



March 7, 2017

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
PO Box 11330
Columbia, SC 29211

RECEIVED

MAR 10 2017

S.C. SUPREME COURT

RE: Billy Shane Miller #259358 vs. State of South Carolina
Appellate Case No.: 2016-001990
Lower Court Case No.: 2013-CP-42-3190

Dear Mr. Shearouse:

Please find enclosed for filing the original Petition for Appeal Bond and six copies in the above referenced matter. I am also enclosing an original of the Certificate of Service by Mail on opposing counsel, Alicia Olive.

I thank you in advance for your assistance with this matter.

With kind regards, I am

Sincerely yours,


Andrew J. Johnston

cc: Alicia A. Olive, Assistant Attorney General (with enclosures)

Andrew J. Johnston, Attorney-at-Law

184 N. Daniel Morgan Ave. | Spartanburg, SC 29306 | Mailing: PO Box 3252 | Spartanburg, SC 29304-3252
Phone: (864) 591-1093 | Telefax: (864) 591-1371 | www.spartanburglegal.com

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

MAR 10 2017

S.C. SUPREME COURT

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
Post Conviction Relief

Honorable Larry B. Hyman, Jr., Circuit Court Judge

Case No.: 2013-CP-42-3190
Appellate Case No.: 2016-001990

Billy Shane Miller,.....Respondent,

vs.

State of South Carolina,.....Petitioner.

PETITION FOR APPEAL BOND

Respondent, through his undersigned counsel, respectfully petitions this Court for an appellate bond pursuant to Rule 240, SCACR, and Rule 243(k), SCACR. The Respondent is requesting an appellate bond during the pendency of the State's appeal of the Order Granting Application for Post Conviction Relief, which was signed by the Honorable Larry B. Hyman, Jr., on August 4, 2016, and on file with this Court.

POST CONVICTION RELIEF PROCEDURAL HISTORY

This matter came before the lower court by way of an Application for Post Conviction Relief filed in Spartanburg County on August 12, 2013. The day that the Application for Post Conviction Relief was filed, Respondent, through counsel, filed alleging ineffective assistance of counsel in the following particulars:

- 1.) Failed to ask for not guilty verdict and in fact asked for guilty verdict and failed to call important witnesses to testify; and
- 2.) Failure to investigate and interview witnesses.

The State made its return on or about July 10, 2014.

An evidentiary hearing into the matter was held on November 9, 2015 at the Spartanburg County Courthouse before the Honorable Larry B. Hyman, Jr., Respondent was present at the hearing and was represented by Timothy Ray, Esquire. The State was represented by Alicia Olive, Assistant Attorney General.

During the hearing, Respondent testified on his own behalf. Respondent's counsel also called Shadon Miller, Sharon Miller, Jonathan Isom, Bryan Black, David Freeman and Michael Kimbrell to the stand. Respondent's counsel introduced two exhibits. The State called Andrea Price, Esquire, to the stand. The lower court also had before it a copy of the Application, The State's Return, Respondent's Amendment, the records of the Spartanburg County Clerk of Court concerning the subject conviction, the trial transcript, and Respondent's records from the South Carolina Department of Corrections.

At the close of the hearing, the Honorable Larry B. Hyman, Jr., agreed with Petitioner and on January 8, 2016, signed an Order granting Petitioner's request for a new trial as to his convictions of Criminal Sexual Conduct with a Minor 2nd Degree and Criminal Sexual Conduct 3rd Degree; and denying Petitioner's request for relief as it pertained to his conviction of Contributing to the Delinquency of a Minor, which was filed on January 12, 2016. Thereafter, the State filed a Motion to Reconsider This motion was heard on July 7, 2016, and again, after reviewing the record of the trial, hearing the testimony presented in the Post Conviction Relief hearing, and considering the statements made by counsel for the parties, the Honorable Larry B.

