

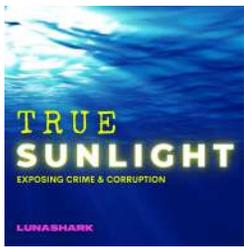
EPISODE 35: Anatomy of A Broken System How A Prosecutor Who Gave Thrice Accused Rapist A Sweetheart Deal Keeps Failing Up

Mandy Matney 00:03

I don't know how we got here. We're lawyer legislators continue to pretend that there is nothing wrong with the way we elect judges in our state. But after exposing so much illegal corruption in this state in the last two years, I can say for certain that the Bowen Turner case and the dirty deal his prosecutors struck should go down in history as the case that could end up undoing them all. My name is Mandy Matney. This is true sunlight, a podcast exposing crime and corruption previously known as the Murdaugh murders podcast. True Sunlight is a Luna Shark production written with journalists Liz Farrell. Hello and Happy Thursday in this never ending first month of the year. This could mark the last podcast of our terrorized by Dick and Jim era if next week's hearing goes as we expect it to we are currently a few days away from the showdown. And so far team Murdaugh has failed to publicly produce any convincing evidence of jury tampering, which means unless they come up with some major Murdaugh magic in the next few days, Justice toll will likely shut down their quest for a new trial and Alex will continue serving his life behind bars for the murders of his wife and son as he should but this is still Murdaugh world, anything could happen. And speaking of that attorney Joe McCulloch, who was Dick Harpootlian's friend who is representing two drawers in this case suffered a heart attack this week. He is reportedly in stable condition and we hope that he continues to recover. The Post and Courier reported that another lawyer from his firm is expected to cover for him at next week's hearing, but it is also possible that he will make a showing on Friday, January 26. One of the jurors who rendered a verdict in Alex Murdaugh's murder trial will be questioned by Justice Toal as a part of the evidentiary hearing, which technically begins next week, the juror who's being represented by Eric Bland could not make it to next week's hearing. According to our understanding, we will not be able to broadcast the hearing on Friday, but we will be there to update

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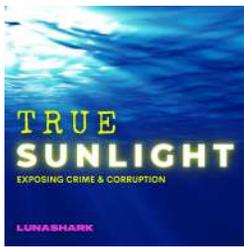


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Premium Members on what happened Friday and we will be broadcasting the hearing Monday and Tuesday to Luna Shark premium members. Check your premium feed on Friday to hear from us about what went down and check your premium feed on Monday for live coverage. Speaking of premium, I want to say a special thanks to all of the new members this month today, which is Thursday, we will be broadcasting a full hearing of the judicial merit election commission which shows lawmakers questioning the controversial prosecutor David Miller specifically about the bone Turner case because the JMSC apparently does not like transparency. They didn't broadcast the hearing live. But now that lawmakers are set to vote on judges beginning next month, we thought now is the time to add a little sunshine to this dark corner of our state. So we will be broadcasting the entire hearing and commenting for Premium Members starting at noon, Thursday, January 25. So y'all can see the insanity for yourselves. It is truly unreal to watch some of the most powerful people in our state operate as if they don't have a clue, nor do they care about the actual concerns of South Carolina citizens nor do they care about public safety and boy do they certainly not care about victims of sexual assault. You will see it for yourself tomorrow. While we have a bit of an Alex Murdaugh break this week, we wanted to talk about something really important that is expected to happen the week after Alex's evidentiary hearing and that is judicial elections. Remember the way our state elects judges is unusual in basically the same way fraternities and sororities handle rush but no one is making a rush talk out of this. I promise you no one wants to see what outfits these potential future members of the judicial branch are wearing while they're on their hands and knees of the Statehouse steps begging legislators for their votes. I say this as someone who went through sorority rush go Delta Gamma a long time ago, as I was reading dozens of documents of how judicial candidate It's aerated and questioned, it dawned on me our

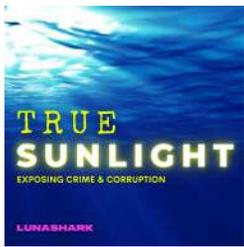
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state is straight up using the same system that frats and sororities use for recruiting social members. But to elect our judges, you know, some of the most important members of our judicial system, the ones who decide which people get their freedom taken away during sorority recruitment circa 2008. We couldn't talk about the three B's boys, booze or bars when we were talking to recruits. This was drilled into every sorority girl and recruits had from day one at the University of Kansas. But it was silly because we were 18 year old college girls rushing sororities, how could we not talk about the three things that were pretty much central to Greek life and the college experience? So the talk of the three B's was mostly in whispers and the top was encode with the cool girls who you knew wouldn't tell on you. It seems like the JMSC has similar unspoken rules. They can't and don't talk about the thing that is central to their existence that those few people in our state with the power to elect our judges wield unspoken power from the Statehouse to the courtroom, that power has tipped the scales of justice for far too long. In South Carolina, South Carolina is one of only two states in the union that uses the legislative Alextive process. By the way, Virginia is the other one, our legislator Alexts our judges. It is a process that we believe is largely responsible for there being two distinct systems of justice, one that can be upgraded for VIPs. This system means that judges in South Carolina at least are very much aware of the power that legislators, legislator, lawyers and particular hold over them. And it means that legislators are very much aware of the power that they hold over judges and power can be leveraged and that which can be leveraged can be traded upon this system makes legislator lawyers private practices potentially more profitable. And it gives a certain class of attorneys in the state much more power in the courtroom, especially when their client can afford to surreptitiously fund a judge's upheaval.



