

Brady Motions

To Kershaw county clerk of court

- ① I'm requesting a Brady Motion. It's been 10 years now and I have still not been allowed to see this so called Discovery! I want to physically hold it and read it for myself please. Please be sure to include all missing pages in the Arc Dr's report. This has been a violation of my Due process rights!
- ② I'm requesting copies of the Police reports that "Martha Pennad" my "Neighbor" reported to police that I was molesting my Daughter. On page 3 of 54 in the Statement of facts from Trial the judge says this is a fact. I want to see the police reports. This is from the PCR case held on April 1, 2022 case # 2019-Cp-28-0023C
- ③ I'm requesting the Court Transcripts from the PCR hearing on April 1, 2022 held in Richland county.

RECEIVED

DEC 16 2022

S.C. SUPREME COURT

James Miller
I.M.# 367454

Brady Motions

- ④ I'm requesting all Records, Court Records, Transcripts from the speedy Trial, Bond hearing, ankle monitor hearing so I could have it removed and Trial. Also Transcripts from hearing at jail in Kershaw county when I was charged.
- ⑤ I'm requesting copies of the receipt that Kershaw county sheriff's office had to pay Camden lock and key to come to my lake house and unlock the car that was running with the heat on high that I was put in and handcuffed for 2 hours or more. I was locked in the car with the heat on high and the cops locked the door's on purpose and turned the heat on.
- ⑥ I'm requesting copies of the DNA test that shows Britly Miller is my Biological Daughter to support the false charge of incest. I did not rape Britly Miller!

James Miller
IM# 367484

Brady Motion

- ⑦ I'm requesting copies of all documents that was given to the judge on April 1st 2022 in Richland County for my PCR case, I want to see everything see seen. all documents that Ola Johnson and I gave her as well the Prosecutor and any that she reviewed from other sources.
- ⑧ I'm requesting copies of the Police report that Tammy Lynn Miller SS # 241-59-8916 - B-date 2-22-78 filed for the lost gun "Springfield XP-40" that I lost while horseback riding. She purchased the gun and that is why the cops were at my lake house on the day of my arrest that is what I was told and the cops were told this as well. SO Where is the Report?

James Miller
IM # 367454

Brady motion

- ⑨ I'm requesting a copy of the report that Ellen Chestnut with DSS filed when she came to KCDC with her assistant to ask me where Tammy's Lynn Miller LC9mm was. The same gun and holster that Tammy Lynn Miller brought upstairs to the shower I was in and told me to put it on because of a snake they seen earlier while they were horse back riding at the Farnelson farm. This happened after she called the cops on the day of my arrest.
- ⑩ I'm requesting a copy of Tammy Lynn Miller's Concealed Weapons Permit that she picked up the Day before my arrest at Fershaw County Sheriff's Office. Jim Braddox was the instructor.
- ⑪ I'm requesting to know what my lawyer's name and phone # is that is taking my PCR case to the supreme court is!

James Miller

IM# 367454

Brady moties

(12)

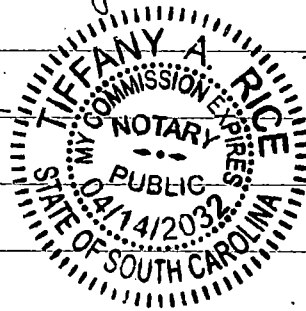
I'm requesting a copy of the audio and video of the day of my arrest of me being placed in the back of the cops car. The record light was on on the device hanging up on front windshield area.

On this day the 18th of July 2022

Tiffany A. Rice
State of South Carolina

4-14-2032

Commission expires



RECEIVED

DEC 16 2022

S.C. SUPREME COURT

10

- a. I believe that my arrest was unlawful and that I experienced police brutality.
- b. My counsel did not advocate for my basic civil rights inside the court room
- c. My counsel did not defend that my basic needs be met in the court room
- d. My counsel did not plan or prepare for my defense
- e. My counsel did not meet with me to prepare and counsel me for my defense
- f. My counsel failed to investigate or call witnesses at hand for my defense
- g. My counsel would not allow me to testify for my defense
- h. My counsel erroneously allowed my police interrogation video to be submitted to the court.
- i. My counsel failed to object to statements in closing argument by the solicitor or present my requested statements/questions in her closing argument.
- j. The judge showed bias to my defense.

FILED FOR RECORD
2019 MAR 11 PM 2:26
JANET C. HASTY
CLERK OF COURT
KERSHAW COUNTY, S.C.

11.

a.

1. I was arrested without probable cause, and due only to an accusation made by my angry and very upset 17 year old daughter, and the officers assuming that I was guilty because I surrendered voluntarily. There were 3 officers walking briskly toward me with their hands on their guns and my Daughter said to me that they were there for me. I had a holster on and I wanted to make sure that they knew that I was not armed. The officers said that I acted as if I knew why they were there. My wife had just told me that they were there so she could file a report on a gun that we had lost while horseback riding and that she would take care of it. She even went out with the gun box in her hand. I had no reason to think otherwise. She testified to this along with other statements that would have validated my actions if my counsel would have re-cross examined her and the officers. I thought that I or we, were in trouble for the lost gun since I, and those in my house were not allowed to have guns present. My wife purchased the guns.