Hyman, Jr., issued a written Order, filed August 24, 2016, upholding Petitioner's requested relief and granting a new trial as to his convictions of Criminal Sexual Conduct with a Minor 2nd Degree and Criminal Sexual Conduct 3rd Degree, denying Petitioner's requested relief as to his conviction of Contributing to the Delinquency of a Minor, and denying the State's Motion to Reconsider.

On September 23, 2016, the State filed a Notice of Intent to Appeal. The State has recently received two extensions through December 28, 2016 to serve and file the Petition for Writ of Certiorari and Appendix.

GENERAL SESSIONS PROCEDURAL HISTORY

Respondent is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Spartanburg County Clerk of Court. During the May 2008 term of the Spartanburg County Grand Jury, Respondent was indicted for Criminal Sexual Conduct with a Minor 2nd Degree (Indictment No.: 2008GS4202594), Criminal Sexual Conduct 3rd Degree (Indictment No.: 2008GS4202593) and Contributing to the Delinquency of a Minor (Indictment No.: 2008GS4202592). On April 12, 2011, a jury trial was conducted in Spartanburg County in front of the Honorable J. Derham Cole. Respondent was represented by Andrea Price, Esquire. The jury returned a verdict of guilty on Criminal Sexual Conduct with a Minor 2nd Degree, Criminal Sexual Conduct 3rd Degree, and Contributing to the Delinquency of a Minor. On April 13, 2011, the Honorable J. Derham Cole sentenced Respondent to confinement for a term of twenty (20) years, suspended upon the service of twelve (12) years and three (3) years probation and sex offender registry, ten (10) years concurrent, and three (3) years concurrent, respectively.

GROUND IN SUPPORT OF REQUEST FOR BOND

By way of Order Granting Application for Post Conviction Relief as to the convictions for Criminal Sexual Conduct with a Minor 2nd Degree and Criminal Sexual Conduct 3rd Degree, the

Honorable Larry B. Hyman, Jr., granted the Respondent relief on the issue of ineffective assistance of trial counsel. In the detailed and well-reasoned Order the lower court addressed counsel's failure to prepare and investigate and held as follows:

As defense counsel, a strategic decision must be reasonable, and at a minimum, witnesses best be interviewed to determine if their testimony could be helpful. As the South Carolina Supreme Court has stated in *Ard v. Catoe* 372 S.C. 318 (2007) defense counsel must conduct a reasonable investigation, and at a minimum, defense counsel must interview potential witnesses and conduct an independent investigation into the facts and circumstances of the case. This Court finds that Defense counsel's strategic decision not to attempt to interview any of the potential witnesses on the list that was given to her, especially considering the testimony of four of those witnesses presented to this Court, was unreasonable and Defense counsel was ineffective in assisting Petitioner in the trial of his case.

Order (Aug. 24, 2016) p. 2.

Turning to the witnesses called at the evidentiary hearing, the lower court held:

Next, this Court must look at the facts of the case and the testimony that some of the witnesses would have presented at trial if defense counsel had interviewed them and subpoenaed them to testify. Impeaching the Defendant's accuser became paramount in this case because her testimony was the only evidence that alleged that the Defendant knew her age, and that she was incapacitated and helpless to resist when the Defendant engaged in intercourse with her. The testimony of Petitioner's witnesses would have directly contradicted the alleged victim's testimony. This Court finds it very likely that the Defendant's trial would have had a different outcome by the strength of this testimony alone. However, that testimony would be given greater deference when combined with the social media evidence that was presented at trial and would have increased the likelihood that the trial would have resulted in a favorable verdict for the Defendant.

Order (Aug. 24, 2016) pp. 2-3.

In considering the prejudicial effect to Defendant for defense couldn't failure to present witness testimony at the trial, the lower court further held that:

Additionally, the witness testimony, also gave insight into the alleged victim's awareness of what was going on around her. The testimony tended to show that the alleged victim knew what was happening to her and around her until she later took a Valium when she arrived to a different friend's home. One particular witness even testified how the alleged victim answered the door when he knocked, and stated that she was topless and had a conversation with him.

Order (Aug. 24, 2016) p. 3.

