutto to my motion, and laid
14 out all of these things and I said, This is what I
15 was told.

16 **Q. Okay. I mean, again, was that something that Ms.**
17 **Ford's -- did you share it with her?**

18 A. I don't know if I sent it directly to her, but I know
19 that she was aware that that was what my concern was.

20 **Q. Well, I think this kind of dovetails back with**
21 **something we -- I think Senator Saab talked to you**
22 **about, Mr. Strom talked to you about these -- I think**
23 **basically what I've encountered in terms of trying to**
24 **convey the legal realities or concerns to clients,**
25 **and yeah, they're not technically your client, but**

1 they're your client in the sense that you're
2 representing the interest of what's happened to
3 somebody and their family from the State standpoint.

4 A. Yes, sir.

5 Q. I'm not saying there's a technical bond, but as a
6 practical matter, they're looking to you to take care
7 of trying to do what's right because of what's
8 happened to them. Okay? We --

9 A. Right.

10 Q. -- agree with that. Okay?

11 A. Yes, sir.

12 Q. And I guess it goes right back again, if I'm
13 listening to Mr. Stoller, you know, he basically
14 perceived a lot of indifference. He basically did
15 not hear a heartfelt type of explanation about, This
16 is terrible. I understand what has happened to you.
17 I can't even begin to truly empathize, because I
18 can't. Okay? Nobody can.

19 A. Right.

20 Q. But the point is where was that recognition that
21 these folks, they were grieving. I mean, they had a
22 need to know and it needed to be conveyed in a way
23 more than what I'm hearing came across, not just from
24 Mr. Stoller, but what you're telling us, that it just
25 was indifferent. Okay? And I think the last thing

1 he said was, Please, you know, my concern with the
2 court system is is it's -- lets us down. Well, isn't
3 this letting us down when somebody who is kind of
4 their representative in the court system gives them
5 the impression they don't care enough to even want to
6 tell them maybe in a way where he is, a seasoned law
7 enforcement officer, would probably get at some
8 point? But when you basically at the beginning give
9 the impression that, I don't care, everything else
10 tunes out. I mean, we know that as a practical
11 matter. It all tunes out.

12 A. Right.

13 Q. So again, look, I'm not trying to pile on here, but
14 it's a real issue; and I guess the concern is is that
15 if you as wearing the solicitor's hat didn't seem to
16 care enough about the human aspect of this, where are
17 you as a judge who's also supposed to recognize the
18 human aspect of this? You understand why there's a
19 concern?

20 A. I absolutely understand why there is a concern, and I
21 would say no one, including Mr. Stoller, knew the way
22 that I was agonizing over the decision. So as far as
23 presentation, as far as the appearance to them, that
24 is reality. What is the appearance to them is the
25 reality of the situation, but I do take some level of

1 objection to the term lackadaisical because that --
2 that's not it was. It was not -- it wasn't a lack of
3 interest.

4 Q. Well, there's a difference between lackadaisical and
5 indifferent, but you know what, the effect's the same
6 thing.

7 A. I understand, and I understand how it came across in
8 this situation.

9 Q. Well, and I think what you just echoed is what we
10 heard here the other day from the -- from Justice
11 Kittredge is that the only way that there's going to
12 be confidence from a public standpoint, much less
13 individuals who you're dealing with who actually have
14 a stake in this whole thing, is for there to be
15 something that is the exact opposite of indifference.
16 It has to be -- we're here to serve you as the
17 public's court, the public's prosecutor, and when you
18 walk -- have somebody walking away, again, who's part
19 of the system himself and who understands how, quote,
20 things work, but having him feel like that to say --

21 A. Yes, sir.

22 Q. -- they just let us down. I mean, there's really no
23 room for that, is there?

24 A. There is not.

25 Q. Okay. Thank you.

1 SENATOR SABB: Mr. Chairman.

2 CHAIRMAN CASKEY: Ms. Blackley, I'm afraid --

3 SENATOR SABB: I yield.

4 CHAIRMAN CASKEY: -- was first up.

5 EXAMINATION

6 BY MS. BLACKLEY:

7 Q. Mr. Miller, are you familiar with the Victim's Bill
8 of Rights?

9 A. I am.

10 Q. So you know all of them?

11 A. I believe so.

12 Q. One that just shoots right at my mind, and I think
13 you heard me earlier, I am a former Victim's Advocate
14 and I'm a former solicitor Victim's Advocate.