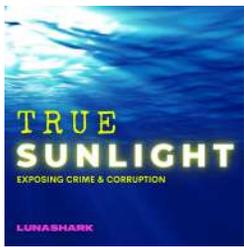
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Liz Farrell 07:29

So becoming a South Carolina judge means having to schmooze a lot of people along the way, including members of their local bar associations as well as the State Bar. There are also rules that everyone has to follow to, quote unquote, prevent favoritism. And there's a half hearted attempt by the members of the judicial merit election commission to maintain the appearance of an open minded process. But everyone knows that the decisions are often made long before the candidates have even appeared for their interviews. The whole thing is seriously cringy there are good people who want to serve as judges whose judgeships we would benefit from as a society, and they have to engage in this wicked game or they cannot come to the party. As we speak. There is likely an assortment of the more than three dozen judicial candidates vying for contested seats right now gathering in the lobby of the state house so they can shake hands with and get hazed by the likes of Dick Harpootlian. Oh, and make no mistake about it. Legislators love that attention. They love this recognition of their power. And not just the legislators we've heard Joe McCullough was even up in the mix recently meeting and greeting judicial candidates on January 16, about two months after they initially appeared in front of the JMSC. For their hearings, the judicial candidates were finally allowed to lobby for votes and secure commitments from various legislators. Hence all the handshaking at the Statehouse. Here's the fun story. In 2006 when Judge Carmen Mullen was first going through the election process, Judge Mullen the Murdaugh connected judge whose permissiveness allowed for the Satterfield heists to happen and who was on body camera were during a sheriff's deputy to arrest a man who had committed no crime just to get him out of her upscale neighborhood. The JMSC asked her if she understood the rules against lobbying legislators before a certain date. Mon was like, Yes, I do. Then they made

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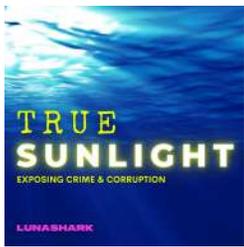


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her explain the rule, which she did. They also asked her whether she had contacted any member of the commission to which he responded No before altering her answer to except Senator Cleary, I have called his office and it was before he was actually put on this commission. He and I did exchange voicemails. I don't believe I've ever spoken with even one of his assistants at his dental office. I had left a message stating that I was going to be in his turn Torian wanted to stop by. And he called me back and left me a very nice message that said, I'll be in my dental office, you know, all day Friday, if you'd like to stop by, unfortunately, I got caught up and couldn't get by there. And in the meantime, he was obviously put on this committee, so I contacted you miss Schuler, and you would extend my apologies. And again, Senator, I hope you forgive me for never calling you back and not showing up. Obviously, it would not have been appropriate oopsie that was just one slick answer among many. My favorite part of our interview with the JMSC in 2006, was when she told them that when it comes to white collar crimes, quote, Stealing is stealing, and therefore sentencing should be commensurate with that crime. In 2020, during her reelection hearing, she had changed her philosophy on that significantly, and said that if white collar criminals can't pay back the money they stole, then they should go to prison. Mind you. This was after all, like Murdaugh and his best co conspirator Corey Fleming were able to get her to overlook all the red flags in the Satterfield case. When had she asked one single duty bound question it would have caused the entire plot to fall apart. Okay, so on February 7, South Carolina senators in the House of Representatives are expected to vote in a joint session to Alext judges. They will be Alexting our Chief Justice appellate judges, family court judges, an administrative law judge and Circuit Court judges. That date is still tentative and hasn't been decided yet though. There are 23 open seats on the Supreme Court that's 19 regular seats and for at large seats 13 of those 23 seats have candidates running unopposed. 10 of those 13 seats

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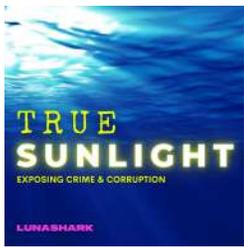
are current judges who are seeking reelection. The remaining three seats that are unopposed include one in the 14th circuit, which is Murdaugh country, that one has master and equity judge Marvin Dukes running for it. There's a seat in the 13th circuit being sought by a current family court judge and then there's a seat in the Seventh Circuit being sought by the son of a former Circuit Court Judge J. Durham Cole JR. He's also a former legislator who decided not to seek reelection in 2018 and went on to a newly created and high ranking Chancellor position at the University of South Carolina Upstate, but not before receiving the order of the Palmetto from Governor Henry McMaster. The order of the Palmetto is the highest civilian honor in the state and it's presented by the governor to those who have made quote extraordinary contributions to the state. Randolph Murdaugh, the third was awarded this same honor. So in November, the JMSC held hearings where each candidate appeared before them, though the hearings Republic and though the South Carolina legislature routinely livestreams. Their public meetings, recordings of the hearing were not made public until January 11, along with transcripts from the hearing. Additionally, the JMSC released its nearly 600 page report including qualifications of each candidate, the legislature will ostensibly use this report to help guide their decisions next month. Now, this process has come under a lot of scrutiny over the years, but particularly over the past few years now that Alec Murdaugh is a household name and everyone is getting a peek under the hood of South Carolina's long corrupted justice system.

Mandy Matney 13:29

We've reported before on a lot of the elements of this corrupted justice system all with roots firmly planted by the judicial election process. We've told you about the Carmen Mullen issues we have told you about your rod price and state senator Todd Rutherford, the ability to secure

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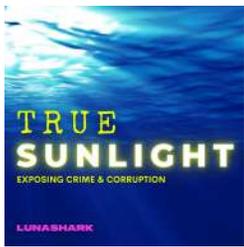


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secret early releases for his imprison clients. And we've told you about Bowen Turner the Orangeburg County teen who was accused of raping three teenage girls in three counties between 2018 and 2019. For a refresher on the Bowen Turner case, we suggest listening to the Bowen Turner playlist on the Luna shark website, check the link in the description. The Bowen Turner case is one of the most telling cases beyond the Murdaughs. It's a case that has exposed so many facets of a system that basically allows wealthy defendants to purchase their way out of accountability. Now, many people who just heard that line will say wait a minute, but when went to prison, he didn't get a buy his way out of it any more than Paul Murdaugh. But here's the thing. Those two are but for situations but for media scrutiny, the plan likely would have worked but for sunlight, those two cases would have gone away quietly in the dark Bowen, like Paul was able to afford a legislator attorney to help fight his charges. In Paul's case, the strategy was to wait everyone out take Harpootlian was planning to sit on Paul's case for at least five years in the hopes that the AGs office would lose its resolve as more and more witnesses fell out as is often the situation when cases take years to prosecute. Dick was intent on Paul getting a plea deal that amounted to a suspended sentence with probation in Bowens case, his family hired Senator Brad Hutto who was able to secure a plea deal that included a suspended sentence with probation. And soon after Bowen, some would say predictably ended up violating that deal. And that is how he ended up behind bars for less than two years. Bowens case put a much needed spotlight on several things. One, it exposed the bullying that his victims experienced at the hands of Bowens friends and their parents bullying that was so severe that it led to the death of one of his victims Dallas dollar his case also further expose the power that legislator lawyers have over those wanting to become judges in South Carolina.