2. The RO put me in the back of the police car in August with the windows up. He then proceeded to turn the heat on and left me locked in. (He offered testimony without being ask, that the air was on). I had on long jeans and apparel suited for horseback riding. I still

have the clothes in reserve. I asked my counsel repeatedly to get the dash cam video. The light was blinking. I also was not read my Miranda Rights in the car as the RO claimed.

b.

My counsel failed to request specific instructions concerning my appearance in the courtroom. I was taken back into custody at the start of the trial without warning, even though I had not violated my probation for 3 years, with and without an ankle monitor. I was not given fresh clean clothes or grooming items for the entire duration of the trial. I wore the same dirty suit every day in court. The jail put me in the drunk bin with another man with only a metal or concrete bench. I slept in my wheelchair sitting up. I was not given a shower or any grooming items. I could not shower, shave, or brush my teeth for the entire week. My clothes and beard were unkempt and my hair was dirty. They also took the band that held back my hair causing it to randomly fall in wiry strings. It was as if they all wanted me to look like a dirty man. I was dirty, tired, hungry, and in severe pain.

c.

1. My counsel failed to make sure that my basic needs be met in the courtroom. I was in severe pain from a recent back injury that occurred while I was hauling lumber and building a two story deck. I had a Doctor's note to excuse me from work and school that my attorney withheld from the judge. The judge ordered a shock belt to be put on my waist for no apparent reason, further intensifying my pain. I was already in a wheel chair and could not walk. I was given no breaks even though the judge said at the beginning, that she would take frequent breaks in order for me to be more comfortable. No one followed through on this. When there were breaks, I sat in the courtroom alone (except for the guard) with no water, food, or bathroom breaks, causing me much discomfort and constipation, which further intensified my pain. My attorney ask if I was getting lunch on the first day and the judge said that it would have to come from the jail, but no one followed through. The last day after observing me, my aunt stayed in the courtroom while the others left. She loudly asks me if I had eaten anything. I discreetly shook my head fearing that I would get shocked. (I had only 2 small breakfasts at the jail for the entire week, no lunch, and no supper since it had already been served when I got back to the jail.) She then asks the officer why I was not getting food, for which he replied, "That he had no orders for food or breaks for me". She then demanded that it was my basic civil right to be provided food. He left and came back approx. 30 minutes later with a brown paper bag containing 2 bologna sandwiches. I had started eating one when the judge entered and the court was in session, so I could not finish. Please check the courtroom video.

2019 MAR 11 04:26
JANET
CLERK OF COURT
KERRVILLE, TEXAS
FILED FOR RECORD

2. The judge said that I could only have one of the 4 medications that my doctor had prescribed but the jail would not release it saying that they don't administer narcotics at the jail. It wasn't until the last day before deliberations began, that my attorney asks that I be allowed something for my pain. The judge replied that while she wasn't a doctor, she "knew" that those meds should not be taken together (even though they were legally prescribed) and allowed me to take one of my prescribed meds before I left.

d.

1. My Counsel had a large file of pictures, social media posts, private messages, and letters from people (describing to me what was going on) that were presented to her from family and friends that would have called the victim's and her mother's credibility into question. These items would have contradicted many inconsistent statements that my accusers made while testifying, had she presented them. One example was that my accusers claimed that they were isolated and had no friends. They had many friends and were supervised, not isolated, which the many pictures would have revealed. She also withheld pictures, comments and private messages that would have raised doubt regarding the other testimonies of my accuser's. My counsel failed to investigate other concerns that she was made aware of through the years. I preserve other examples that were withheld in court to discuss with counsel.

2. My counsel waited until the Friday before court was to begin on Monday to get the discovery. I had requested for her to release the discovery documents throughout the 3 years for my family and I to review in order to offer important information. She ignored my requests. There are many statements that I and others could have challenged if we had been given access to the discovery. From what I remember, the judge ruling at my bond hearing told the solicitor to have the full discovery and DNA investigation available in 30 days. That was 3 years prior. My attorney never followed through on this order. In court it was clear that my attorney had not spent much time reviewing the discovery contents, or the other information that she was given in detail. My aunt received a copy several weeks after trial. I still have not seen the discovery.

3. My counsel failed to seek records from DSS, Hospital Visits, or follow up exams.

4. My attorney went to trial with no co-counsel. She had said before that she would have assistance. My aunt told her on the first day (Monday) that she (attorney) was not prepared and needed help especially since there were 2 working for the prosecution and that they were prepared. She replied "it's okay; the jury will see the 2 solicitors as bullying since I am alone." This can be confirmed.

COPIES FOR RECORDS
MAR 11 PM 2:06
JANET C. HARTY
CLERK OF COURT
SPRING COUNTY

e.

1. My counsel had 3 years to prepare me for a defense. She waited until the Thursday before court to make a morning appointment, even though we kept inquiring to meet with her over the years. That Thursday morning, I could not stand, walk or drive. My aunt sent repeated requests to give us another time to come so that she could drive from Charlotte, N.C., to pick me up in Camden, and then drive me to Columbia. She (my aunt) also asks if she could come and consult with my attorney herself and have me on audio or video. She did not respond except to say that she had to pick up the discovery the next day (Friday).

2. During the trial breaks, she (attorney) did not consult with me in preparation, ask questions, or review my files. Instead she was reading a book.

f.