15 A. Yes, ma'am.

16 Q. All the way from local to State. I was -- I'm the
17 former Crime Victims Ombudsman. So after hearing my
18 colleague talk with you in regards to the
19 indifference, what comes to mind is, you know, one of
20 the rights is to be treated with dignity and respect.

21 A. Yes, ma'am.

22 Q. And that just bringing a red flag to my mind because
23 outside of -- for me, outside of murder, you know,
24 very high crime of a high emotion would be --

25 A. Yes, ma'am.

1 Q. -- sexual assault. And so there's a way in which we
2 have to work with our crime victim --

3 A. Yes.

4 Q. -- on any cases, and it -- you know, it -- and I,
5 again, worked in a solicitor's office and I worked
6 with my solicitors, but I also would challenge them
7 if I felt like they were violating any victim's
8 rights. And it's concerning and I hope that what has
9 been stated here today that you take in because if
10 you're in the black robe and you are presiding over
11 court and there's an injustice going on with the
12 presentation of a case and the violations of rights
13 of victims are occurring, that -- that that person in
14 that black robe would take charge of that and make
15 sure that doesn't happen. And I want to just make
16 sure you understand that if you were to ascend to
17 that bench, that that would be expected of you. And
18 I will second what Mr. Strom stated. If that doesn't
19 happen and you're back here, that will be a huge
20 problem. It will be my biggest problem.

21 A. Yes, ma'am.

22 Q. I want you to take that wholeheartedly into
23 consideration.

24 A. Absolutely.

25 CHAIRMAN CASKEY: Thank you, ma'am. Senator Saab?

1 SENATOR SABB: I'm good.

2 CHAIRMAN CASKEY: Okay. Is any other members of the
3 Commission have anything to ask at this stage
4 about the complaint? Plural, I apologize.
5 Okay. With that in mind, let's take a brief
6 recess. We've been going about another hour or
7 so, and so we'll reconvene in about five minutes
8 or so. Thank you.

9 (Off the record)

10 CHAIRMAN CASKEY: Ladies and gentlemen, we will go
11 back on the record and continue with our
12 screening of Mr. David Miller, who is an
13 applicant for Seat 2, Second Judicial Circuit
14 Court seat. We have dealt with the complaints in
15 this matter. At this point, it may be bit of a
16 non sequitur, but we would welcome any reopening
17 remarks you may have as to the balance of your
18 candidacy. And if you want to forego that, we
19 can go straight to questions from staff.

20 MR. MILLER: I would appreciate the opportunity to go
21 straight forward.

22 CHAIRMAN CASKEY: Okay. Also, thank you for
23 reminding me, Senator. If you'd like to
24 introduce your wife to the panel, we'd be happy
25 to meet her.

1 MR. MILLER: My guest and coworker, not my wife.

2 CHAIRMAN CASKEY: All right. I like it when I do
3 that. Sorry, no pressure.

4 MR. MILLER: This is senior assistant solicitor Lea
5 Staggs, from the Second Judicial Circuit. She
6 is one of my coworkers and friends and,
7 obviously, somebody I lean on a lot for a lot of
8 help, so.

9 CHAIRMAN CASKEY: I have tried all day to not
10 intentionally infer a relationship, but I was --
11 power of suggestion had gotten me. So I
12 apologize and, certainly, didn't mean any
13 offense. Okay. At this point, then, I would
14 recognize Mr. Triplett for some questions.

15 WHEREUPON:

16 DAVID MILLER, being duly sworn and
17 cautioned to speak the truth, the whole truth
18 and nothing but the truth, testifies as follows:

19 EXAMINATION

20 BY MR. TRIPLETT:

21 Q. Good evening, Mr. Miller. How are you?

22 A. I am well, thank you, sir.

23 Q. I note for the record, that based on the testimony
24 contained in the candidates' PDQ, which has been
25 included in the record, with the candidates' consent,

1 David Miller meets the constitutional and statutory
2 requirements for this position regarding age,
3 residence and years of service. Mr. Miller, why do
4 you want to be a circuit court judge?