Regarding how the witness testimony would have assisted Defendant and defense counsel's trial strategy, the lower court held:

The seriousness of Petitioner's charges and the evidence against him required that defense counsel interview witnesses. Without the knowledge of what a witness will say, defense counsel has no ability to determine if such witness will fit into her trial strategy. In this case, it appears that defense counsel chose to attack the alleged victim's credibility, and the fact that she held herself out to be older. The testimony of the witnesses would have been used for that exact defense. The testimony would have also been used to show that the alleged victim was conscious and aware of what was occurring when the Defendant engaged in sexual intercourse with her.

Order (Aug. 24, 2016) p. 3.

In discussing the persuasiveness of the witness testimony, the lower court held:

The Defendant was charged with very serious crimes, and when given a list of possible witnesses who may be able to present testimony that would help the Defendant, it is the responsibility of defense counsel to attempt to interview those witnesses. Here, if Defense Counsel had attempted to interview the witnesses, at least the witnesses that have now testified, she would have realized that their testimony was vital to the defense of the case. Furthermore, it is the opinion of this Court that if the testimony that has now been presented to this Court is very persuasive in favor of the Defendant, and if such would have been presented to the jury at the trial of the case, then the outcome would have most likely been in favor of the Defendant.

Order (Aug. 24, 2016) p. 3. Respondent would urge this Court to find that there is a good probability that he will prevail on appellate review due to the highly detailed and well-reasoned findings of the lower court as summarized above.

While incarcerated, Respondent has worked towards rehabilitation and remained actively involved in the lives of his family and friends. Respondent has had no disciplinary actions while incarcerated and has been assigned to several jobs such as wardkeeper, general worker, and machine operator with no known issues. While incarcerated, he has also obtained a GED and an auto body certificate and has worked to maintain seven (7) years of sobriety.

As is stated in her attached letter, Respondent's 16-year-old daughter, Heaven Miller, has managed to maintain a close and loving relationship with a father that has been away for some of the most crucial moments of a young girl's life. She is very mature for her age, as evidenced in her letter, by recognizing that he is a flawed man with a difficult past that has made efforts to better himself and develop a close relationship with his daughter. As also evidenced in their attached letters, Respondent has the support of many of his close relatives that all live near one another. Respondent, if released, will reside with his mother and father, Sharon and Harold Miller, and will be employed with Sparkle City Motors. The owner of Sparkle City Motors, Nabil Saleh, has written stating that he will work with Respondent's potential co-workers to ensure they help Respondent with starting his new life.

Respondent's 81-year-old, and only remaining, grandmother has also written in support of his release on bond. It is evident from the many letters from Respondent's sister, Amanda Miller, brother, Ernie Miller, aunt, Janice Horton, parents, Sharon and Harold Miller, daughter, Heaven Miller, potential employer, Nabil Saleh, and other close friends, Amanda Bishop, Donna Bishop, and Heather Fowler, that have known him for many years that Respondent has a strong and large network of supporters that will assist him if released and welcome him back with open arms and that he does not present a flight risk or a concern for the community. The Respondent has also obtained one hundred forty-seven (147) signatures of community members with their contact information for this Court to show the immense community support waiting for him.

Respondent has prepared a comprehensive plan for employment and a secure home environment, as evidenced by the attachments, which he will immediately put into place if this Court grants this Petition. Furthermore, the Respondent has the support of his family and community. It is clear that Respondent has a strong community of supporters and he respectfully

requests the opportunity to rejoin his community. Respondent has included a brief letter and supporting documents, a copy of which is attached, to this Court to explain his request for appellate bond in his own words

Based upon the strength of the lower court's ruling, the reasons set forth in his letter, his comprehensive plan, the support of his family and outpouring support and affirmation from the community, Respondent submits this his case presents an extraordinary circumstance that warrants the granting of this Petition. Therefore, Respondent would respectfully request that his Court grant his Petition for an Appellate Bond Pursuant to Rule 240, SCACR, and Rule 243(k), SCACR.