1. My counsel would not contact or prepare any witnesses for my defense, this was requested along with a list of people, several times during the 3 years, and again on the first day of court. During the trial, there were people present, (family and friends) who were willing to testify on my behalf. The first day of court, my aunt told her that the prosecution was prepared and that she (attorney) was not, and that she needed to call witnesses. My aunt also mentioned that the social worker from DSS was not there and that she needed to be subpoenaed. She replied something to the effect of, their case being weak and her strategy was to challenge their evidence. The state did not call DSS to testify. All of this can be confirmed.

2. My attorney failed to subpoena Sally Williamson, the forensic interviewer. The statements that were made to her by both daughters were different than in the testimonies that they gave in court and could have brought such testimony into question. The state did not call Sally Williamson.

3. My attorney failed to advise me, and schedule a polygraph and mental exam, even though she was requested to by my aunt. I also requested a polygraph several times while being held in detention after my arrest.

Note: The only witness that the prosecution could find to testify against me was my next door neighbor who also hated me due to property disputes. There were several witnesses in court that loved me, and my family, that would have testified on my behalf.

g.

1. My counsel would not allow me to testify even though I made several requests to do so. She also told my supporters in the courtroom to convince me to not get on the stand due to

2019 APR 11 PM 1:05
NET C. HASTY
CLERK OF COURT
KEITH COUNTY, GA

my condition and because I was not prepared (this can be confirmed). She had just ask the judge to allow my pain meds due to my discomfort (pg 555 556).

2. The jury did not have the needed opportunity to hear me declare and argue for my innocence, where there was no evidence, only negative DNA, and where the circumstantial evidence was not overwhelming, and mainly based on opinions, hypothesis, and phenomenon. I preserve further details to discuss with counsel.

h.

My counsel allowed my police interrogation video to be presented as evidence even though I had requested an attorney, lawyer or counselor (counsel) several times in the interview while continuing to be interrogated. She also did not object to a redacted version of the interview to be shown to the jury, where as my request for help, a lawyer, attorney, and counselor was redacted.

i.

1. My counsel failed to re-cross examine witnesses after inaccuracies were made.

2. My counsel failed to bring up comments made by the investigators in my case and discrepancies in their testimony and written statements.

3. My counsel failed to question diagnostic comments from the medical doctor, Dr. Susan Luberoff, or to seek other expert opinion in the matter.

4. My counsel failed to ask Dr. Susan Luberoff very obvious questions as to this accusation and the physical exam or seek other expert opinions. She said she was saving the obvious questions to bring up in her closing statements, which she did not.

5. My counsel failed to re-cross examine Dr. Susan Luberoff after she changed her statement (pg 355, 356) from saying that her diagnosis was based on what she was told and not from the exam evidence itself. There are more matters concerning this exam that I would like to discuss with counsel.

6. My counsel failed to re-cross examine the police officers comments that were based on assumptions, after the testimony of the accuser and her mother, that would have brought their credibility and actions into question. I would like to discuss this further with counsel.

7. My counsel did not object to inaccuracies (falsehoods and misquotes) presented in the solicitor's closing arguments. I would like to further approach this with counsel.

RECORD FOR RECORD
2019 MAR 11 AM 12:06
JANET C. ATTY
CLERK OF COURTS
KIRKSHAW COUNTY, MO



8. My counsel did not object to the prosecutor emphasizing to the jurors, in her closing statement that my accuser did not need to corroborate her story by additional evidence. I believe that this statement took the burden to consider unreasonable doubt away from the jurors.

9. My counsel did not object to my accuser's twin sister testifying in the presence of her mother in the courtroom. This twin daughter was initially in support of me. She was afraid of her mother finding out that she had called her aunt and my aunt to tell them what was happening. (These witnesses would have testified to such if they had been allowed). My attorney was aware of this due to an email and a phone conversation that was sent to her, (attorney) concerning this before my bond hearing, which my daughter attended. She also visited me in jail. I believe her testimony was a result of her being intimidated with her mother's presence in the courtroom. (The judge did allow the victim and her mother to be sequestered from each other's testimony).

10. In closing argument, we had requested that my attorney add a very important question to her argument, for which she left out. After the closing argument, my aunt asks her why she left out the most obvious and important "piece of the puzzle" of the entire trial. She replied, "I forgot, but the jurors will figure it out". They didn't.

11. My counsel seemed disinterested in my defense and treated me with disregard at trial. She frequently brought up questions while cross examining witnesses and then just dropped the matter, and moved on without pause. She also failed to recognize the many contradictory statements that she could have revisited during cross or used in re-cross examinations had she sought them. At the beginning of trial, she commented to me that she and the solicitor were neighbors and played ball together. She, the solicitor and the judge were friends on social media. I believe this affected her performance in my defense and I (and others) viewed her actions as seeming to not want the judge or solicitors to be upset with her.

j.

1. I believe that the judge was biased toward me from the beginning with regard to my treatment, my appearance, my basic needs, and comments made.