5 A. I want to be a circuit court judge because I believe
6 it's the next step in my legal career. I want to
7 help. I want to be somebody who helps the system.
8 We talked about that a little bit here earlier today
9 about the necessity for people having confidence in
10 the system and it doing the right thing. And I think
11 I have the experience to make those kinds of
12 decisions and to do the right thing and have people
13 understand that I'm doing the right thing for the
14 right reason and to give them that confidence in the
15 system.

16 Q. Thank you. Mr. Miller, how do you feel your legal
17 and professional experience thus far renders you
18 qualified and will assist you to be an effective
19 circuit court judge?

20 A. Well, as I mentioned before, I do have a bit of
21 private practice experience. For almost a decade, I
22 was in private practice. I was a -- kind of a do-
23 everything attorney whenever I was in Aiken. You
24 kind of had to be. But I did criminal defense,
25 represented -- did not represent insurance companies,

1 but represented defendants and plaintiffs in civil
2 cases; had a lot of experience and give experience
3 there. Prior to that, I was a law clerk for Rodney
4 Peeples, which anybody who knew Judge Peeples will
5 tell you it gave me a great deal of civil practice
6 experience in a very short period of time, and then
7 going to the solicitor's office and working my way up
8 there. I've been on both sides of the courtroom in
9 civil and in criminal cases and I understand some of
10 the difficulties that the people that are out there
11 are having to deal with. And I think that that is
12 one of my -- one of my better attributes, as far as
13 my experience. It is being understanding of what --
14 what lawyers have to do sometimes to be in three
15 counties at once, or, you know, dealing with
16 difficult clients and those types of things.

17 Q. Okay. Mr. Miller, the Commission received 295 ballot
18 box surveys regarding you with 64 additional
19 comments, 50 of which were complimentary. The ballot
20 box survey, for example, contain the following
21 positive comments: David is very knowledgeable of the
22 law and can explain his reasoning for his decisions.
23 He is stern, but in a kind way. He will be a
24 terrific judge. Mr. Miller is an excellent
25 candidate. I've dealt with him as both a prosecutor

1 and a defense attorney and found him to be fair,
2 impartial, understanding and amicable. He possesses
3 a character we desire in jurists. And lastly, David
4 Miller is one of the most qualified candidates for
5 the bench I can think of. His years of service to
6 the practice of law have been a credit to South
7 Carolinians. His breadth of -- excuse me -- His
8 breadth of knowledge is truly extraordinary. In
9 addition, he is a loyal and dependable person that
10 never hesitates to help fellow lawyers or friends in
11 need. He is a very kind person who would be an
12 excellent judge. He would be fair and courteous to
13 all those appearing before him despite which side of
14 the case they would be representing. Fourteen of the
15 comments expressed concerns. Several comments
16 expressed concerns with your demeanor and temperament
17 in the courtroom. What response would you offer to
18 these concerns?

19 A. I am aware that I am -- I'm certainly passionate
20 about the positions that I take in the courtroom. I
21 think that it's pretty much a -- it is a testament to
22 the fact that I have the friends that I do, because
23 of the fact that I realize that. And very often --
24 two things, very often, you know, make sure that I
25 haven't offended somebody, make sure that by going to

1 them and saying, you know, Hey, look, that was --
2 that was a little bit more than I anticipated it
3 being. And also, you know, making sure that it
4 doesn't -- that whatever goes on in the courtroom
5 stays in the courtroom, as far as that goes, not
6 letting it affect my relationships with people as it
7 relates to other clients and those types of things.
8 But I do think it's fair to point out, in that
9 regard, that there are times whenever, because of my
10 position as the end of the line, before you get to
11 the solicitor making decisions, that they are going
12 to be disagreements about cases. There's going to
13 disagreements about what needs to be done. And I
14 know that there -- a lot of times, when I'm really
15 trying hard to find some kind of reasonable
16 compromise and working to try to find some way to
17 help a lawyer with their client or to help a victim
18 get some kind of relief, that maybe the circumstances
19 don't necessarily normally look like that, and
20 sometimes you've just got to draw the line in the
21 sand. And that can be interpreted poorly. So I try
22 -- I try to make sure that that doesn't carry on.
23 Obviously, though, on the bench, you're not an
24 advocate. You're not an advocate for either side.
25 And so that is one of the -- one of the reasons why I

1 feel like I would have a better control over -- over,
2 you know, anything that was going on in front of me.
3 I mean, I'm not advocating for either side, in that
4 position. Whereas, as a deputy solicitor, I have to
5 advocate for the State.