Respectfully submitted,



Timothy M. Ray
184 N. Daniel Morgan Ave.
Spartanburg, SC 29306
(864) 542-2800
Attorney for Respondent



Andrew J. Johnston
184 N. Daniel Morgan Ave.
Spartanburg, SC 29306
(864) 591-1093
Attorney for Respondent

March 7, 2017

Spartanburg, South Carolina

Dear Judge

My name is Billy Shane Miller
I'm writing to ask to be granted a
bond. I was granted a new trial on
Nov. 9, 2015 and again July 7, 2016.
I have been incarcerated since 2010.
I have gave my life to God and have
changed my hole life. I thank God for
taking me away and opening my eyes
to a new life. Since comming to Prison
I've not been in any trouble. I got
my GED, I've allways worked in Maintenance
at Kershaw. Since being at Tyger River I
have been blessed with a PI job. I have
been able to pay on my child support and
take care of my self. I've also been in
Auto body collision and repair class for
over 2 years I have my level 1 and 2
certificetes and working on my level 3.
I've accomplished alot. Your Honor I have
a great family that will help me. I have
a job waiting for me. I have a place
to stay. My Daughter is 16 I have missed
her growing up. I would love to see her
finish growing up and graduate. My Dad
is in bad Health and would really love

to spend with him and all my family.
Your Honor I've done the best I could
being in Prison. I hope my actions over
the last 7 years shows I've made some
positive changes in my life. I would
greatly appreciate it to be granted
an appeal bond.

Thank you.

Stane Miller

PACSTMT

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
PRISON INDUSTRIES ACCOUNTING
EARNINGS AND DEDUCTIONS STATEMENT
PAYROLL DATE 12/16/16

SCDC ID 00259358 MILLER, BILLY SHANE
LOCATION : 0161 TYGER RIVER
PLANT CODE : 345 ANDERSON HARDWOOD- PIE
HOURS WORKED: 69.00 HOURLY RATE: 7.36

TRANSACTION DESCRIPTION	PAYEE	MEMO AMOUNT	DEPOSIT AMOUNT	WITHDRAWAL AMOUNT	BALANCE
BEGINNING BALANCE					2,814.03
GROSS PAY		695.52			
FEDERAL TAX		.00			
FICA		53.21			
STATE TAX		.00			
OTHER CG DEDUCTIONS		.00			
NET PAY			642.31		3,456.34
COURT ORDER: SUPPORT	SPARTANBURG CO. FAMILY COURT			243.43	3,212.91
PGM FEE: VICTM COMP	GOV OFFICE - VICTIM ASSISTANCE			69.55	3,143.36
VICTIM COMP-SCDC	SCDC /VICTIM ASSISTANCE WAGE R			69.55	3,073.81
CASH FOR INMATE	E. H. COOPER TRUST FUND			190.23	2,883.58

PACSTMT

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
PRISON INDUSTRIES ACCOUNTING
EARNINGS AND DEDUCTIONS STATEMENT
PAYROLL DATE 01/01/17

SCDC ID 00259358 MILLER, BILLY SHANE
LOCATION : 0161 TYGER RIVER
PLANT CODE : 345 ANDERSON HARDWOOD- PIE
HOURS WORKED: 80.00 HOURLY RATE: 7.36

TRANSACTION DESCRIPTION	PAYEE	MEMO AMOUNT	DEPOSIT AMOUNT	WITHDRAWAL AMOUNT	BALANCE
BEGINNING BALANCE					2,883.86
GROSS PAY		779.24			
FEDERAL TAX		.00			
FICA		59.61			
STATE TAX		.00			
OTHER CG DEDUCTIONS		.00			
NET PAY			719.63		3,603.49
COURT ORDER: SUPPORT	SPARTANBURG CO. FAMILY COURT			272.73	3,330.76
PGM FEE: VICTM COMP	GOV OFFICE - VICTIM ASSISTANCE			77.92	3,252.84
VICTIM COMP-SCDC	SCDC /VICTIM ASSISTANCE WAGE R			77.92	3,174.92
CASH FOR INMATE	E. H. COOPER TRUST FUND			213.14	2,961.78