2. I believe that the jurors were pressured to save time and come to a verdict before going into weekend deliberations. To begin with the judge commenting to the jurors before deliberation "I do not anticipate this trial going beyond this week if anyone was concerned about it bleeding over into Monday, that's not any sort of anticipation. That's not on the radar screen that that would happen in this case". (pg 552, line 18-21)

3. The jurors were struggling. They came back with a request (2:45, pg 636) to see the transcripts of mother Tammy and daughter Britly and daughter Breana, the interview videos, State's comments from closing statements, Officer Dill's testimony, Officer Houser, and Arc's doctor statement. She commented that that was a lot of testimony that would take a lot of time, and perhaps they could whittle it down. (My counsel failed to argue this). The judge told the jurors that that would be hours of testimony and sent them back to review their request. They came back with a smaller requests thereby deleting all above, except for Britly and the mothers testimony, and the first 3 arresting officers. I believe that it would have been favorable to my defense for the jurors to review the Arc doctor, Breana, and Officer's Dill's testimony. My attorney failed to object.

4. At 5:05 the jurors requested to "SEE" the laws for reasonable doubt (pg 640, 641). The judge again discouraged this by saying that she was suppose to send the entire charge but she had a lot of scratch outs that she would have to go edit, and that there's nothing wrong with her just rereading the reasonable doubt portion to them. My counsel failed to argue this even though the jurors requested to seeing it on paper. Some people (like me for instance) understand writing better than listening. The jurors also questioned how long they would be staying tonight. The judge told the jurors that we are here for the long haul as long as it takes until you come to a verdict. (pg 644 6-11)

5. 8:00 the jurors ask what if you don't feel persuaded and your decision is final (pg 645, 14-15). The judge seemed agitated, and replied, "When I declare a mistrial, nobody wins. It means that this case is going to be retried and 12 other people will sit in the very same seats that ya'll are sitting in and hear the same testimony and evidence that ya'll received, and there's no reason to think that they would be smarter or more capable to reach a verdict." (pg 646, 1-10). She then later reneged on staying for the long haul, and said that they would break at midnight, until noon the next day.

She later said, again, (pg 647, 19) "Like I said, Nobody wins when there is a mistrial, okay"? I think that the jurors were intimidated by these comments. (I later found out that she was not well during my trial.)

6. Next day. A request was made for more testimony regarding Dr. Luberoff findings and what the findings say equivocally (pg 649, 18-22.) and the hard copy of the definitions of the charges. One juror was reported for writing notes outside of the courtroom. The judge said well, I don't need to see your notes as long as they are just your feelings and thoughts (pg 653, 25). The notes were neither examined nor recorded. My attorney failed to inspect the notes.

7. Around 4:15-4:30 my attorney said that the judge was going to talk to the jurors one more time. At 4:42, on Friday evening, they came back with a verdict, as predicted by the judge, before the deliberations began. What did she say to the jurors on her last visit.

8. Page 670, 14-19. After the verdict was read and before sentencing, the judge quoted, "I think my sentence speaks for itself, but I do want to say one thing that I think is important and that is to Ms. Maynard. "I believe you. I believe you." Some of the jurors were viewed as being distressed outside of the court by others. I request that the jurors be interviewed regarding feeling pressured to come to a verdict before Friday evening and what did the judge say during her last visit to them, on Friday evening before the 5:00 closing.

I believe and preserve, that there are additional claims with supporting evidence for PCR but I do not have collateral counsel, or the funds for expert services and investigative claims that were neglected to be done before trial.

This PCR claim is later than I would have liked to submit, due to frequent extended lockdowns, preventing me from gathering info, communicating, and seeking advice. I am innocent. I have never touched or been accused of touching anyone inappropriately in my entire life of 42 years. Please send counsel.

FOR RECORD
20/09/2011 PM 2:25
JANET C. HASTY
CLERK OF COURT
SHERMAN COUNTY, O.R.

PCR Case for James Miller

The prosecution focused on the scene of the day of James's arrest, his surrendering and comments that he made. All of James actions were from him thinking that they were there for the lost gun. Britly said that they were there for him. James then surrendered because he had a holster on and the officer's were walking aggressively toward him. The officers denied this and said they were walking without any threats at all. The mother, Tammy, testified, pg 305, line 12, ***"I started freaking out and telling them they better hurry up and get down there because I thought he was going to kill her"*** (they all said during testimonies and in forensic interviews that James had never harmed them) and on pg 305, 17,18, Tammy told them that he had a gun. In the 911 call that Tammy's sister Debbie Perry made at Tammy's urgent request, Dispatch said, ***"She told her sister that someone better get there before she kills him or he kills her."*** SO, were the officers walking down there casually ***"without any threats at all"***. See, Cpl Houser's comment in discovery, stating that James was talking about Britly when he said, ***"Whatever, she says, it's not a lie"***, (see pg 301,302) they hadn't even talked to Britly yet. (Tammy testified that he was looking out the doors so if this scenario is true then he would have seen that they hadn't yet talked to Britly. However, see attachments of James's PM on FB, and the officer's time stamps. He was on the computer. He had just had an emotional morning with Britly and Tammy (re: Tammy's statement pg, 297). He was private messaging them telling them that he was sorry for being a butthead. ***Officer Houser's written statement, "After observing Mr. Miller's demeanor and hearing his statement, I believe he knew why law enforcement was there. In my opinion, based on experience, his actions would not coincide with those of an innocent person."*** (What was his experience in matters such as this? He was a traffic cop until 2011, then promoted to corporal supervisor, still working as a patrol deputy in 2012, pg 119). He assumed that James was guilty and put him in the police car and turned the heat on in August! He offered testimony that the air was on without being asked. He wanted James to suffer because he had decided that he was guilty. Houser's statement form says "Not under arrest", so at what point was he under arrest and did James know that he wasn't under arrest? ***Officer Dep. Scott wrote "I did not***

want anything to get out of hand and for the safety of the victim, I started walking down to where they were." I never told him anything; it seemed as if he knew why we were here." It does not make any sense at all that they would have been walking down to James without being threatening. James actions were all from him thinking that they were there about the gun and that they were in trouble about the gun. James lost it. Tammy bought it. They were not supposed to have guns. He was trying to protect Tammy. Tammy also testified that he was on the couch pg 301, 10-25. 302, 1-3, and that she went out with the gun box after telling him that they were there for the lost gun. She testified that when she saw that the officer's were there she said to James, "oh the police are here" but ofc Houser said she was already outside waiting.