6 **Q. There were 31 positive comments regarding your**
7 **ethical fitness, character and reputation, but seven**
8 **comments expressed concerns that you tend to shift**
9 **favoritism or bias. What response would you have for**
10 **those concerns?**

11 A. Well, again, it goes back to being, in a criminal
12 courtroom as the deputy solicitor, I'm the one who
13 sets the order that things get done in. And if
14 there's that attorney who's got to be in multiple
15 places at one time and they come into the courtroom,
16 they're going to the front of the line. If there is
17 a situation where there might be somebody who has a
18 hearing that they need to get to or if there is
19 somebody who needs to talk to the judge, or even, you
20 know, attorneys that come in and they need to try to
21 get in a minor settlement hearing, something along
22 those lines that doesn't have to do with us. My
23 position has always been -- and I think it's pretty
24 well uniform throughout the state, my position has
25 always been you've got to be there anyway. Get those

1 people in and get those people out. And to somebody
2 that doesn't regularly work with us, I can see how
3 that would be perceived as favoritism towards private
4 attorneys. But one of the things that we're very,
5 very proud of, and we've said over and over again, we
6 don't give different deals to private lawyers than we
7 do to public defenders. We don't give different
8 deals to lawyer legislators than we do to non-lawyer
9 legislators -- or non-legislator lawyers. I'm sorry.
10 There's not -- the offer is based on your client and
11 the crime. That is one of the things that we take
12 pride in. And it's -- sometimes, there might be
13 differences in the cases that, you know, aren't very
14 obvious to the outside, but there -- there's not any
15 kind of intentional favoritism; and in fact, it's
16 very much discouraged. Any kind of favoritism or
17 bias towards, or giving better deals or anything like
18 that for private attorneys in general is just
19 completely frowned upon by our office.

20 **Q. There were 28 positive comments regarding your**
21 **professional and academic ability and experience, but**
22 **one comment expressed concerns with your ability to**
23 **understand complicated matters. How would you**
24 **respond to that concern?**

25 **A. I really don't know how to respond to that without**

1 knowing what -- what the basis for the comment was.
2 We've dealt with some pretty complicated stuff. I
3 have personally, both from the prosecution and
4 defense side, handled capital litigation. I've been
5 involved in some pretty complex civil litigation in
6 the past. I was very young at that time, so -- not,
7 you know, as the lead counsel, but I think that I can
8 figure it out and certainly would.

9 Q. Thank you, Mr. Miller. I would note the the Midlands
10 Citizens Committee reported that Mr. Miller is well
11 qualified in the evaluative criteria of professional
12 and academic ability, character, reputation,
13 experience, and judicial temperament, and qualified
14 in the remaining evaluative criteria of
15 constitutional qualifications, ethical fitness,
16 physical health and mental stability. The Midlands
17 Citizens Committee noted that Mr. Miller is very
18 qualified and, with his past experience, will be an
19 asset to the judiciary. There are a few additional
20 items to put on the record. Mr. Miller, are you
21 aware that as a judicial candidate, you're bound by
22 the Code of Judicial Conduct as found in Rule 501 of
23 the South Carolina Appellate Court Rules?

24 A. I am.

25 Q. Since submitting your Letter of Intent, have you

1 contacted any of the members of the Commission about
2 your candidacy?

3 A. No.

4 Q. Since submitting your Letter of Intent, have you
5 sought or received a pledge of any legislator either
6 prior to this date or pending the outcome of your
7 screening?

8 A. I have not.

9 Q. Are you familiar with Section 2-19-70, including the
10 limitation on contacting members of the General
11 Assembly regarding your screening?