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Liz Farrell 16:15

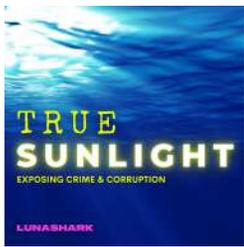
You all remember Second Circuit Deputy Solicitor David Miller, right. The man who despite the media spotlight on the bill and Turner plea deal, and despite being involved in at least one of state senator Todd Rutherford secret early release deals for a prisoner is now on his fifth attempt at becoming a judge. fifth attempt. For the past 12 years he has been working toward this goal, which is why his questionable decisions as they relate to to legislator attorneys matter, especially given that one of the two is a member of the commission that serves as the gatekeeper for judicial nominations. Let's hear from that guy. By the way. Here's Todd Rutherford at David Miller's hearing on November 18 2020. The videos for jam SC hearings prior to this past year's hearings are not available to the public because there simply are none. According to the Chief Counsel for the JMSC This past year was the first year these hearings were ever filmed. So here's David Moses reading for Todd Rutherford.

David Moses 17:17

Sir, I just I don't have a question. But I did want Mr. Miller to know how much I appreciate him being my lawyer over the years in the solicitor's office, because when you call and you need something anywhere where David is he then walks you through the process and tells you all the things you're probably doing wrong, but that he thinks he can fix it. And he very ably and kindly fixes it every single time. And he has just been a prince of a guy over the years that I've known him and has been an awesome solicitor and an awesome person. And I think at the appropriate time would make an awesome judge. So David, again, I can't thank you enough for all of the pitfalls You've helped me avoid, and all of the personalities You've helped me understand. And David

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was, in fact, the solicitor on the call when the victim who I thought who had paid me to represent this defendant and get him out of jail, then flipped on the Zoom call and told me how he was my client was going to kill her with the bullet that she found in her car. And David called me and we laughed about it later. But David is always a good sport, always a great solicitor. So again, thank you for continuing your endeavor to make it to this high honor.

Liz Farrell 18:39

Now, I'd like you to hold what you just heard in your head from David Miller's 2020 Hearing and listen to David Moses read you an excerpt from a story that ran in the state newspaper last fall with the headline early release of South Carolina man who terrorized family in 2006 home invasion shrouded in secrecy. This story is about Alberto Lopez another prisoner who was released early in a secretive process led by legislator, attorney and powerful member of the JMSC Todd Rutherford,

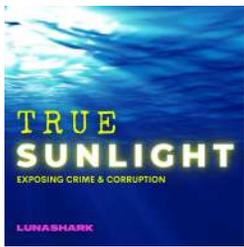
EXPOSING CRIME & CORRUPTION

David Moses 19:10

Deputy Solicitor David Miller, a self described point man on quote, weird stuff and quote, for the Second Circuit Solicitor's Office spearheaded the office's handling of Lopez's substantial assistance case, quote, it's not something that happens every day or even every month and quote, he said of substantial assistance claims, quote, but it just so happened that I had done this before I knew the process and quote, Miller said Rutherford contacted him in 2020 and told him he had an Aiken county client in the Department of Corrections who was entitled to a sentence reduction under the substantial assistance statute. The second circuit solicitor's office took no position on relief For Lopez because it wasn't familiar with the substance of his assistance, Miller said other than filing a motion in August 2020 to get the process rolling and notifying the circuits. Chief Judge as the statute requires the solicitor's office took

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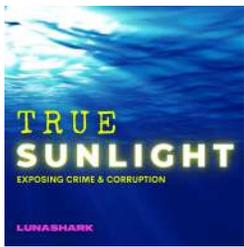
mostly a hands off approach to the case. He said when Rutherford called Miller shortly after filing and told him he needed the motion to be sealed. The Deputy Solicitor said the request made perfect sense to him. Lopez was an informant whose safety could be jeopardized if his cooperation was revealed. So he went to judge Courtney Clyburn Pope, a second circuit jurist who happened to be with him at the Aiken county courthouse at the time and asked her to seal the motion. Clyburn Pope, the daughter of longtime State Representative Bill Clyburn, a Democrat from Aiken signed an order placing the motion and any resulting orders under seal, Miller said, quote, I don't think anybody thought twice about the fact that this should be done to protect Lopez and quote, he said, according to Miller, that's more or less where his direct involvement in the case ended.

Liz Farrell 21:15

You're seeing what I see right? The same year that Todd Rutherford saying David Miller's praises calling him a prince of a man, Rutherford got substantial assistance from Miller, and was able to get 14 years shaved off his client's prison sentence. In the very same breath that Miller is saying he wasn't familiar with what assistance Lopez allegedly provided to the Department of Corrections. He's also saying that it made perfect sense to him to seal the records, keep them from the sunlight, because of the assistance that Lopez provided to the Department of Corrections, which Miller said he wasn't familiar with. This kind of thing plays out in front of our very eyes over and over and over. And yet so many people refuse to see it because seeing it is hard. When you see it, you are going up against the most powerful groups of people in the state lawyers, and not just lawyers, but lawyers who are part of the legislature and not just lawyer legislators but lawyer legislators on the JMSC who choose their own judges. They are unaffected by this criticism. The reward is too big for them. Rutherford

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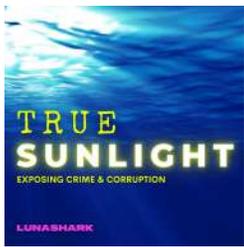
does not care if people don't like what they're seeing. Speaker of the House Merle Smith does not care. Senate Majority Leader Shane Massey doesn't care. Chairman of the Senate Judiciary Committee, Luke Rankin does not care. They are waiting all of us out waiting for the scrutiny to go away. So one thing to know about the judicial merit sAlection process is that there are nine criteria that candidates must be qualified on, they must first be constitutionally qualified, which means be at least 32 years old or be residents of the state, things like that. They also must be administratively qualified. In other words, not be a current member of the General Assembly, for example, they are also evaluated for ethical fitness, professional and academic ability, character, reputation, physical and mental health, their experience and their temperament. It's on the JMSC and the State Bar to quote investigate each candidate. I say quote, investigate because again, like we keep saying, this is like rushing a fraternity or sorority, you can't find what you don't look for. Now, one of the biggest hurdles for a judicial candidate is that thing called temperament. We've had a lot of conversations about what that means. Here's David Moses with the JMSC's definition. Conduct which

David Moses 23:51

is arrogant, impatient or arbitrary, is an impediment to the administration of justice, and this should be considered by the commission

Liz Farrell 24:00

when Judge Carmen Mullen was first up for reelection in 2015. She did not have to appear for a public hearing. It was waived for her, but for her 2021 reelction, she was brought in front of the commission. Their state senator Luke Rankin seemed to take great pains to get as much as he could on the record about Judge Mullins volunteer work in Tanzania. It didn't fully mask the issue. As part of the judicial sAlection process.