In the forensic interview, Britly said that Tammy told James to get in the shower and get dressed before they went horseback riding and he was in the shower (how did she know that?). In Breana's forensic interview, she stated that before the police arrived, that Tammy told her to keep the children upstairs until **"he is gone"**. How did Tammy know that he would be gone? James was blindsided. If the paradigm shifted, every question that was asked and every comment made by the officers assuming that James was guilty, could have been confirmed that James legitimately thought that they were there about the lost gun. Anna could have redirected and brought all of the officers back in after Tammy testified and blown their theory. **The officers all bolstered Tammy and the victim with their comments that were based on a false narrative.** Officer Houser (pg 131) "I tell them to write everything down in as much detail as possible and to make sure that whatever they say is truthful." Detective Knalfec wrote in his report that, **"victim was very reveling in the forensic video"**. Anna said that she would bring that up, but then she didn't. She didn't even bother to get the police video or forensic video to challenge their comments. This scenario was dramatically emphasized in the closing argument along with referring to "Like Dr. Foster said 14 times.

Captain Steven Knalfec was in charge of the case and didn't seem to take this case seriously. He did not write a report (pg 469). He left a message for Tammy but she didn't call him back until the next day. He met with Tammy the next, at a

friend's house and Britly was riding horses (that would be the Harrelsons, pg 470). He didn't bother to get a search warrant until 2 weeks later when Tammy called him and said that she had found evidence. He couldn't answer why he didn't. His testimony seemed apathetic. He also wrote in his report that day, (13 days later, Aug. 24) "that victim was very reveling as to where... in the forensic interview." If he had doubts, why didn't he ask the victim to take a polygraph? He could have according to SC Code, 16-3-750. James asked several times for a polygraph while in detention at KCDC and was told that the state didn't have the money. So was that why they didn't request one of Britly? They should have requested one from mom, Tammy, after seeing her behavior. James also asked Anna to get him a polygraph.

Universal Citation: SC Code § 16-3-750 (2013)

A law enforcement officer, prosecuting officer, or other governmental official may request that the victim of an alleged criminal sexual conduct offense as defined under federal or South Carolina law submit to a polygraph examination or other truth telling device as part of the investigation, charging, or prosecution of the offense if the credibility of the victim is at issue; however, the officer or official must not require the victim to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation, charging, or prosecution of the offense.

HISTORY: 2009 Act No. 59, Section 4, eff June 2, 2009.

Detective Justin Dill, lied on the stand. He said that the first time that he saw James was at the police station (pg 525, lines 2,3, 4). Then he implied that he was on the scene of the arrest, under examination by the State (pg 550). This line of questioning would have been confusing to the jurors. The state knew that he wasn't there and yet continued to question him on the lines that he was there. Anna did not object and also could have clarified whether he was or was not at the scene, during her cross examination.

Please seek an outside gynecological expert witness to challenge Dr. Susan Luberoff's comments. (See Reeves vs SC and Mangal vs SC, attached). Just because she had a notch on her hymen does not mean that James did it or that she was abused.

(In, Yancy Thompson v SC 2014-001611, pg 9 & 11.) Pg 9, "First, Dr. Luberoff testified there was physical evidence Victim had been sexually abused or had sustained "penetrating vaginal trauma. " While Dr. Luberoff's testimony supports a finding that Victim was sexually abused, the physical evidence cited by Dr. Luberoff did not constitute overwhelming evidence—or any evidence at all, for that matter—that Petitioner was the perpetrator.") Dr. Susan Luberoff stated in James trial (pg 351,352,356) ***"Britly's interruption wasn't all the way through so all by itself, it doesn't mean that it's trauma so that's when we put the history with what we are seeing."*** She then said it "was" the result of penetrating trauma, but then in cross examination to Anna, she admitted that it wasn't and then again in redirect by Cavanaugh, she said that it was. Anna could have redirected and asked many more questions than she did. Like, could it have been cause by masturbation. The Dr.'s comments were **bolstering the victim**. There is no way she could have determined for a fact that it was penetrating trauma by sexual abuse or that James was the cause of it.

(In Mangal v State, pg 8, "However, she stated her opinion was based not only on her examination, but also "on the history that [Victim] shared with [her]." Directly after this comment, Dr. Henderson opined that Victim had been sexually abused. On cross-examination, Dr. Henderson elaborated on these statements and testified that ***"based on the history that [Victim] shared, and she denies any other kind of trauma to that area . . . my conclusion is . . . as I stated"***.) See Cavanaugh's closing statement, pg 586, line 24, 25, ***"And what did Dr. Luberoff find? A notch on Britly's hymen at the 7:00 position. Combine that with Britly's sexual history and that is consistent with penetrating trauma."*** Anna failed to object, and could have referred back to the Drs. Statement on pg 353, lines 9, 10.