11
77 92
77 92
155 84
59 61

215 45

PACSTMT

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
PRISON INDUSTRIES ACCOUNTING
EARNINGS AND DEDUCTIONS STATEMENT
PAYROLL DATE 01/13/17

SCDC ID 00259358 MILLER, BILLY SHANE
LOCATION : 0161 TYGER RIVER
PLANT CODE : 345 ANDERSON HARDWOOD- PIE
HOURS WORKED: 72.75 HOURLY RATE: 7.36

TRANSACTION DESCRIPTION	PAYEE	MEMO AMOUNT	DEPOSIT AMOUNT	WITHDRAWAL AMOUNT	BALANCE
BEGINNING BALANCE					2,961.78
GROSS PAY		596.16			
FEDERAL TAX		.00			
FICA		45.60			
STATE TAX		.00			
OTHER CG DEDUCTIONS		.00			
NET PAY			550.56		3,512.34
COURT ORDER: SUPPORT	SPARTANBURG CO. FAMILY COURT			208.66	3,303.68
PGM FEE: VICTM COMP	GOV OFFICE - VICTIM ASSISTANCE			59.62	3,244.06
VICTIM COMP-SCDC	SCDC /VICTIM ASSISTANCE WAGE R			59.62	3,184.44
CASH FOR INMATE	E. H. COOPER TRUST FUND			163.04	3,021.40

PACSTMT

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
PRISON INDUSTRIES ACCOUNTING
EARNINGS AND DEDUCTIONS STATEMENT
PAYROLL DATE 02/01/17

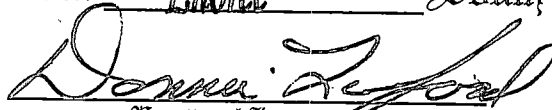
SCDC ID 00259358 MILLER, BILLY SHANE
LOCATION : 0161 TYGER RIVER
PLANT CODE : 345 ANDERSON HARDWOOD- PIE
HOURS WORKED: 99.75 HOURLY RATE: 7.36

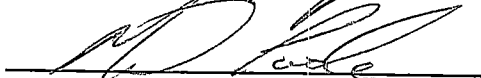
TRANSACTION DESCRIPTION	PAYEE	MEMO AMOUNT	DEPOSIT AMOUNT	WITHDRAWAL AMOUNT	BALANCE
BEGINNING BALANCE					3,021.40
GROSS PAY		905.28			
FEDERAL TAX		.00			
FICA		69.26			
STATE TAX		.00			
OTHER CG DEDUCTIONS		.00			
NET PAY			836.02		3,857.42
COURT ORDER: SUPPORT	SPARTANBURG CO. FAMILY COURT			316.85	3,540.57
PGM FEE: VICTM COMP	GOV OFFICE - VICTIM ASSISTANCE			90.53	3,450.04
VICTIM COMP-SCDC	SCDC /VICTIM ASSISTANCE WAGE R			90.53	3,359.51
CASH FOR INMATE	E. H. COOPER TRUST FUND			247.58	3,111.93

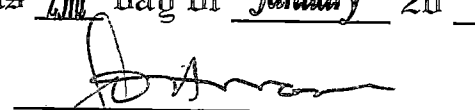
Palmetto Unified School District
Presents
This Vocational Certificate

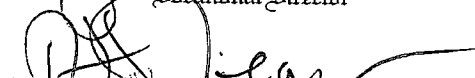
Be It Known that Billy Miller has satisfactorily
completed a 10 hour course of instruction in Safety Orientation
and on the recommendation of the Principal and Faculty the Palmetto Unified School
District awards this certificate

Given at Enoree South Carolina, this 23rd day of January 20 15


Vocational Instructor


Principal/Lead Teacher


Vocational Director


Superintendent

Palmetto Unified School District
Presents
This Vocational Certificate

Be It Known that Billy Miller has satisfactorily
completed a 200 hour course of instruction in Collision Repair One
and on the recommendation of the Principal and Faculty the Palmetto Unified School
District awards this certificate