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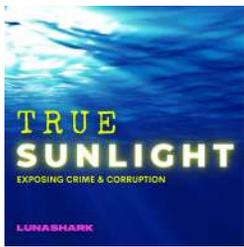
Lawyers and members of the public can submit feedback on the candidates. During judge mons 2021 re Alextion, more than 650 surveys were submitted to her ballot box from the bar and more than 80 comments came in from additional places of those comments. 13 expressed concern about her temperament. The Commission asked her how she'd respond to comments about her poor demeanor. Here's the David Moses with what she said.

David Moses 24:52

I don't know exactly what a poor Demeter would be. I don't know. You know, like I said, You know, it's sometimes patience is difficult. My joke is that my screensaver on my computer is, quote, patience is a virtue and quote, because sometimes it's very difficult when, you know, I understand what lawyers are trying to do. But you know, when come in front of me, and I'm hearing a lot of motions, and they want to tell me what the standard is for summary judgment. You know, respectfully, I hear that motion every single day all day long. Don't tell me what the what the law is. I know the law in something that's, you know, pretty straightforward. Talk to me about your case. Talk to me about your facts. Judge

Liz Farrell 25:43

Mullen didn't argue with the Commission, though she told them that sometimes she does get tired and needs a break. She made a joke about whether those comments maybe had come from her husband's. The Commission then asked her this. Some of these concerns with temperament talked about eye rolling and facial expressions. What do you think about that comment, she said it surprised her to hear that and she couldn't imagine where that had come from. She told the commission about how there was this one time when a defense attorney had criticized her for being too nice to a child sex abuse victim.

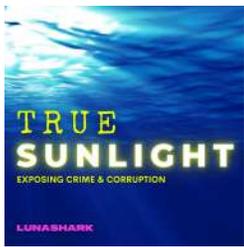


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But other than that she was stumped. That said, she told the commission that she would do better and curb her potential eye rolling. Now, you all know our opinion of Judge Mullen. But we have to point out that women come under fire way too often for perceived tone and temperament issues that otherwise would not register with people. So this in no way is an indictment of Judge moans demeanor in the courtroom. But this example shows you how murky of a qualification temperament is it's a qualification that's widely open to interpretation and one that can easily be used to bully a judge who isn't ruling the way someone powerful wanted her to. So if a lawyer doesn't like a judge's decision, they can just complain about that judges temperament come their next election. And if the commission wants to remind that judge of its power, they can make an issue out of it, or they can choose to ignore it altogether. And David Miller's case, temperament in addition to a lot of issues that we'll get into in a second, came up in November 2023. This next excerpt has been edited for brevity, the part we cut out pertained to him believing that the number of friends he has is a testament to his ability to make sure he does not offend anyone.

David Miller 27:35

I am aware that I am. I'm certainly passionate about the positions that I take in the courtroom. I do think it's fair to point out in that regard, that there are times whenever because of my position as the end of the line before you get to the solicitor making decisions, that there's going to be disagreements about cases, there's going to be disagreements about what needs to be done. And I know that there are a lot of times when I'm really trying hard to find some kind of reasonable compromise and working to try to find some way to help a lawyer with their with their client or to help a victim get some kind of relief, that maybe the circumstances don't necessarily normally look like that. And sometimes you just got to draw the line in the sand, and that can be interpreted



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poorly. So I try, I try to make sure that doesn't carry on. Obviously, though, on the bench, you're not an advocate, you're not an advocate for either side. And so that is one of the one of the reasons why I feel like I would have a better control over over, you know, anything that was going on in front of me. I mean, I'm not advocating for either side in that position. Whereas as Deputy Solicitor I have to advocate for the state. His

Liz Farrell 29:24

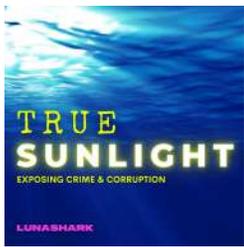
response was basically I'm passionate about what I do, and my job is hard, and therefore people are misinterpreting my steadfast loyalty as an advocate for the state as me having a temper issue. Now, this is important. Miller's demeanor was brought up to the Commission not only by comments that were sent in, but by in person testimony from Karl Stoller, the father of Dallas Fowler, who was one of Bowen Turner's victims.

EXPOSING CRIME & CORRUPTION

Karl Stoller 29:50

Good afternoon, my name is Karl Stoller. I came to speak to you today as a parent of a victim, one Dallas dollar and also As a law enforcement officer in the state in my capacity in law enforcement, I've had the privilege of dealing with many fine judges, solicitors, and even attorneys on the defense side. But I've never quite had the occasion to deal with someone quite like Mr. Miller. What I experienced as a parent of a victim was someone who I would bring his character into question after dealing with him, his demeanor and his general lackadaisical attitude towards that case. And what I mean by that is, I've never met the man, okay to talk to him one time on us. And again, as a law enforcement officer I've never experienced. Now,

Liz Farrell 30:57



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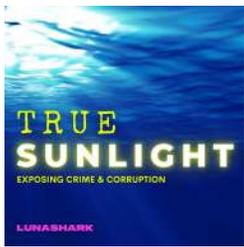
a few side notes here. One is that David Miller's hearing was scheduled for 345 on November 8 2023. For weeks, that was the time that was scheduled, but around one that afternoon, the hearing got moved to 145. At the start of the hearing, Representative mica Caskey noted that there were four affidavits contesting Miller's candidacy, but that only two of the four people were present at the hearing. So the commission could only consider the testimony of the two people who were there and not have the affidavits from the other two people. The two people who were there were Karl and victims advocate attorney Sarah Ford, who represented the rape victims in the Turner case to make sure that their rights were protected throughout the process. The second side note is again, this was not televised at the time of the public hearing. We didn't get to see the video until recently. And for some reason, Karl's microphone cut out in the middle of his initial testimony to the commission. So we've had to rely on the transcript of the hearing to know what he told them during that part. Here's David Moses with what Karl said happened with David Miller.

