



JUDICIAL MERIT SELECTION COMMISSION )  
)  
In the Matter of: David Miller )  
Candidate for 2nd Judicial Circuit, Seat 2 )  
)

WITNESS AFFIDAVIT

I will appear to testify concerning the qualifications of the above-named candidate and will produce all documents in my possession, if any, which will further develop or corroborate my testimony.

I understand that this written statement and all supporting documentation, if any, must be completed and the hard copies of all such documents shall be returned to the Judicial Merit Selection Commission by the deadline for complaints in order for the Commission to hear my testimony, and that the deadline for complaints is **12:00 Noon, Monday, October 23, 2023**. I understand I must be available to testify at the Public Hearing, and failure to appear will result in a dismissal of my complaint.

In regard to my intended testimony, I will offer information as to the following:

1. Name: Sarah A. Ford  
Age: 41  
Address: 1900 Broad River Road, Columbia SC 20210  
Phone Number: (803) [REDACTED] personal (803) 750-1200 work
2. People who have knowledge of testimony:  
Nicole McCune: 1900 Broad River Road, Columbia, SC 29210  
Rebekah Hiatt: 1900 Broad River Road, Columbia, SC 29210  
Chloe Bess: [REDACTED] Debary, Florida 32713  
Karl Stoller: [REDACTED] Chapin, SC 29036  
Brette Tabatabai: Phone Number: (267) [REDACTED]
3. In my opinion, David Miller is not qualified to be a circuit court judge. He does not possess the temperament, legal skills, or work ethic to be a judge. My dealings with him as Deputy Solicitor for the Second Circuit bring me to this conclusion.

I am an attorney and legal director for the South Carolina Victim Assistance Network. I am also a former prosecutor for the First Judicial Circuit. I personally represented several clients who are victims of crimes, and Deputy Solicitor David Miller was assigned to prosecute their cases. Every victim in SC has constitutional rights to protection, and the

prosecutions handled by Deputy Solicitor Miller failed to protect them. Even worse, his actions victimized them even further. The victims were ignored, deals were made, and a plea to probation was made without properly conferring with victims, as required by law. In a particular case, the defendant, charged with multiple counts of sexual assault, was represented by Sen. Brad Hutto. The defendant violated conditions of house arrest and GPS monitoring dozens and dozens of times, going to golf courses and even out of state. Deputy Solicitor Miller failed to follow up on multiple requests from victims to investigate. Eventually, Miller obtained the information and waited over a month to file a motion to revoke instead of immediately having the defendant arrested as required under the special conditions of bond. But instead of moving forward with the motion to revoke, Miller allowed the defendant to plead from a charge of criminal sexual conduct to assault for a probationary recommendation. He never addressed the enormous number of bond violations or the failure of the GPS monitoring company. He informed victims through counsel that a bond revocation hearing would take place on a Friday, but in reality, he made a deal with Sen. Hutto for the defendant to plead guilty. Miller **NEVER** informed the victims of this fact, and victims were made aware when they entered the courtroom. Miller did not even have the courtesy to address the victims on the day of the guilty plea. This is certainly not the temperament or conduct of someone who should be made a judge.

Mr. Miller treats people according to what they can do for him. It was not surprising to me that Miller represented the State in the *Alberto Romero Lopez* matter, where a violent criminal serving 30 years received a 12 year reduction in sentence on the motion of defense counsel, Rep. Todd Rutherford. Mr. Miller allowed an early release for a violent criminal, and the victims were not notified, contrary to the law. Miller also represented the State in a case, *State v. L. Dunbar*, in which the victim was murdered in August 2015, and the case was tried in June of 2022. The case ended in a mistrial. Miller ultimately dismissed the case for prosecutorial discretion as two eyewitnesses were dead. This is unsurprising when it takes years for many of Miller's cases to be brought to trial, further victimizing victims and survivors. This is not the work ethic we want in our judges.

Deputy Solicitor Miller is arrogant, dismissive, and disrespectful to victims, other attorneys, and even courtroom staff. It is unimaginable how poorly he will treat people if he becomes a judge. As a prosecutor, I had the opportunity to have Miller come to the

1st Circuit to plead multi-jurisdictional cases. He often cut other prosecutors off and would "jump the line" in order of pleas. As attorneys, it is natural to disagree. We work within an adversarial system. However, Mr. Miller takes disagreements personally. In a particular incident on April 8, 2022, after filing motions to enforce a victim's rights, I greeted Deputy Solicitor Miller with, "Good Morning," to which he replied, "Don't talk to me." While I happily complied, both Mr. Miller and I have a duty as attorneys to treat others with civility. This was rarely shown by Deputy Solicitor Miller, in the courtroom, meetings, or even out in public.

I have never submitted a complaint on any candidate appearing before the Judicial Merit Selection Commission. However, it was imperative to me, based on my interactions with Mr. Miller, his record as a prosecutor, and his pattern of disregard of the law and crime victims to state my concerns with him as a candidate for circuit court judge. Mr. Miller is a "business as usual" candidate. His temperament, demeanor, and character are not suited for the bench. Our judiciary needs individuals who are exemplary in every way, candidates who are forthright, capable, well-experienced, with the highest ethical fitness and character. I do not believe Mr. Miller possesses any of those needed qualities. I also do not believe that David Miller has the capabilities to be an effective prosecutor, let alone a circuit court judge. For the above reasons, I encourage the Commission to find Mr. Miller unqualified for the position of circuit court judge.

I understand that the information I have provided herein is confidential and is not to be disclosed to anyone except the Judicial Merit Selection Commission, the candidate, and counsel.

## WAIVER

I further understand that my testimony before the Judicial Merit Selection Commission may require the disclosure of information that would otherwise be protected by the attorney-client privilege. Therefore, in order that my complaint may be fully investigated by the Commission,

I hereby waive any right that I may have to raise the attorney-client privilege as that privilege may relate to the subject of my complaint. I further understand that by waiving the attorney-client privilege for this matter, I am authorizing the Commission to question other parties, including my attorney, concerning the facts and issues of my case.

Sarah A. Lord  
Affiant Signature

Sworn to me this 22<sup>nd</sup> day of October, 2023

Debra T. McCune L.S.  
Notary Public of South Carolina

My commission expires: 6-6-2032