Given at Enoree South Carolina, this 15th day of July 20 15

Donnie Lempford
Vocational Instructor

Martha Mays
Principal/Lead Teacher

John C. Gibson
Vocational Director
R. A. Jay
Superintendent

Auto Body Repair Competencies

Rating scale:

3	Skilled	Works independently with no supervision		
2	Semi Skilled	Performs job completely with limited supervision		
1	Not Skilled	Requires instruction and close supervision		
N	No Exposure	Has no experience or knowledge in this area		
AUTOBODY 1				
3	2	1	N	
X				Perform safe work practices
X				Proper identification of hand and power tools
X				Identification of different types of vehicle construction
X				Identification of different grits of sandpaper
X				Demonstrate life skills
X				Completion of tool and theory test
AUTOBODY 2				
3	2	1	N	
			X	Demonstrate oxyacetylene cutting and welding skills
			X	Demonstrate MIG welding skills
			X	Demonstrate basic panel repair skills
			X	Demonstrate skills required to remove and replace trim, accessories and hardware
			X	Demonstrate the application of primer undercoats
			X	Completion of Autobody 2 Exam
AUTOBODY 3				
3	2	1	N	
			X	Identify refinishing equipment
			X	Demonstrate the proper use of refinishing equipment
			X	Demonstrate skills required to repair plastic parts
			X	Demonstrate painting skills
			X	Demonstrate auto body repair estimating skills
			X	Completion of Autobody 3 Exam

Soft (Pro-Social) Skills are rated as Acceptable (A) or Unacceptable (U)

		Exhibits Soft Skills
X	U	Ability to Accept Constructive Criticism
X		Adaptability
X		Attendance
X		Dependability
X		Leadership / Supervisory
X		Listening Skills
X		Overall Work Performance
X		Punctuality
X		Teamwork

Palmetto Unified School District

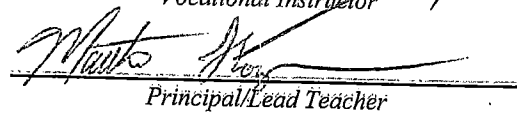
Presents

This Vocational Certificate

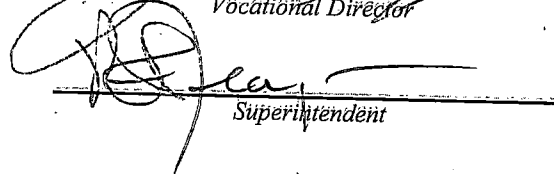
*Be It Known that BILLY SHANE MILLER has satisfactorily
completed a 500 hour course of instruction in VOCATIONAL AUTO BODY II
and on the recommendation of the Principal and Faculty, the Palmetto Unified School
District awards this certificate*

Given at TYGER RIVER South Carolina, this 27 day of May, 2016


Vocational Instructor


Principal/Lead Teacher


Vocational Director


Superintendent

Auto Body Repair Competencies

Rating scale:

3	Skilled			Works independently with no supervision
2	Semi Skilled			Performs job completely with limited supervision
1	Not Skilled			Requires instruction and close supervision
N	No Exposure			Has no experience or knowledge in this area
3	2	1	N	AUTOBODY 1
/	/			Perform safe work practices
/	/			Proper identification of hand and power tools
/	/			Identification of different types of vehicle construction
/	/			Identification of different grits of sandpaper
/	/			Demonstrate life skills
/	/			Completion of tool and theory test
3	2	1	N	AUTOBODY 2
/	/		/	Demonstrate oxyacetylene cutting and welding skills
/	/		/	Demonstrate MIG welding skills
/	/		/	Demonstrate basic panel repair skills
/	/		/	Demonstrate skills required to remove and replace trim, accessories and hardware
/	/		/	Demonstrate the application of primer undercoats
/	/		/	Completion of Autobody 2 Exam
3	2	1	N	AUTOBODY 3
/	/		/	Identify refinishing equipment
/	/		/	Demonstrate the proper use of refinishing equipment
/	/		/	Demonstrate skills required to repair plastic parts
/	/		/	Demonstrate painting skills
/	/		/	Demonstrate auto body repair estimating skills
/	/		/	Completion of Autobody 3 Exam