David Moses 32:08

He stated during that Zoom meeting, he he was somewhat apologetic initially, but he said, you know, in light of Dallas, his death, they had decided to dismiss the charges against Mr. Turner regarding Dallas his case, that did not come as a complete surprise to me, because I do know it's very difficult to prosecute a case without a victim. I get that even more so when the victims deceased. I understand that too. However, it's just a matter of fact approach to it. And I do know, as an officer that you can prosecute some cases without the cooperation of the victim. I've done it on assault and battery cases, myself and magistrate court. I'm not a prosecutor. So I don't do it on a General Sessions Court level, but obviously, you know, law enforcement generally, in the misdemeanor level cases does their own prosecution in

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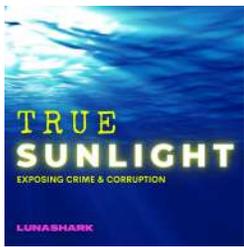


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those summary courts. And I didn't have the cooperation of a victim. Some I was successful with some I wasn't, but to my point, I questioned him. And I asked him, I said, Do you think that you actually did the best job you could for not just my daughter, but all these victims involved? And his response, he fired back at me he was angry that I even asked that. He said, I absolutely do. He said, as a matter of fact, I'm going to tell you this, and a sled agent witnessed this conversation, our attorney, other people on the Zoom call a lady from the Attorney General's office, he said, I'm not wasting my time, or 12 Jurors time on a case I can't win. Is that the kind of person that we want as a circuit judge in South Carolina.

Liz Farrell 33:44

Now, is it pragmatic for a solicitor not to expend state resources on a case that he doesn't believe will result in the defendant behind bars? Sure, of course, that argument can be made. But when it comes to cases of sexual assault, that argument is a cop out, in our opinion. These cases are challenging ones and solicitors like Miller tend to talk themselves out of those challenges because they want wins. They want victims who present well, and they want everything to be clear cut. And in our experience with the justice system, these cases often are not clear cut. And even when solicitors have the two elements that they want, they still hesitate beyond that. In this case, Miller did not seem to intend on keeping that defendant behind bars either way. Instead, he signed off on a lawyer legislator negotiated plea deal that allowed Bowen to remain free, which Bowen immediately violated with public drunkenness mouthing off to a female employee of the detention center and threatening to bite off the finger of a deputy. So the prosecutor's office got nothing out of the deal. The public got nothing out of the deal. Deal. What did David Miller get out of that deal? Well, he got to be seen as helpful to a very powerful lawyer legislator. But oh,

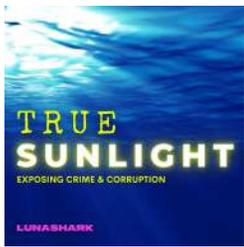


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how that has backfired on him. Miller's temperament has been an issue for him since the very start. In 2012. It was brought to his attention by the Commission and his response was, Well, he's a passionate guy. We don't have a transcript from when he tried again to become a judge in 2016 because he withdrew before the commission voted on his nomination in 2019, when he was just one of three candidates vying to fill a vacant seat in Aiken County. He told the commission that complaints about his temperament concerns him but that he was baffled by them and didn't understand where they were coming from. It seemed to surprise him but again, he blamed it on his passion for his job. Additionally, the Commission brought it to his attention that a complaint had been made about sexist comments he'd reportedly made about women's bodies. The complaint called Miller arrogant, his response, again, he was mystified as to where that could have come from. In 2020, when he again tried to become a judge. He was told by the commission that they had received complaints about his ability to control his anger and his lack of respect for others. Again, Miller was confused. He had no idea where this could be coming from other than it's the nature of his work and things get misinterpreted. Then in 2023, it all came to a head for him with the Turner case. Not only did people complain about them, they were there in person to discuss the issue and the issue went far beyond his temperament.

Mandy Matney 36:52

As a part of her complaint, Sarah Ford filed a 404 page exhibit of email exchanges and court filings in the Bowen Turner case between 2019 and 2023. The emails fill in the blanks of a storyline. We are all too familiar with an aggressive and powerful state senator calling the shots in our justice system and brought Hodo by the way isn't just a state senator. He is a powerhouse. He has been in the state senate since 1996, and is currently the Senate Minority Leader. Now Bowen was first

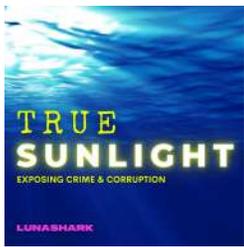


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arrested a few months after Dallas his assault in January 2019. But remember, Bowen was accused of raping a teenage girl and April 2018, six months before Dallas assault, but still in early 2019. Judge McFadden did not consider Bowen to be a danger to society and he released him on a \$10,000 bond 41 days after judge McFadden released Turner in early June 2019. Bowen assaulted Chloe Beth, his third High School victim in a third South Carolina County. Bowen Turner was initially denied bond and temporarily sent to the Department of Juvenile Justice until Senator Brad Hutto entered the picture as Bowens new attorney and demanded another bond hearing where he missed your champion of women's rights slut shamed Chloe Beth and claimed to the court that Chloe's rape was simply consensual sex that she was not proud of after I will never forget this quote, and I have to say it again from Brad Hutto. Well, guess what? You had sex on the ground with a boy you didn't know and you got up and you feel ashamed. You feel regret, that's not rape. I had to quote that again. Because oh my god, a state senator who claims to fight for women actually said those words to a teenage girl and never apologize for them. Bolin then got out on \$100,000 Bond and supposedly a strict ankle monitor situation which wasn't strict at all for the next two years. Brad Haddow as state senators do manage to stall and delay any progress with the case and David Miller made it easy for him in 2019. Sarah Ford kept pushing for a preliminary hearing, but David Miller and Brad Hutto stalled and stalled. And they never ended up having one Brad mentioned in an email that he didn't want any more publicity on the case and that was in 2019. That preliminary hearing would have likely been validating for Dallas and for Chloe, who were both being harassed, maligned and attacked for reporting their assaults to the police. It would have been the first time a prosecutor would present to the public some of the evidence against Bowen Turner, Dallas and Chloe never got that validation though. They just got a lot of silence you was heartbreaking to read the emails about

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Dallas and 2020. Knowing the level of pain she was enduring at the time and how much it would have meant to her to have a prosecutor care about her case. After several emails back in July 2020, David Miller agreed to meet with Dallas in August 2020. Via zoom, Sara Ford attended that meeting and said Dallas could tell that there was no sense of urgency on David Miller's part, and that really weighed on her in late 2020. Sarah Ford, who again is representing the victims started to get understandably pesky on behalf of her clients. Here is David reading the email from Sarah.