12 A. I am.

13 Q. Have you asked any third parties to contact members
14 of the General Assembly on your behalf; or are you
15 aware of anyone attempting to intervene in the
16 process on your behalf?

17 A. I have not.

18 Q. Have you reviewed and do you understand that
19 Commission's guideline on pledging in South Carolina
20 Code Section 2-19-70(E)?

21 A. I do.

22 MR. TRIPPLET: Mr. Chairman, I would note for the
23 record that any concerns raised during the
24 investigation by staff regarding this candidate
25 were incorporated into the questioning of the

1 candidate today. Mr. Chairman, I have no
2 further questions.

3 CHAIRMAN CASKEY: Thank you, sir. Any members of the
4 Commission have comments or questions for Mr.
5 Miller?

6 SENATOR SABB: Thank you, Mr. Chairman.

7 EXAMINATION

8 BY SENATOR SABB:

9 Q. I'm sort of reminded of how the practice of law was
10 36 years ago when I first started practicing and it's
11 nothing for a person who has a lawyer to be chastised
12 by the judge in public to be challenged in a way that
13 some of us probably thought was a little over the top
14 in public. But yet, we had to stand there as a
15 professional, receive the information and respond to
16 the information appropriately. And so I just want to
17 say that I thought that the questions posited to you
18 were fair. They were assertive. But the manner in
19 which you handled them reminded me of the old days
20 when I was in court and judges challenged me in
21 various ways, and I think we grow from all of our
22 experiences. And so I wanted to compliment you in
23 the manner in which you responded to what you were
24 confronted with here today.

25 A. Thank you, sir.

1 Q. And I also wanted to express my appreciation for your
2 service to our country in the Marine Corps. And so
3 it's clear to me, when I look holistically at your --
4 your record, your contributions to our way of living
5 as contributions to our profession, in my mind, have
6 been impactful in more of a positive way than in a
7 negative way. Although, when we find ourselves in
8 the middle of circumstances like this, I mean, it's a
9 -- it's telling and it's important and it's
10 substantial, but it's not the entire picture. So,
11 you know, for me, I like to look at things
12 holistically. So that's kind of how I approach and I
13 evaluate things. I like listening to the
14 complainant, I like listening to the person who gives
15 the responses and then ultimately, puts me in a
16 position where I can engage in self-evaluation based
17 upon what I call all the evidence, the totality of
18 the circumstances and all with that. And one of the
19 things that I'm going to ask the chairman and this
20 body to consider is I'd love to see the emails that
21 you sent and the emails that were sent to you. So
22 one of the things that I'm going to ask if for both
23 of you lawyers, if the Commission agrees with me, to
24 submit your emails so that I can look at them and
25 evaluate them in the context of the communications.

1 **Would you have any objection to that?**

2 A. I would not.

3 SENATOR SABB: Senator Chairman, at the appropriate
4 time, I would ask that we ask the other young
5 lady, if she doesn't mind, who's kind enough to
6 come and testify before us today, to also share
7 the email communication that has been testified.

8 SENATOR RANKIN: I'll second that, at the appropriate
9 time.

10 CHAIRMAN CASKEY: I think we've -- certainly,
11 something we should consider as a commission. I
12 think it would be appropriate to have a briefing
13 from staff on the attendant legal issues with
14 that. But I think we could come to some
15 resolution rather quickly. Any further
16 questions, Senator Sabb?

17 SENATOR SABB: No. And I just wanted to thank him
18 and thank everybody else for participating in
19 the process.

20 CHAIRMAN CASKEY: All right. Senator Rankin.

21 EXAMINATION

22 BY SENATOR RANKIN:

23 **Q. Thank you. And again, a very unique experience for**
24 **us. We don't often have complaints that go to the**
25 **level of this one and there's always an aggrieved**

1 party that we counter in these complaints, and our
2 job is to decide whether the complaint rises to the
3 level of the nine evaluative criteria, which can be
4 distilled basically in fairness, due process, and I
5 want to say The Golden Rule. And in this case, one
6 of -- I think you had written -- you had prosecuted
7 or handled, did I read 5,000 --

8 A. More than 5,000 that my -- that were cases assigned
9 to me. That doesn't count the ones that I was
10 assisting on.