Soft (Pro-Social) Skills are rated as Acceptable (A) or Unacceptable (U)

A	U	Exhibits Soft Skills
/	/	Ability to Accept Constructive Criticism
/	/	Adaptability
/	/	Attendance
/	/	Dependability
/	/	Leadership / Supervisory
/	/	Listening Skills
/	/	Overall Work Performance
/	/	Punctuality
/	/	Teamwork

SOUTH CAROLINA



HIGH SCHOOL EQUIVALENCY DIPLOMA

Be it known that **BILLY MILLER** has satisfactorily completed the Tests of General Educational Development and upon the recommendation of the Director of the Office of Adult Education of the State Department of Education, the State Board of Education awards this diploma, which is regarded to be equivalent to the high school diploma. Given at Columbia, South Carolina, August 18th, 2011.

Henita Protlewitz

CHAIR, STATE BOARD OF EDUCATION

Mick Fawcett

STATE SUPERINTENDENT OF EDUCATION

Nikki Haley

GOVERNOR OF SOUTH CAROLINA

David B. Smith, Jr.

STATE GED ADMINISTRATOR



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GED Testing Office

Suite 402

1429 Senate Street

Columbia, SC 29201

Phone: 803-734-8347 Fax: 803-734-8336

Candidate's Name

Last Name: MILLER

First Name: BILLY

MI:

Date of Birth: 11/24/1977

Address: 4848 GOLD MINE HWY

KERSHAW, SC 29067

Social Security Number: xxx xx XXXX

GED Administrator:

David B. Stout, Jr.

Date: Wednesday, August 24, 2011

Test Name	Standard Score (out of 800)	Percentile Rank	Test Date (mm/dd/yy)	Test Form Used
Language Arts, Reading	470	38	8/18/2011	IE
Language Arts, Writing	440	27	8/18/2011	IE
Mathematics	490	46	8/18/2011	IE
Science	520	58	8/18/2011	IE
Social Studies	510	54	8/18/2011	IE
Pass / Non-Pass:	Pass	2430	Battery Avg:	486

Center Name: Lee DOC - SC Dept. of Ed.

Test Center ID No.: 3000430032

Test Format: EP

Please note: If candidate has taken GED tests more than once, only the highest scores will appear on the transcript

Total Battery:

You have demonstrated the 21st century skills of:
-Communication
-Information processing
-Problem solving
-Higher order thinking skills
in the five tests areas (Reading, Writing, Mathematics, Science, and Social Studies) to perform effectively in the workplace or in higher education.

Language Arts, Reading

Your score meets or exceeds the GED passing score requirement. You demonstrated essential reading skills in the following areas: comprehending, analyzing, evaluating, and synthesizing workplace and literary texts.

Language Arts, Writing

Your score meets or exceeds the GED passing score requirement. You demonstrated essential skills in the following areas: using the elements of standard English to edit workplace and informational documents and to generate well-organized and developed written text.

Mathematics

Your score meets or exceeds the GED passing score requirement. You demonstrated essential skills in the following areas: understanding and interpreting mathematical concepts in algebra; data analysis, statistics, geometry, and number operations applied to visual and written text from academic and workplace contexts.

Science

Your score meets or exceeds the GED passing score requirement. You demonstrated essential skills in the following areas: understanding, interpreting, and applying concepts of life, earth and space sciences, physics, and chemistry to visual and written text from academic and workplace contexts.

Social Studies

Your score meets or exceeds the GED passing score requirement. You demonstrated essential skills in the following areas: understanding, interpreting, and applying key history, geography, economics, and civics concepts and principles to visual and written text from academic and workplace contexts.