David Moses 40:42

Hi, David. I know sled has given you the case file on this matter and it is my understanding that we are waiting on a decision on whether your office will prosecute please let me know your timeframe for this decision as the family is understandably anxious awaiting this decision. I appreciate your time, attention and consideration to this matter. Best. Sara, in

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Mandy Matney 41:05

November 2020, Sara sent the following email to Miller crickets,

David Moses 41:10

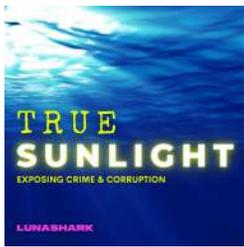
if it's being prosecuted or not, the family deserves to know let's meet either way, and get it done Thursday at 3pm. That works well for me.

Mandy Matney 41:21

Nellore responded,

David Moses 41:22

No decision has been made about prosecuting the case. There is no reason for any meeting until a decision is made. You will be informed as soon as that happens.



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Mandy Matney 41:33

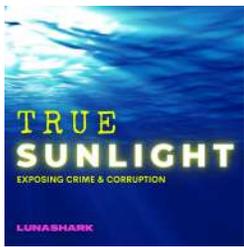
Then Sara responded. Well,

David Moses 41:37

the one good thing is you were just ignoring the emails and you haven't fallen ill with COVID. David, the bad thing is this family requested this investigation be reopened back in August 2019. After somewhat questionable reasons, encouraging them not to proceed sled wrapped in June of 2020. And this is November 1020 20. We're coming up on three years since the incident date. This family isn't looking for a crystal three year anniversary platter. They're looking for justice for their daughter, and you're the only man they can look to to try to get that David. I've done everything I can to explain how things take time and investigations are slow. And there's always delays and I've been in David shoes and yada yada yada. And at this point, I barely believe it myself. These are good people who have been more than patient who have placed their trust in the system and they're understandably about to crawl out of their skin and want to give up, but their main focus is on justice for their child. Please give them the respect and courtesy of fully considering this case and prosecuting this matter.

Mandy Matney 43:00

Can I just say thank God for Sarah Ford, one of the few people in this system who actually gives a damn about victims and it shows in the emails I noticed how eager David Miller was to accommodate Brad howtos needs he responded quickly and granted his random requests for Bowen to get permission to leave his house rest for different scenarios. Yeah, when David Miller was contacted several times beginning in 2019, from sled about rumors of Bowen breaking his house arrest violation, that sense of urgency just didn't exist, nor did that



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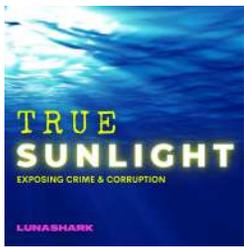
sense of urgency exists for Sarah Ford in September 2021. Sarah Ford again email David Miller to ask for an update. She knew that the victims needed answers in this case as soon as possible. Here is how David Miller responded.

David Moses 43:54

We have one term left in Bamberg this year in November. In theory, we don't have to try the Bamberg case first. But Brad Hutto has protection indefinitely because he is on the redistricting committee. I am guessing that will be the case until they go back in session and then he'll be protected until next August. I don't believe that there is a realistic chance of getting the case resolved. But I continue to discuss the case with Hutto every time I see him. When we last spoke at a preliminary hearing on another case, he claimed he wanted to get something done with it, but he apparently doesn't want to try it at he knows I'm not going to dismiss it. I wish I had something more definite but that's about all I can tell you for now.

Mandy Matney 44:42

Time passed and the weight of the case became unbearable to Dallas dollar for the lack of action for Miller's office in her case to the continued bullying from people in her hometown who called her a liar to the PTSD from the assault itself. Dallas sister Brad told us that Dallas became physically ill with stomach ulcers from the stress of it all just two months after David Miller replied to that email using Brad's legislative status as an excuse for his inaction. Dallas Hays Staller unfortunately succumbed to a self inflicted wound on November 14 2021. She was just 21 years old. And the awful thing is that David Miller never bothered to sincera Ford a simple I'm so sorry about Dallas email. Instead, he saw her death as an excuse to get out of a tough case against a powerful state senator, at least that's what the emails show in January 2021. After



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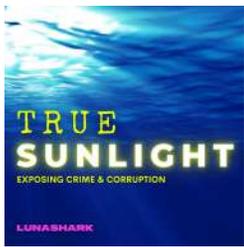
hearing several tips that Turner was violating his bond conditions slid finally ran a report on his GPS ankle monitor between November 2021 And February 2022. There were more than 65 examples of Bowen breaking the rules to go golfing go to random apartments go to bed bath and beyond. And perhaps the most concerning, he visited the cemetery where Dallas dollar was buried, as it was poring through these emails this week. I was just trying to answer a simple question. How does a thrice accused rapist who violated his bond 65 times wind up getting a sweetheart deal and his charges dropped during a hearing where he would normally be sent back to jail for breaking the law? How does that happen? So on March 22, David Miller wrote the following email to Sarah Ford.

David Moses 46:37

The motion to revoke is based on repeated violations. We were able to get them confirmed through the GPS monitoring company and a lot of work by sa McAllister. I'm hoping we have enough now that the judge will see this wasn't a one time slip up and that Turner's parents are not in fact monitoring him. I'd love to figure out a way to convince judge Dennis to have him drug tested because I'm sure he wouldn't pass but frankly, if the judge won't revoke him based on the information we are presenting him with, then he wouldn't revoke because of a failed drug test either.

Mandy Matney 47:17

And on March 25 2022, David Miller filed a motion to revoke Turner's bond due to his many violations. That same day, Miller sent the motion to huddle that stated they have asked for a hearing on the bond relocation to be scheduled on April 4 2022. In front of Judge Markley Dennis after apparently multiple judges recused themselves from the case, which is also on that same day, by the way, David Miller filed a



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motion to compel production of a DNA sample from Turner. The motion stated that in 2019 Bowens DNA was ID by sled as a match to the DNA profile from Siemens submitted after Chloe Beth is assault. So if they needed more DNA, why wasn't that gathered earlier? It's like in March 2022, David Miller suddenly realized that he needed to start collecting proper evidence for a sexual assault case that took place three years before. Well, after March 25. David Miller seemed to flip from the side of justice and the side of victims to the side of a powerful lawyer lawmaker representing a thrice accused rapist. It was clear in his march 30 email to Sarah Ford that things changed.