If Britly was raped "constant", "hundreds of times", forcefully," as she claimed, would there not be more than a notch on her hymen, that didn't go all the way through, or a hymen present at all? The doctor's notes also said that she didn't have a discharge. Why wouldn't she have a discharge? Women have a discharge

after they become sexually active. It is the body's natural way of cleansing (see attached). Also, ask more questions of how and where Britly got Mono. No one else in the family had mono including James, and Britly didn't go to school. How is it possible that James would not have gotten mono from her after constant sex? How does a healthy 17 year old not get pregnant after being raped constantly? She said that he didn't use protection. Anna should have called an independent expert since Dr. Luberoff testifies for the state often, and so does Dr. Alison Foster. The story that she told Dr. Luberoff about having 3 miscarriages in her pre exam interview (this wasn't addressed in court) came from me because I asked Tammy how it was possible for her to not get pregnant if all of this was true, and that no one would know that better than her and me. Shortly thereafter, I saw Tammy posting on FB that she was taking Britly to the emergency room for a pregnancy test. I was livid and told her to stop exposing her family on FB. AND, it was all public status! She then told me after they went to the emergency room that she told Britly what a miscarriage was and what happens and that's when Britly confirmed that she had had 3. (Britly said Tammy told her this as well in the forensic interview). Tammy was trying to cover the weaknesses in the story and it was mostly because of my questions. (She testified that she didn't go to the ER. But the doctor's notes said that she did.) Furthermore how likely is it that a healthy 17 year old would have 3 miscarriages in one year? See if there were any follow up exams and counseling scheduled from the doctor's recommendations. I would highly doubt it, since they got out of town as quickly as they could, in order to get off of everyone's radar. People were getting very suspicious and starting to ask questions, including me.

In the file of the ARC doctor's (Luberoff) exam and assessment, pages 1, 4, 9, and 12 are missing according to #'s at bottom of page, and page #8 is missing according to #'s at top of pages in my discovery file that I received from Anna, but I don't know if Anna ever actually had the pages either. Either way, why would they have been not included? Please seek the full original copy.

Britly's FB profile says that she loves to party. She told the forensic interviewer that she likes to hang out. She said in her Arc confidential questionnaire, that she has drank beer and liquor. They were allowed to do a lot and yet they said that

6

they were sheltered and controlled. See the attached FB posts and pictures. Anna had all of this in her file.

Mike Norwood wanted to testify. He was in court. He worked with James and Britly, and it was his mother's house that Britly said that they were roofing and having sex in the bathroom. Mike was there. His mother was home and she didn't stay upstairs like Britly claimed, according to Mike. Mike said they couldn't even put a cigarette butt in the trash without his mom finding it. James wouldn't even stop to eat when he was working, unless his helpers started whining, much less stopping for sex. It was one bizarre story after another.

See the attached letter's to James from Cathy Harrelson, Mike, and Tammy's sister, Debbie Perry, along with her other family members. Also see the attached text between me and Debbie Perry. There was no one in the courtroom that was in support of Tammy and Britly, while many were present for James. Their only personal witness, Martha Penrod, (the next-door neighbor that hated James) **winked** at Tammy and Britly when she passed them after coming off the witness stand. Check the courtroom video. Martha also said that she could see down to the dock. The State presented winter pictures with no leaves on the trees. Anna had pics of large trees and brush, heavy with August leaves, in the background of several pictures that were taken the week of James's arrest, in her possession, but didn't present them. Martha's and Britly's testimony conflicted in the one incident that they both described. Martha said she could see what went on, but Britly said Martha had just left on the boat with her family. Anna was silent.

When Anna said that she wouldn't be calling any witnesses (even though we requested many times in emails, phone calls and again verbally during trial) see attachments), they all knew that they could say anything that they wanted and nothing could be challenged by any of us. I told her on the first day that the State is prepared and she needed to call witnesses. She said that their case is weak and her plan was to just challenge their evidence. It was a bad plan. Later I told her that she is not prepared and that she needed help up there, esp. since there were 2 working for the State. She said to me, that she is prepared and that the jury will see them as bullying since she is alone.

Were they allowed to play James's police video interrogation even though he wasn't arrested until the next day? James was confused, in disbelief, heartbroken and distraught. He was trying his best to communicate in his distress that he needed a lawyer or counselor or something. Isn't a lawyer considered a counselor? And why would they redact that part, if not to hide their mistake?

Anna had many pictures of friends, their postings and comments to James and private messages. She also had pictures of their clothing which they lied about. They claimed in court, "no friends, sheltered, clothing restrictions. Anna had private messaging between James and Tammy, made that year, in which Tammy was apologizing for what "she" had put their family through and that her sister tried to tell her. She had it all in her file and yet she sat on it.

Breana was sent to stay with Tammy's sister, Debbie (a few months after they moved to Florida), when she called me wanting to see James while he was in detention. (She knew that she could deny it in court since we weren't allowed to testify and she was afraid of Tammy finding out.) She called me another time and said that she wanted to talk to James's attorney. I contacted Anna to request this. Anna replied that she didn't need to talk to her and just to have her write it down and get it notarized. (Also see email) Breana was 17 and as a very undereducated, unskilled reader and writer, she wasn't comfortable doing this. I told her that I couldn't do it for her.