SOUTH CAROLINA



HIGH SCHOOL EQUIVALENCY DIPLOMA

Be it known that **BILLY MILLER** has satisfactorily completed the Tests of General Educational Development and upon the recommendation of the Director of the Office of Adult Education of the State Department of Education, the State Board of Education awards this diploma, which is regarded to be equivalent to the high school diploma. Given at Columbia, South Carolina, August 18th, 2011.

Genita Protlewit
CHAIR, STATE BOARD OF EDUCATION

Mick Fais
STATE SUPERINTENDENT OF EDUCATION

Nikki Haley
GOVERNOR OF SOUTH CAROLINA

David B. Stat, Jr.
STATE GED ADMINISTRATOR



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GED Testing Office
Suite 402
1429 Senate Street
Columbia, SC 29201
Phone: 803-734-8347 Fax: 803-734-8336

Candidate's Name:

Last Name: MILLER First Name: BILLY MI: Date of Birth: 11/24/1977
Address: 4848 GOLD MINE HWY
KERSHAW, SC 29067
Social Security Number: XXX-XX-XXXX

GED Administrator: David B. Stahl, Jr.
Date: Wednesday, August 24, 2011

Test Name	Standard Score (out of 800)	Percentile Rank	Test Date (mm/dd/yy)	Test Form Used
Language Arts, Reading	470	38	8/18/2011	IE
Language Arts, Writing	440	27	8/18/2011	IE
Mathematics	490	46	8/18/2011	IE
Science	520	58	8/18/2011	IE
Social Studies	510	54	8/18/2011	IE
Pass / Non-Pass: Pass	2430	Battery Avg:	486	

Center Name: Lee DCC - SC Dept of Ed
Test Center ID No.: 3000430032
Test Format: EP

Please note: If candidate has taken GED tests more than once, only the highest scores will appear on the transcript.

Total Battery

You have demonstrated the 21st century skills of:
- Communication
- Information processing
- Problem solving
- Higher order thinking skills
in the five tests areas (Reading, Writing, Mathematics, Science, and Social Studies) to perform effectively in the workplace or in higher education.

Language Arts, Reading

Your score meets or exceeds the GED passing score requirement. You demonstrated essential reading skills in the following areas: comprehending, analyzing, evaluating, and synthesizing workplace and literary texts.

Language Arts, Writing

Your score meets or exceeds the GED passing score requirement. You demonstrated essential skills in the following areas: using the elements of standard English to edit workplace and informational documents and to generate well-organized and developed written text.

Mathematics

Your score meets or exceeds the GED passing score requirement. You demonstrated essential skills in the following areas: understanding and interpreting mathematical concepts in algebra, data analysis, statistics, geometry, and number operations applied to visual and written text from academic and workplace contexts.

Science

Your score meets or exceeds the GED passing score requirement. You demonstrated essential skills in the following areas: understanding, interpreting, and applying concepts of life, earth and space sciences, physics, and chemistry to visual and written text from academic and workplace contexts.

Social Studies

Your score meets or exceeds the GED passing score requirement. You demonstrated essential skills in the following areas: understanding, interpreting, and applying key history, geography, economics, and civics concepts and principles to visual and written text from academic and workplace contexts.

IN THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

MAR 10 2017

S.C. SUPREME COURT

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
Post Conviction Relief

Honorable Larry B. Hyman, Jr., Circuit Court Judge

Case No.: 2013-CP-42-3190
Appellate Case No.: 2016-001990

Billy Shane Miller,.....Respondent,


Vs.

State of South Carolina,.....Petitioner.

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is employed in the office of Andrew J. Johnston, Attorney at Law, and is a person of such age and discretion as to be competent to serve papers, and that the within Petition for Appeal Bond were served upon the following person(s) on March 7, 2017, by depositing copies of same in the United States Mail, with sufficient postage affixed hereto, addressed as follows:

Alicia A. Olive, Esquire
SC Attorney General's Office
Post Office Box 11549
Columbia, SC 29211



Tammy Hutcherson

SWORN TO BEFORE ME THIS
7th DAY OF March, 2017



NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 3/18/24



PO Box 3252
tanburg, SC 29304-3252

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
PO Box 11330
Columbia, SC 29211