David Moses 48:41

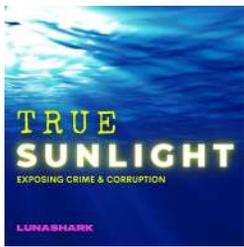
Brad Hutto contacted me and indicated he would like to try to get the case completely resolved. Instead of hearing the motion to revoke he has some conflict with Monday, but we would need time to meet with the best family to discuss any potential plea and wouldn't be able to do that by then. Anyway, so we are aiming to get on the schedule in Orangeburg, Friday, April 8. Obviously, we would also like to meet with the Stoller family before that as well. On that Friday, we will either have the motion heard, or Turner would be entering a guilty plea. Thira

Mandy Matney 49:15

Ford replied politely. Thanks for the update with the plea be in both cases before then. Apparently Miller hadn't mentioned anything about dropping Dallas as Keith Miller emailed her back with his reasoning.

David Moses 49:30

There will not be a plea in the Stoller case without Dallas to testify. We cannot ethically pursue a conviction and I do not believe that Brad



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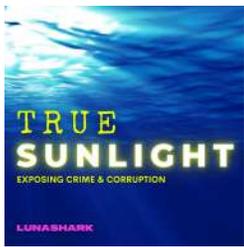
Hutto can ethically plead his client to a charge regarding any assault on her as such, any offer will be on the best case alone.

Mandy Matney 49:50

I want to point out that at the end of most of his emails, David Miller included this quote from Harry Philo quote, We are the lawyers on the side Of the people never let us forget that the law is never settled until it is settled right? It is never right until it is just in in his never just until it serves society to the fullest. Gosh, I hope he sees the irony there because here he is giving up on a case that is nor right nor just in his decision to quit is not at all serving society mind you. Dallas was willing to testify for three years before she died and I witnessed Saul Bowen pulling his pants up as an unconscious Dallas laid in the dirt that night they had DNA for her sexual assault exam. The one that a nurse at an orange Burke hospital discouraged her from getting they had photos of Dallas his injuries or bruises her scratches and her strangulation marks. But suddenly after David Miller spoke with Brad Hutto in late March 2022 Suddenly bad evidence that he could have looked at in the three years prior was not enough. Suddenly, after stringing Dallas Staller along to the point that she couldn't take it anymore. Suddenly, that evidence was not enough. And I have to add this, it seems like Brad Hutto jumped on the opportunity when Judge Markley dentists who hadn't been scheduled to preside over a case in Orangeburg, and nearly a decade was assigned to the case. Dennis, who wants sentenced a father who pleaded guilty to raping his own minor daughter to therapy when hadow saw the opportunity to appear before dentists that is when he suddenly wanted to resolve the case. Instead of holding a bond relocation hearing, normally a defense attorney and have those shoes with a thrice accused rapist client who was caught violating his bond an absurd amount of times wouldn't think to have the audacity to say to a prosecutor, hey, instead of sending my client back to jail, let's

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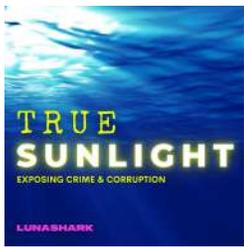


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work on a deal where we drop most of the charges and my client gets probation. I would like to think that most prosecutors in the United States would say, um, no, we have evidence of the rapes and the bond violations. He needs to go back to jail, and then we need to go to trial, but most prosecutors in the United States are running for a judgeship as Miller was during this time, where his fate is determined by a small group of people, including the absurd defense attorney that he's up against. So here we are. On April 4 2022. David Miller emailed Sarah Ford, the offer for Turner to plead guilty to one count of assault and Chloe's case and be sentenced to probation under the use Offenders Act, he would not be required to register as a sex offender. Obviously, the victims were stunned and frankly offended by the offer. And Sarah Ford immediately tried to find it. The Staller family in the best family met with Miller via zoom, and Miller told us dollars that he didn't want to spend tax dollars on a case that he couldn't win. But at that point, the victims were still thinking that the offer was not finalized. They were thinking they could still find it at the April 8 hearing. They thought that they could plead with the judge in court that week during the hearing that they thought would be about bond relocation. After all, they had been waiting for the wheels of justice to turn in their case for more than three years. Certainly the state when it rushed to finalize a bad deal like this one, but here are David Miller's own words describing what happened on April 8 2022. On

David Moses 53:48

Friday, April 8 2022, all parties appeared in Orangeburg for the hearing prior to the hearing, the presiding judge asked the attorneys to come into chambers which was not surprising considering the size of the audience and the amount of media in the courtroom, Senator Hutto and I explained to the judge what was going on Ms. Ford explained she had motion she wanted to argue in the case to where motions I had

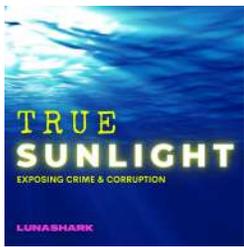


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been emailed Wednesday evening. The third was a quote, motion to enforce victim rights and quote that had been handed to me along with copies of the other two motions. When I walked into the courtroom until Miss Ford mentioned her motion to enforce victim rights. I did not realize there was actually a third motion I hadn't seen

Mandy Matney 54:36

before. It's like he's saying what victims rights like he did absolutely nothing wrong in this situation, then, of course, but when Turner walked away with a sweetheart deal of a lifetime, which he soon screwed up by violating his probation order that eventually sent him to prison for almost two years. The problem we have with David Miller when it comes to his fitness for judgeship is this for three years he dropped the ball on the bow and Turner case over and over again. He kicked the can so far down the road that one of the victims eventually lost her life waiting for the system to save her. His in actions made the victims feel hopeless and that hopelessness led to Dallas losing her own life. Dallas's death should have been a wake up call for Miller he should have vowed to fight for Chloe and for Dallas and for all the victims of sexual assault, he should have vowed to do what he could so that victims no longer feel defeated by the system. He should have gone to trial and Chloe's case, he should have gone to trial and Dallas's case, he should have tried and at least shown victims of sexual assault that he cares enough to try. Instead, he poured salt in their wounds and allowed a powerful state senator to dictate his own clients case with no one to stop him all at the expense of public safety. David Miller fundamentally overlooked his duty to serve the people in favor of serving the defense. Likely He did this because he wanted a judgeship. That was the problem. And he had done it before with Todd Rutherford and the Lopez case. But that wasn't the problem that the JMISC focused on when they held a hearing in November to allegedly screened Miller