11 Q. And I'll identify the source later. But perhaps, in
12 the -- well, Strom Thurmond, Jr., who was both
13 solicitor and the U.S. attorney?

14 A. Yes, sir.

15 Q. -- Said that you were the only one who has both
16 prosecuted and defended capital murder cases to
17 verdict; is that correct?

18 A. It was a -- the defense of the capital case was
19 actually in a post-conviction setting. However, yes,
20 I have prosecuted and defended -- I've been on both
21 sides. I'll say it that way. Not prosecuted and
22 defended, but prosecuted and provided a defense in
23 the PCR stages of the David Mark Hill case.

24 Q. I don't know you, and I think I said that at the
25 outset. And rarely do we know the applicants to the

1 degree that those who write on their behalfs do. And
2 I can't help but call attention to those who know you
3 best, Strom Thurmond. I know we -- what do y'all
4 call him? Strom?

5 A. Strom.

6 Q. Strom. Anyway, who like a candidate earlier today,
7 James Smith, who's running for a circuit court
8 position, said of David Wilkins, he doesn't suffer
9 fools lightly and he doesn't pay compliments unless
10 warranted. I would -- I would think both your former
11 solicitor, both sheriffs, would probably, if they
12 were sitting here and if this story gets fair and
13 balanced reporting, regardless of the outcome, would
14 say, as I think you have, you had a bad exchange with
15 one of the over 5,000 victims and/or cases that you
16 prosecuted and that you regret. I'm not putting
17 words in your mouth, but I think I've heard that.
18 But you have been awarded countless things by
19 countless prosecutorial groups. And so if -- again,
20 I'm not defending you, but your friends in the
21 profession certainly have. That's not dispositive,
22 necessarily. But I don't want you to leave here
23 thinking that, What in the world do you do in here?
24 And for the world to believe, hey, this guy doesn't
25 know anything about the prosecution of one part of

1 the circuit court's docket, and that is criminal law,
2 which we, more and more find is more in demand than
3 the civil. So --

4 A. Yes, sir.

5 Q. -- anyway, I'm -- that is not a defense of you,
6 necessarily, other than you've got great attributes
7 based on people that know you better than I'll ever
8 know you, and for that, I would suggest to you that
9 is a good thing for you. I don't know whether we're
10 finished, but I do want to invite you to tell us what
11 you've learned from this. Again, regardless of this
12 -- the outcome of this vote whether you're found
13 qualified or whether you're nominated, what, as a
14 life lesson, do take from this? And again, if you
15 were fortunate enough to ascend to a position of
16 holding others accountable and judging others, what
17 is your takeaway from this?

18 A. I think that the first takeaway is sometimes --
19 sometimes, it is best to slow down to -- to step back
20 and try to give things some air, try to give some
21 room to breathe so that -- you're not always going to
22 agree. Not everybody's not always to agree. But if
23 I had anything to do over again with this, it would
24 be taking more time to try to make -- well,
25 specifically, Mr. Stoller and the Stoller family

1 understand the reasons -- the reasons that I didn't
2 feel like I could go forward with that case. It
3 turned out not to be a good conversation. And
4 frankly, I reacted poorly to it. But that is one of
5 those things that sometimes experience is the best
6 teacher. I would say that faced with the --
7 confronted with a similar situation in the future, I
8 would handle it -- I would handle it differently. I
9 would be more active and more insistent -- and this
10 is not an excuse. And I want to make sure that I'm
11 clear about that. But the majority of the time that
12 this case was pending was during COVID and there was
13 so much uncertainty about how we were going to have
14 court, where we were going to have court, how we were
15 supposed to let victims talk and address and that
16 sort of thing. And so, you know, the first time that
17 we -- that I specifically reached out to Ms. Ford
18 about talking to with Dallas Stoller, it -- I was
19 just -- I was just struck, because I was going
20 through the emails the other day -- about -- I think
21 it was in April or maybe May of 2020, and we were
22 like, Well, we don't know how long this is going to
23 last, but whenever he gets back to normal again -- we
24 had no concept that it was going to be two years
25 before it was back to normal. And you know, I think

1 about that and I think about all of the things that I
2 didn't know and all of the things that I wish I had
3 known at that time. But at the end of the day, I
4 just need to -- I need to make sure that I am more
5 cognizant when I -- when I am dealing with
6 particularly these types of cases. As Ms. Blackley
7 said, this is -- these are the types of cases that
8 understandably are going to have people really,
9 really upset. And I think that slowing down the
10 process so there was more time for the information to
11 be absorbed would've been a lot -- would've been a
12 lot of help in the case. And also, making sure that
13 that information was getting to them.