It is the opinion of everyone that witnessed what was going on in this case, that Tammy orchestrated this entire situation. She knew that she could get angry, rebellious, and emotional, 17 year old Britly on board. Tammy took advantage and then manipulated her because Tammy wanted to get away, and take the kids along with all of their assets. They were so excited about moving to Florida (I personally witnessed this). This was all about Tammy. See her FB post before moving, "***Moved up moving date, Yea me! Bye Bye South Carolina, and Hello to the rest of MY life***". When I returned Tammy's missed call after receiving her message that was left for me on Aug 11, 2012, (after James's arrest), she answered and the first thing that she said to me was, "*can you believe this is happening to me again?*" When I asked her, how is Britly, she said to me, "*Oh*

8

Britly's fine, I'm the one that's not." Later when I asked her why she let 24 year old, Mark Stokes spend the night in the house 2 days later, she replied that he was helping her but she ran him off the next morning after coming downstairs and finding him and Britly all over each other. I then ask her why she didn't call the police and she said that Britly's an adult. I told her that Britly is an emotionally disturbed 17 year old whether this is all true or not, and that she better watch her. Look at the many attached posts after James was arrested, no one was upset. They were out having fun, posting on FB, and spending a lot of money. Everybody witnessed that they didn't seem upset at all. We also noticed that Tammy's appearance had drastically improved over the past 6 months, like we had never seen before.

Tammy had her dad (Jim Blessing) arrested in 2008 in Kershaw County, for criminal sexual misconduct for molesting their son Collin and then found out that it included Debbie's son as well . He went to prison. In court Tammy lied and said it was in 2006 and denied having done it herself even though she wrote on her victim assessment form, that she did. The family was visiting us in early 2009 after he went to prison, and Tammy began to tell us about her dad going to prison. I ask her if it wasn't hard for her to do, (meaning emotionally) but she quickly replied, *"Not in SC. In SC you don't have to prove it."* I also ask her what about when he gets out and she replied that he will never get out, he will die in prison. Tammy is the only one in her family that talks to her dad. She now has his POA. Another conflict in all of this is that Anna Good represented Jim Blessing at his last hearing. I have attached copies of both. I tell you these things to lay out a history of Tammy's behavior and also to show you what the importance of witnesses would have been. Anna did ask Tammy about her dad briefly and then dropped it. I told her several times to subpoena sister, Debbie.

Lastly, Tammy moves to Florida after selling James truck, tools, trailers, possessions, empties their personal and business accounts, packs her and the kids up, and gets a u-haul all in ONE MONTH! Who can do that without planning, and according to Breana, Jason Price (now Tammy's husband) moves in with them 2 weeks later? (Anna brought this up in trial but didn't stick with it.) What mother does that after what her children have just been put through? 5 children,

3 young ones, and 2 teenage twin girls, for which one of them had just been sexually abused by a husband and father that they all loved and trusted. A normal mother in this kind of situation wouldn't have trusted anyone around her kids, especially so soon. She was still legally married to James. She also let Jason Price (before they were married) take Emma and her friend, out of town on a trip to Mardi Gras, alone. Why wasn't she worried about Jason molesting Emma? Any mother would have been paranoid to let her young daughter out of her sight, much less go on a trip alone with someone that wasn't her father. Her sister, Debbie Perry, can confirm this.

Tammy's sister, Debbie, has cancer. She wants and is willing to testify but needs to do it soon since she has had a relapse. She was very involved with Tammy from the beginning and her testimony is and would have been crucial. Read the letter that she recently wrote to James in prison. Anna could have called her when she was healthy but Anna didn't want to take the time to prepare any of us. I don't know if she was just lazy, disinterested, overconfident, or just too inexperienced to take this case. The state relied mostly on the detective's comments concerning the arrest scene and Dr. Foster and Dr. Luberoff. Their case was weak, just like Anna said, but if she had called personal witnesses (me, sister, Debbie, Mike Norwood, Cathy Harrelson), called in independent expert witnesses, sought records, studied the discovery, and prepared James, this case would have been won.

See, SC vs Billy Lemurs Taylor, (attached) Allen charge error: pg 9. "This case will have to be retried," and "Your verdict must be unanimous." Judge Gee made the same statements when the jury said that they were at an impasse. **"This case is going to be retried"** (pg 646) and, **"your verdict must be unanimous"** (pg 633) and **"Ladies and gentlemen, your verdict must be a unanimous one,"** (pg 634). She also said on pg 628, **"You may also consider the appearance and manner of a witness while on the witness stand."** Even though James wasn't on the witness stand, it seemed that she was referring to him indirectly and drawing attention to his appearance, considering the fact that he wore the same clothes everyday and couldn't shower all week. (See his attached booking picture taken right after trial.) There is no one else that she could have been referring to. Judge Gee had an

appointment for an MRI or CT scan one morning that we had started late. She could not use her arm as it was in a sling. Her FB posts after trial stated that she had bad news. In another post soon after, she tells her daughter, *"I'm getting rid of the bad guys."* She went in to talk to the jury many times while they were deliberating. Would there be a record of times that she went in? The judge told the trial attorneys that she was going in to talk to the jurors one last time before she issued a mistrial. Right after, the jurors came out with a guilty verdict. Of course we were shocked! At the end of that day, there was going to be a verdict or mistrial, one way or another. Read her comments before deliberations began, ***"I do not anticipate this trial going beyond this week if anyone was concerned about it bleeding over into Monday. That's not on the radar screen that that would happen in this case."*** (Pg 552, lines 18-21). She made other comments concerning time, on pg's 636,640,641,644 645. There were 4 jury holdouts for the defense. Can they be interviewed? She wasn't well. Perhaps she wasn't in a good enough mental or physical condition to preside over this trial.