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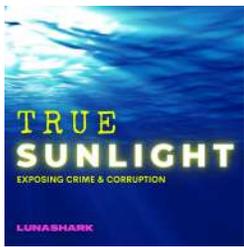
to see if he was qualified for a judgeship. They didn't focus on that, because how could they focusing on that problem would be dangerous for them. They don't want to remind the public of the dirty deals done in the dark between lawmakers and attorneys that want to impress them. Nope, that threatens their power. Just like the three B's and sorority recruitment, the JMSC danced around the elephant in the room because it could lead to trouble. Instead, they focused on whether or not David improperly communicated with the victims and the Bowen Turner case. Again, we're going to play this entire hearing for Premium members to chat live with us on Thursday at noon, because it is really important to watch how these powerful people running our government actually operate.

Liz Farrell 57:21

It's important to know that in 24 years of transcripts and reports from the JMSC hearings that we went through, David Miller appears to be the very first candidate where a member of the JMSC dissented on his nomination. And not just one member, but two members did that neither Pete strong, nor representative Caskey would sign off on Miller's candidacy, and yet he made it through anyway. And that's interesting, because it makes us wonder what the JMSC was up to here. This is also like we said the first year where they've made recordings of the hearings public. So again, what are they up to, they've come under so much well deserved fire over the past year or so this could be their effort to appear more transparent, which would be great if what we're seeing is genuine and not just an effort to get critics off their backs. Far too many legislator lawyers continue to deny that there's even a problem and far too many lawyers like this judicial election system, insisting that any other method would be worse and more open to corruption. The hearing itself seemed like a spectacle. It seemed like a place for JMSC members to posture and show that Miller's behavior

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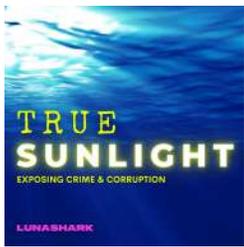


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bothered them, and to express sympathy for Karl and show tolerance for Sarah's position but also to downplay the concerns from Sarah and Karl for the benefit of the public, to minimize them as nothing more than casualties of an unwieldy bureaucracy which had nothing to deal with David Miller or his compliance with legislator lawyers. Worse than that they seem to not only blame Sarah's involvement for the communication issues, they paved a path to allow David Miller to do that same thing. He got to appear reasonable and sympathetic to the Sollars and to Sarah Ford's cars, while also shaping it into this one misunderstood case among many that solicitors just have to make tough calls on despite how that call might disappoint victims. In the meantime, he got a scolding from the JMSC. A true scolding he was told. You're better than this, and told that they were very concerned about his temperament issues again. But then in their report on Miller the complaints against him were seen as unsubstantiated. Why? Because the Jamaa see focused on the communication, the minutiae of it, and seem to ignore the copious exhibits provided by Sara. Instead, they relied on her short testimony against him and his denial of it and then dismissed it all. They He wrote, quote, In conclusion in assessing the veracity of the complaints and all the evidence before the Commission, the claims that Mr. Miller failed to communicate with the victims as required by law are baseless, unreliable and without merit. And then they nominated him. On February 7, the legislature is expected to vote on his candidacy. He is one of three candidates for the Second Circuit seat, I say expected to vote but according to a source familiar with the situation, it likely won't happen because legislators are holding off on voting on a date to vote. Why politics, specifically about abortion, Republican legislators are reportedly trying to use the judicial reform issue the legitimate issue, the one in which people are calling for lawyer legislators to not serve on the JMSC at a very minimum, as a Trojan horse for electing judges more in line with their thinking. As such, there

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is talk of them holding the vote over the JMISC heads to combat that other legislators want to push the vote back until after the filing date for their seats. So they'll know whether there'll be facing competition in their reelection campaigns. Once they know what they're up against. They're free to vote their conscience.

Mandy Matney 1:01:23

It's just the same thing over and over again, politicians out for themselves and their own enrichment in every possible way. While victims suffer for it. Karl and Sarah went to that hearing in good faith. They did the hard work of trying to change a system that treated them as mere nuances. Worse, they treated Karl the way they would treat a baby at a political rally using him as a prop so they could express their condolences and seem caring and bothered in the moment. But like Karl said about victim impact statements, the decision was already made.

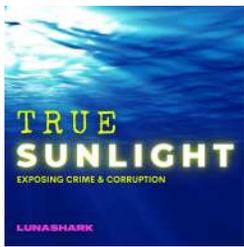
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Karl Stoller 1:02:07

We were allowed to give a victim's impact statement to the judge at that hearing, which I think we all know that's a joke. That amounts to decisions already made before you're allowed to speak as victim. That's a fact. Okay, so it has about as much bearing on it is, excuse me, but flattered me. Okay.

Mandy Matney 1:02:30

Now, where do we go from here? Of course, we need you all to continue to make noise and right state lawmakers in the next month to discourage them from electing Miller. And we need you to keep making noise about the Bowen Turner case, Bowen is out. And while we hope that he is rehabilitated, we want girls in South Carolina to be warned of his violent history. But the thing is, David Miller and Bowen Turner are



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just symptoms of a much larger problem. A system that favors those with power, money and connections, a system where victims don't have a shot in the dark at justice. Because deals are being made ahead of time. A system where an elite few decide who the judges are, and the rest of us are just at their mercy. I noticed on Miller's application, he cited a 2014 bank robbery case, where a man who drove the getaway car was sentenced to life in prison because it was his third felony. His two other felonies happen when he was just 15 years old. And this man didn't have the luxury of hiring a state senator attorney. Miller was proud of this case and used it as one of his five most significant litigated matters of his career. Miller decided that this case was worth fighting for and going to trial over. But not the rapes of multiple teenage girls. He didn't think they were worth fighting for. Is that really who South Carolina lawmakers want as their next judge? Is that the future we want for our justice system? We will be watching closely. Stay tuned, stay pesky and stay in the sunlight. True Sunlight is a Luna Shark production created by me Mandy Matney and co-hosted by journalist Liz Farrell learn more about our mission and membership at lunasharkmedia.com interruptions provided by Luna and Joe Pesky.