14 CHAIRMAN CASKEY: Thank you, sir. Any other
15 questions?

16 SENATOR SABB: Mr. Chairman, I would ask, before we
17 adjourn the hearing, that we ask Ms. Ford
18 whether or not she's got any objections to
19 turning over the emails that pertain to the
20 subject matter of that.

21 CHAIRMAN CASKEY: I don't see a problem with that.
22 Ms. Ford, if you'd come forward just so that we
23 can make sure you have an opportunity to add
24 what's recorded. You are still under oath and
25 the question is whether or not you have any

1 objection to the entry of emails between
2 yourself, Mr. Miller, any other relevant parties
3 having that entered into the record.

4 MS. FORD: I have no objection to that. I have every
5 email that we've ever exchanged present here
6 with me today. I would like to go through,
7 because there is an unnamed victim in which I
8 had represented that was a part of the entire
9 Bowen Turner universe, so to speak. I want to
10 make sure that her confidential information is
11 not in those emails. So if you all would give
12 me the opportunity to go through that, I would
13 appreciate that. I would also like the
14 opportunity and would certainly request -- a
15 number of things were brought up here today that
16 I would certainly like to respond to and I think
17 to be more --

18 CHAIRMAN CASKEY: Yes, ma'am, I --

19 MS. FORD: And maybe this is not the venue, but --

20 CHAIRMAN CASKEY: It's not. It's not. I appreciate
21 that sentiment. The question though was simply
22 whether or not you would have any objection to
23 entering those emails. I'm hearing yes,
24 pursuant to -- or provided that you have the
25 opportunity to redact that relevant information.

1 MS. FORD: Provided -- yes, sir, provided that I have
2 the opportunity to go through that confidential
3 information and --

4 CHAIRMAN CASKEY: The other question I need to ask,
5 though, is to the extent there is any
6 attorney/client privileged matters in that --

7 MS. FORD: Correct.

8 CHAIRMAN CASKEY: -- whether or not you would waive
9 that privilege; or if you can waive that --

10 MS. FORD: I don't have the ability to waive that
11 privilege. I would have to discuss that with my
12 clients, of course.

13 CHAIRMAN CASKEY: Okay. If you would, please, take
14 the opportunity to do that now-ish. We are
15 going to adjourn this hearing and we're going to
16 go into an executive session for a legal
17 briefing --

18 SENATOR TALLEY: Mr. Chairman, Mr. Chairman, before
19 you do that, can I ask her one question? She --
20 she presented first, we then heard from Mr.
21 Stoller, we then heard from Mr. Miller. And
22 quite frankly, there's just -- there's just
23 something I've been sitting over here trying to
24 figure out this entire time. And if I'm not
25 proper in doing that now, just tell me, but --

1 CHAIRMAN CASKEY: I certainly understand, because I
2 carry a lot of those questions as well with me,
3 Senator Talley. Unfortunately, I am advised --
4 advisedly, that our rules don't allow for that.
5 It's a one-shot presentation. The Commission
6 would have some options for requesting
7 additional information and we can talk about
8 that because that --

9 SENATOR TALLEY: Is it proper for me to state that
10 publicly what my concern is and they can address
11 it at a later time?