See attached: Sc v. Nathaniel Witherspoon, concerning the 16-3-657 rule. Even though Judge Gee didn't charge the jury with this herself, she told the solicitor twice, at the beginning and before closing arguments, that she could use it in her closing statement. This was sneaky. Anna did not object.

Other cases that may be of interest:

State v Stukes 2015-00908 (concerning using 16-3-657)

Tapenier v SC 2013-001885, (prejudiced by deficient performance.)

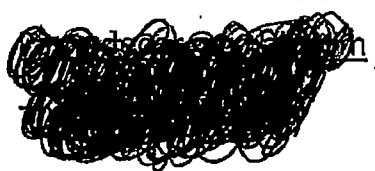
When I read the manual for applying for PCR it said to give some information but not all and then preserve it. I did that to the best of my understanding. James didn't understand the application at all. Please add any additional information that you can. Please add the bolstering of the police officers and of Susan Luberoff, and apply Rule 59 SCRPC, so that the PCR Court will review each issue in the application and also to preserve them for further review. (See, Mangal and Herbert vs State.)

Tammy, Britly and Breana all testified that James always wore a gun and they were scared. (They didn't mention this before court). James knew that he couldn't be caught with a gun. Tammy insisted that morning that he put on a gun in case they saw a snake while horseback riding. Ask James about this. He thought it was strange. Britly said he had his gun around his waist during sex. She didn't mention this in forensic interviews or statements to police (written and oral). Yet they all said that he had never hurt or harmed them in any way. They came up with this fabrication 3 ½ years later because their case was weak.

Please get the forensic interview videos. Britly is all over the place in the transcript of the interview. Her stories are bizarre and full of drama. At one point, Britly says that it was raining outside that day and that she just sat on the dock in the rain for 2 hours crying. It wasn't raining at all that day (see attached weather history, 0 precipitations). Britly also seemed to know an awful lot of detail as to what was going on in the house and things that were being said. Why wouldn't the State submit the video into evidence, play it for the jurors, or call the forensic interviewer in^{X6} testify? Their testimonies were very conflicting compared to the forensic interviews. (In another appeal that I read, the judge wrote that it is unusual for the prosecution not to present a forensic video of a child over 12), Britly was 17. If Anna had reviewed the video, she would not have missed so many conflicting statements and obvious fabrication. The solicitor said in her closing argument that **"We can't just play a 2 ½ hour interview for you"**. Well why not? I went over that interview several times with a timer, and also while reading it out loud, mimicking an interview, and still couldn't get past 1 hour. Breana's interview was about 15 min. and Emma's was around 10 minutes. It is also suspicious as to why the State didn't call the DSS social worker to testify. Tammy told me that DSS was coming and that she had to have a car or they would take her kids (see attached FB pm's). I also spoke to DSS. I was told that Tammy would have to register with DSS in Florida and get Britly counseling, when she moved. Check if there are any records of her doing it? I think DSS was putting pressure on Tammy and causing her to panic that she would be exposed. I took her a car. Right after, she packed up and got out of town.

I hope this all scanned well to the flash drive. My copy of the transcript is also cross referenced throughout, and may be of help to you regarding time. Anna sent me the discovery several weeks after trial. James sent me his copy of the transcript that he received from his appellate attorney. He cannot keep anything in his possession concerning this case for reasons of safety. He forwards most everything to me. That is why he wanted you to talk to me first. He awaits your visit. Please contact me if you have any questions or need more information.

Pam Edwards



Julie Taylor

From: Scott Kerns [scottkerns@me.com]
Sent: Wednesday, March 09, 2016 8:42 AM
To: Julie Taylor
Cc: Suzie Kerns
Subject: MRI lumbar spine DOS 3/8/16

James Miller (12-14-76)

1. Left central disc herniation at L4/5, extending behind superior endplate of L5. Causes compression of thecal sac.
2. Right foraminal disc herniation at L5/S1, compressing right L5 nerve root. This is significant. He describes to me a right-sided radiculopathy.
3. Spondylolysis at L5 without spondylolisthesis.
4. Facet DJD at L5/S1 bilaterally. Contributes to compression of L5 nerve root on right. Facet DJD can cause pain in and of itself.
5. Modic type I endplate changes, far right lateral, at L5/S1 in conjunction with #2 above. This is an inflammatory response and can cause pain.

This is what was
handed to Judge

3/9/2016

James W. Miller 367454

Hq-0020-A

Allendale Correctional Inst.

P.O. Box 1151

1057 Revolutionary Trail

Fairfax, SC 29827

RECEIVED

DEC 16 2022

SUPREME COURT

The Honorable Supreme Court of SC

P.O. Box 11330

Columbia, SC 29211