12 CHAIRMAN CASKEY: I don't see a problem with that,
13 provided that it doesn't take too terribly long
14 given --

15 SENATOR TALLEY: It won't take long.

16 CHAIRMAN CASKEY: -- the late hour.

17 SENATOR TALLEY: It won't take long at all. And I'll
18 address this to the Commission and certainly
19 don't mind others hearing. One of my big
20 concerns about what I was hearing as these
21 complaints were presented, was a lack of
22 communication. I'm trying to understand where
23 that was coming from. If I understood Mr.
24 Stoller's testimony correctly, he said he did
25 not learn of a plea offer until he was in the

1 courtroom and it was put on the record. We then
2 heard from Mr. Miller that he had a conversation
3 with Ms. Ford in which they discussed a plea
4 offer, I realize, with another family, if I had
5 gotten the dates right, about four days before
6 the plea hearing. I would like clarification on
7 who knew what when. I get the whole temperament
8 discussion that we've had, and that's something
9 this Commission can consider. Maybe these
10 emails, which I think are proper, vet that out
11 some. But I heard Mr. Stoller loud and clear
12 when he said he didn't know there was a plea
13 offer that had been made until he got in the
14 courtroom. There's been other testimony about
15 when that was actually disclosed.

16 CHAIRMAN CASKEY: I think I understand your concern,
17 Senator. Ms. Ford, thank you for your
18 assistance. Given that Mr. Miller has not left
19 and we have not concluded this screening
20 process, I think, if Mr. Miller would come back
21 to the podium, Senator Talley, you would have an
22 opportunity to ask him whatever it is that you
23 want to ask him.

24 SENATOR TALLEY: I don't have any question for him.
25 I heard what he said. He said, I believe, April

1 4th --

2 MR. MILLER: April 4th was the email with the
3 completed this is what we intend to offer.

4 EXAMINATION

5 BY SENATOR TALLEY:

6 Q. Right. And then there was a Zoom call or a meeting -
7 -

8 A. April 5th at 4:00 o'clock.

9 Q. Right. And all of that predated the Zoom call with
10 Mr. Stoller.

11 A. Mr. Stoller -- the Zoom call with the Stollers was
12 April 6.

13 Q. Okay. All right. That's what I thought I heard. I
14 just want to be clear.

15 CHAIRMAN CASKEY: Thank you, Mr. Miller. Appreciate
16 your time being here. Thank you for your
17 service to our country and our state. This will
18 conclude this portion of our screening process.
19 I do want to take the opportunity to remind you
20 that pursuant to the Commission's evaluative
21 criteria, the Commission expects candidates to
22 follow the spirit as well as the letter of the
23 ethics laws, and we will view violations or the
24 appearance of impropriety as serious and
25 potentially deserving of heavy weight in the

1 screening deliberation. On that note and, as
2 you know, the record will remain open until the
3 formal release of the report of qualifications
4 and you may be called back at such time if the
5 need arises. I thank you for offering for
6 service on the bench and wish you all the best.
7 Again, apologies for the mix-up in
8 identification of the relationship.
9 Unfortunately, I'm still learning as well. So
10 wish you a great night.

11 MR. MILLER: Thank you very much, sir.

12 CHAIRMAN CASKEY: Thank you. On motion of
13 Representative Jordan, seconded by Senator
14 Rankin, the pending question is it going into
15 executive session. All in favor, signify by
16 saying, Aye.

17 (ALL RESPOND)

18 CHAIRMAN CASKEY: All opposed, nay.

19 (NO RESPONSE)

20 CHAIRMAN CASKEY: The aye's have it. We will go into
21 executive session at this point for a legal
22 briefing. I would kindly ask that everyone who
23 is not a lawyer on the Commission or a member of
24 the Commission to step out.

25 Executive Session was held from 5:36 to 6:06 pm.

1 (Off the record)

2 CHAIRMAN CASKEY: Ladies and gentlemen, thank you.

3 We are back on the record as we come out of
4 Executive Session. I'd like to state for the
5 record that while we were in Executive Session,
6 no decisions were made and no votes were taken.
7 During the executive session, we had a legal
8 briefing. We are at the phase now where I'm
9 going to ask staff to coordinate with the
10 parties. I was going to meet with Mr. Miller
11 and Ms. Ford to obtain those emails, of course
12 redacted to protect the identities of any
13 sensitive, particularly sensitive information.
14 And with not further business before the
15 Commission tonight, we will stand adjourned and
16 we will reconvene tomorrow morning at 9:00 am.
17 So thank you all for all your hard work today.
18 (There being no further questions, the hearings
19 concluded at 6:07 p.m.)

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